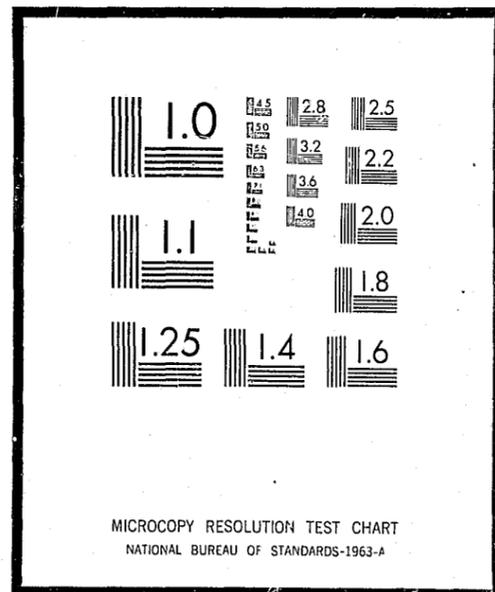


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Committee on the Office of Attorney General

ORGANIZED CRIME PREVENTION COUNCILS

September, 1973

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PREFACE

This Report on Organized Crime Prevention Councils is one of a series of studies by the Committee on the Office of Attorney General concerning state action to combat organized crime. Two other reports, Organized Crime Control Units and Organized Crime Control Legislation were published in 1972; these will be updated and reissued late this year.

These reports are intended to assist Attorneys General and other officials who are considering establishing programs to combat organized crime. They are also intended to assist in evaluating existing programs, by providing comparative information on other states and by analyzing the components of such programs.

This study is financed by a grant from the Law Enforcement Assistance Administration. The fact that LEAA is furnishing financial support for the project does not necessarily indicate its concurrence in the statements or conclusions herein.

LIST OF APPENDICES

- Appendix A: Georgia Organized Crime Prevention Council
- Appendix B: An Executive Order to Establish the North Carolina Organized Crime Prevention Council
- Appendix C: Georgia Organized Crime Prevention Council Organized Crime Questionnaire
- Appendix D: Virginia State Crime Commission Organized Crime Detection Task Force

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ESTABLISHMENT OF COUNCILS

1. ESTABLISHMENT OF COUNCILS

Many states have established organized crime prevention councils as part of their efforts to combat organized crime. The Omnibus Crime Control and Safe Streets Act defined "state organized crime prevention council" as:

...a council composed of not more than seven persons established pursuant to the State Law or established by the chief executive of the State..., which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.¹

The Committee on the Office of Attorney General of the National Association of Attorneys General has been conducting an ongoing study of organized crime control programs. An extensive analysis of organized crime was included in the 1971 COAG report, The Office of Attorney General. Detailed reports were published in 1972 on Organized Crime Control Legislation and Organized Crime Control Units.

In June, 1972, COAG published a draft report on Organized Crime Prevention Councils. This was based primarily on questionnaires to existing councils, which were circulated through Attorneys General's offices. This report is a revision and expansion of that draft. It is based primarily on a questionnaire circulated in April, 1973. Related materials, such as draft applications and reports, have also been used.

This analysis is necessarily limited by the fact that most councils are only one or two years old. The oldest were formed in 1969. Thus, there is not a great deal of experience to be analyzed. Both the activities and the impact of councils are limited by the short time they have been in existence.

Purpose of Councils

The President's Commission on Law Enforcement and Administration of Justice, after its comprehensive study of the nation's criminal justice needs, found that "the greatest need is the need to know."² This need is particularly apparent in the field of organized crime.

Most states acknowledge that information on organized crime activities within their borders is inadequate, although such activities do exist. Virginia's state criminal justice plan for 1969 was typical in reporting that:

Due to the present structure and fragmentation of law enforcement agencies within the state, there is little knowledge of the presence and scope of organized crime activities...However, within many of the state's metropolitan areas the illegal activities of numbers games, commercialized prostitution, traffic in narcotic drugs, and bootlegging of whiskey are evidence that organized crime has a foothold in these areas even though it is not always acknowledged and classified as organized crime by the local officials and by the public.³

ESTABLISHMENT OF COUNCILS

The New Mexico Governor's Council on Criminal Justice Planning said that:

There is very little systematic information available today about the nature and extent of organized crime in New Mexico... The initial step needed to be undertaken is to gather reliable information about the nature, extent, organization and locations where organized crime is active today and likely to come into operation within the next several years.⁴

These comments are typical of those found in state studies. Virginia is among the states which have helped meet "the need to know" by establishing an organized crime prevention council. New Mexico created a council in August, 1972. In March, 1973, this was reconstituted as the Governor's Organized Crime Prevention Commission.⁵

The Organized Crime Programs Division of the Law Enforcement Assistance Administration, United States Department of Justice, published The Role of State Organized Crime Prevention Councils to assist states in forming such councils. That publication, which is referred to frequently herein, called the organized crime prevention council "one of the most useful tools available to a state in developing and implementing a comprehensive strategy against organized crime."⁶ LEAA has recommended that even those states which do not have a serious organized crime problem should form such a council.⁷

In those states which do not have an acknowledged organized crime problem, councils fill a vital need in defining the extent to which such crime exists. They can help prevent the gradual and unnoticed incursion of organized crime elements into a state. If action programs are needed to combat organized crime, the council can formulate recommendations accordingly and can help create the climate of public opinion requisite to their adoption.

In states which have ongoing programs to combat organized crime, councils serve other purposes. They can coordinate existing programs and help the criminal justice planning agency define needs. They should have a monitoring capability in regard to other programs.⁸ A LEAA publication points out that certain steps are essential to any organized crime control program:

The process [of] ...establishing long range goals and priorities, developing programs (and alternatives) consisting of projects to meet the goals, establishing "milestones" to measure program implementation, and developing means to determine the impact of the program on the overall problem, is essential regardless of the seriousness of the problem or the nature of the effort.⁹

An organized crime prevention council can ensure that these steps are taken.

Existing councils have been created in recognition of the need to learn more about a state's organized crime problem and to develop action plans. They usually result from preliminary exploration of the problem.

The history of Wyoming's council appears to be typical. The Wyoming state criminal justice planning agency voted in June, 1970 to invite a recognized expert to address the agency on organized crime. Accordingly, an expert on the subject spoke to the agency's October meeting. The State Drug Investigator, the United States Attorney for Wyoming, and many members also contributed information. The Attorney General, as Chairman of the agency, named some members to a Special Task Force on Organized Crime. The Task Force held several meetings and concluded that an organized crime problem existed in Wyoming. An Executive Order creating the council was issued in March, 1971, pursuant to a meeting with the Governor. In June, the Attorney General submitted to the state criminal justice planning agency a request for \$26,000 to fund staff. This was awarded and the council became operative.¹⁰

Most other councils have a similar history. They have been created to explore a state's organized crime problem, on the initiative of the Attorney General in most cases. Fiscal support has subsequently been obtained from LEAA for most councils, although some are not funded. All councils have been established within the last few years.

2. STATUS OF COUNCILS

The report on Organized Crime Prevention Councils issued in 1972 by the Committee on the Office of Attorney General identified organized crime prevention councils in thirteen states. It was recognized that this list might be incomplete. To update this, COAG wrote to council directors or to Attorneys General's offices in April, 1973 enclosing a questionnaire. It was requested that the questionnaire be referred to the appropriate person for completion if the jurisdiction had such a council.

Replies were received from forty-three states. Where no reply was received, it is assumed that the 1972 data are still valid. This information indicates that seventeen states have organized crime prevention councils. Three additional states had such councils but have discontinued them. Six states were currently considering establishing councils. This information was reported to COAG at various dates, from April through September, 1973; there may be changes in the status of some councils since these reports.

Existing Councils

Existing organized crime prevention councils are listed below, along with the authority for and date of their establishment.

Arizona. Organized Crime Prevention Council. (A state-level task force of the Arizona State Justice Planning Agency).

Georgia. Organized Crime Prevention Council. (Executive Order, September, 1970).

Indiana. Organized Crime Prevention Council. (Executive Order, July, 1971).

Maryland. Commission on Law Enforcement and the Administration of Justice, Special Committee on Organized Crime. (Created by the Commission in 1971; did not respond to 1973 questionnaire, not known if it is still in existence).

Massachusetts. Organized Crime Prevention Council. (July, 1973).

Michigan. Organized Crime Prevention Council. (Executive Order).

Minnesota. Organized Crime Prevention Council.

Montana. Has tentatively been awarded a grant to establish a council, pending the availability of state matching funds.¹¹

Nevada. Organized Crime Prevention Council. (Executive Order).

New Mexico. The Governor's Organized Crime Prevention Commission (created by statute in March, 1973 replacing the Organized Crime Prevention Council, which had been established in August, 1972).

North Carolina. Organized Crime Prevention Council. (Executive Order, May, 1971).

Ohio. Organized Crime Prevention Council. (Executive Order, December, 1971).

Oklahoma. An LEAA grant has been awarded to establish a council.¹²

Oregon. Governor's Commission on Organized Crime. (Executive Order, July, 1971, did not respond to the 1973 questionnaire, but it is presumed that it is still in existence).

Texas. Organized Crime Prevention Council. (Executive Order, March 7, 1970).

Virginia. State Crime Commission. (Formed as a Task Force of the State Crime Study Commission; established on a permanent basis by the 1972 General Assembly).

Wyoming. Organized Crime Prevention Council. (Executive Order, April, 1972).

A few jurisdictions report that they have bodies that have functions similar to those of an organized crime prevention council.

