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ON LAW ENFORCEMENT AS A LOCAL RIGHT AND RESPONSIBILITY

I want to talk with you this morning for a few minutes about the problem of law enforcement in North Carolina----a problem which I think is particularly a local one and one which perhaps you, as no other group, are capable of successfully solving.

You might ask why I stand before you and refer to this as a "local problem" when the General Assembly, which just adjourned, spent so much time surveying this area and appropriating the largest budget ever to the State Bureau of Investigation. One might even suggest that the Legislature has taken care of the matter and that local officials, such as yourselves, need not be concerned about improving local law enforcement. This is not the case, however.

It is true that the Legislature made sizeable appropriations to the Bureau. However, with the exception of funds to create and equip a Narcotics Division, all this money will be spent to improve the Bureau's services to local law enforcement officials. The laboratory facilities and technical services, according to statute, were established primarily to assist local prosecutors in the performance of their duties. The field agents who work on a day-to-day basis with the officers in your counties are there today because the original legislation establishing the Bureau provided that "In the personnel of the Bureau shall be included a sufficient number of persons of training and skill in the investigation of crime and in the preparation of evidence as to be of service to local enforcement officers. . .in criminal matters of major importance."

So you see, when the State Bureau of Investigation was created, it was with the idea that it should be primarily a supportive agency to local government.

Personally, I favor this concept. I believe this is the way it should be. This avoids the creation of a State Police and places emphasis on local government

at the level closest to the people.

At the same time, however, this concept places the responsibility squarely on local government to continue to provide adequate law enforcement in towns and counties throughout the State. No increase in the size and strength of the Bureau will or should preempt that right and responsibility of local people.

I need not quote to you statistics to illustrate the immensity of the crime problem in our State and nation. The rapid increase in the crime rate, especially among our teenagers, is a national problem of unbelievable dimensions. But it is a national problem only because it is first of all a problem of each county and municipal government in the United States.

I do not mean to imply that the individual citizen has no responsibility for acting to curb the rising tide of crime in this State. He most assuredly does. The problems of crime prevention and providing more effective law enforcement require the joint efforts of government and private citizens, acting individually and through active and influential civic organizations.

I believe the private sector of our communities is ready to face the problem. I believe the citizens of our towns and counties----the voters----are no longer willing to say, "Let the government do it," and then forget about it. I believe they are serious enough about preventing crime to want to do more than merely sport a bumper sticker saying, "Support your local police."

Good evidence of this fact, I think, is the support the members of the legislature received from "back home" in their efforts to upgrade the State Bureau of Investigation. Good evidence is the support they received from the news media and the various citizens groups.

The citizens of your communities are serious enough to want to do more----to in fact do more----to curb the rising crime rate, to make sure the law is obeyed, and that justice is available to all of our people.

They have come to the realization that we must do more if we are to meet the challenges of this day, for as Governor Scott said in his inaugural message, "A government that is unable to afford all its citizens

the security of person and property is not likely to be able to do much more for them." And I believe they have come to the realization that improvements cannot be made without additional appropriations from their county commissioners.

Events of recent months have impressed upon the people the fact that our law enforcement officials perform dangerous duties in our society----duties which mean the difference between danger and safety for us and our families----and that often they are sent out to perform these duties with inadequate equipment and without the training they want and need.

The news media bring into the homes of the ordinary citizen a vivid picture of the day-to-day activities of the policeman----the service that he performs, the abuse he incurs, the danger he confronts, the dedication he exhibits. The ordinary citizen----the voter----sees this occurring while at the same time he remembers that recent decisions of the Supreme Court have law enforcement much more difficult----if not impossible----for the untrained officer.

But although they know that the federal cases favoring defendants have made it more difficult to

convict a person and sustain that conviction on appeal, they realize the situation is not hopeless. The people of our counties and cities know that the answer is, simply stated: More effective law enforcement through better-trained personnel.

