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# GOVERNOR HAROLD LEVANDER

## STATE OF MINNESOTA

# COMBATING CRIME



# A Special Message to the 66th Session of the Legislature

February 27, 1969

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## SPECIAL MESSAGE ON CRIME

Today I express a hope . . . a hope that we, the people of Minnesota, will now commit ourselves, our time and our most diligent efforts to the task of confronting, and eventually overcoming, the problem of crime that plagues our state and our nation.

There is no issue on the domestic scene that so concerns the citizens of our nation as the problem of crime and lawlessness, nor any problem that so threatens our well-being. Directly or indirectly, crime affects all of us. We cannot . . . we must not . . . rest until the rising incidence of crime is met and checked.

### NATURE OF CRIME

This is a tough task. We need only to look to a recent national report and listen to its salient warning. "No single formula, no single theory, no single generalization can explain the vast range of behavior called crime . . . for crime is not a single, simple phenomenon that can be examined, analyzed and described in one piece. It occurs in every part of the country and in every stratum of society. Its practitioners and its victims are people of all ages, incomes and backgrounds. Its trends are difficult to ascertain. Its causes are legion. Its cures are speculative and controversial. An examination of any single kind of crime, let alone 'crime in America', raises a myriad of issues of the utmost complexity."<sup>1</sup>

Clearly to combat crime is no simple task with no simple solution. But the task is there and solutions must be found.

We are proud of the State of Minnesota, proud of our record in civil rights, proud of our services in health and welfare, proud of our

achievements in employment and education, proud of our top rating in providing a high quality of life for our residents. We are now challenged to provide quality law protection for all our citizens.

#### INCREASE IN CRIME

Since 1936, incidence of major crime in our state has increased over 700%.

For the first six months of 1968, the incidence of crime in Minnesota increased at a greater rate than national figures in all categories except manslaughter and assault. In murder, in rape, in robbery, in burglary, in grand larceny, in auto theft, Minnesota's rate of increase exceeded the national rate of increase. In rural areas, in suburban areas, in small cities, in large cities, Minnesota's rate of increase was comparable to or exceeded national figures.

Headlines daily remind us of the frequency of crime. Just one day's paper tells about a purse snatcher, a woman robbed in her home, an arsonist destroying a city's downtown, a shooting incident after an argument, and the murder of three people.

The facts are clear. Whether you measure by specific crimes, population categories or overall percentage rates, our state exceeds the national rate of crime increase in almost every area. It will continue to increase unless we act and act now.

#### NEW STRATEGY

When we view crime, we must learn to look with new eyes; we must learn to ask new questions as well as to seek new answers. As we strive for

success, old ideas and old approaches can be as much our adversaries as the forces of crime themselves.

Traditionally, we have waited for the criminal act and focused our preventive efforts on the events that follow. Too often we have acted only when the need for action has been made glaringly clear . . . when the crime has been committed.

We must change this view. What we see of crime, whether premeditated or spontaneous, is but the outgrowth of a long and complex series of factors and consequences. If we are to successfully prevent crime, we must understand and confront these factors and consequences before they reach fruition in the form of the criminal act.

From this day forward, an anti-crime crusade must have new and broader meaning for all Minnesotans. Detection and investigation of crime, apprehension of offenders, prosecution and defense of criminal cases, conviction and sentencing of offenders, rehabilitation, and correction of offenders, prevention through eradication of the conditions that breed crime . . . these must be the substance of our efforts. Corrections, courts and police can no longer be viewed as separate entities, as things unto themselves. They are, they must be, part of a unified comprehensive front against crime. Success in one system means success for the others. Failure in one means greater burdens on the others. Unfortunately, we have had more of failure than success. According to one estimate, the average parolee from St. Cloud at 23 years of age has already had seven prior convictions and three institutional experiences.

This broader interpretation of law enforcement is my hope. Its

implementation is your responsibility and the responsibility of the people of Minnesota.

In my State of the State message, notice was served "on those who prey upon their fellow citizens that law enforcement is a prime and constant concern of this Administration." In my Budget Address, the subject of "Combatting Crime" was indeed given high priority, and some of the specific recommendations were listed for which I am now asking statutory authority. In the interest of brevity, I have not listed every proposal which has my support. Listed are major recommendations which I ask you to implement.

#### LAW ENFORCEMENT

##### A. Police Training

1. Eliminate the present exemption of basic police training for police in communities under 1,000. In a time of rising crime rates and mobile criminals, persons and property everywhere in the state must have the protection of trained law enforcement officers.
2. Extend the number of weeks of basic training required, especially for the metropolitan area police. The cost of both of these recommendations is covered in my budget proposals for the Bureau of Criminal Apprehension and the Police Training Board.
3. Provide planning funds for a police academy as a part of the statewide comprehensive plan financed by matching federal funds under the Safe Streets Act of 1968 and under supervision of the Crime Commission.