Guam. Territorial Crime Commission Board, apart from its specific task of acting as the supervisory body to the commission staff delegated to implement the Omnibus Crime Control and Safe Streets Act of 1962, does have powers which can enable it to function as an organized crime prevention council.¹³

Four states (Illinois, New Jersey, New York and Pennsylvania) have organized crime investigating commissions. These, however, are not considered prevention councils, as their primary role is to investigate criminal activities. Unlike prevention councils, they usually have subpoena power and hold formal hearings.

A December, 1972 report, Organized Crime Control Units, showed that nineteen states have combined organized crime investigative-prosecutive units and sixteen states have organized crime intelligence units which do not have prosecutive responsibility. These are not considered prevention councils, although they obviously exercise some related functions.

In addition to state councils, some localities have established similar groups. The Chicago Crime Commission is a private organization sponsored by business and by contributions from the public. It does some surveillance work, and publishes a periodic bulletin designating businesses in the area that have been infiltrated by organized crime. New Orleans has a Metropolitan Crime Commission which deals with organized crime problems.

Inactive Councils

The following states established councils, but they have been discontinued or are presently inoperative.

Delaware. Commission on Organized Crime was established by Executive Order in 1970, but is presently inoperative.¹⁴

Idaho. Organized Crime Prevention Council was established by Executive Order in November, 1970. It is not anticipated that the Council will operate in the 1973-74 fiscal year because of a lack of funds.¹⁵

STATUS OF COUNCILS

Iowa council officially began activities in May, 1972, after operating informally for over a year. It was awarded a \$170,500 LEAA grant, but the grant was returned and the commission is no longer in existence.¹⁶

Councils Under Consideration

The following states indicated to COAG that they were considering establishing councils.

Colorado does not have an organized crime prevention council, but was planning to create an advisory council to the Department of Law's existing investigation and prosecution unit.¹⁷

Florida considered establishing an organized crime prevention council,¹⁸ but apparently has not yet done so. A Special Counsel in the office of the Governor, however, works with problems of organized crime control.

Maine reported to COAG in 1972 that it was planning to establish a council, but no action apparently has been taken.¹⁹

The Rhode Island Attorney General has tried repeatedly to have a council organized, but has not yet been successful.²⁰

Some states considered the possibility of establishing a council, but did not do so.

Hawaii considered establishing a council, but "the proposal did not reach fruition."²¹

California did an informal survey concerning a council and, as a result, decided not to establish one.²²

Missouri had a Task Force on Organized Crime, which was created pursuant to recommendation of the Attorney General. The Task Force conducted a year-long study, then went out of existence; no council has been created.²³

South Dakota's Division of Criminal Justice Planning, which is in the Attorney General's office, included an organized crime prevention council in its 1972 Plan for the Criminal Justice Commission. However, part of this funding was used for a special organized crime program. The Legislature at that time did not make it possible for matching funds to be appropriated for that specific purpose, so the funding was diverted to other purposes. The organization of a council has been delayed primarily because of the low incidence of organized crime in the state.²⁴

Utah had an Interagency Planning Committee on Organized Crime, which was established as a short-term group then went out of existence. One of the Committee's recommendations was that an ongoing organized crime prevention council be established at the state level.²⁵

The following states reported to COAG that they did not have an organized crime prevention council and did not indicate that they were considering one: Alaska; Arkansas; Kansas; Kentucky; Louisiana; Nebraska; New Hampshire; New York; South Carolina; North Dakota; Vermont; West Virginia; and Wisconsin. Many of these, however, have investigative units or other organized crime control programs.

STATUS OF COUNCILS

It is significant to note that the number of organized crime prevention councils is increasing constantly. Most existing councils were not formed until 1971 or 1972. One came into being a few months ago. This indicates that a growing number of states are finding this to be a useful approach to crime control. It is also significant to note that several councils became inoperative or went out of existence after a brief period. This could be due to a number of factors, and adequate information is not available to show why they were discontinued.

3. MEMBERSHIP AND MEETINGS

The effectiveness of a council depends to a great extent on the qualifications and interest of its members, and on the efficiency with which its meetings are structured. This Chapter examines some of these considerations.

Membership Standards

The Safe Streets Act sets the maximum council membership at seven persons. Members are to be "broadly representative" of law enforcement officials, and "knowledgeable in the prevention and control of organized crime."

L.E.A.A.'s publication on organized crime councils provides additional standards. In regard to police, it says that: both state and local police agencies should be represented; police members should have at least five years experience, with much of it devoted to organized crime intelligence work; and no more than two police officials should be from the same city. Prosecutors selected to serve on the council should be full-time, preferably from the units with the largest populations, and should have extensive experience with organized crime cases. Prosecutors may, however, be federal, state or local.²⁶

L.E.A.A. points out that council membership need not be restricted to police and prosecutors, but may include attorneys, accountants, academicians or criminologists who have expertise in organized crime control. Crime commissions, the clergy, business, private foundations and the media "have highly experienced, imaginative people who are in a position to make substantial contributions to council programs." The state planning agency's organized crime specialist probably should be included as a member or adviser, to ensure coordination. The handbook suggests selecting persons who also have expertise which would be helpful in initiating or improving programs, such as experience in training, research, and community development. Finally, "the council should also be composed of individuals who can work closely together despite organizational differences."²⁷

Another necessary consideration is security, to ensure that persons involved in organized crime do not have access to the council's information and plans. One state, New Mexico, even provides by law that persons appointed to its council shall "be of unquestioned integrity" and be given a security clearance by an agency designated by the Governor. Massachusetts is among the states which specify in their grant applications that each council member will be given a security check prior to selection.

Appointment and Terms

The Governor appoints council members in most states for which information is available, with a few exceptions. In Maryland, the council is a committee of the Governor's Commission on Law Enforcement and the Administration of Justice, and the Commission Chairman appoints the committee. In Arizona, members are appointed by the Chairman of the Arizona State Justice Planning Agency Governing Board with the concurrence of the Board and the Governor. Idaho's council, which is no longer operative, was appointed by the Attorney General.

The Virginia State Crime Commission was established by law and consists of three members appointed by the Governor, three appointed by the Privileges and Elections Committee of the Senate from the Senate membership, six appointed by the Speaker of the House of Delegates from the membership thereof, and the Attorney General, who serves ex-officio.

New Mexico's Organized Crime Commission was also established by law. The statute provides that members shall be appointed by the Governor, with the advise and consent of the Senate, for four-year staggered terms.

TABLE 1. MEMBERSHIP OF COUNCILS

Arizona	6 members: Attorney General (Chairman); Director of Department of Public Safety; 2 metropolitan police chiefs; 1 sheriff; 1 metropolitan prosecutor.
Delaware**	Private attorney (Chairman); Attorney General; banker; judge; Chairman of Delaware Agency to Reduce Crime; Governor's legal counsel, heads of major law enforcement agencies; U.S. Attorney.
Georgia	7 members: Metro Crime Commission executive (Chairman); 1 member of House of Representatives; 1 state police official; 3 city police officials; 1 municipal prosecutor.
Idaho**	7 members: Attorney General (Chairman); 1 prosecuting attorney; 2 chiefs of police; 1 sheriff; State Commissioner of Law Enforcement; 1 state Senator; (plus 4 advisory members including the Director of the state criminal justice planning agency, Deputy Attorney General, organized crime investigator, and resident FBI agent).
Indiana	7 members: Superintendent of State Police (Chairman); Attorney General; 2 local prosecutors; 1 bank president; Chairman of state Criminal Justice Council; member of research or academic community, with expertise in organized crime, to be appointed.
Maryland	7 members: Secretary of Public Safety (Chairman); Deputy Secretary of Public Safety; 1 state's attorney; 1 city police commissioner; Superintendent of State Police; Regional Director, Federal Bureau of Narcotics and Dangerous Drugs.
Massachusetts	7 members: Attorney General (Chairman); Commissioner of Public Safety; Commissioner of Boston Police; 2 district attorneys, Director of New England Organized Crime Intelligence System; Director of the Governor's Public Safety Commission.
Michigan	7 members: Superintendent of State Police (Chairman); Attorney General; 2 metropolitan prosecutors; 1 metropolitan police commissioner; 1 police chief; 1 criminal justice planning agency staff member.

TABLE 1. MEMBERSHIP OF COUNCILS

Minnesota	5 members: Attorney General (Chairman); superintendent of state crime bureau; 2 deputy chiefs of metropolitan police forces; 1 metropolitan prosecutor.
Montana***	7 members: Attorney General (Chairman); 2 police chiefs; 1 county attorney; 1 district judge; 2 private citizens (one an attorney).
Nevada	(membership not reported)
New Mexico	7 members, all private citizens: 1 investment counselor; 2 attorneys; 1 college president; 1 newspaper publisher; 1 banker; seventh position currently open.
North Carolina	7 members: Attorney General (Chairman); 1 sheriff; 1 solicitor (district attorney); 2 private attorneys; 1 businessman; Director of State Bureau of Investigation.
Ohio	7 members: Attorney General; 1 county prosecutor; 1 municipal safety director; 1 state departmental director; 1 local police official; 1 private attorney; 1 corporate legal counsel.
Oregon*	7 members: Attorney General (Chairman); 1 district attorney; 1 city police chief; 1 sheriff; Superintendent of State Police; law enforcement agency representatives from two areas. The U.S. Attorney and special agents in charge of the FBI and IRS for Oregon serve <u>ex officio</u> .
Texas	7 members: Attorney General and Director of Department of Public Safety (Co-Chairmen); 2 metropolitan police chiefs; 3 metropolitan prosecutors.
Virginia	13 members: 3 state Senators (one of whom is Chairman); 6 members of state House of Representatives; Attorney General; 1 minister; 1 business executive.
Wyoming*	7 members: Attorney General (Chairman); 1 state Senator; 1 U.S. Attorney; 1 city manager; 1 county attorney; warden of state penitentiary; administrator of state criminal justice planning committee.