1. Men who know how to do effective investigative work
2. Who know what evidence to look for in order to establish that a certain crime has been committed
3. Who can obtain the evidence before it is destroyed and preserve it in such a manner that it will be competent for admission at the trial
4. Men who are capable of taking the stand at the trial and presenting the evidence in such a way that convictions can be obtained and upheld if the case is appealed
5. Trained officers who investigate each case on the assumption that it will be appealed to the United States Supreme Court

In my opinion, it boils down to this: We have been forced into a new day in law enforcement, a day when we can no longer expect to meet the challenges of our time with untrained, under paid, and under staffed law enforcement agencies.

But conceding that the Federal Cases favoring defendants have made it more difficult to convict and sustain a conviction in appellat courts, the situation

is not hopeless. The answer is, simply stated: More effective law enforcement through trained personnel.

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2. Who know what evidence to look for in order to establish that a certain crime has been committed
3. Who can obtain the evidence and preserve it in such a manner that it will be competent in Court
4. Men who are capable of presenting the evidence at the trail in a way that convictions can be obtained and upheld if the case is appealed
5. Men who investigate such case on the assumption it will be appealed all the way to the U. S. Supreme Court.

We have been forced into a new day of law enforcement. No longer can we afford untrained, underpaid, and under staffed law enforcement agencies.

Taxes and Public Interest:

We recognize that with many of you, the first problem is providing sufficient money to properly equip and staff your Sheriffs Departments. In some counties this may mean the levy of additional taxes upon persons who already feel overtaxed.

The need exists, therefore, for a program to inform the citizens of your need for law enforcement, and

to generate sufficient public interest to overcome any resistance to additional appropriations and obtaining the necessary finances. The Attorney General's Office, and other State law enforcement agencies, will work with the County Commissioners to create public interest and concern so that you will be able to obtain the necessary funds and the support of your citizens, in order to make local law enforcement the first line of defense in combating crime.

But additional funds is not the answer alone. It is the expenditure of these funds in obtaining better men, give them proper training and equipment. Only in this way can the local citizen see the results and get the results he wants from his tax dollar.

The U. S. Supreme Court has set forth in cases like *Miranda v. Arizona*; *Escobedo v. Selinois*; *Wade v. U. S.* ; *Spinelli v. United States*; *Chimel v. California*, and others, new requirements in the areas of Confessions, search warrants, affording counsel for defendants, constitutional warnings which must be given persons arrested, search incident to arrest, line-up identification, and evidence obtained in unlawful manner.

Thus, the police officer today must be a highly trained professional, well versed in many areas of the law, a person who must make a decision, often time on the spur of the moment, that a jury, a trial judge, or an appellant judge will review months later to see if the officer's judgment was right or wrong.

What good is a confession if the officer through ignorance, obtained it in such a fashion that it will be incompetent in Court. It makes little sense to me to see defendants apprehended, tried, and convicted but then released because of some technical area made in the course of apprehension, detention, or trial.

Recently we lost a case in the U. S. Supreme Court, where the defendant had raped and killed a woman, simply because of the manner the officer obtained a confession from the defendant. This case had been in the State and Federal Courts six years in an effort to uphold the conviction of an obviously guilty man. Now the person cannot be retried.

Guilty persons have been turned loose because the officer did not give the defendant the required constitutional warning, or the search warrant did not

contain the information to show probable cause, or the identification of defendant was improper, or the search of the defendant or his premises was unconstitutional, or the defendant confessed under circumstances where the officer cannot show that defendant's constitutional rights were fully protected and afforded.

Many search warrants, and of course, the evidence found by the officer as a result thereof are being tossed out by the Courts simply because the officer did not put into the affidavit sufficient information. No longer can he merely say that he has information furnished by a reliable informer. He must go further and state in the affidavits facts to show that the informer is reliable and facts to show that the search warrant should be issued.

Cases are being reversed in the appellate Courts because the officers did not follow the simple rules of procedure laid down by the Courts.

The point I am trying to make, once again, is simply this: We are not getting the most for our money by maintaining law enforcement agencies which are stopped by untrained personnel, or trained personnel that has not been given proper equipment and facilities.

Everyone knows that today the slightest mistake can set a criminal free to walk the streets again, so the people in our counties want their officers trained, they want them equipped----and they are willing to support you in your efforts to make sure that they are.