##### B. Hand Gun Control

1. No issue is so hotly discussed, so commonly misunderstood, or so blatantly misconstrued as the question of controlling firearms. As we open the discussion, let us proceed rationally and calmly to find the best measure which will protect the sportsman and the citizen.

In regard to the sportsman and the collector, the measure I propose is not concerned with long guns or shotguns, it is not concerned with transporting such guns, and it is not concerned with owning guns.

However, we must control the indiscriminate carrying on the person of pistols and revolvers. As one of two states in the Union without any restrictions, the time is long overdue. We can provide safeguards against the misuse of hand guns by requiring a permit to carry for anyone who desires to carry a hand gun on his person, such a permit to be issued by the local police authority on the basis that the applicant demonstrate the need to carry. The law should require that the permit include the fingerprints of the carrier and if the local government requires it, a picture of the carrier.

Support for such a proposal is widespread in Minnesota as evidenced by a recent poll that indicates 80% of our people favor such a requirement. This state safeguard on hand guns would reinforce the action taken recently by several local units of government.

The bill should also provide control of military-type and assault weapons such as bazookas and "Molotov cocktails."

#### C. Communications

1. The Legislature wisely provided in 1967 funds to implement a crime information system. According to law enforcement officials, the advent of this system is the most effective tool developed in this decade to fight crime. I am happy to announce the system has become ready in record time and is currently being tested with major law enforcement departments.

In its first phase of assimilating all information on stolen property, it will be completely operational next month. In order for us to continue to feed into the computer information on all known and wanted criminals and the manner in which they operate, we will need an additional legislative appropriation for the next biennium. The cost will be at least \$275,000 each year, included in my budget. This is another way in which we can effectively aid and reduce the expenditure of local government.

I want you to know that the utmost precautions are being taken as we develop this system to protect the confidential nature of personal information put in the computer.

2. There is a real need for a radio transmitting tower for the Highway Department in the Duluth area. I have recommended its installation and provided for it in the budget. I ask your implementation of my recommendations.

D. The Bureau of Criminal Apprehension

1. A substantial increase in funds is necessary to strengthen our Bureau of Criminal Apprehension.
2. A new narcotics unit is needed to crack down on the illegal traffic in drugs. The use of narcotics and dangerous drugs has grown in tremendous proportions throughout Minnesota. Many police departments and sheriffs, well-known in their communities and limited in their manpower, are unable to cope with this serious problem. I place extremely high priority on the early establishment of this unit, if possible, before the end of the session.
3. A new unit in the new Division of Criminal Apprehension to fight organized crime is needed. The problem of organized crime is heavily concentrated in sophisticated burglary and robbery groups located in the Twin Cities but which conduct their criminal activity in rural or suburban communities or across state lines. An intelligence unit to aid local law enforcement agencies in collecting and disseminating on a confidential basis information on these groups is just as urgently needed.

E. Protecting the Police

1. We must increase the penalties for obstructing a police officer working in his line of duty and expand the offense from a simple assault by physical force to include assault by threat. The difficulties of a policeman's role are complex enough without adding the extra frustration of interference.

F. Good Samaritans

1. In addition to penalizing those who interfere with the

police, we should take some action to reward the noble efforts of those special people who unselfishly come to the aid of a policeman or person in danger. Therefore, I urge the Legislature authorize the Claims Commission to consider injury or damage to people assisting a law enforcement officer or anyone else in the prevention of a criminal act or in the apprehension of a criminal as a claim against the State. Reparation for physical injury, loss of wages and attorney's fees would be considered.

G. Tightening Auto Theft Laws

1. I wish to commend the House for its early passage of House File No. 230 clarifying a cumbersome and unrealistic definition of auto theft. The bill has my support and I urge early passage by the Senate.

H. Governmental Reorganization

1. Within the proposed Department of Public Safety a Division of Criminal Apprehension should be created to include, in addition to the present Bureau of Criminal Apprehension as strengthened in other proposals, supervision of the Peace Officers Training Board, State Fire Marshal, and detective licensing. This division should also supervise boat and snowmobile licensing responsibilities in order to provide an effective curb on theft and illegal use. The educational and promotional aspects in boat and snowmobile operation would remain with the Department of Natural Resources.

COURTS

A. Lower Court Reorganization

1. One of the most pressing needs of our judicial system is lower court reorganization. The Legislature is wisely developing several alternative ways to reform lower courts, both in their function and district organization. If we are to preserve the right to a fair and speedy trial, we need to reorganize and update the lower courts.

