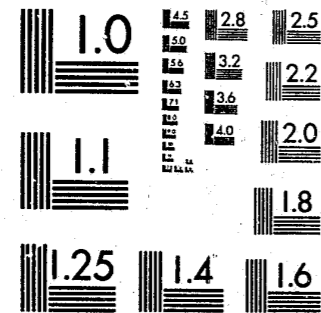


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Department of Justice

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STATEMENT

OF

D. LOWELL JENSEN  
ASSOCIATE ATTORNEY GENERAL

NCJRS

BEFORE

FEB 9 1984

ACQUISITIONS

THE

SUBCOMMITTEE ON GOVERNMENT INFORMATION,  
JUSTICE, AND AGRICULTURE  
COMMITTEE ON GOVERNMENT OPERATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

LAW ENFORCEMENT COORDINATING COMMITTEES

ON

FEBRUARY 28, 1984

U.S. Department of Justice  
National Institute of Justice

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Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before this Subcommittee as it continues its series of hearings on interaction between the federal and state/local criminal justice systems. Specifically with respect to the Law Enforcement Coordination Committee (LECC) program, as you are aware that program was established in response to a recommendation of the Attorney General's Task Force on Violent Crime suggesting that the Attorney General mandate United States Attorneys to establish LECCs in each federal district. Subsequently, that recommendation was acted upon and there is presently an LECC operating under the direction of each of the 93 United States Attorneys.

The LECC program is largely premised upon a recognition of the fact that this country is faced with an intolerable level of crime, particularly crimes of violence, that cannot be realistically addressed by any one level of government acting unilaterally. Rather, it is through the coordination of resources, intelligence, training, and personnel by federal, state, and local entities that means can be established to more effectively combat criminal activity. Consistent with our federalist system it must be acknowledged that much violent street crime is investigated and prosecuted at the state and local level. However, it is through cooperative efforts, with the federal government joining as a full partner with state and local law enforcement agencies, that we will substantially enhance our ability to

achieve mutual goals and objectives. We cannot afford the lack of coordination, the redundancy of effort, the potential conflicts, and the enforcement lapses that were part of the criminal justice reality in the past.

Accordingly, the LECCs have undertaken numerous programs to enhance law enforcement in their respective districts. It should be noted, however, that the LECCs are not, nor were they envisioned to be, standardized either in structure or policy. Rather, they reflect the special needs and priorities of the jurisdictions in which they operate. Thus, while all districts have LECC programs, they vary considerably not only in terms of substantive projects being undertaken, but also with respect to the organization and functioning of the committees themselves. Decisions with respect to joint law enforcement efforts are, and were intended to be, formulated and made at the district, not the national, level.

In terms of LECC membership, each United States Attorney was instructed to ensure full and fair representation of the various federal, state, and local prosecutorial, investigative, and other law enforcement officials in each district. Additionally, many LECCs have other members, such as corrections officials, inspectors general, military commanders, judge advocates, and others who have significant law enforcement responsibilities. Prior to the establishment of the LECCs, the Executive Working Group, a body formed in 1979 to enhance intergovernmental law enforcement

relations and comprised of United States Attorneys, representatives of the National Association of Attorneys General, National District Attorneys' Association and the Criminal Division of the Department of Justice, was consulted for purposes of soliciting suggestions as to state and local representation.

As you are aware, some LECCs meet frequently as a full committee. Other LECCs, generally in districts where a large membership makes operational decision-making difficult, have elected to meet less frequently as a full committee. Rather, these districts have determined that it is more productive to conduct fewer meetings of the full committee and to meet more often on a subcommittee basis. The purpose of subcommittees is to allow matters that do not concern the entire LECC membership or which require special attention to be addressed by members to whom the matters specifically pertain or who can best work on the particular issues. The subcommittees are often chaired by state or local officials and many have representatives designated by organizational heads to attend for purposes of specific project development and implementation.

