



Department of Justice

PS
668
.56

ADDRESS

BY

THE HONORABLE WILLIAM B. SAXBE
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE ANNUAL CONFERENCE

OF

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

11:30 A.M.
MONDAY, SEPTEMBER 23, 1974
WASHINGTON HILTON HOTEL
WASHINGTON, D. C.

I appreciate the opportunity to be with you today.

I know of your constant struggle to find new and more effective ways to reduce crime. And YOU know from your own daily work -- as well as from every available yardstick -- that the need, indeed the demand, to bring the criminal to justice is greater today than ever before.

As Director Kelley told you earlier this morning, serious crime rose six per cent in 1973. And we share the conviction that while every crime category is of concern, the violent crimes demand special attention from law enforcers.

During the past five years, violent crime increased by 47 per cent. But as you know, there is an even more disturbing pattern -- for from 1960 through 1973, violent crimes increased more than 200 per cent.

There are many reasons for increases in crime. There are many things that should have been done by government -- starting with the Federal government -- that simply went undone.

We all know that crime and its causes, like any enemy that imperils us, must be attacked on several fronts. But I want to stress to you today this one area that deserves the most emphasis. I'm talking about crimes of violence -- and those who commit them -- often repeatedly.

I announced recently that the Law Enforcement Assistance Administration was drafting plans for a new approach to cope with violent crime and violent offenders.

The career criminal -- the repeated offender -- represents a grave danger to the public and a massive challenge to law enforcement's capabilities.

An LEAA study says surveys indicate that up to 50 per cent of the Nation's street crime is probably committed by only 15 per cent of the offenders.

Other information suggests that up to 35 per cent of those awaiting trial in some areas may be re-arrested while out on bail.

LEAA is awarding \$3 million to create Major Violations Bureaus for prosecutors in 10 large urban areas. The National District Attorneys Association is being asked to play a major role in the program.

This program has one single-minded aim: To show the way we can bring the career criminal swiftly to justice.

Some cities already have such bureaus -- and in one the conviction rate in serious cases was increased by 40 per cent.

I don't pretend this pilot program offers a panacea. But we hope it will provide a major new direction as we pursue every reasonable course to reduce violent crime.

The new bureaus will be staffed with experienced prosecutors who will make sure that those charged with major crimes -- and major, repeat offenders -- are tried promptly.

The program will stick to rigid standards of fairness and will scrupulously observe legal safeguards. But prosecutors everywhere must redouble their efforts to try promptly the most serious crimes.

New efforts always cost money -- but state and local governments must make prosecutions a top priority. Enhanced public safety, I believe, can be achieved for a relatively small price. And really, can we put a price tag on the public peace of mind?

The job will not be easy, for you know well that the career criminal often uses the flaws in the criminal justice system to get back on the street almost so fast that he can laugh at your men as they come out of his trial on the courthouse steps.

Director Kelley referred to some of these problems a short time ago. He is concerned about them. Every police official in this country is concerned about them. And I want you to know that I am extremely concerned about them.

The LEAA study found one man who was arrested 57 times in a five-year period before being convicted. In another city, a crime victim returned to court 45 times before the case was finally tried.

Even as the LEAA program gets under way, cities and counties on their own initiative should begin Major Violations Bureaus for prosecutors, as well as similar bureaus in their police departments.

Police departments should also create Case Review Units -- to make certain prosecutors understand police priorities. One such unit found that 30 per cent of the cases presented to the prosecutor never reached trial. Prompt steps were taken to make sure the prosecutors knew what cases the police considered most imperative. The result: swifter trials, more convictions.

The lesson to be learned here is one for all of criminal justice to take to heart: Present practices that return the criminal to the street must be abandoned and programs of excellence devised.

Rising crime dictates that performance simply must be improved. Crime control is basically a state and local responsibility -- but the Federal government also must do more.

The recent FBI report said only 21 per cent of all serious crimes were "cleared" by law enforcement agencies in 1973.

The clearance rate -- and that just means arrests for these crimes; it doesn't mean convictions -- was highest for violent crime, but still far from ideal. For murder, it was 79 per cent and it went downhill to 63 per cent for aggravated assault, 51 per cent for rape and 27 per cent for robbery.

In each category, the clearance rate declined from 1972.

Police can and must do more to combat crime -- but they cannot do it by themselves.

Police have no control over the complex social and economic causes of crime and I do believe there are such causes. Police have no control over mass public behavior that contributes to lawlessness -- and by that I mean widespread gambling, excessive use of alcohol and drugs, and failure to support our criminal justice system. And finally, police have no control over the rest of the criminal justice system, and here I'm referring to the fact that it does little good to apprehend dangerous offenders if they are not promptly prosecuted, convicted, and sent to prison -- and kept there if that is the only way to protect the people from them.

Though reliable, nationwide statistics are lacking, there are many indicators that the criminal justice system does break down -- particularly in the prosecutions and in the courts.