* based on 1972 information; no response to 1973 questionnaire.

** The Delaware and Idaho councils were inoperative as of May, 1973.

*** Montana has been awarded a grant contingent upon matching funds.

MEMBERSHIP AND MEETINGS

The following summary shows the number of states in which various types of officials serve on the organized crime prevention council, and the total number of such officials on the council. These figures are for the sixteen states for which information is available.

There is considerable variation in the composition of these councils. They range from states like Massachusetts, where all members are state or local officials, to New Mexico, where all members are private citizens. The merits of the first approach are stated in the Massachusetts grant application: "The members represent the principal investigative, intelligence and prosecutive arms dealing with organized crime. It is balanced between State and local officials and all members have more than five years experience in law enforcement with substantial expertise in organized crime." The merits of the second are that "the membership could be characterized as representing a cross section of concerned New Mexico citizenry."²⁸

	Number of States	Number of Members
Local prosecutors	14	19
Attorney General	13	13
City police	11	20
State police	10	10
Private citizens	7	20
State planning agency	5	5
State legislators	4	12
Federal officials	5	5
Sheriffs	4	4
Judges	2	2
Prison officials	1	1
Others	--	11

Some states specify that certain officials may designate someone to serve instead. As recommended by LEAA, most councils include both police and prosecutors. Both state and city police are represented on eight councils. Of a total of one hundred and fifteen members, about one-fourth are police.

Attorneys General serve on councils in all states except Georgia, Maryland and New Mexico. In at least two states, a member of the Attorney General's staff also serves on the council.

About half the states include one or more private citizens on the council. In New Mexico, the Commission membership is composed entirely of private citizens. In other states, the citizen representatives vary greatly as to background. They include bankers, a corporate legal counsel, a minister, and businessmen. The Executive Order creating Indiana's council specified that the citizen member must be "familiar with the threat of organized crime and knowledgeable of the methods useful in its control."

There is a high ratio of members from metropolitan areas, which presumably have the highest incidence of organized crime. Arizona's seven-man council, for example, includes the police chiefs of the state's two largest cities and the prosecutor of a metropolitan county. Georgia's seven-member council includes law enforcement officers from the state's four largest cities, and is chaired by an executive of the Metro Crime Commission.

MEMBERSHIP AND MEETINGS

Federal officials serve on five councils. Three councils include U.S. Attorneys; one includes an Internal Revenue Service representative; and two have FBI agents. One council includes a representative of the Bureau of Narcotics and Dangerous Drugs.

In summary, most councils are made up of state and local law enforcement officials, with some including federal officials and a larger number including private citizens. Most councils are still too new to evaluate the effect of the choice of members on the council's achievements. Obviously, however, the calibre of members is critical to a council's success. The Director of Georgia's Organized Crime Prevention Council, which has an outstanding record of accomplishment, points out that council members must be willing to devote some time to council activities, and that such participation is "a good way to insure avoiding problems."²⁹

Chairmen

L.E.A.A.'s guidelines say that each council should have a chairman, and a vice-chairman to serve in the chairman's absence. L.E.A.A. notes that the appointing authority may select the officers or allow the council to elect them.³⁰

The council chairman is selected by the Governor in eleven states (Arizona, Delaware, Idaho, Indiana, Michigan, Minnesota, North Carolina, Ohio, Oregon, Rhode Island and Texas). He is elected by the membership in five states (Georgia, Maryland, Nevada, Virginia and Wyoming).

The Attorney General is Chairman of over half the councils (Arizona, Idaho, Massachusetts, Minnesota, Montana, North Carolina, Oregon and Wyoming) and is co-chairman of the Texas Council. The Georgia Chairman is Assistant Director of the Metropolitan Atlanta Commission on Crime and Juvenile Delinquency. A member of the State Senate chairs the Virginia Council. Maryland's Chairman is the Secretary of Public Safety and Corrections. The State Police Chief serves as chairman in Indiana and Michigan. Information is not available on the other states.

Meetings

The LEAA handbook said that it was important that a regular meeting schedule and business agenda be established. It suggested that councils meet at least six times a year.³¹ Information reported to COAG indicates that most councils did not meet this often. The Georgia council met 12 times in 1972; Michigan, 13 times; Indiana, 10 times; Virginia, 9 times; North Carolina, 6 times; Ohio, 5 times; Arizona and Minnesota, 4 times; Texas, twice; and Rhode Island, 1 time. A minimum number of meetings may be set when the council is created; the Executive Order creating the Indiana Council, for example, calls for at least four meetings a year.

States reported from 60 to 100 percent attendance at meetings. Of twelve states furnishing this information, four reported 100 percent attendance; one, 90 percent attendance; two, 80 percent; three, 70 percent; and two, 60 percent attendance. The states with 100 percent attendance (Minnesota, Nevada, New Mexico and Texas), hold only two or four meetings a year.

Some councils close their meetings to members of the public and the press, while others do not. All meetings are closed in Arizona, Idaho, Indiana, Minnesota, New Mexico, Ohio and Texas. All are open in Nevada and Rhode Island, and some are open in Georgia, Michigan, North Carolina and Virginia. Closed meetings would appear to be necessary occasionally, when confidential matters were being discussed.

A majority of councils (Georgia, Idaho, Indiana, North Carolina, Ohio, Texas, Virginia and Wyoming) pay members expenses for attending meetings. Nevada and New Mexico also pay per diem.

The By-Laws adopted by Georgia's Organized Crime Prevention Council are given in Appendix A. L.E.A.A. suggests that councils should keep Minutes, establish voting procedures, require periodic reports, and provide such rules and by-laws as are necessary to the orderly conduct of council business.³² The Georgia By-Laws have been adopted by several other states, with appropriate modifications; they meet the L.E.A.A. standards. The Georgia Council holds regular monthly meetings and keeps minutes of these meetings on file in its office.

Subcommittees

A few organized crime prevention councils report significant use of subcommittees. The Executive Order establishing the Texas Council directed it, at its first meeting, to appoint an operating committee "of appropriate size from appropriate locations" to perform its principal functions. The operating committee was then directed to create the following planning subcommittees: personnel training and equipment; intelligence; legal and legislative; operations; and public education. The chairman of each planning subcommittee was directed to call such meetings and make such work assignments as might be necessary so that he could make recommendations. A special directive was prepared for each subcommittee, listing the topics on which recommendations should be made.³³

Virginia's Crime Commission has divided its members into the following subcommittees: funding; selection of staff; studies and other priorities; NSSL seminar; law enforcement; studies of corrections system; study of services to youthful offenders; study of compensation of law enforcement officers; and legislation. Indiana did not use subcommittees initially, but has recently formed subcommittees on legislation, security and training. Massachusetts' council will establish working committees in major policy areas, including the following: (1) defining organized crime in the state; (2) program development; (3) coordination of activities.

While provisions for meetings, minutes, and subcommittees will vary from state to state, it is obvious that specific procedures will facilitate orderly attention to problems and best use of members' time. These matters are one reason why it is desirable that a council have its own staff, to serve as secretariat as well as carry out its programs.

4. STAFF RESOURCES AND FUNDING

Members of the council usually have full-time responsibilities and can devote only a limited amount of time to its activities. A supporting staff is necessary if the council is to prepare reports, collect data, and coordinate activities of other agencies. In turn, funding is necessary to support the staff.

Council Staff

The table below shows the number of full-time and part-time staff members. Of the states for which information is available, Arizona, Delaware, Idaho, Maryland, Michigan and Nevada have no full-time staff members. Massachusetts and Minnesota recently received LEAA grants that will fund full-time staff, but the staff has not yet been selected.³⁴

TABLE 2. NUMBER OF STAFF MEMBERS

	Professional	Clerical/Stenographic
Arizona	2 part-time	1 part-time
*Delaware	0	0
Georgia	1 full-time	1 full-time
*Idaho	1 part-time	1 part-time
Indiana	1 full-time, 1 PT	2 full-time
*Iowa	2 full-time	1 full-time
Maryland	0	0
Michigan	0	0
Nevada	0	0
New Mexico	3 full-time	3 full-time
North Carolina	1 full-time	1 full-time
Ohio	4 full-time, 1 PT	2 full-time
Virginia	2 full-time	1 full-time

* Inactive or discontinued councils.

Georgia, Indiana, New Mexico, North Carolina, Ohio and Virginia each have at least one full-time professional staff member and one clerical employee. In addition to a full-time Director, Indiana has one part-time research assistant, one full-time administrative assistant, and one part-time liaison man from the State Police Organized Crime Unit. New Mexico has three full-time investigators, one full-time attorney, two full-time clerical employees, and one full-time special assistant to the Director. Arizona's council is assisted by a member of the Attorney General's staff on a part-time basis. In addition, staff services are provided by the Arizona Department of Public Safety and the Arizona State Justice Planning Agency. Ohio has two full-time and one part-time attorneys, two clerical employees and one investigator.

