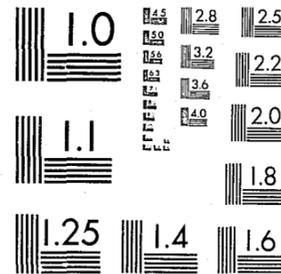


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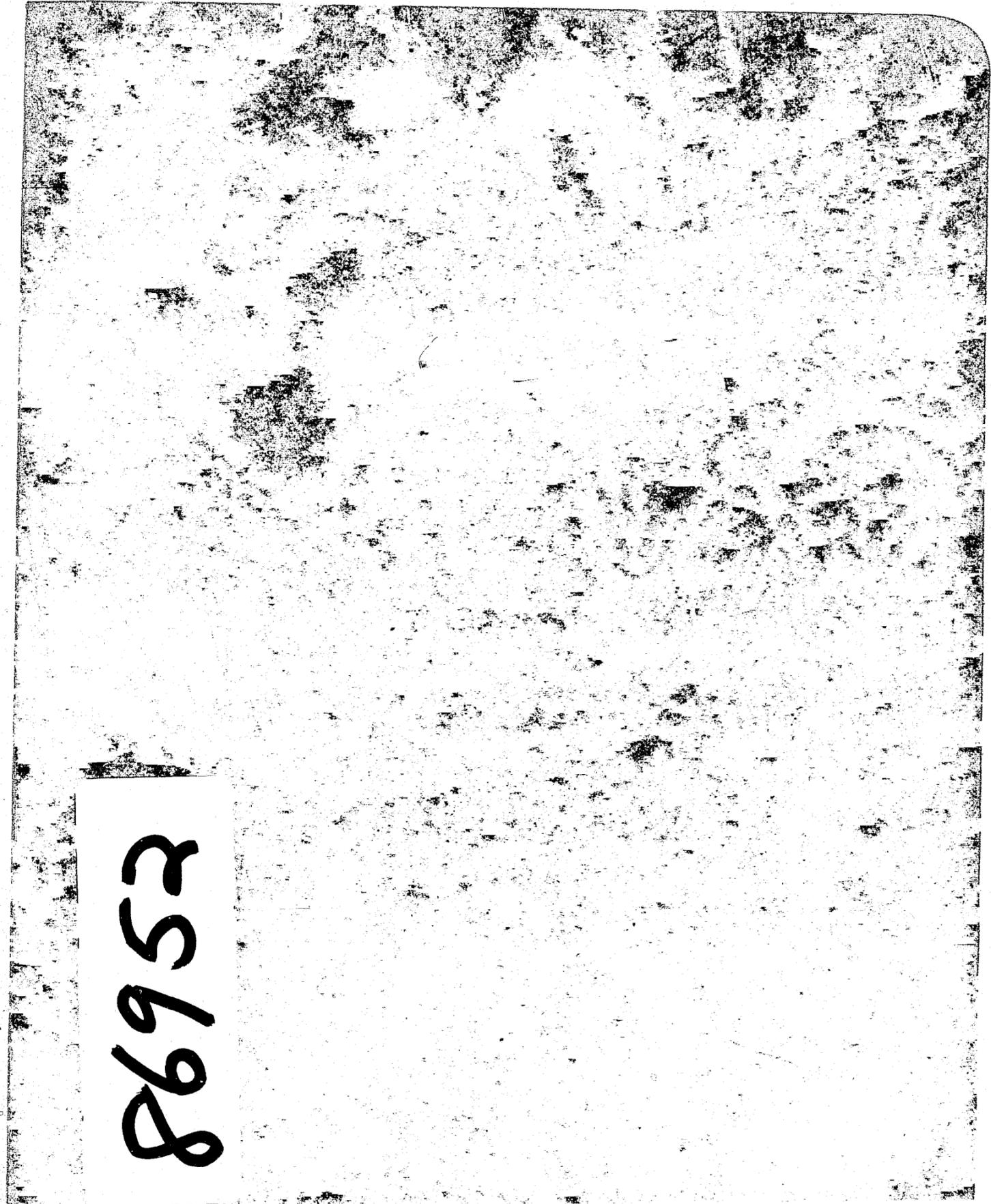
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Department of Justice

MF-1



STATEMENT

OF

D. LOWELL JENSEN
ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

BEFORE

THE

SUBCOMMITTEE ON GOVERNMENT INFORMATION & INDIVIDUAL RIGHTS
GOVERNMENT OPERATIONS COMMITTEE
HOUSE OF REPRESENTATIVES

CONCERNING

LAW ENFORCEMENT COORDINATION

ON

DECEMBER 9, 1982

86758

U.S. Department of Justice
National Institute of Justice

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I am pleased to be here today on behalf of the Department of Justice to discuss the Department's involvement in supporting and cooperating with State and local criminal justice agencies.