In effect, the subcommittees provide a forum that facilitates operational initiatives. Initially, United States Attorneys were asked to establish subcommittees on drug law enforcement, cross-designation, interagency cooperation, and prison facilities, in addition to subcommittees of particular interest to their districts. Examples of such specially

designated subcommittees include those on violent crime, white collar crime, Indian affairs, rural crime, public awareness, and legislation. Further, subcommittees may cease to function or be newly created as accomplishment, need, and interest dictate.

By way of example as to the operation of subcommittees, the Violent Crime Subcommittee of the LECC in the Northern District of Illinois noted that violent acts attributable to the illegal possession, use, and distribution of handguns were a particularly acute problem in that district. The subcommittee further noted that concurrent state and federal jurisdiction existed for many of these offenses, and agreed to develop procedures to facilitate firearms prosecutions being brought in the forum having the greatest available maximum penalty. Representatives from the Chicago Police Department, the Bureau of Alcohol, Tobacco and Firearms, the Cook County State's Attorney's Office, and the United States Attorney's Office met and developed procedures for reviewing firearms cases brought to their attention. As a result of this coordinated effort, information was given to a federal grand jury, which on December 16, 1983, returned approximately 20 indictments charging individuals with federal firearms violations. Almost all of these cases had been referred to the United States Attorney's Office for prosecution by the Cook County State's Attorney after it was determined that the state penalties for the particular criminal activities alleged in these cases were far less than those penalties provided by federal law. All of the agencies involved plan to continue this project with

the expectation of additional firearms cases being developed and lengthy sentences imposed where convictions are sustained.

Another demonstration of activity at the subcommittee level involves the creation in the Southern District of Texas of an LECC Subcommittee on Victims and Witnesses. This subcommittee was utilized as a mechanism to draw on experience from state and local prosecutors and law enforcement offices that had operating victim/witness assistance units and was developed in response to the Victim and Witness Protection Act of 1982. This subcommittee created the opportunity to enlist the assistance of the coordinator of the local victim/witness services unit who not only provided assistance to the United States Attorney's Office in assessing its needs, but also served as a liaison with local social service agencies so as to enable the federal government to provide the best available services to victims.

A further subcommittee that has been utilized effectively is that which focuses on relative legal constructs. In Utah, for example, at the request of the State Attorney General and with the assistance of the United States Attorney's Office and private organizations, a statute was written and subsequently enacted by the legislature to establish effective criminal penalties for child kidnapping and sexual abuse of children. The LECC was critical to the drafting and passage of this legislation. I might add, in mentioning Utah, that this district has developed several operational subcommittees. The White Collar Crime

Subcommittee there developed a two-day seminar program to instruct local prosecutors and police officers in the investigation and prosecution of criminal fraud cases. The faculty consisted of representatives from the State Attorney General's Office, the United States Attorney's Office, the Salt Lake County Attorney's Office, the FBI, and the Salt Lake County Sheriff's Office. The program was given in six cities throughout the state. The Interagency Cooperation Subcommittee publishes the Utah LECC White Collar Crime Bulletin. The Public Awareness Subcommittee has produced radio and television public service announcements concerning schemes to defraud the public and has initiated a fraud hotline.

Within the context of interagency cooperation, subcommittees have frequently focused on training and technical assistance efforts. A specific project undertaken in a number of jurisdictions has been the compilation of names, addresses, phone numbers, and subject areas of expertise of key law enforcement agency personnel that can be distributed to members of the LECCs. Such resource directories, providing information on services, personnel, technical assistance, and training, have proven invaluable. State and local jurisdictions have been able to gain access to general information through these directories, as well as to such resources as laboratory services, legal training, and even law enforcement equipment that can be shared. I might comment further that at the national level we also are preparing a resource directory that will focus on training sponsored by the

federal government and available to state and local law enforcement agencies. This training is offered by agencies such as the Federal Bureau of Investigation and Drug Enforcement Administration at the Federal Law Enforcement Training Center at Glynco, Georgia, the Federal Bureau of Investigation Academy at Quantico, Virginia, and other sites throughout the country. The national training resource directory will be provided to every LECC.