The staff may be attached administratively to an existing state agency. The Executive Order creating the Wyoming Council directed the Attorney General, with the cooperation of the state criminal justice planning agency, to furnish necessary staff assistance. Executive Orders in Georgia, Indiana

and Texas directed the state planning agencies to furnish staff.

The Council usually appoints a director, who appoints subordinate staff. Several states report that staff are appointed by the director, with approval of the council. In Texas, the Criminal Justice Council recommends a director, who is appointed by the Governor. In Virginia, all staff members are appointed by the Commission.

Qualifications and Training

The qualifications for an effective organized crime prevention council director were well stated in a letter from an official of the Massachusetts Governor's Public Safety Committee, which was attempting to fill such a position:

We are looking for an executive director who has had considerable experience either in the investigative or prosecutorial aspects of organized crime, and who would be comfortable working in a bureaucratic setting with the central task of co-ordinating the various fragmented enforcement activities that exist in this field. He should also be able to secure the cooperation of state and local officials in working toward a common course of action in organized crime control...we are looking for someone capable of assuming a planning and coordinating role who still has an understanding of the enforcement dimensions of an organized crime effort.³⁵

Security is obviously another essential qualification; this is probably one reason why a relatively large number of former FBI and IRS agents are working in organized crime prevention and control units. Not only is their security unquestioned, but they are not likely to leave these positions to go into other employment, after having access to confidential information.

Information is available on the prior experience of seven directors. Four of these had previous law enforcement experience. One had served 27 years with a metropolitan police force, part of that time as chief. One had served 29 years with the FBI and a third 24 years with the IRS. Another was formerly the Deputy Chief of a federal Organized Crime Strike Force. A fifth director had some related experience, having served 2 years as an organized crime specialist on the staff of a state criminal justice planning agency. One director had been an Assistant Attorney General for two years. The seventh director is a retired military officer.

The desirable qualifications of staff would depend somewhat on the composition of the council. The Executive Director of New Mexico's Governor's Organized Crime Prevention Commission points out that the Commission membership "could be characterized as representing a cross-section of concerned New Mexico citizenry." The staff, however, "is composed of professionals who provide a broad range of in-depth experience and expertise."³⁶ If the council were composed primarily of experienced law enforcement personnel, similar experience on the part of the staff would be less essential.

No councils report that their staff members undergo formal training. Most participate, however, in some organized crime conferences. In addition

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to national conferences, funded by LEAA, there have been a number of state seminars on organized crime control.

Some gave detailed information on conferences attended by council staff. Five states reported that some staff attended one of the 10-day organized crime training conferences sponsored by LEAA. Four of these also attended an organized crime seminar sponsored by an agency in their own state: the state police in two states, the state bureau of investigation in one state, and the council itself in another.

The Georgia Organized Crime Prevention Council held a conference for organized crime prevention councils in the Southeastern states. The conference was held July 27 and 28, 1972, in Atlanta. Forty-three conferees attended, representing eight states. The primary purpose of the conference was to highlight the activities of prevention councils.³⁷

Indiana's Organized Crime Prevention Council plans to hold a nationwide conference on organized crime prevention councils. This will probably be held in the spring of 1974. The Council has applied for an LEAA grant to help fund the conference.³⁸

Use of Consultants

The use of consultants is increasing. In 1972, only two councils (Idaho and Ohio), reported to COAG that they had or planned to employ consultants. In two other states (Oregon and Virginia) the council Directors were employed on a contract basis, so could have been termed consultants.

In 1973, five of the reporting councils said that they had hired consultants. Indiana reports using consultants twice: private firm was awarded \$4,370 to develop a system for public education regarding organized crime and Indiana University was given \$5,872 to survey organized crime related activity in 1,300 selected businesses in the state. Michigan contracted with a consultant firm, for \$28,895, to survey all organized crime control agencies in the state and to propose alternative strategies for program continuation. In Idaho, a consulting firm gave lectures at three seminars in the state and a nationally-recognized expert spoke to a council meeting. In Ohio, the council contracted with a firm for \$22,022 to help conduct a statewide organized crime training conference. Virginia reports that individuals were hired on a temporary basis to conduct a study of organized crime activities in the state.

Budgets and Funding

Annual budgets of organized crime prevention councils are given in Table 3. 1971-72 figures are given for Oregon and Wyoming, which did not reply to COAG's 1973 questionnaire. Michigan's council is part of the state criminal justice planning agency and is not budgeted separately; this apparently is also the case is Nevada.

These budgets range from \$23,300 in Wyoming to \$142,784 in New Mexico. As would be expected, over half the budget goes for persommel in most

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states. Most councils also have a large travel budget. This is necessary to allow personnel to attend training conferences and to exchange information with other states. The aggregate amount spent for councils would constitute a very small fraction of the amount spent for organized crime control, but could be helpful in assuring that the larger amounts were spent constructively.

Funds for these councils comes primarily from LEAA funds, either discretionary or block grants, and state matching funds. While all states must meet the federal requirements for matching funds, some contribute considerably more. In Virginia, for example, the crime commission's \$65,000 annual budget includes \$35,000 of state funds.

TABLE 3. ANNUAL BUDGETS, ORGANIZED CRIME PREVENTION COUNCILS (1972-73 FY)

State	Person. & Consult.	Supplies & Expenses	Equip.	Travel	Other	Total
Arizona	(none)	(none)	(none)			
Georgia	\$ 23,878	\$ 2,948	\$ 913	\$ 3,513	\$ 11,000 ²	\$ 42,252
Indiana	65,679	7,829	3,630	3,390	22,015	102,543
Mass.	72,500	1,000	4,500	1,000		79,000
Minnesota						
Montana ⁴	41,160	3,220	2,469	7,568		54,417
New Mexico	115,539	1,200		14,330	11,715	142,784
N. Carolina	17,997	222	746	2,669	2,229	23,863
Ohio	33,333	2,800		13,385	5,128 ³	54,646
Oregon ¹	38,801	1,730	2,100	3,930		46,561
Texas	26,076	4,247	512	11,316		42,151
Virginia						65,000
Wyoming ¹	18,180	500	4,000	2,620		25,300

¹Figures for 1971-72 Fiscal Year.

²Georgia "other": \$10,000 training; \$1,000 overhead.

³Ohio "other": rent.

⁴Figures from grant application.

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COAG's questionnaires asked councils to describe any anticipated changes in the source of funds or budget for the 1973-74 Fiscal Year. Several states reported that they expected budget increases. Indiana anticipated more funds to provide for a larger staff. New Mexico expected an increase for travel, and possible inclusion of money to purchase autos. The councils that gave the anticipated source of future funds mentioned LEAA block grants as the primary source. It would be expected that the states gradually would assume an increased share of councils' costs.

FUNCTIONS AND DUTIES

5. FUNCTIONS AND DUTIES

The functions of an organized crime prevention council are defined by the statute or executive order which creates it, and by its subsequent activities. In the limited time they have been operative, existing councils show considerable variation in the scope and emphasis of their work.

LEAA Standards

The L.E.A.A. publication on organized crime prevention councils describes functions which are characteristic of organized crime prevention councils. These are summarized below.

(a) Defining the organized crime problem: The council has "the difficult job of defining the organized crime problem posed within a state's borders"; this also involves convincing individuals and agencies that organized crime is a real problem.

(b) Developing programs to combat organized crime: "In large measure this would relate to planning and establishing priorities for organized crime programs included in a state's comprehensive law enforcement plan."

(c) Coordinating programs to combat organized crime: the council could "report on the results of organized crime programs, suggest and monitor modifications of existing programs, and assist in resolving jurisdictional disputes."

(d) Encouraging programs to combat organized crime, such as: the development of internal security systems; research into the structure and operation of crime; liaison between federal, state and local officials; regular meetings with councils of other states; recruiting persons knowledgeable in organized crime; training programs for law enforcement officers; a methodology for selecting organized crime targets; equipment pools for law enforcement units; and preparing "white papers" on the subject of organized crime.

(e) Maintaining close relationships with the state criminal justice planning agency.³⁹

Functions of Existing Councils

These functions, generally, are exercised by existing councils. The Executive Order creating the Georgia Organized Crime Prevention Council directed that:

...the Council shall not have investigative authority, but shall have as its major purpose the development and coordination of strategies and plans to attack and control organized crime, with the immediate goal to encourage and develop improved intelligence resources...Additional goals are research projects into the structure and operations of organized crime, the intelligence process as it relates to organized crime controls, personnel recruitment and training of prosecutors, intelligence and investigation specialists and development of internal security systems....⁴⁰

After the Georgia Council had been in existence for a year, its Director lists its chief accomplishments as: creating a state intelligence network; funding for a full-time director; securing funding for additional personnel for the state bureau of investigation; initiating training sessions for intelligence agents; preparing the first confidential summary of organized crime in Georgia; publishing the first bi-monthly confidential report for "need to know" officials.⁴¹ Thus, in just one year, the council made substantial progress toward its goals.

The Executive Order setting up Oregon's council used much the same language as Georgia's. The Executive Order setting up the Wyoming council used part of this wording, and the Minutes of that council's first meeting give a more specific outline of this mandate:

...the initial function of the Council should be to determine the profile and scope of organized crime activities in Wyoming...A second objective was to develop mechanisms for intelligence and control of organized crime. This would include staff efforts as well as possible need for legislative changes...A final objective identified was the need for the development of programs designed to assist local agencies in upgrading capabilities and intelligence.⁴²

The Texas Council was directed by Executive Order "To develop a comprehensive plan for the suppression of any organized crime existing in Texas now and to prevent its future encroachment in this State" and to coordinate law enforcement agencies in implementing an organized crime control plan.⁴³ North Carolina's Executive Order used substantially the same language; this is given in Appendix B of this report.