The Department of Justice is committed to the concept that the federal government has a basic responsibility to provide support to State and local law enforcement functions. To implement this commitment the Department is taking unprecedented steps to improve coordination and cooperation with State and local law enforcement agencies and to provide assistance to these organizations. I shall discuss the Department's efforts in these areas by outlining: (1) major programs aimed at coordination among federal, State, and local law enforcement systems, (2) programs for providing direct assistance to State and local law enforcement entities, and (3) the Department's support of proposed legislation which, if enacted, would enable the federal government to achieve even greater support of State and local law enforcement endeavors.

A significant, new program aimed at fostering coordination among federal, State, and local law enforcement systems is the establishment of Law Enforcement Coordinating Committees (LECC's) in all federal judicial districts. The program is based upon a recommendation of the Attorney General's Task Force on Violent Crime. By order of the Attorney General, each United States Attorney was directed to establish such a committee, and 85 LECC's are now in operation. Each LECC is composed of a United States Attorney, the local heads of federal law enforcement

agencies, such as the FBI, DEA, ATF, and Customs, and the heads of State and local law enforcement agencies in the district. The purpose of the LECC is to achieve better coordination and cooperation among federal, State, and local law enforcement officials and to insure that the impact of federal law enforcement efforts on the actual crime problems in each community complements and assists State and local efforts to control crime. The Attorney General has given his strong personal support to the establishment of the LECC's and to these goals.

To address specific law enforcement problems, the LECC's are forming subcommittees which will address several important areas: (1) referral of cases from one system to the other, (2) provision of mutual investigative or prosecutorial assistance, (3) conduct of joint investigations or prosecutions, and (4) division of responsibilities regarding offenses for which concurrent jurisdiction exists. In addition, the LECC's have established subcommittees concerning the cross-designation of prosecutors between the United States Attorney's Office and State or local prosecutors' offices within each district. Finally, specific LECC subcommittees have been established to improve cooperation in drug law enforcement activities through, for example, the exchange of information by enforcement agencies concerning illegal drug use. Thus, these LECC subcommittees are to identify and solve ongoing operational problems which can arise out of the involvement of multiple federal, State, and local government law enforcement agencies.

The LECC's are already producing notable successes. As a result of the LECC in Connecticut, a task force on bank robbery has been formed which has fostered interagency cooperation, developed sharing of intelligence information, and established training sessions for bank employees specifically teaching them how to react during a bank robbery to maximize safety and the collection of valuable descriptive information. The bank robbery task force program in several Connecticut cities has been so well regarded that State officials have taken the initiative of requesting its expansion to another location as well. Cross designated federal prosecutors have obtained murder convictions in the State courts of Florida and Arizona, and, conversely, cross designated State prosecutors have successfully prosecuted terrorist assault cases in California. Shared investigative and prosecutive efforts have been notably successful in food stamp cases in Nevada, and in large-scale marihuana cultivation and trafficking in eastern Washington and southwestern Missouri. We believe that the efforts of these LECC's, as well as others, are achieving the goals the Attorney General announced.

In addition to establishing LECC's, the United States Attorneys have been directed to formulate district federal law enforcement plans to summarize the type and extent of serious crime in the district and to establish the district's law enforcement priorities. Certain elements of interagency cooperation must be addressed in the plans. For example, the plans are to contain procedures for the referral of all federal cases which

are declined for prosecution but which have prosecutive merit to State or local prosecutors or investigative agencies. In addition, the plans are to address operational procedures for interagency assistance so as to insure as much federal assistance to State and local law enforcement authorities as possible on serious crime matters. The type of assistance to be outlined in the plan includes technical assistance, such as laboratory services, and the sharing of law enforcement intelligence information. The district plans are also to contain discussions of other matters considered by the LECC's, including the cross-designation of prosecutors and appropriate strategies for drug law enforcement.

The district plans must be submitted to the Associate Attorney General for approval. So far, the Department has received over 40 such plans. The formulation of district plans, in conjunction with the operation of the LECC's, will help bring about a systematic approach to cooperation on an operational level among federal, State, and local law enforcement agencies.