Specialized training efforts such as the Utah criminal fraud program have been developed in other districts as well. In the Western District of New York, for example, seminars have been held on arson investigations and have addressed such areas as evidence collection and use of search warrants in case development. In the Eastern District of Missouri, through the efforts of the St. Louis Police Department and the Bureau of Alcohol, Tobacco and Firearms, a training program for area police departments has been developed to focus on effective techniques for apprehension of major firearms violators.

One of the most active subcommittees generally has been that which is directed toward cross-designation of prosecutors. In over fifty percent of the districts a program of cross-designation has been utilized effectively so that federal and state prosecutors have been able to take advantage of each other's experience and expertise. The types of cases cross-designated have included fraud, arson, bank robbery, homicide, and official corruption. In each case, the purpose of cross-designation is to

facilitate effective and efficient coordination between state and federal investigative and prosecutive agencies. This concept continues to be one of the most successful aspects of the LECC program nationwide.

It is apparent then that LECC subcommittees are a vital part of the LECC initiative. Many of these subcommittees were established following the development of district law enforcement plans by the United States Attorneys. As you know, the United States Attorneys were each instructed to prepare a federal district law enforcement plan. Such a plan facilitates the assessment of the best use of federal law enforcement resources in order to achieve the maximum impact on the most serious crime problems in the district. These plans include discussions of the extent and nature of serious crime and law enforcement priorities in the district. Also, strategies and mechanisms for addressing these crime problems and priorities are set forth. The major priority areas, identified for the targeting of law enforcement resources, were drugs, violent crime, organized crime, white collar crime, and public corruption. As of this date, ninety-one (91) federal district law enforcement plans have been submitted. Of these ninety-one (91) plans, eighty-four (84) have been approved by the Attorney General. Seven other plans are currently being revised by United States Attorneys. The district law enforcement plans have been used by United States Attorneys as a means of viewing the total crime problem in their districts and

developing appropriate strategies for cooperative law enforcement efforts.

At the national level, the Department of Justice has provided management support and technical assistance to the LECCs. Included in such support and assistance efforts is the collection and dissemination of information on cooperative law enforcement projects; the establishment of a speakers program to make available individuals with special expertise to participate in LECC meetings; the publication of a newsletter, the LECC Network News, which addresses issues of interest to LECC members; and the tracking of program development in the respective districts.

The Executive Office for United States Attorneys within the Department of Justice is responsible for the administration of the LECC program. Information is collected by the Executive Office on LECC meetings, district law enforcement plans, and the variety of cooperative efforts being undertaken at the local level. Activities in the districts are monitored and United States Attorneys are consulted on the development of policies and programs. LECC meetings have been attended by Executive Office staff members and technical assistance is provided as requested. Executive Office staff members also review all district law enforcement plans and provide recommendations for improvement of cooperative law enforcement efforts.

Support for the LECC program within the Department of Justice is not, however, limited to the Executive Office for United States Attorneys. The Criminal Division of the Department is involved in the formulation of relevant LECC policy, the review of all district law enforcement plans, and in the provision of technical assistance in specialized areas of interest to particular LECCs. Staff members of the Criminal Division are also analyzing the submitted plans and developing materials that can be used by all LECCs and United States Attorneys. The Criminal Division's Office of Policy and Management Analysis will be conducting an overall analytic review of the LECC plans to support Departmental policy considerations relative to the LECC program as well as to facilitate the development of prescriptive program packages.