The grant application to fund Ohio's organized crime prevention council set the following goals: to develop a clear picture of organized crime in the state; to evaluate the cost and danger it represents; to describe conditions from which it breeds; to assess the capabilities of law enforcement agencies to deal with organized crime and to recommend ways to improve those capabilities; to develop a comprehensive plan to suppress any existing organized crime and prevent it in the future; and to develop effective means to increase public awareness of the organized crime problem.⁴⁴ Massachusetts application set similar goals, but also mentioned considering legislation "to provide better tools for law enforcement in its efforts to combat organized crime."⁴⁵

The Montana council apparently will emphasize public education and participation. The program's objective, as stated in the grant application, is "to stimulate and encourage participation and cooperation of state, county and city law enforcement agencies through the operation of the Organized Crime Prevention Council in educating the public to the menace of organized crime, and to encourage the involvement of groups and business organizations."⁴⁶

New Mexico's council will aim at establishing a statewide organized crime intelligence unit. The unit's objective is "to establish the capability to determine the nature and extent of organized crime, identify the major criminal organization and individual targets, and exchange and

disseminate intelligence data with other agencies."⁴⁷ To accomplish this, an intelligence system will be designed and state and local personnel will be trained in data collection and analysis.

Limits on Investigative Authority

The President's Commission on Law Enforcement and Administration of Justice recommended that states where organized crime groups were operating "should create and finance organized crime investigation commissions with independent, permanent status, with an adequate staff of investigators, and with subpoena power."⁴⁸ Several states have such commissions and others are considering establishing them. Organized crime prevention councils, unlike investigation commissions, are not intended to hold formal hearings. As LEAA points out, "the council should not function in terms of investigations or specific cases; that is, the council should not endeavor to supplant, supplement, or usurp the normal investigative function of state and local law enforcement agencies."⁴⁹

Of the states reporting to COAG, only two (New Mexico and Ohio) have full-time investigators. Only one (New Mexico) has subpoena power. The statute creating the New Mexico Governor's Organized Crime Prevention Commission authorized it to conduct private and public hearings and to petition a district court to subpoena witnesses, examine them under oath, and require the production of relevant records. The statute also authorizes the commission to grant immunity to witnesses. Such powers, however, are not given to other councils.

6. RELATIONSHIPS WITH OTHER AGENCIES

All councils report that they work closely with other governmental agencies. Most have established effective liaison with federal, state and local agencies, to permit effective exchange of information. Most councils also play an important role in planning and coordinating the state's organized crime control activities. In addition, the council may assist local law enforcement agencies in developing, operating, and funding programs.

Coordinating and Planning Activities

An LEAA report emphasized the coordinating role of organized crime prevention councils: "the council studies the problem, determines goals, establishes action plans, coordinates the law enforcement effort and monitors the status of organized crime on a continuing basis."⁵⁰ In response to a COAG questionnaire, Michigan said that "the council's primary activities have been to act as an advisory group relative to policy and funding of organized crime units which are supported by federal funds." The Director of the Georgia council says that "the coordinating role is the greatest role a council can perform."⁵¹ The coordinating function involves close and continuing relationships with other agencies.

In some states, the organized crime prevention council has been set up as a subsidiary of the criminal justice planning agency. This is true in Maryland, Texas, Oregon and Virginia. In Arizona, Delaware, Iowa, Ohio and Wyoming the administrator or chairman of the state planning agency serves on the organized crime council. Either arrangement ensures liaison between the two groups.

Oregon's application for LEAA funds said that the staff person to be employed by the Advisory Committee on Organized Crime:

will review materials supplied by the individual committee members, will conduct indicated inquiry of public and private agencies and sources and will analyze, coordinate and document the data for the committee in order that the committee may recommend to the Council pertinent action programs that should be implemented in the area of organized crime. In this manner the criminal justice planning council will have a definite data and information base to guide it in the future in this heretofore unknown field...⁵²

A council may help the state planning agency allocate funds. Georgia's Organized Crime Prevention Council asked the state criminal justice planning agency to earmark funds for organized crime control projects to be proposed or reviewed by the Council. This was done, and the council approved various projects requested by localities.⁵³ The Arizona council reviews all organized crime-related grant applications for LEAA funds. In Indiana, the council prepared the organized crime section of the state's 1973 action plan and wrote the related grant evaluation criteria.

Relationship with Federal Agencies

Relationships with the federal government appear generally good. Only two councils (Delaware and Michigan) said they had not contacted any federal agencies for assistance. The rest specified a number of agencies, which are listed below:

Alcohol, Tobacco and Firearms Division of IRS;
Bureau of Customs (Dept. of Treasury);
Bureau of Narcotics and Dangerous Drugs (Dept. of Justice);
Department of Labor;
Federal Bureau of Investigation (Dept. of Justice);
Immigration and Naturalization Service (Dept. of Justice);
Law Enforcement Assistance Administration (Dept. of Justice);
Organized Crime Strike Forces (Dept. of Justice);
Postal Service;
Securities Exchange Commission.

The requests to these agencies had been for intelligence information, consultation on programs, assistance in developing planning strategies, and providing speakers for training sessions. Cooperation was considered relatively good in most cases. In COAG's 1972 survey, one state also mentioned that staff of several Congressional subcommittees had advised on legislation. As noted earlier, representatives of federal agencies serve on several states' organized crime prevention council; this should facilitate coordination. Some of these agencies also conduct seminars or training sessions which council staff or members may attend.

Relationship with State and Local Agencies

COAG also asked councils to name the state and local agencies with which they work and to describe the type activity involved. Most report that they work with a number of agencies. Georgia said that the State Division of Investigation, Department of Offender Rehabilitation and Department of Revenue had assigned agents to the Intelligence Network, which is under the council's general supervision. The council also works closely with the sixteen metropolitan departments that make up the network. Arizona's council works with the Department of Public Safety, the state Organized Crime Strike Force, one county sheriff and two metropolitan police departments. Cooperation with these groups has been "excellent." The Indiana council is "intimately involved" with state and local units in planning and coordinating efforts. Contact is maintained with local enforcement agencies for the purpose of providing and acquiring information.

Michigan reports that regular working relationships with other agencies are not necessary, although council members maintain rapport with agencies on an individual basis. In Ohio, the council works with all state law enforcement agencies and with local narcotics units. North Carolina's council cooperates closely with the Department of Justice and with several state and local law enforcement groups. Virginia said that the State Crime Commission receives information when requested from all state and local agencies involved in the criminal justice system. The Wyoming council exchanges information with various state agencies.

RELATIONSHIPS WITH OTHER AGENCIES

Most councils reported specific instances of assistance to other agencies. This has most often taken the form of training, helping set up intelligence systems, and advising on programs.

In Arizona, the council advises the Attorney General's Organized Crime Strike Force concerning possible targets and its assistance to local agencies. It also conducted a statewide organized crime training seminar. Georgia's council has assisted several agencies: the state bureau of investigation in developing an intelligence program with LEAA funding; a metropolitan district attorney's office in developing a discretionary grant for organized crime control; and a metropolitan police department, by conducting an in-service training class on organized crime. The Georgia council has also conducted three training conferences for intelligence network agents and Georgia Bureau of Investigation agents. About seventy agents were trained in these sessions.⁵⁴

North Carolina's council recommended and helped establish an organized crime intelligence unit in the State Bureau of Investigation. It also assisted some police departments in their intelligence functions. The Texas council established a Texas Law Enforcement Intelligence Units Association. Ohio reports that a cooperative intelligence effort involving state and local units is being implemented, and that the council will hold both statewide and regional seminars.

Access to Other Agencies' Information

In addition to their own surveys, councils may be able to draw on data collected by other state agencies. All but one of the councils responding to COAG's questionnaire reported that their state had, or was developing, central organized crime intelligence files. In most cases, the council had limited access to such files. Georgia reported that the Division of Intelligence had files, to which the council had unlimited access. The North Carolina council reported unlimited access to the State Bureau of Investigation's files. New Mexico's council said there was a "good working relationship" with the state police, which maintained files, and there "should be a very useful exchange of information." Nevada was the only state to report that there was no central state intelligence file, due to insufficient qualified applicants to operate such a system.

Several councils said they had limited access to an intelligence system. In Virginia, the state police was developing an intelligence system and the council was "limited to the nature of such information, but not its source." The Texas council gets "limited statistical information" from the Department of Public Safety organized crime intelligence unit. In Ohio, access to intelligence files will initially be limited by the input agencies. In several states, the council's access to intelligence files is through an individual. In Indiana, a state police liaison officer divides his time between the council and state intelligence functions, to ensure coordination. Michigan's State Police director is a council member and makes intelligence data available to the council, on a "need-to-know" basis. In Arizona, the Department of Public Safety at the Attorney General's Organized Crime Strike Force maintains intelligence files; the council has no direct access to the files, but is briefed by the strike force.

RELATIONSHIPS WITH OTHER AGENCIES

Interstate Contacts and Cooperation

The COAG questionnaires asked for a brief description of any communications the council had with other states' organized crime prevention council during the past year. Four councils (Arizona, Michigan, Nevada and Virginia) reported they had none. New Mexico reported that they had established communications for future exchange of information with about eight other organized crime prevention councils. Texas had conducted an orientation for Idaho's council and Indiana and North Carolina had been in contact with several states' councils. Ohio reported only "minimal contact" with other councils, but had "extensive contact" with the Attorneys General of several states and with the New England Organized Crime Intelligence System.