There is also an organization at the national level created by the Department to foster cooperation among federal, State, and local prosecutors which is the Executive Working Group for Federal/State/Local Prosecutorial Relations. This organization, which meets four times a year, consists of Department officials from the Criminal Division, representative United States Attorneys, representatives designated by the National Association of Attorneys General, and representatives designated by the National

District Attorneys Association. The group provides a mechanism for open communication, considers the full range of issues that arise concerning prosecutorial relations and interagency coordination, and has recently focused on problems of concurrent jurisdiction and the exchange of information. The Executive Working Group provides a national overview of intergovernmental issues which the individual LECC's, each dealing with operational problems within a specific area, cannot provide.

Finally, I would like to present some information regarding federal, State, and local cooperative efforts in an extremely important area of law enforcement today -- namely, drug trafficking, particularly organized drug trafficking and organized crime. In each of the LECC's already established, State and local authorities have identified the most significant crime problem that exists in that particular community, and in 84 of the 85 LECC's that problem is drug trafficking. That overwhelming statement about the face of crime in this country has served to confirm the already existing resolve of the President and the Attorney General, as exemplified by the decision to extend narcotics enforcement responsibility to the FBI and the change of the posse comitatus law, that federal enforcement efforts directed at drug traffickers should be significantly strengthened, and has served to provide support and impetus to the program of the President intended to mount a nationwide broad-based assault on this form of crime. As you know, the President has announced the formation of twelve regional task forces in key

areas in the United States in addition to the continuation of the highly successful South Florida task force. Their goal will be to disrupt the intricate distribution and sales network set up by traffickers throughout the country. Their focus will be on those who direct, supervise, and finance the illicit drug trade, rather than on street dealers and addicts. These task forces, which will strengthen and add to the existing resources of the federal government, will continue to work closely with State and local law enforcement officials through the DEA, State, and local task forces which already exist in many areas of the country and in developing such efforts through the LECC in other areas.

The 13 drug task forces are only one part of the program announced by the President to combat organized drug trafficking. Other aspects of the program will also have a link to State and local law enforcement functions. Included in the program is a Presidential Commission on Organized Crime, which will be composed of four members of Congress, four federal enforcement officials, and distinguished State and local officials and leaders in the private sector. The Commission will undertake both a national and regional analysis of organized crime, it will develop in-depth information on participants in organized crime, and it will evaluate existing enforcement efforts. The President's new program to combat drug trafficking will also include a major project to enlist all 50 of the nation's governors in an effort to bring about needed criminal justice reforms. The purposes of the Governors Project are to help fully coordinate

federal efforts with State and local enforcement programs, to provide a forum for the States to tell the federal government about enforcement problems, and to supplement the work of the LECC's, about which I spoke earlier. Finally, the President's program will emphasize training for State and local law enforcement personnel through a pilot program at the Federal Law Enforcement Training Center in Glynco, Georgia.

The Department's efforts to bring about real cooperation and coordination among federal, State, and local law enforcement agencies have been many and are already proving successful. However, the Department recognizes that coordination of effort is not enough and that direct assistance to State and local agencies is essential if they are to carry out their important missions.

One form of direct assistance the Department furnishes to State and local law enforcement agencies is through a variety of training programs for their officers and other personnel. When the President announced the pilot training program at the Federal Law Enforcement Training Center in Glynco, Georgia, he stated that this new program will complement the excellent training programs already run by the FBI and DEA. In fact, in fiscal 1982 DEA ran 20 training programs at Glynco and another 125 regional training programs. This represented over 44,000 trainee days for State and local personnel in programs covering such topics as undercover investigative and surveillance techniques. In addition, DEA operated forensic science seminars, which trained 60 State and local forensic chemists in 1982. The State and

local law enforcement agencies whose employees attend these DEA training programs pay no tuition or other fees for DEA's time and resources.

The FBI also runs a vast training program, which includes the renowned "National Academy" program at the FBI Academy in Quantico, Virginia, and numerous training sessions conducted in the field. In fiscal 1982 close to 168,000 persons attended FBI field training programs in over 66,000 hours of classroom instruction; in addition, 1,000 officers attended the intensive "National Academy" program in Quantico. The FBI offered instruction in many areas, including forensic science, management science, bombing investigations, computer-related crime, search and seizure law, hostage negotiation, and organized crime. As with the DEA programs, the FBI training sessions require no tuition payments by State and local law enforcement personnel. The FBI and DEA programs make it possible for State and local law enforcement officers to bring the latest and most sophisticated crime-fighting techniques back to their own communities.