Federal investigative agencies are also involved in providing management support to the LECC program. Agencies which include the United States Marshals Service, the Postal Inspection Service, the United States Customs Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, the Immigration and Naturalization Service, the Secret Service, the Internal Revenue Service, and the Department of Treasury have reviewed all district law enforcement plans and provided comments to the Executive Office for United States Attorneys to be incorporated in any revisions of the plans by United States Attorneys. In addition, when issues arise within the federal law enforcement community in the context

of the LECC program, the Administrator of the LECC program in Washington, D.C., communicates with the representative of the appropriate federal investigative agency to assist in resolving conflicts. Other divisions in the Department of Justice, such as the Office of Legal Counsel, the Office of Legislative Affairs, and the Office of Legal Policy, also provide assistance to the LECC program. In my own office, a Deputy Associate Attorney General has been designated as a liaison and contact point on policy matters relevant to the LECC program.

Also within the context of technical assistance, a speakers program has been established whereby officials from the Department of Justice and other agencies who have expertise in matters of interest and concern to particular LECCs have been made available to participate in full committee and subcommittee meetings. In this regard, the Attorney General, the Deputy Attorney General, the Assistant Attorney General for the Criminal Division, the Assistant Attorney General for Legislative Affairs, the Director of the Executive Office for United States Attorneys, the Director of the Bureau of Prisons, representatives of the Federal Bureau of Investigation and Drug Enforcement Administration, myself, and many others have all attended a number of meetings. In addition, upon request by an LECC, criminal justice experts have been made available to particular districts. As an example, an inspector for the United States Marshals Service has given a seminar on outlaw motorcycle gangs in nine (9) districts. The Department of Defense has provided personnel to attend eleven



(11) LECC meetings to discuss the Posse Comitatus Act and how military assistance can be made readily accessible for domestic law enforcement purposes. Representatives from local military installations have also addressed the committees concerning law enforcement assistance. I might add that the Administrator of the LECC program has established liaison with representatives from the Department of the Army and Department of Defense to provide information to all federal districts on the use of the military for domestic law enforcement. In addition, representatives of the Department of Justice and the Department of Defense have attended conferences and meetings to talk to interested persons about the expanded use of the Posse Comitatus Act.

A number of Drug Enforcement Administration officials have attended LECC meetings to discuss investigations, the domestic marijuana surveillance and eradication effort, guidelines for Organized Crime Drug Enforcement Task Force activities, and other areas of interest to the LECCs. In addition, representatives from the National Narcotics Border Interdiction System (NNBIS) have attended LECC meetings and have emphasized the coordination of their work with that of the Task Forces and the LECCs.

A major effort has been made to disseminate information to all LECCs on cooperative law enforcement projects. United States Attorneys submit information on projects that have been developed through the LECCs in their respective districts. This

information is then channeled to the field either through the LECC Network News or in special mailings to United States Attorneys. In addition, information is sent to the districts periodically on subjects of significance to the LECCs. Such informational mailings have included regulations covering the Posse Comitatus Act, periodicals addressing key criminal justice issues, and Department of Justice publications such as The Supply of Drugs to the U.S. Illicit Market from Foreign and Domestic Sources and the Report to the Nation on Crime and Justice.

There are several other mechanisms by which the Department of Justice not only monitors the LECC program but assists the United States Attorneys in improving the quality of the program nationwide. In this regard, the Attorney General's Advisory Committee of United States Attorneys has established a permanent LECC Subcommittee. This subcommittee meets periodically to discuss issues of concern to the United States Attorneys and to make recommendations to the Executive Office and the Associate Attorney General with respect to the program. Recently, this subcommittee concept was expanded to involve other interested United States Attorneys. This group met in January to provide further guidance as to LECC policies and efforts. A variety of topics were discussed including strategies to improve cooperation, guidelines for program development, mechanisms to ensure maximum participation of state and local officials, and coordination with Organized Crime Drug Enforcement Task Force operations.

In regard to cooperation fostered at the national level in the drug enforcement area, the Organized Crime Drug Enforcement Task Forces have worked with state and local law enforcement officials, not only in direct operations but also through representation on the LECC subcommittees on narcotics. With the recent development of the United States Marshals Service forfeiture program, the Department of Justice is considering the possibility that forfeiture specialists in each of the Task Force core-cities will also be involved in the LECC program. In addition, the LECC program Administrator works closely with the Director of the Governors' Project which focuses on coordination of drug enforcement efforts through liaisons in the Governor's Office in each state.