The individual citizen hears on the radio and sees on TV vivid accounts of civil disorders and the violence which is apt to confront the officer any day he straps on his gun and puts on his badge and goes to work. I think that this same citizen is willing to support you in your efforts to see that these officers, who stand between him and the criminal elements of our society, are the best to be found----and he knows you can only find such men by offering attractive wages and compensating them at least in part for their overtime service.

I was disturbed to read in the Sunday paper an article written by a reporter in one of our small towns in the East. The story could just as easily have been told about any other town or county anywhere in North Carolina. Allow me to read to you that short article entitled, "He Got the Call."

Good law enforcement officers, like churchmen, realize that their profession offers few financial benefits while demanding countless work hours in all types of weather.

In other words, a police officer (like a minister) must have the "call" to become a credit to his organization. Such a call was received here last week.

The city's newest patrolman - who started work Tuesday - headed a discount store's produce section in June when he joined the (Police) Reserve. His salary was well above what he can reasonably expect with the police department in the next several years.

Nevertheless, he resigned the store job to become a patrolman on the city force. His monthly pay, not counting deductions, is less than \$450 per month.

He is working a 48-hour week. Like fellow officers, he is required to attend court sessions where his testimony is needed - and there are no provisions for "time off" or "extra pay" for court time.

More than ever today, it requires a dedicated man to wear a police officer's uniform.

Let me hasten to say, that I am pleased that the law enforcement profession has been referred to as a "calling," as a profession which requires unique qualities of its members and almost a religious fervor. However, I do not believe that law enforcement, by necessity, should require such financial sacrifices of qualified men who want to enter it.

This is the notion we nurtured so long about the teaching profession. We told ourselves that we could continue to pay rock bottom salaries----that we could provide poor teaching conditions and retirement plans----and that a sufficient number of qualified persons still would be "called" to teaching. How wrong we were.

We woke up one morning and found a teacher shortage on our hands----we found that our best qualified persons were leaving teaching for other professions and that the profession, and we as its beneficiaries, was in serious trouble. We discovered there was no magic about the teaching profession which would relieve us of our responsibility to compensate these persons for the valuable services they were providing for our children.

At last we have moved to remedy that situation, and the public has given its governmental officials

overwhelming support in their efforts to do so.

The same situation that existed a few years ago in the teaching profession, and still today to some extent, exists in the law enforcement profession now. The problem is just as critical and requires immediate attention from those of you who hold the purse strings and determine priorities in your towns and counties. We are courting disaster, in my opinion, when we continue to ask these officers to make unbelievable sacrifices----which they willingly do----while at the same time holding tight the public purse strings and denying them even minimum reasonable compensation for their services. By doing so, we are being neither wise, nor fair, nor reasonable.

We send our law enforcement officers out to perform tasks which require great personal danger, to do things we would be afraid to do ourselves. We ask wives to allow their husbands to be our protectors, and children to allow their fathers to enforce the laws which are safeguards for all of us. But what security do we provide in case that husband or father is killed or seriously injured while serving in our behalf?

Again, often very little. A meager pension plan and a little accident insurance and we think that we have adequately provided for the law officer's family. But we have not. So little has been done, in most cases, to provide the law officer with fringe benefits, with life and accident insurance, with retirement plans to insure his family that they will continue to live comfortably should their breadwinner no longer be able to provide for them.

I believe our people realize at last that we must do better than this if we are to do more than just give lip service to our concern for preventing crime and ensuring that law and order will be maintained.

The action of the General Assembly in providing funds for the expansion and improvement of the State Bureau of Investigation was, of course, most significant. It was a breakthrough for law enforcement in North Carolina.

But the major burden for improving law enforcement in North Carolina still rests with the local county and city governments. It rests with you gentlemen who hold the purse strings in your counties----it rests with County Commissioners who in the past have done an ex-

cellent job of using the resources available to you in the best interests of the people. I know you will continue to do so and will meet this challenge.

You will have the support of the people as you move to meet the needs of local law enforcement. The General Assembly has merely set the stage for aggressive action on the county level. There is in fact a crisis in law enforcement in North Carolina and only you are now in a position to alleviate it.