



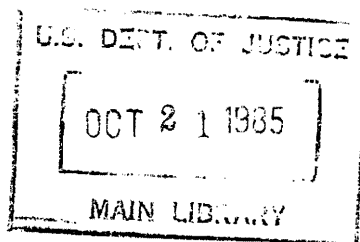
Department of Justice

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TUESDAY, OCTOBER 15, 1985

REMARKS

OF

THE HONORABLE EDWIN MEESE III
ATTORNEY GENERAL OF THE UNITED STATES



TO

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

4:30 P.M. EDT (3:30 P.M. CDT)
TUESDAY, OCTOBER 15, 1985
ASTRO ARENA, ASTRO HALL
HOUSTON, TEXAS

NOTE: Mr. Meese often speaks from notes and may depart from this text. However, he stands behind the speech as printed.

Good afternoon. It is a pleasure to be back among you. During the past 25 years I have personally observed the importance of the great work done by chiefs of police and sheriffs as well as the departments you lead. You are the men and women who are literally the people's first line of defense against crime. As Attorney General, my respect and admiration for the work you do has only increased. I'm also glad that later this afternoon you will be hearing from one of our leaders in federal law enforcement, FBI Director William Webster, and that other members of the Department of Justice will be participating in this conference.

Since I last appeared before this group last year many things have changed, some for the good, others for the bad. Among the good: the fact that for three straight years through 1984 we have seen a significant decrease in the rate of serious crime; the fact that the rate of drug abuse among our young people appears to have peaked and is now on the way down; and the fact the Supreme Court, in several significant areas, seems to be exhibiting a new awareness of the problems faced by law officers everywhere.

The bad news: it is obvious to everyone, but especially to you chiefs on the frontline of the battle, that the war on crime continues because crime continues -- indeed the latest statistics

indicate a small increase in criminal activity this year; that substance abuse continues to be an epidemic in our society; and that there is a long road still to be traveled to bring the dictates of the law into harmony with the realities of life for the cop on the beat.

As we meet at this year's conference, there are serious issues confronting all members of the law enforcement community; problems facing the chief in the largest city and the smallest town, the federal agent and the officer on the street. Indeed, the universality of these problems makes me especially glad that there are so many foreign police chiefs represented at this truly international general assembly.

Our nation, and our world, is smaller than ever before. Crime, and the problems of law enforcement, are national and international in scope, and so, then, must be our cooperation.

But we need organizations like the International Association of Chiefs of Police for another reason, too. Even when crimes occur in only one jurisdiction, even when crime does not cross national or international boundaries, the problems of crime give rise to common issues. People, including criminals, are basically the same everywhere. The same "deadly sins" of greed, jealousy, avarice, and dishonesty tempt men and women the world over. Even when we are not actually working together on the same case, we need to share our common wisdom, our common experience, and our talents.

Today I am here to salute your unstinting efforts in the war against crime, and to reaffirm that the Department of Justice is your ally in this conflict. Like any war, our struggle has included battles won, battles lost--and a few indecisive campaigns, as well. And like any war, there are times when it is necessary to gather the battlefield commanders and take stock of where the war stands. We need to find out where we are winning, where we are merely holding the line, where we need reinforcements, and where new battle fields may develop.

Today I would like to report some significant progress in the war against crime. While a great deal of hard work lies ahead, we can say with some confidence that we are starting to make gains on several fronts.

On October 6 the Department of Justice's Bureau of Justice Statistics announced that the number of crimes committed in the United States last year dropped by 1.5 million to the lowest level in the twelve year history of the National Crime Survey. More impressively, the overall number of crimes in the U.S. has now declined steadily for three years, according to this survey by 14 percent since 1981.

In the case of certain crimes, the numbers are even better.

- * The rate of personal theft dropped 7 percent last year. It is now 26 percent below the level in the peak year, 1977.
- * The burglary rate dropped 8 percent and is now 31 percent below its 1974 peak.

- * The household theft rate fell 6 percent, and is now 26 percent lower than in 1979.
- * Even in the area of violent crime, which was little changed from 1983, there has been a 12 percent decrease from the peak year of 1981. *

Indeed, with the tragic exception of rape, it is encouraging that the victimization rate for nearly every major type of crime has declined significantly over the last three years.

Only a small part, only a fraction, of this drop in crime can be explained by demographics. The real credit, the well deserved accolades for this progress go to you, the state and local law enforcement officers of this country, and to the American people as a whole.