It should also be mentioned that I personally attend, as do both the Administrator and the Deputy Associate Attorney General responsible for the LECC program, all meetings of the Executive Working Group. As previously described, the Executive Working Group represents state, local, and federal prosecutors and meets quarterly to examine matters of mutual interest. The LECC initiative is a regular agenda item for each Executive Working Group meeting and recommendations from that group contribute to the development of policy for the national LECC program.

Additionally, the Department of Justice has sought input from national law enforcement organizations in regard to the LECC program. Contact has been made and suggestions for improving

cooperative law enforcement solicited from, representatives of the Police Executive Research Forum, National Association of Criminal Justice Planners, National District Attorneys' Association, and National Association of Attorneys General.

The Forum for Cooperative Strategy has also been utilized for initiating recommendations for improvement of the LECC program. The membership of this group is comprised of Department of Justice Assistant Attorneys General and Directors having criminal justice responsibilities. All meetings, which are held monthly and chaired by the Associate Attorney General, include a report on the LECC program with members providing comments from the perspective of their particular agencies and divisions.

In addition to communicating directly with United States Attorneys and meeting with representatives of organizations and agencies concerned with cooperative law enforcement, the Department of Justice is undertaking additional measures to monitor the LECC program. As part of this effort, the audit staff of the Justice Management Division has reviewed the LECC program in nineteen (19) districts to determine the extent to which those LECCs are meeting the objectives set forth initially by the Attorney General. Problems or impediments to an effective LECC program that are identified will be examined by the Department of Justice with a view toward improving the LECC program nationwide.

Finally, the status of the LECC program will be assessed by the Field Activities Unit of the Executive Office for United States Attorneys. This unit evaluates each United States Attorney's Office every 18 months and evaluates all office functions. The audit team will meet with staff members of the United States Attorney's Office as well as other representatives of the law enforcement community in each district and inquire as to the role of the LECC in facilitating cooperation and coordination among agencies. Inquiries will be made so as to identify any significant problems with respect to federal, state, and local cooperation in the district and as to whether these problems are being adequately addressed by the LECC.

In the process of monitoring the LECC program initiative, the Department of Justice has become cognizant of the considerable time and other resources devoted to the coordination of the program at the local level and the burden thereby placed on United States Attorneys and their staff members. Accordingly, the Department developed a proposal, which has subsequently been approved by the Office of Management and Budget, to create ninety-four (94) new positions for LECC/Victim-Witness Coordinators. The efforts of these individuals would be directed toward the LECC program, as well as toward victim-witness obligations as mandated by the Victim and Witness Protection Act, in order to ensure an effective liaison between the United States Attorneys' Offices and other participating law enforcement agencies. They would also be responsible to the Executive Office for United

States Attorneys for the submission of reports, summaries of meetings, and other data required to enhance effective monitoring of the initiative. Should Congress approve the budget request, these positions could begin to be filled in October, 1984. The addition of these positions would ensure the maintenance of a system designed to provide members of the law enforcement community with information on cooperative efforts undertaken throughout the country.

In conclusion, the Department of Justice, as I would hope this testimony underscores, remains committed to the successful implementation of the Law Enforcement Coordinating Committees as well as to the concept of cooperative law enforcement that the program seeks to institutionalize. The LECCs have created a forum for discussion and information sharing directed toward the implementation and coordination of law enforcement efforts that can only benefit the criminal justice system generally. Clearly, start-up and developmental impediments have been encountered; we are confident, however, that they have been recognized and are being addressed so that the achievement of goals as originally promulgated may be accomplished. We have reached a point where this program is a permanent part of this country's criminal justice landscape and our experience to date demonstrates that the effort is worthwhile and productive. Indeed, we are more convinced than ever that this type of institutional relationship, this law enforcement partnership, is essential in providing the

effective and fair criminal justice system that this nation must maintain.

**END**