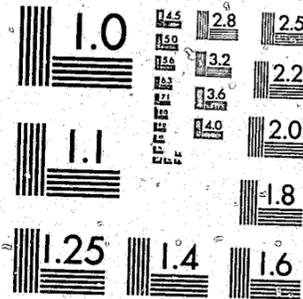


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# Department of Justice

Address

of

THE HONORABLE EDWIN MEESE III  
ATTORNEY GENERAL OF THE UNITED STATES

Before

THE NATIONAL SHERIFFS' ASSOCIATION

NCJRS

JUN 8 1985

ACQUISITIONS

Monday, June 17, 1985

Dallas, Texas

Note: In giving this speech, Mr. Meese may depart slightly from the text.

I am pleased and honored to have this opportunity to address the 46th Annual Conference of the National Sheriffs' Association. In preparing my remarks on the role of the Justice Department as your partner in crime control and prevention, I was reminded of the long history of the important office which you hold.

Many of you may know that the word "sheriff" derives from two English words "shire reeve." A reeve was a person appointed by the King or Queen who performed various administrative functions in a county or shire.

In colonial America, the governor appointed the sheriff, who was the most important law-enforcement official in the colony. But law enforcement was only a small part of a sheriff's duties. He also collected taxes, supervised elections and handled much other legal business of county government. As a consequence, the sheriff was the most important political figure in the county, a situation which continues even today in many areas.

Because the sheriff depended upon a formal complaint about a criminal offense before he took action, the initiative for law enforcement lay with the public. Indeed, the sheriff in colonial America did not patrol or use any other technique to attempt to prevent crime.

When pursuing a criminal through sparsely settled rural counties, the colonial sheriff often had to cover great distances over poorly maintained roads, with few deputies to assist him. That may sound familiar to some of you.

Well, some things have changed since colonial times. Sheriffs are now elected, they make routine patrols, and they frequently employ the latest technology in their work. But their need for the assistance of the public in the performance of their duties has remained constant.

The sheriff, perhaps more than any other law enforcement officer, has understood the importance of utilizing the community as a law enforcement resource. In the 1960s, when the law enforcement experts were separating themselves from the citizenry, the sheriffs kept in touch.

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

At the same time, there is a role for the federal government to play in support of state and local law enforcement. Intergovernmental cooperation and coordination can enhance crime control across the board.

This morning I would like to describe for you, first, the federal role in law enforcement, as I see it; second, those areas on which the Department of Justice has focused its enforcement

efforts; third, particular forms of assistance which the Department provides to local law enforcement; and, finally, recent favorable developments in law enforcement.

Briefly put, the federal role in law enforcement is this: First, because of geographical and jurisdictional limitations on state and local governments, the federal government is uniquely positioned to deal with interstate and international crimes.

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

Third, the Department can assist local law enforcement through training and technical assistance. A good example is the Federal Law Enforcement Training Center at Glynnco, Georgia, which provides specialized training not only to federal but also local law enforcement personnel.

We also assist through the centralized collection of research and statistics. Quite frankly, we must take a more systematic approach to criminal justice, because what affects sheriffs will ultimately have repercussions in the courts, the probation departments, and correctional agencies.

The National Institute of Justice's research of the systemic effects of the exclusionary rule has contributed to the development of the basic factual evidence which has been persuasive to the courts in admitting good faith exceptions.

The Bureau of Justice Statistics has been giving us accurate, policy-relevant data on victimizations, prosecutions, courts and corrections. The Bureau also publishes the most authoritative data on jails and jail inmates.

Accurate statistics are needed to forecast crime trends, and to tailor our resources to those trends. In the area of drug enforcement, we are taking steps to develop a National Drug Data Bank System which would monitor drug seizures from the time of location until destruction.

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

Finally, the Department cooperates in joint efforts with local law enforcement. As did my predecessor, I have charged the U.S. Attorney of each of the 94 federal judicial districts to develop Law Enforcement Coordinating Committees. In this way, not only the U.S. Attorney but officials from the FBI, DEA and Marshals Service may meet with local law enforcement officers to coordinate their efforts against criminal activities, which know no geographical boundaries. This assistance has been appreciated by local agencies, as has the absence of a heavy-handed federal approach.

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

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

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

To meet this challenge, starting in 1981, the Department of Justice has greatly improved its enforcement efforts against drug traffickers. We have made better use of existing federal resources by bringing the FBI into the fight and by enlisting the assistance of the military in our interdiction efforts.

And we have added new resources: Our thirteen regional Organized Crime and Drug Enforcement Task Forces comprise 1,000 agents and 200 Assistant U.S. Attorneys, plus support staff. These task forces have compiled an impressive record of 5,439 indictments and 2,157 convictions since going into operation. The Department's budget also increased by \$1.2 billion at a time when most agencies were decreasing theirs. Nearly all of that

increase has been devoted to law enforcement. This is a good example of the steps which we have taken at the Department of Justice to implement the President's vision of American government, a vision which was that of our founding fathers. Indeed, ensuring that government is limited, but also forceful and effective where it is needed is a theme which we believe perfectly suits the Department during the next four years.