B. Model Juvenile Court Act

1. Establish a commission to revise our juvenile laws

along the lines recommended in the Model Juvenile Court Act. In addition, I recommend:

2. Time limits should be established prescribing the length of time a juvenile can be incarcerated without a detention hearing.
3. The requirement of personal service of the summons and notice of the delinquency hearing upon the parents should be modified.
4. Procedures should be established for review by probation officers of all detentions of juveniles in jails.
5. Procedures should be established to guarantee early appointment of legal counsel for juveniles alleged to be delinquent.
6. The Minnesota Department of Corrections should receive notification of each instance in which a juvenile is placed in a jail.

C. Assistance to County Attorneys

1. Continue for two years the District Prosecutor's program on a pilot project basis in the Fifth and Sixth Judicial Districts and extend the program to the Ninth Judicial District. (Cost approximately \$70,000 for the biennium.)
2. Authorize the Attorney General to call the prosecutors of the state together for biennial training sessions. Bills encompassing these recommendations have been introduced.

D. Increase Penalties

1. Increase the penalty for a misdemeanor from \$100.00 or 90 days to not more than \$300.00 or 90 days. This recommendation is contained in House File 253 and Senate File 152.
2. Create a new classification of petty misdemeanors as set out in House File 487.

E. Uniform Rules of Criminal Procedure

1. There is a demonstrated need for new and updated rules

of criminal procedure. Members of the Court and of the Legislature, prosecutors, and defenders should jointly form recommendations for new uniform rules of criminal procedure.

F. Pre-sentence Investigation for Sex Offenders

1. In order for sentencing and treatment to be appropriate for the defendant, pre-sentence investigations for sex offenders should be required as set forth in House File 226.

G. Joint Trials

1. If the deterrent effect of criminal sanction is to be preserved, a speedier disposition of cases must be achieved as well as lessening the inconvenient, unnecessary demands on witnesses and defendants. Therefore, Minnesota should permit joint trials for those jointly accused as recommended in House File 22.

CORRECTIONS

A. Work Release

1. The work release program should be expanded.

B. Regional Juvenile Detention and Treatment Centers

1. Statewide planning for regional detention and treatment centers should be conducted by the seven regional councils of the Crime Commission. The death of a 13 year old Dane White after spending 41½ days in a county jail indicates Minnesota is tragically behind in providing proper juvenile facilities.

C. Corrections Department

1. More intensive treatment of juveniles, more specialized treatment of alcohol and narcotic addicts and sex offenders, more comprehensive use of community based treatment and improved rehabilitative services in our institutions would be possible by appropriating a 35% or \$9 Million Dollar increase for the Corrections Department.

D. Sex Offenders

1. To develop a sound treatment program for sex offenders and psychopathic personalities, a pilot project should be authorized by this session of the Legislature. Such a project would encompass an evaluation of current state laws relating to sex offenders and psychopathic personalities, the establishment of a pilot treatment program, and the report of recommendations for action to the 1971 Session.

E. Security Institution

1. 546 escapes from our juvenile institutions indicate the need for a strong security institution. You cannot rehabilitate and re-educate offenders if they cannot be contained. I agree with recent recommendations that a more secure institution be developed to control the more aggressive, belligerent, escape-prone juvenile. I also recognize that some solution to this problem must be provided now, and therefore have asked the Attorney General to prepare a bill which will permit the transfer and/or commitment of juveniles to the institution at St. Cloud, stipulating that the distinction between juvenile delinquent rehabilitative programs and the adult offender programs be maintained as much as possible so that there will be no question as to the constitutionality of such transfer and commitment procedure.

I further recommend that \$50,000 be appropriated to the Crime Commission to match funds from the Safe Streets Act and the Federal Juvenile Delinquency Act to conduct a study to determine the location, type, and feasibility of a single security facility.

PREVENTION

A. Drug Education Unit

1. Expand the Commission on Alcohol Problems to include a drug education program. Such a program would be an interdisciplinary educational effort aimed at all levels of our population. We must inform our people that despite the supposed glamour and excitement in the land of needles, joints and sugar cubes, where they may hope to find freedom, individuality and an identity, is merely a front for physical and mental degeneration.

B. Youth Opportunity Council

1. Create a youth opportunity council in the Division of Social Services to coordinate youth programs. This council, with a full time director to work with the President's Council on Youth Opportunity at the state level, to initiate and coordinate a truly comprehensive annual summer program for disadvantaged Minnesota youth in such areas as employment, education, cultural endeavors and recreation . . involving all of state government, and enlisting the aid of local government, industry and private groups.

C. Citizens Against Crime

1. In order for a crime prevention program to be truly effective, locally planned, financed and implemented voluntary citizens' councils should develop from the dynamic leadership within the community. The council's membership should represent a cross-section of the community. Its function would be, for example, to attack the social conditions in which crime is nurtured, to give visibility to the social services available, to create community awareness and support for needed programs or facilities, should be given responsibility to promote the concept of citizen councils, to act as a clearing-house for the councils and to coordinate physical resources from state and federal levels of government.