Back in the 1960's I remember that we started to see bumper stickers that said, "Support your local police." Well, in the 1980's we are doing just that. There is a new awareness of what needs to be done to fight crime in our country. There is a new awareness that there must be effective cooperation between federal and state authorities. And there is a new awareness that private citizens, cooperating with local law enforcement officials, can make a difference.

It is no overstatement to say that we have entered a new era in the war against crime. Federal and local law enforcement officials increasingly see themselves as members of the same team rather than rivals. At the Department we have made a concerted effort to improve the lines of communication with state and local officers and agencies, to listen, and to become your partners.

And there is a new determination on the part of private citizens. We see it the growth of community watch groups, victims' assistance groups, and citizen patrols.

Still, crime is a problem that historically has been fought chiefly by state and local police, and properly so. While we in the federal government want to do everything and anything we can to assist you, we also recognize that whatever we might do to help, the bottom line is that this war will be won or lost by people like you. Therefore it is to you that most of the credit for the successes to date should go.

Cooperation between the police and the community is truly a two-way street. Citizens have a responsibility to inform the police when a criminal act occurs. At the same time, the police have a responsibility to inform citizens of the danger of crime in the community. With the implementation of the new Uniform Crime Reporting procedures, the police will be able to do exactly that.

In July of this year, the Directors of the FBI and the Bureau of Justice Statistics recommended to me major changes in the way police keep the crime statistics. This was a direct response to a proposal for study of the crime reporting system made by the IACP nearly ten years ago. Most of you are familiar with the proposed changes. I support them enthusiastically. Not only will the new UCR give us a more complete picture of crime, it will be a flexible system. It will be able to respond quickly

to emerging crimes, such as arson, child and parental abuse, family violence, and other crimes. It is truly a historic step forward.

This will not come without costs. The Federal government has to help. Toward that end we are exploring ways in which the federal role in assisting implementation of these changes can best be accomplished. I am sure you recognize that local law enforcement must also bear a share of the burden. The data from the new system will help you do your job better. You must convince your city managers and mayors to give you the funds to put the system in place. Without that support, the system will never get started. We have every reason to believe this new system will be enthusiastically supported at the local level.

The effectiveness of the local law enforcement effort is reflected by the fact that during the last four years, when the rate of crime has begun to decline, the numbers of arrests and convictions has increased significantly.

These gains are important, but no one needs to tell you that we have only made a start. Crime, especially violent crime, remains a pernicious scourge of our society, and we must face that reality squarely. As Will Rogers once said, "Behind every silver lining, there's a cloud." The cloud behind the improving statistics on crime is the amount of crime that remains.

Last year there were approximately 35.5 million crimes committed in the United States. That's about one for every seven Americans. More disturbingly, a recent study, the 1980 "Figgie Report", found that four out of every ten Americans harbors a

concrete fear of becoming a victim of violent crime, such as murder, rape, robbery or assault. This fear crosses all demographic boundaries.

This pervasive fear of becoming a crime victim alters the way people work and live. An April 1985 report released by the Citizen's Crime Commission of New York City found that it discourages face to face contact between people on the streets, promotes the desertion of downtown areas after 5 o'clock, and increases the demand for auto use and nearby parking.

What causes this remarkable fear of becoming a crime victim? Well, in part it is due to the fear, the well founded fear, that too many dangerous criminals are permitted to roam the streets of our country. Here the numbers are especially worrisome. Committed offenders, even violent offenders, are given sentences, and serve time, that most Americans would agree come nowhere close to fitting the nature of their offenses. For example:

- * At the end of 1983, 2.3 million convicted offenders were under some form of correction supervision in the United States. However, less than one quarter of these were actually in prison or jail.
- * Half of all convicted murderers spend less than 6 years in prison.
- * Half of all rapists spend less than three years.
- * Of the half of all convicted burglars who are even sentenced to prison, the median time served is only 1 year and 2 months.

* Overall, only about half of all convicted felons are sent to prison.

These figures are distressing, but they are only the reflection of a long-term trend. Between 1960 and 1980 the number of serious crimes committed in the country went up by 322 percent, arrests for these crimes were up 271 percent. But during the same period, state prison populations increased by only 61 percent, and state prison capacity by only 27. In other words, the prison population grew only half as fast as the rate of serious crime. By the end of 1983 state prison systems were operating at between 102 and 118 percent of capacity.

These trends must not continue. We cannot ask the brave officers of our police departments to risk their lives to apprehend dangerous criminals who are quickly turned back out onto the streets. The time has come for America to send a message to the criminals of this country that if you do the crime you will do the time.