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

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

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

Here in Texas, for example, federal agents seized the horse breeding ranch of a major narcotics dealer. Included in the haul were 210 Appaloosas (including a stud worth \$1.5 million), a house and two cars in a garage--a Mercedes and a Rolls Royce Silver Shadow. Almost as a surprise bonus, in the back of the Rolls, agents discovered 9 gold bars estimated to be worth \$4 million.

Under the Comprehensive Crime Control Act of 1984, we are now able to share property obtained in forfeitures with local governments if they have cooperated with us in that particular case. Your local treasurers are prevented from getting their hands on confiscated cash or liquidated assets because local governments must attest that the money will only be used for law enforcement purposes. Properly used, forfeited assets can give sheriffs a real boost in their battle with cash-rich drug traffickers.

In addition to our task forces, we are engaged in three other major operations against drug trafficking:

First, through a series of meetings with the leaders of foreign countries which are major exporters of narcotics into the U.S., we are now going after the international sources of drugs with increasing success.

I recently met with the President of Colombia, who came to Washington to tell us about the action which his country, a principal narcotics exporter, has taken. So dramatically is Colombia taking the fight to the traffickers, that its air force now bombs clandestine air fields used by drug smugglers.

The government of Mexico, where drug enforcement special agent Camarena was brutally murdered, is now making a great effort to root out the corruption and incompetence which have stymied enforcement efforts.

Later this summer I will go to Mexico to follow up on a recent meeting which I had here with the Mexican Attorney General. And we plan to convene a summit of our top law enforcement officials this fall to coordinate our drug control efforts.

Nonetheless, we cannot depend on the goodwill of our global neighbors to arrest the flow of illegal drugs across our borders. The Drug Enforcement Administration estimates that in 1984, 4.2 to 4.5 metric tons of heroin illegally entered the U.S., as did 77 to 153 metric tons of cocaine, and 11,200 to 15,850 metric tons of marijuana.

We must be vigilant over our own borders. Major new interdiction efforts began in 1982 in the southern part of Florida where we brought a combination of federal, state and local agencies to concentrate on the most critical narcotic importing area of the country.

The Defense Department has added considerable muscle to the battle. For example, the Air Force now contributes AWACS planes, pursuit planes, interceptor planes, and high-intensity radar mounted on balloons as well as ground-based radar. The Navy provides ships at sea and some of its aircraft, again with AWACS capabilities. The Army supplies high-speed helicopters for border patrols.

While the law of posse comitatus prohibits defense personnel from making civilian arrests, Congress has allowed the military to use its equipment and manpower in non-arrest situations, as in AWACS surveillance.

Defense Department participation has been rewarded with real life training opportunities. Practice on smuggling targets apparently excites military surveillance personnel. Indeed, at sea, Defense Department equipment under the supervision of civilian authorities has been used to actually intercept drug-running aircraft.

Overseas, the intelligence community increasingly uses its posts to keep one eye out for smuggling while it attends to matters of national security.

Domestic eradication must go hand in hand with interdiction. Last year, the federal government had an eradication program in 48 states; this year we hope to reach all 50. The DEA will coordinate efforts with the state governments, while the Forest Service, Bureau of Land Management, and other agencies of the federal government will be brought together to ensure that the federal lands are covered.

At this point, I would like to ask your help in solving a problem which undermines our efforts to control drug trafficking and which undermines the public confidence as well. This is the corruption of some of our public officials.

One example: In Henry County, Georgia, a chief of county police received \$30,000 to allow a plane-load of drugs to land in his jurisdiction. When the chief went to a motel room to pick up

the pay off from the drug dealers (who were in fact undercover agents), he was accompanied by the county probate judge. Both were arrested immediately.

The chief and the judge then agreed to cooperate with the agents and made a phone call to their co-conspirators, who it turns out were the sheriff and the airport manager. These two asked, have you got the money? They were arrested that night. All four were convicted in 1982 and given sentences ranging from 20 to 35 years.

On May 30, a DEA Special Agent was indicted for disclosing confidential law enforcement information and soliciting money in exchange.

In a third case, federal agents investigated and found two vice officers collaborating with drug dealers. For \$10,000, all either officer had to do was call the dealer and alert him to the issuance of a search warrant.

When asked why they were tipping off the dealers, the two officers answered that they had already arrested the same dealers 6 or 7 times, only to have the courts and prosecutors let them go. So they didn't see what the big deal was.

Well, it is a big deal because it undermines our enforcement efforts, and the public's trust in those efforts.