I know you must be enormously frustrated when you bring a carefully constructed case and then find, as I said before, that the suspect is out of the courtroom and back out on the streetcorner before you are.

One recent study of the entire criminal justice process was made by the Atlanta Regional Commission under the federally-supported High Impact Anti-Crime Program. This program was launched in eight major cities to combat stranger-to-stranger street crime and burglaries. One important element was to develop in-depth and reliable statistics on crime and offenders.

The Atlanta study tracked offenders from arrest through their final contacts with the system during 1972.

By commenting on Atlanta's study, I intend no criticism of the criminal justice system there. Atlanta is to be commended for compiling this data, which should be of great help in fashioning realistic improvements nationally.

To cite one category, there were 536 aggravated assaults reported to police -- and 361 arrests resulted, including 278 adults.

Of these 278 adults, charges against 127 were dismissed at the initial court hearing. Eventually, the grand jury indicted 103. But only 77 of these 103 actually went to trial because decisions were made to not prosecute 26.

At the trials, 63 were convicted, three were freed, and 11 cases were still pending at the end of the year.

And what happened to the 63 who were convicted? The Impact team could find no records on two. But 26 were placed on probation, two were fined, and two were first offenders not sent to prison. Eight received suspended sentences. And 21 went to prison and two to jail.

What begins emerging here is the suspicion that many serious, dangerous offenders slip through the net of criminal justice -- free to again prey on society.

Many offenders are never caught in the first place. Of those who are, we see cases dismissed, decisions made to not prosecute, sentences for the guilty that put them right back on the street.

I do not suggest every person arrested is guilty. I do not suggest that every charge is proper. I do not suggest that faulty jury verdicts are returned when persons are found innocent. And I do not suggest that all convicted offenders should go to prison.

But with so few dangerous offenders being convicted -- and even fewer being jailed -- something has got to be wrong somewhere. Much of the fault, as I see it, must rest with prosecutions and courts.

But by fault, I do not mean blame. Prosecutors traditionally are understaffed, and state and local governments often refuse to allocate needed funds.

Judges also are victims of chronic shortages -- staff, technical resources, computerized docket systems, adequate pre-sentence reports.

More resources must be given to both. But for their part, prosecutors and judges must also become more responsive to the Nation's grave crime problems.

For instance, plea bargaining, properly used, can be a valuable tool. But plea bargaining, I'm afraid, too often is used by prosecutors to allow vast numbers of offenders at the state and local level to receive minimum punishment -- if that.

For their part, judges must realize their solemn responsibility to protect the public from dangerous convicted offenders.

One thing I think that galls the public is their idea that judges have a "turn-loose" attitude about offenders.

The overwhelming majority of our judges are concerned and conscientious persons who strive to apply the law fairly to all who come before them.

But too many dangerous convicted offenders are placed back in society in one way or another -- and that simply must stop. Even when there are prison sentences, they frequently are in my opinion not stringent enough and they result in a premature release.

Not all offenders can be rehabilitated successfully -- and certainly not overnight. Every effort must be made to turn the youthful offender and the first offender away from crime.

But for many offenders -- serious and dangerous offenders -- the only solution seems to be substantial prison terms. While in prison, every effort should be made to put them on a proper course -- and they can and must always receive humane treatment. But in some cases, they must receive sentences that will prevent them from preying on the public.

The public feels it is not being adequately protected from the violent offender. And the public is right.

In some cases -- perhaps many -- the courts have been overly-optimistic. They put certain persons on bail, only to have them go out and commit fresh crimes.

In other cases, there have been initially great -- but eventually empty -- expectations about the effectiveness of rehabilitation programs, either in prison or in community-based facilities.

We must put greater emphasis on rehabilitating the youthful and first offenders. But the Nation has been too starry-eyed in its efforts to rehabilitate -- or re-cycle -- dangerous, repeat offenders.

Experience shows that often the best efforts of corrections staffs have failed to do what family, friends, church, and school failed to do earlier -- teach the difference between right and wrong, and implant the desire to follow the right.

Dangerous men are released from the criminal justice system every day. This simply has to stop.

Public safety is the basic obligation of criminal justice. No part of the system should be allowed to frustrate the other components -- or thwart efforts to reach our goal of a safer society.

The prosecutors, the courts, the parole boards must face the fact that some violent offenders cannot be rehabilitated, cannot be released from prison while they are still a threat.

Dangerous and violent offenders should face certain and swift justice. They should know for a certainty that arrest means conviction, that conviction means prison -- and that prison means a sentence commensurate with the offense.

Offenders have rights -- and these rights must be scrupulously observed at each step along the road to justice.

But the law-abiding public also has rights. And it's about time that government at all levels begins seeing to it that the public's right to be safe on the streets is at least as scrupulously observed as is the defendant's right along the road to justice.

Thank you.