The Department's support of State and local law enforcement agencies also takes the form of direct technical assistance. For example, DEA analyzes exhibits at the request of State and local law enforcement agencies and makes its chemists available to testify in State and local prosecutions. Similarly, the FBI performs various laboratory examinations free of charge at the request of any duly authorized law enforcement agency and furnishes examiners as expert witnesses at no charge. A whole

range of laboratory services is performed by the FBI for State and local law enforcement agencies, including blood examinations, hair and fiber tests, firearms and ballistics examinations, shoe print and tire impression analyses, and document examinations.

The FBI's National Crime Information Center records information identifying fugitives and stolen property and provides a readily accessible source of information to all law enforcement agencies which is of inestimable value. NCIC provides a nationwide network of law enforcement information to which State and local agencies can communicate directly through computer terminals for either input or retrieval purposes. By virtue of the easy access NCIC provides to law enforcement agencies, it accommodated 130 million inquiries in fiscal 1982. Currently 190,000 wanted persons who are the subjects of State or local warrants are listed in NCIC.

Federal enforcement resources have long been used to apprehend State fugitives who flee interstate. A recent special enforcement program against fugitives originated through LECC efforts known as FIST -- the Fugitive Investigative Strike Team. The FIST program has focused on both federal fugitives and State or local fugitives designated as career criminals. So far, the program has operated in four cities -- Miami, Los Angeles, New York, and most recently, Washington, D.C. The New York and Washington FIST operations represented a joint effort by local police and the U.S. Marshals. In all, the FIST operations have resulted in nearly 1,100 arrests, with the very successful

Washington operation accounting for 614 of these arrests. The fugitives arrested in Washington had an average of nearly four prior arrests, and half of those taken into custody were wanted for violent crimes or narcotics violations. Through the aid of the Marshals Service and the FIST program, local police have been able to rid the streets of many wanted persons with serious criminal records who previously had evaded the law.

Another area in which the Department assists State and local law enforcement concerns matters with international dimensions. Specifically, the Department's Criminal Division aids State and local prosecutors in the area of mutual assistance by intervening at their request to obtain evidence from foreign countries. Successfully prosecuting a State case has depended at times on presenting foreign witnesses, documents, or physical evidence that the Department has used its skill in obtaining. This office also handles international extraditions and acts as a conduit and advisor for extradition matters at the request of State and local prosecutors. In 1981 the Department handled 76 State extradition requests, over half of which were for crimes of violence. The processing of State extradition requests represents a significant portion of the Department's extradition work generally.

Finally, the Department of Justice supports State and local law enforcement agencies by continuing its criminal justice research and statistical programs. The Bureau of Justice Statistics collects data which can be used by State and local

criminal justice officials in analyzing their law enforcement needs. For example, the Bureau of Justice Statistics compiles an annual statistical breakdown of jailed and imprisoned inmates, as well as a victimization survey. Research regarding a variety of State and local criminal justice concerns is conducted by the National Institute of Justice.

The last area in which the Department seeks to provide assistance to components of the State and local criminal justice systems is by supporting proposed legislation that has federal assistance to State and local law enforcement as its goal. For example, H.R. 7140 as passed by the Senate would permit for the first time the direct transfer of forfeited property to State and local law enforcement agencies which assist in investigations. Often, property such as vehicles and airplanes seized in joint investigations and forfeited to the United States would be extremely useful to State and local law enforcement agencies for future investigations. However, current federal law fails to recognize the contribution of State and local law enforcement agencies in this regard. H.R. 7140 as passed by the Senate would also authorize payment, from the forfeiture funds created by the bill, to reimburse State and local authorities for the expenses of maintaining and protecting seized property. Finally, the bill as passed by the Senate would provide for the discontinuance of federal forfeiture proceedings in favor of an action by State or local authorities where appropriate.

The Department also supports proposed legislation now before the House Committee on Government Operations which would authorize the donation of surplus property, including real property, to State and local governments for the construction and modernization of correctional facilities. There is clearly a need for additional correctional facilities at the State and local levels, and a law authorizing the donation of federal surplus property for this purpose would greatly benefit State and local governments attempting to alleviate the problem of overcrowding at many facilities.

I believe that the many programs I have discussed in the areas of intergovernmental cooperation, direct assistance, and legislation demonstrate that the Department has acted upon its commitment to support the State and local criminal justice systems and has forged a true partnership to the end that citizens throughout this country can be provided a fair and effective system of criminal justice. I would be pleased to answer any questions you may have.

END