Councils were asked whether a national meeting should be held for representatives of organized crime prevention councils. Two states (Arizona and Michigan) opposed this idea. Another state (New Mexico) thought such a meeting should be held later, after individual councils have more experience. The other eight respondents favored such a meeting and made the following suggestions concerning the agenda:

Presentations by three to five councils that have moderately successful programs; discussions led by organized crime specialists from the U.S. Department of Justice and LEAA;

A small meeting of council chairmen to establish liaison;

A round-table discussion of things to do and approaches to take in fulfilling the goals of a council;

How to make the efforts of each council more effective by discussing successful problem-solving techniques;

A briefing on the national crime picture and an infiltration of legitimate business by organized crime;

A discussion of the types of councils that have been successful in obtaining desired results and the essentials needed to attain this success;

A discussion of the need for better cooperation among law enforcement agencies at all levels, and the means for accomplishing this.

Such a meeting apparently will be held in 1974, under the auspices of the Indiana Organized Crime Prevention Council, assisted by LEAA funding.

7. COLLECTING AND DISSEMINATING INFORMATION

A primary purpose of an organized crime prevention council is to define the state's organized crime problem, then inform the public of its findings. The information collected may be incorporated into a formal report. It may also form the basis of recommendations for legislative and administrative action. By way of precedent, the President's Commission Law Enforcement and Administration of Justice surveyed seventy-one cities across the nation to help determine the scope of organized criminal activities,⁵⁵ then published a report which included a series of recommendations.

Surveys of State Problems

Most of the councils have conducted surveys in their states. In some states, including Georgia, North Carolina, Ohio and Virginia, staff members visited a large number of local law enforcement agencies to obtain information. North Carolina, Ohio and Virginia reported that a standard outline was used for interviews.

Generally, the surveys seek information on organized criminal activities. Virginia said that its survey aimed at identifying major criminals and criminal organizations. New Mexico's plans for 1973 include the collection of intelligence needed for assessment of organized crime indicators in narcotics, gambling, labor racketeering, and similar activities. An Ohio survey sought not only information on criminal activity, but on the resources and activities of law enforcement agencies in dealing with organized crime. All state agencies which have investigatory powers that may be used to combat organized crime were contacted for the survey. As a result of the survey, a permanent commission was created to update and expand the council's findings.

Most states apparently make some effort to analyze data reported by investigators. New Mexico, for example, says that findings will be checked through the best sources available and, when necessary, a further investigation will be made to refine them. Georgia says that written confidential summaries are evaluated by the Division of Investigation Intelligence Unit. Virginia's commission reports that investigators tape memos, which are then transcribed. These findings are analyzed in relationship to: the need for follow-up work; the relationship to information from other sources; and the significance of the information.

A report by the North Carolina council describes the methodology it used in evaluating the size and scope of organized crime. A statewide survey was conducted, which subsequently formed the basis for a report. Staff was provided by the Attorney General's Office and the State Bureau of Investigation. Personal interviews were used "because in this manner not only could a better, more complete picture of organized criminals and their activities be gained, but problems could be discussed, liaison could be fostered, and new ideas could be explored." It was not possible to talk to all law enforcement personnel, but interviews were conducted in the major cities of the state, and in each region. Over sixty-five interviews were conducted with members of police and sheriffs' departments, state and federal law enforcement personnel, and members of the press and the general public. "Additional followup work

was done." The Director also wrote to editors of the state's largest newspapers, asking for the names of their investigative reporters, and interviewed federal officers.⁵⁶

Georgia's Organized Crime Prevention Council send a questionnaire to approximately ninety law enforcement agencies in the state and received sixty-five responses. The questionnaire, which dealt with organized criminal activity and existing intelligence facilities, is given in Appendix C of this report. As a result of the survey, a State Intelligence Network was created in 1972. By the end of the year, the Network had received information on two hundred organized crime figures.⁵⁷ The GSIN will coordinate intelligence data on an ongoing basis.

Virginia's State Crime Commission was established in 1966. Since there was not enough information to determine the extent of organized crime activity in the state, the 1970 General Assembly directed the Commission to conduct a study. For this purpose, the Commission established an Organized Crime Detection Task Force. A Director and a staff of investigators were hired. Each investigator was assigned specific geographical areas to visit, to interview heads of law enforcement agencies. A suggested interview outline was developed; this has been included as Appendix D to this report. The outline described the Task Force and its study, then sought information on criminal activities related to organized crime. The results of each interview were dictated and transcribed. Finally, the Task Force reviewed and analyzed this information, which formed the basis of its report and recommendations.⁵⁸ A follow-up study, on a more limited basis, was initiated late in 1972. It was intended to establish a procedure for gathering, on a continuing basis, information concerning the operation of major criminal organizations.

The Indian Organized Crime Prevention Council undertook a more specialized survey of business theft. The resulting report, A Preliminary Assessment of Theft from Business in Indiana and the Involvement of Organized Criminal Activity, was published in 1973. A series of questionnaires was designed to ask similar questions of each of the seven different categories of businesses surveyed the response rate, by Category, ranged from 15.6 percent to 43.7 percent, out of a total of 1,776 questionnaires distributed. The questionnaires concerned four basic subjects: (1) perceived seriousness of the theft problem; (2) actual amount of the theft loss; (3) nature of the theft loss; and (4) linkage of the theft problem to organized criminal activity. The survey produced data which would be useful in defining an important aspect of the state's organized crime problem.⁵⁹

Surveys by Other Groups

Some private groups, which have functions similar to those of state organized crime prevention councils, publish similar studies. The Chicago Crime Commission has issued several studies. This is a volunteer citizens' organization founded in 1919 and supported by private contributions. It co-sponsored a study of organized crime in the state, based in part on interviews and questionnaires. It publishes a list of business that have a connection with well-known members of the crime syndicate. It also publishes annual reports, which summarize law enforcement activities in Chicago, with emphasis on organized crime.⁶⁰

COLLECTING AND DISSEMINATING INFORMATION

Michigan's Organized Crime Prevention Council contracted with a private firm for a survey of all organized crime control agencies in the state, in order to produce a comprehensive evaluation and propose alternative strategies. A questionnaire was circulated to obtain information on objectives, methods and procedures.

Public Information Programs

Public education about organized crime is an important function of most councils. This serves two purposes: (1) to acquaint the public with the council's work, and thereby gain support for its activities; and (2) to inform the public about organized crime.

Most councils recognize the importance of the first goal. For example, Indiana's council, in its first Annual Report, stated its belief that "a public education campaign which stresses the dollar cost of organized crime and its cause-and-effect relationship to street crime can result in significant public support for data collection, enforcement and legislative programs."⁶¹ Montana's grant application set forth a year-long timetable for the council, with the first three months devoted to educating the public about the council, "as a means of soliciting the public's support."

Council members and staff frequently speak before interested groups, and are interviewed on television. Some councils have also developed more formal education programs. In Arizona, the council assisted the chambers of commerce of the state's two large cities in conducting programs to educate the business community about organized crime. The Texas council created a subcommittee on public education. A program was developed and funded through the Department of Public Safety, consisting of two color movies, radio and television spot announcements, and a series of articles for newspapers and magazines. In Michigan, the council produced a 54-minute color film on organized crime, "Your Silent Partner", as well as spot announcements for radio and television. Virginia is developing a public information program, which will consist primarily of seminars held throughout the state to inform the public about organized crime.

One important informational function that a council can serve is briefing state officials about organized crime problems. Ohio briefs the Governor on a regular basis and all other councils except Rhode Island report that they do so on an irregular basis. In Indiana, the council Chairman is Administrative Aide to the Governor, which presumably would ensure briefing on a continuing basis. New Mexico is the only Council which reported that the state's Congressmen had been briefed on its activities, but Georgia planned to do so. North Carolina had briefed some state legislators.

Legislative Programs

Some councils have taken an active role in working for legislation. The Virginia State Crime Commission, on March 5, 1973, released a list of legislation passed at the 1973 session of the General Assembly in which the Commission was "interested or involved in some way." This consisted of nine bills and five resolutions. These included measures to: authorize electronic surveillance; revise the statutes setting membership of the Probation and Parole Board and Drug Abuse Council; set minimum training standards for custodial officers; exempt the Commission from the Freedom of Information Act; and directing the Commission to conduct certain studies.

COLLECTING AND DISSEMINATING INFORMATION

North Carolina's Organized Crime Prevention Council made a series of recommendations at the end of its first year of operation. These included enactment of legislation to authorize electronic surveillance and witness immunity, establish an investigative crime commission and to make professional gambling a felony.⁶²

Montana and Massachusetts both state in their grant applications that the council will review state laws and possibly will develop new legislation. Texas's councils lists recommended legislative changes among its major accomplishments. Michigan reports that its council has recommended enactment of electronic surveillance legislation. Ohio's response to the COAG questionnaire says that three major bills were submitted to the legislature. Maryland reported to COAG in 1972 that its council was supporting a comprehensive legislative package which was being prepared by the Attorney General.

Council reports may serve as a catalyst for legislative proposals. The report of Wyoming's Organized Crime Prevention Council served as a basis for the submission of several pieces of legislation to the 1973 Legislature.⁶³

Council Recommendations

Most councils are committed to issue reports, either by the Executive Order which created them or the LEAA grant which funded them. The Ohio council, for example, must make a report "which will comprehensively deal with the problems and suggest specific programmatic solutions." These reports usually include recommendations.