There are several points which, sadly, must be made about these two cases:

The first is that the Department of Justice will not tolerate law enforcement officials going over to the other side. We owe it to the great majority of honest law enforcement

personnel who resist temptation to prosecute turncoats to the fullest extent of the law. This has been or will be done in the cases mentioned.

Second, an imbalance exists between the deservedly vigorous prosecution and sentencing of law enforcement personnel and the permissive attitude which too many judges and prosecutors are taking toward drug pushers and smugglers.

Finally, law enforcement, like any profession, must take responsibility for policing its own ranks. A sheriff's or a policeman's colleagues are frequently the first to know when he has taken a walk. The responsibility of sheriffs to the law and to the public does not stop at the county line.

We are working at the Department of Justice to address the problem of corruption in drug enforcement, and we certainly welcome any assistance which the National Sheriffs' Association can offer in solving it.

After drug enforcement, a second area of Department concern is domestic terrorism. Fortunately, incidents of terrorist acts within our own borders have declined in recent years. However, we should not be complacent. The Department is now training U.S. Attorneys to work with local law enforcement in the operational response to terrorism and in the collection of evidence for successful prosecution.

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

In addition, with the advent of new technologies, as seen in computers, telecommunications, and electronic funds transfers, have come new opportunities for the criminal.

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

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

Let's look now at areas where the Department can be of particular assistance to sheriffs. As a preface to these remarks, I'm pleased to say that over the past four years there has been a definite change in the attitude and approach of our officials which, is improving our relations with local law enforcement. This change is due in large measure to a large infusion of people with local experience into the Department -- the largest we have ever had.

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

These people, and others like them throughout the Department, have had experience at the local level. This is the first step in identifying your needs and being responsive to them.

According to a recent NIJ study, sheriffs and other criminal justice leaders agree that prison and jail overcrowding is the most important problem. It is a problem that dates to colonial times, when jails resembled ordinary houses, and women, and even children, were thrown into a single room with men who had committed violent crimes.

Since, 1955, the number of people sentenced to prison has increased 133 percent, but our prison space has increased only 71 percent.

With our jail and prison facilities crammed to the utmost, a sheriff may send a prisoner through the front door, only to see the courts let one out the back.

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

The federal government is doing several things to help you get the most prison space possible with your tax dollars:

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

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

Second, we are working to make available surplus federal land as sites for correctional facility construction. Excess federal installations, particularly military bases, are often out in the boondocks where there's almost no one except jackrabbits to complain about the new population.

Third, our NIJ is studying the utilization of the private sector in the field of corrections. The private sector has so far been most successful in providing specific services, such as medical care, food, halfway house placements, and educational and vocational training.

Keeping in mind the ultimate responsibility which you have for correctional facilities, we are now exploring additional private sector involvement in (1) prison work programs, (2) financing the construction of prison and jail facilities, and (3) facility management and operation.

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

The results have been dramatic. A FIST team in the Boston-Baltimore region recently arrested 3,500 suspects, of which 70% were given sentences and incarcerated. The final results of a Florida FIST strike are expected to top that number. While the cost to the Marshal Service is \$1 million per action, local law enforcement pays very little.

Through the NIJ, we have invested money in a study of extradition problems which face sheriffs. As you know, the transportation of a prisoner from Kansas City to Los Angeles

requires two deputies and probably two days--that's a manpower and money drain. We hope that we'll be able to offer some solutions in the near future.

Finally, I would like to address some recent law enforcement developments.

First, in 1984 we were fortunate to get the Comprehensive Crime Control Act passed. The most important criminal law legislation in 25 years, it contains features which will be helpful to state and local as well as federal authorities.

I have already mentioned the asset forfeiture provisions. Another feature is the creation of a federal Victims Compensation Fund, which will administer grants directly to the states for the establishment of compensation programs.

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

And I know that her office has given your Association assistance with victim service training and its Neighborhood Watch Program.

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

Second, we are beginning to get some favorable court decisions. After 25 years of legislative efforts to restrict the exclusionary rule, we finally have a series of court decisions granting good-faith exceptions. The Courts have limited the imposition of the Miranda rule, and allowed officers greater

leeway in the ability to stop and question a suspect. This bodes well for law enforcement; but it also places a special obligation upon us to make sure that we use these new tools provided by the courts in a very responsible manner.

One judge said in commenting on these cases that we would see whether law enforcement can use this new authority in a responsible way. If we are not responsible, it will cost us further good faith exceptions in the future and possibly the ones we have already gained.

This is why I think it behooves us to train our law enforcement personnel carefully and to exercise good management and control. By increasing the confidence of the courts in responsible law enforcement, I hope that we can one day wipe out the judicially-created exclusionary rule entirely.

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

The Sheriff, with his long history of public service and law enforcement, fits comfortably and properly within the Founding Fathers' vision of government that is limited, but also forceful and effective where needed. That is a vision to which we at the Department of Justice have dedicated ourselves.

Thank you.

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**END**