Fortunately, there is a new awareness of the problem on the part of the states and the federal government. Our courts are starting to take a tougher stand against criminals. Judges are handing down stiffer sentences. More states are turning to determine sentencing and other means guaranteeing prison time for more offenders. Since 1978 the rate of commitment to prison has risen from 7.2 to 10.1 persons per every ten thousand people in the general population. More significantly, there is a new initiative to build more prisons so that we can keep more criminals off our streets. Since 1978 five and a quarter billion

dollars have been spent on prison construction. Prison capacity has increased by 120,000. Unfortunately, during the same time prison population has risen by 130,000. We may be running in place, but at least we are running. We are holding the line in this area, and we must now convince responsible authorities to give us adequate prison space to move ahead.

And, make no mistake, keeping criminals off the streets and behind bars is itself an important means of decreasing crime. Some research indicates that the average state prisoner would commit about 10 crimes a year if free. The incarceration of 100,000 criminals can thus prevent as many as a million crimes each year.

In my years of working with law enforcement, as a prosecutor, as a legal advisor to government officials, as a law professor, and now as Attorney General, I've always been impressed by the job law officers do serving the two great goals, the two fundamental missions, of our system of justice. These twin duties are of course the vigorous enforcement of the law and the safeguarding of constitutional rights of all our citizens.

Properly understood, there is no contradiction between these goals, nor any real tension. Indeed, they are yoked together like great draft horses in the same team.

The writers of the Constitution, the authors of the fundamental liberties given expression in the Bill of Rights, were rightly concerned about the potential abuse of official authority. But these wise men understood something else as well. They knew that the guarantees they wrote into the Constitution,

the Fourth Amendment protections against unreasonable searches and seizures and the Fifth Amendment protections against self incrimination and prosecution without due process of law were devices to ensure that the legal system was a search for truth. They wanted to ensure that no man would suffer punishment of the law as a result of the unreasonable, the unsubstantiated, or the unreliable.

They knew, as does everyone in this room, that under our system of justice every person -- citizen, suspect, and defendant -- is presumed innocent until proven guilty. The protections they created were to insure that every step of process from arrest through prosecution and conviction was not an arbitrary exercise, but part of a search for truth.

No officer needs a lecture in the difficulty of trying to do his job within the boundaries set down in the constitutional criminal procedure decisions of the last three decades. From Mapp v. Ohio (1961) and Miranda v. Arizona (1966) to the present day, the courts have enunciated increasingly complex and stringent standards for the performance of the day-to-day law enforcement tasks of arrest, questioning, and prosecution. These decisions reflect an admirable concern on the part of our jurists for safeguarding the constitutional rights of the criminally accused. But they too often fail to reflect the needs of the cop on beat and the public interest in getting dangerous criminals off the streets.

In the past 25 years our courts have emphasized the protection of the rights of the individual criminal. But unfortunately, some of the very measures chosen to serve this important purpose have become serious obstacles to the truthfinding goals of both the Constitution and the criminal law.

We must have rules of conduct and standards of procedure that fully protect the essential rights of the American people. But these rules and standards must be framed in a fashion that secures those rights while not unduly impeding the truthfinding function -- the ability of our justice system to separate fact from fiction, lies from truth, and innocence from guilt.

Unfortunately, some of rules developed in recent years fail either to fully protect essential rights or to assist the goal of truth finding. We need reforms, both in the areas of voluntary confessions and the exclusion of evidence that will better achieve both of the important goals I've described.

In the Leon decision in 1984 the Supreme Court carved out an important "good faith" exception to the rule, which will now allow in most evidence obtained by officers who act in a good faith effort to follow the law, but violate it technically.

This case is an important first step. Now we must do more.

For one, we must make a concerted effort to make the law of search and seizure clear and fair. An officer from Michigan remarked recently: "I've been a policeman for 17 years, and it gets more confusing every year." Certainly, it is unreasonable to expect the officer on the scene, who must make split second decisions under often dangerous conditions, to come out on the

supposedly correct side of difficult constitutional questions that have often split the Supreme Court along 5:4 or 6:3 lines. Our federal courts must be more aware, as Justice Lewis Powell has put it, of the police need for "a readily understood and applied rule" in these areas.

This much I can assure you: we at the Department of Justice will pursue a judicial agenda both to let more credible evidence into court, and to clarify the often confusing and contradictory case law in this area.

We want to do whatever we can to provide you with the encouragement, support, and assistance to enable you to score more important victories against crime.

There is an old saying that people never think much about the police--until they need a policeman. I don't think that saying applies much anymore. People today have a new respect, a new appreciation, for the vital work being done by you, by your departments, and by the men and women who serve under you. People do support their police, and I want to assure you that the Department of Justice is behind you too.

Thank you very much.