In response to COAG's 1972 or 1973 surveys, councils of the following states report that they have made recommendations: Arizona; Georgia; Indiana; Maryland; Michigan; North Carolina; Ohio; Texas and Virginia. New Mexico plans to issue an annual report, with recommendations. Some councils, including Georgia, North Carolina and Indiana, have released annual reports. Missouri's temporary Task Force on Organized Crime issued a report, which recommended not only that certain legislation be enacted, but that a state-wide organized crime control unit be established.

As organized crime prevention councils issue reports, based on their studies of their states' problems, a clearer picture will emerge of organized crime activities at the state level. The councils will not only provide a realistic assessment of the problem but will enable the states to carry out coordinated programs to prevent and control organized criminal activity.

In evaluating accomplishments of councils, the efforts necessary to activate a new governmental unit must be taken into account. A considerable amount of time may be necessary to recruit staff, set up offices, develop filing systems, make contacts with other agencies, and otherwise lay the groundwork for the council's effective operation. Given this limitation, most councils appear to have made a significant contribution towards defining their states' organized crime problems and developing strategies to control them.

FOOTNOTES

FOOTNOTES

1. Title 2, 82 Stat. 197; P.L. No. 90-351, 90th Congress.
2. President's Commission on Law Enforcement and Administration of Justice, THE CHALLENGE OF CRIME IN A FREE SOCIETY, 273 (1967).
3. Virginia State Crime Commission, Comprehensive Plan for 1969, 159 (1969)
4. New Mexico Governor's Council on Criminal Justice Planning, 1971 Comprehensive Plan 13-63, B-216 (1971).
5. Letter from Sam J. Papich, Executive Director, The Governor's Organized Crime Prevention Commission, April 14, 1973.
6. Organized Crime Programs Division, Office of Law Enforcement Programs, Law Enforcement Assistance Administration, U.S. Department of Justice, THE ROLE OF STATE ORGANIZED CRIME PREVENTION COUNCILS 9 (n.d.).
7. Organized Crime Programs Division, Office of Law Enforcement Programs, Law Enforcement Assistance Administration, U.S. Department of Justice, Organized Crime Action Grant Programs in 1969 State Law Enforcement Plans Submitted Under Title 2, Omnibus Crime Control and Safe Streets Act of 1968, 3 (1969).
8. Interview with Louis Scalzo, Technical Assistance Division, Law Enforcement Assistance Administration, in Washington, D.C., May 17, 1972.
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14. Telephone interview with Andrew B. Kirkpatrick, Jr., Chairman, Committee on Organized Crime, May 3, 1973.
15. Letter from Deputy Attorney General J. D. Williams, Idaho Attorney General's Office, May 17, 1973.
16. Interview with John Van Brocklin, Assistant Director, Iowa Crime Commission, Des Moines, Iowa, May, 1972; letter from Solicitor General Richard E. Halsemeyer, Iowa Attorney General's office, April 19, 1973.
17. Letter from Deputy Attorney General John E. Bush, Colorado Department of Law, April 4, 1973.
18. Letter from Tim Crowe, Criminal Justice Planner, Florida Governor's Council on Criminal Justice, May 2, 1972.
19. Letter from Deputy Attorney General Richard S. Cohen, Maine Department of the Attorney General, March 20, 1972.

FOOTNOTES (cont.'d)

20. Letter from James W. Diamond, Director, Research and Planning Unit, Rhode Island Department of Attorney General, June 28, 1973.
21. Letter from Deputy Attorney General S. Raymond Okoma, Hawaii Attorney General's office, April 11, 1973.
22. Letter from Mr. Jack P. Morris, Supervisor, Planning and Training Section, California Department of Justice, April 9, 1973.
23. Letter from G. Michael O'Neal, Chief Counsel, Criminal Division, Missouri Attorney General's office, May 22, 1973.
24. Letter from Cameron Hoseck, Program Administrator, Division of Criminal Justice Planning, Office of the Attorney General, July 9, 1973.
25. Utah Planning Committee for Law Enforcement Intelligence, FINAL REPORT, Grant No. J-70-D-a-L.
26. THE ROLE OF STATE ORGANIZED CRIME PREVENTION COUNCILS, supra note 6 at 7.
27. Id. at 8.
28. Letter from S.J. Papich, supra note 5.
29. Letter from Jim Foughner, Executive Director, Georgia Organized Crime Prevention Council, May 30, 1972.
30. THE ROLE OF STATE ORGANIZED CRIME PREVENTION COUNCILS, supra note 6 at 9.
31. Id. at 10
32. Id. at 9-10.
33. Minutes of meeting, Texas Organized Crime Prevention Council, June 4, 1970.
34. Letter from Assistant Attorney General Paul J. Tschida, Minnesota Office of the Attorney General, July 17; Telephone interview with Clifford Karchmer, Massachusetts Governor's Public Safety Commission, July 20, 1973.
35. Letter from Clifford Karchmer, Massachusetts Governor's Public Safety Committee, to Patton G. Wheeler, August 15, 1973.
36. Letter from S. J. Papick, supra note 5.
37. Georgia Organized Crime Prevention Council, ANNUAL REPORT, January 1972-December 1972.
38. Telephone interview with Frank Jessup, Executive Director, Indiana State Criminal Justice Planning Agency, September 11, 1973.
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40. Executive Order of Governor Jimmy Carter, State of Georgia, May 19, 1971.
41. Letter from Jim Foughner, Executive Director, Georgia Organized Crime Prevention Council, to Patton G. Wheeler, May 30, 1972.

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47. Letter from James A. Burke, Counsel, New Mexico Governor's Organized Crime Prevention Commission, to Patton G. Wheeler, July 9, 1973.
48. President's Commission, supra note 2 at 207.
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54. Georgia Organized Crime Prevention Council, Annual Report, May 19, 1971 - May 19, 1972.
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58. Virginia State Crime Commission, REPORT OF THE ORGANIZED CRIME DETECTION TASK FORCE (December, 1971) 1-5.
59. Indiana Organized Crime Prevention Council, A PRELIMINARY ASSESSMENT OF THEFT FROM BUSINESS IN INDIANA AND THE INVOLVEMENT OR ORGANIZED CRIMINAL ACTIVITY. Office of the Governor (1973).

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APPENDIX A: Georgia Organized Crime Prevention Council

BY-LAWS

Preamble

As employees of law enforcement agencies and interested citizens in the field of law enforcement, we, as representatives appointed by the Governor of the State of Georgia, hereby accept the challenge to membership on the Georgia Organized Crime Prevention Council for the purpose of meeting at regular intervals to help develop and coordinate strategies and plans to attack and control crime.

More specifically, the Georgia Organized Crime Prevention Council will meet monthly and/or at the call of the chairman or request of the Governor to assist in the following:

- encourage and develop improved intelligence resources in the state and local agencies responsible for combating organized crime;
- to initiate research projects into the structure and operation of organized crime, the intelligence process as it relates to organized crime controls, personnel recruitment and training of prosecutors, intelligence and investigation specialists, and development of internal security systems.

ARTICLE I

Section 1 - Membership

There shall be seven (7) members of the Georgia Organized Crime Prevention Council appointed by the Governor of the State of Georgia and serving at the pleasure of the Governor. Membership on this Council shall be broadly representative of law enforcement officials within the state and its members, by virtue of their training or experience, shall be knowledgeable in the prevention and control of organized crime.

Section 2 - The Georgia Organized Crime Prevention Council for the purpose of the by-laws, shall hereinafter be referred to as The Council.

Section 3 - All appointed members of The Council shall have equal voting rights on all matters brought before The Council.

Section 4 - The members of The Council shall not be entitled to compensation for their services, but all members, except State officials serving on The Council shall be entitled to receive reimbursement for expenses (as allowed by State regulation) incurred in the performance of their duties, such reimbursement to be expended from funds allocated for travel under the Omnibus Crime Control and Safe Streets Act.

ARTICLE II

Section 1 - Officers

There shall be elected from the general membership of the Council a Chairman and Vice-Chairman to serve at the pleasure of the Governor or until their successors have been duly elected. The Secretary of The Council shall be a member of the staff of the State Planning Bureau's Office of Crime and Juvenile Delinquency Prevention.

Section 2 - Duties of Officers

- (a) The Chairman shall preside at all meetings and conduct said meetings in an orderly and impartial manner so as to permit a free and full discussion by the membership on such matters as may be before The Council. He shall have the same voting rights as a regular member.
- (b) The Chairman shall establish and appoint any special committees or subcommittees as may be deemed necessary by The Council.
- (c) The Chairman shall, with the advice of The Council, select and so designate the Chairman and Vice-Chairman of each committee or subcommittee.
- (d) The Chairman, upon approval of The Council, may designate special advisory committees composed of other than regular members of The Council for the purpose of providing information for the use of The Council.
- (e) The Chairman shall be an ex-officio member of all committees.
- (f) The Vice-Chairman shall perform all duties of the Chairman in the absence of the Chairman, or in the event of the inability of the Chairman to act, and shall perform such other duties as The Council may delegate to him.

ARTICLE III

Section 1 - Committees

The committees or subcommittees designated by the Chairman and The Council as being needed shall meet at the call of its chairman with a majority of its members constituting a quorum.

Section 2 - Each committee or subcommittee may suggest programs or methods and types of research that will be helpful in the accomplishment of The Council's goals and objectives.

ARTICLE IV

Section 1 - Staff

The State Planning Officer shall be authorized to assign, on a full or part-time basis, professional personnel, clerical and other employees as may be deemed necessary to work with The Council in discharging its duties.