GOVERNOR'S COMMISSION ON CRIME PREVENTION AND CONTROL

- A. Provide \$500,000.00 to enable state government to take advantage of the "Omnibus Crime Control and Safe Streets Act of 1968", which provides a significant opportunity for state and local government to improve and coordinate programs designed to prevent crime, enforce laws, administer justice and apply corrections.

Emery Barrette, former member of the House, has been appointed Executive Director. Originally appointed in 1967 and consisting of four members, the Commission has been expanded to 32 members. Four task forces on Law Enforcement, Administration of Justice, Corrections and Prevention have completed their initial reports. 110 professionals and citizens from across the state have made more than 200 specific recommendations to improve the law enforcement system in Minnesota.

The Commission has been meeting on a regular basis and recently sponsored a statewide conference for 200 law enforcement officers across the state. The Commission staff is currently establishing Regional Councils in the state's seven planning areas. The plans and actions now under way may well prove to be the beginning of the most creative and intense thrust against crime ever to be launched in the State of Minnesota. It is my pleasure to tell you that Minnesota is in the vanguard among all the states. With substantial financial assistance from the federal government, state and local government now have the opportunity to plan and execute programs designed to meet their needs. I have been asking for just this kind of program in law enforcement, as in other areas: money from the federal government but initiative and control vested at the state and local levels where there is first-hand familiarity with what needs to be done first and how it can be done best.

The Governor's Commission on Crime Prevention and Control will give unified encouragement and direction to both the professional and voluntary agencies and individuals which are presently serving our state in law enforcement, judicial administration and corrections, and prevention. Opportunity will be given for new and innovative approaches to be tested in some of the areas where time-honored methods and techniques may have become outmoded. Through the Commission and its staff, in cooperation with various units of government, we must seek a sophistication of planning and a precision of execution that will be able to handle the enlarged scope and complexity of criminality in this last third of the twentieth century.

#### PUBLIC SUPPORT

- A. We must enlist all Minnesotans in the war against crime. Thousands of Minnesotans are at the task right now. From Sister Giovanni working with Spanish-American youngsters in the Riverview area of St. Paul to the far flung efforts of the Salvation Army, many Minnesota people are working individually or within their organization to improve the quality of our lives. A group calling themselves "FOCUS" (Former Offenders Creating Understanding in Society) lays out real facts about a life of criminality . . . and the fourth Task Force on Prevention recommends that the FOCUS presentation be spread across the state by professionally produced audio-visual tapes. After seeing their presentation and watching its impact on the audience, I strongly endorse this recommendation.

The Citizen's Council on Crime and Delinquency has provided valuable services in helping government and society better understand the needs of the law enforcement system in Minnesota. "Citizen Alert" and "Children and the Law" are two programs which came from people who wanted to respond to needs of the community without waiting for some government agency to tell them exactly what to do. Dozens of programs could be mentioned from Duluth to Mankato, from Moorhead to Rochester . . . Boy Scouts and Girl Scouts, innovative teen-centers, one-to-one tutoring of underprivileged children, programs by Jaycees, 4-H Clubs, service clubs and churches . . . as Governor I am conscious of the variety of efforts now being made.

I am personally grateful for all that is being done. Yet, ten more recruits must be added to every person now engaged in the war against crime, and then ten more volunteers for every one of those recruits. A national survey revealed that only 17% of our people thought they could do something about crime and only 4% had ever tried. We will never make significant progress without greater help.

#### SUMMARY

More than 25 years ago, Winston Churchill rallied his country from the edge of disaster by calling on the people of England for "blood, sweat, toil and tears." This was more than histrionics, much more than gutsy rhetoric. It simply spelled out, hard and clear, what was required for victory. Beyond the armies and the aircraft and the navy, England needed the day-to-day perseverance and resourcefulness of all its citizens.

Just so in our combat against crime government must also do its part, I am sure Minnesotans want to express their appreciation to Attorney General Douglas Head, Commissioner Paul Keve, Associate Justice James Otis, and Associate Justice Walter Rogosheske, for the long and difficult hours these public servants gave as the members of the Governor's Crime Commission. Their excellent leadership is one of the reasons the Commission's Report is

such an outstanding blueprint for action.

I call on all agencies of the Executive, Legislative and Judicial branches and all levels of government for higher levels of performance. But when the best possible levels have been attained, the outcome will still depend on the vast majority of our people.

Minnesota's program for combatting crime includes federal funding, state and local funding, action and planning; it calls up all the resources of the police, the courts, the correctional agencies and the community. It will seek support from the behavioral sciences and sociology. It must mount a coordinated offensive against the vast social illness of criminal conduct.

But one more thing is needed for victory . . . to summon our people and to enlist them for the duration of the battle. We all must move ahead . . . not in the hope of instant victory . . . but in the patient commitment for a long struggle.