ARTICLE V

Section 1 - Funds

Should funds become available to The Council they shall be used in furthering The Council's goals and objectives. The Fiscal Officer of the State Planning Bureau shall be fiscal officer of The Council.

ARTICLE VI

Section 1 - Meetings

- (a) Regular meetings of The Council shall be held and special meetings may be called by the Chairman when deemed necessary for the best interest of The Council.
- (b) No regular or special meeting of The Council, committee, or subcommittee shall be held without written notice to all members at least five (5) days prior to the date of such meeting. The time and place of meetings shall be designated by the Chairman.

Section 2 - Authority of The Council

- (a) No action of The Council shall be binding unless it is duly acted upon at a regular or special meeting of The Council. No member shall be qualified to speak for or bind The Council unless specific authorization has been granted by a majority of the membership.
- (b) A majority of The Council shall constitute a quorum at any regular or special meeting.
- (c) The Council may delegate to its members or its professional staff such duties as it may deem necessary in fulfilling its objectives.
- (d) The Council shall not have investigative authority.
- (e) The Council shall help develop and coordinate strategies and plans to attack and control organized crime.
- (f) The Council shall encourage the development of improved intelligence resources in the state and local agencies responsible for combating organized crime.

ARTICLE VII

Section 1 - Amendments

- (a) Amendments to these by-laws may be presented at any meeting but shall not be considered for passage until the next regular or special meeting. Any amendment to the by-laws shall require a majority vote as prescribed in Article VI, Section 2.
- (b) Any proposed change in the by-laws shall be submitted to The Council members in the notice of meeting.

ARTICLE VIII

Section 1

Roberts Rules of Order shall govern in all cases in which they are not inconsistent with the by-laws and the standing rules and orders of The Council.

APPENDIX B: An Executive Order to Establish the North Carolina
Organized Crime Prevention Control
Executive Order No. 5

WHEREAS, the State of North Carolina recognizes that organized criminal activity annually draws billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; and

WHEREAS, organized criminal activity exists in all sections of the Nation, and its economic, political, and moral effects involve all Americans; and

WHEREAS, the prevention, detection, and control of organized criminal activity requires sophisticated research, planning, and coordination on the Statewide level; and

WHEREAS, under the "Omnibus Crime Control and Safe Street Act of 1968" the formation of a State Organized Crime Prevention Council is strongly recommended in developing and implementing a comprehensive strategy against organized crime and to effect the basic objective of preventing, detecting, and controlling organized criminal activity,

NOW, THEREFORE, I, Robert W. Scott, Governor of the State of North Carolina, by virtue of the power vested in me, do hereby create and establish the North Carolina Organized Crime Prevention Council. The purposes of the North Carolina Organized Crime Prevention Council are as follows:

1. To develop a comprehensive plan for the suppression of any organized criminal activity presently existing in the State of North Carolina and to prevent its future encroachment in this State, with special emphasis to be placed on the development of research projects into the structure and operation of organized criminal activity in North Carolina, research into existing State statutes to determine whether new legislation is needed, the most efficient systems for collecting and disseminating information relating to the control of organized criminal activity, and the development of programs to utilize citizen groups, business organizations and the news media to combat organized criminal activity.

2. To coordinate the activities of all law enforcement and prosecuting agencies in this State in the implementation of a comprehensive organized crime control program for the State of North Carolina, and to act as liaison between selected federal, State and local officials in efforts to foster interjurisdictional coordination.

The North Carolina Organized Crime Prevention Council shall meet as quickly as practicable following execution of this Order to organize by selecting an Executive-Secretary, who shall maintain a record of the proceedings of the Council, and by adopting operating procedures. The Council shall establish and appoint such operating or advisory committees or subcommittees as it deems necessary. The Council shall make an annual

report and such other reports as it deems desirable to the Governor on the amount, nature, and significance of organized crime in North Carolina and shall make recommendations for legislation and administrative programs needed to combat organized crime. This annual report shall be made by January 31 of each year covering the preceding calendar year.

Members of the North Carolina Organized Crime Prevention Council shall serve without compensation, but shall be reimbursed from funds made available to it by the North Carolina Department of Justice for reasonable and necessary expenses incurred in the performance of their duties.

Staff for the North Carolina Organized Crime Prevention Council shall be provided by the North Carolina Department of Justice.

Members of the North Carolina Organized Crime Prevention Council shall serve for terms beginning this date and serving at the pleasure of the Governor.

The North Carolina Organized Crime Prevention Council shall be composed of the following:

1. The Attorney General of the State of North Carolina, who shall serve as Chairman of the Council.
2. The Director of the State Bureau of Investigation or his designated representative.
3. One member of a police or sheriff's department from a metropolitan area of the State.
4. One superior court solicitor to represent prosecutors from across the State.
5. Three citizens of North Carolina who by their special qualifications would be knowledgeable in the problems of organized criminal activity in this State, to be appointed by the Governor.

This Order shall be effective immediately.

Done at Raleigh, North Carolina, this the 27th day of May, 1971.

S/ Robert W. Scott
Governor of North Carolina

APPENDIX C: Georgia Organized Crime Prevention Council

ORGANIZED CRIME QUESTIONNAIRE

1. Does your agency/department have an Intelligence Unit? If yes, how many men assigned?
2. Does your Intelligence Unit maintain written records and intelligence files on: organized crime; militants; subversives; other.
3. Does your agency have a Vice Squad? If yes, how many men assigned? Is the Vice Squad charged with any of the responsibility outlined above?
4. Does your agency have an Internal Security Unit?
5. Does your agency have anyone assigned or anyone who has taken it upon himself to maintain records and/or intelligence files as outlined in (2) above? To what extent?
6. Does your agency maintain its own identification/arrest records? Do you contribute these to the F.B.I.? G.B.I.? To what extent would No. 2 information appear in your I.D. Records?
7. How many arrests and/or investigations had your agency conducted in 1969 for: narcotics; prostitution; gambling; loan sharking; labor racketeering; bootlegging; auto theft; pornography; credit cards? Do these totals include arrests or investigations made in your area by state or federal agencies?
8. Of the activities listed in No. 7 did any of the arrests or investigations involve: known Mafia? How many and which activity? Other persons from outside the jurisdiction within which arrest and investigation occurred, but from within the state? Other persons from outside the state?
9. In 1969, how much contraband or evidence was seized during arrests for narcotics and dangerous drugs? (List drugs by types).
10. Of the proceeds for gambling, how much money was seized during arrests in 1969 for: bookmaking; policy or numbers betting; pool selling; dice; cards; lotteries; not able to be segregated; total.
11. How many arrests or investigations were made in your jurisdiction during 1969 concerning: police officers or officials involved in illegal activities; judges, solocitors, j.p.'s, district attorneys; other members of the legal profession; elected county officials; elected city officials; lesser county employees; lesser city employees? Was there any indication of outside influence or corruption?
12. Give a definition for "organized crime."

APPENDIX D: Virginia State Crime Commission Organized
Crime Detection Task Force

OUTLINE FOR INTERVIEW OF LAW ENFORCEMENT OFFICIALS

- A. Describe Organized Crime Task Force
1. 22 members - Judges, Commonwealth's Attorneys, Chiefs of Police, Sheriffs and State officials
 2. Director
 - a. Investigators on staff
- B. Describe what Task Force is doing
1. Gathering information from all sources
 - a. Federal
 - b. State
 - c. Local
 2. Investigators visiting all offices
 3. Task Force or staff WILL NOT make criminal investigations. (Emphasize this, as local officials have expressed concern that this may occur.)
 4. All information obtained from any source will be furnished to any enforcement agency which can make proper use of it.
 5. All sources of information will be kept confidential.
- C. Describe nature of information that we want
1. Specific incidents of organized crime activity
 2. Large criminal operations in each community, whether considered organized crime or not
 3. Identification of major individuals involved in criminal activity in each community (furnish criminal record and mug shot)
 4. Association of local individuals (whether or not engaged in illegal activities) with identified notorious criminals from this or other areas
 5. Suspicious associations, incidents, or circumstances, as well as rumors, allegations, etc.
- D. Inquire regarding criminal activities most often encountered in organized crime.
1. Gambling (includes bookmaking, sports betting, numbers, and card and dice games other than of a social nature.)
 2. Narcotics and dangerous drugs
 3. Loansharking
 4. Prostitution
 5. Illegal liquor traffic
 6. Counterfeiting
 7. Burglaries and fencing of stolen property
 8. Arson
 9. Stolen credit cards
 10. Intent to cause civil disorders by militant groups

11. Infiltration of racketeers into legitimate businesses for purposes of:
 - a. Investment of funds illegally gained
 - b. Use as a cover for illegal operations
 - c. Bankruptcy fraud
 - d. Insurance fraud
 - e. Embezzlement
 - f. Labor racketeering
- F. Determine if officer has any significant information on prior investigations (last 5 years) or of a current nature.
1. If so, it is not necessary to get details . . . just sufficient information so it can be evaluated.
 2. If so, an investigator will visit shortly to get details of the matter
 3. In any case, if some matter comes to his attention which he thinks might be of interest, he should contact Task Force member (or the Director at Room 509, 8th Street Office Building, Richmond, Virginia, 23219 - - - telephone number 703-770-4591).
- G. Inquire if the officer knows of any matter which the Task Force should look into anywhere else.
1. This may have come to his attention through one of his investigations or by some other means.

(Repeat: Sources of information are kept confidential)

Outline revised 5/20/71

END