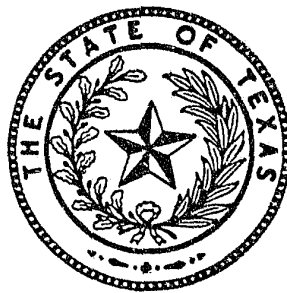


1976 REPORT OF ORGANIZED CRIME IN TEXAS

NCJRS

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ACQUISITIONS



TEXAS ORGANIZED CRIME PREVENTION COUNCIL

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STATE OF TEXAS/ORGANIZED CRIME PREVENTION COUNCIL

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Austin

COL. WILSON E. SPEIR
Austin

EXECUTIVE DIRECTOR
RALPH L. BOWMAN



DOLPH BRISCOE
GOVERNOR

May 20, 1977

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El Paso

HON. CAROL VANCE
Houston

The Honorable Dolph Briscoe
Governor of Texas

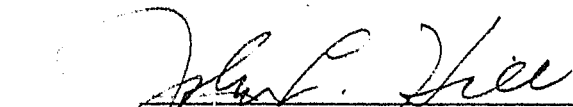
Sir:

In accordance with the instructions contained in the Executive Order of April 28, 1975, which established the Texas Organized Crime Prevention Council, we respectfully submit the Council's 1976 Report on Organized Crime in Texas.

During March, 1976, the Council's Staff began work with Peat, Marwick, Mitchell and Company (PMM&Co.) on a comprehensive study of organized crime in Texas. The Council followed the progress of this study very closely and, on January 18, 1977, accepted the completed study. Significant findings of the PMM&Co. study have already been widely distributed and are briefly summarized here, along with Council recommendations in response to many of the study findings. This report also contains information submitted in special reports by local and state law enforcement agencies to the Criminal Justice Division.

The Council feels that findings on organized crime in Texas, supported by extensive research during 1976, suggest an urgent need for legislative and administrative responses.

Respectfully submitted,


John L. Hill, Co-Chairman

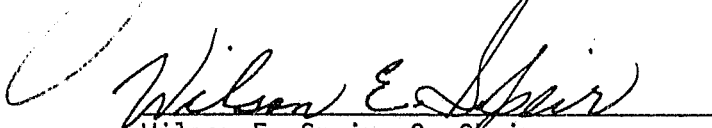

Wilson E. Speir, Co-Chairman

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1976
ANNUAL REPORT
OF THE
TEXAS ORGANIZED CRIME PREVENTION COUNCIL

I. BACKGROUND

A. Creation of Council

The Texas Organized Crime Prevention Council (TOCPC) was originally created by former Governor Preston Smith by Executive Order on March 7, 1970, in compliance with the recommendation contained in the Omnibus Crime Control and Safe Streets Act of 1968.

The Council's purpose was further strengthened by a subsequent Executive Order issued April 28, 1975, by the Honorable Dolph Briscoe, Governor of the State of Texas. In his Executive Order, the Governor charged the Council, to "....develop a comprehensive plan for the suppression of any organized crime existing in Texas...and to prevent its further encroachment in the State", and to "....coordinate the activities of all law enforcement and prosecuting agencies in the State in the implementation of a comprehensive organized crime control program in the State of Texas."

Under provisions of the Executive Order, the new Council as it was then and is presently constituted, consists of the following members:

The Honorable John Hill, Co-Chairman
Attorney General of Texas

Colonel Wilson E. Speir, Co-Chairman
Director, Texas Department of Public Safety

Chief Donald Byrd
Dallas Police Department

Mr. Ken Clapp
Executive Assistant to the Governor

The Honorable Porfirio Flores ¹
Sheriff of Webb County

Chief Alfredo Gonzalez
Director of Public Safety, Edinburg

The Honorable Dan Saunders
Sheriff of Martin County

The Honorable Mike Sullivan
Sheriff of El Paso County

The Honorable Carol Vance
District Attorney for Harris County

The new Executive Order, in addition to strengthening the purpose of the Council, also provided for a full-time staff, not to exceed five members, to assist the Council in its work. Pursuant to the Executive Order, the Council applied for and received a grant from the Criminal Justice Division. In 1976, at the end of the first grant year, the Council applied for and received a continuation grant which runs to April 30, 1977, to provide funding for a permanent staff of five persons to coordinate the Council's work.

¹ Term as Sheriff completed 12/31/76

At the end of 1976, the Staff consisted of the following members:

Ralph Bowman - Executive Director ¹
Sam Bournias - Program Coordinator
Victor Solis - Program Coordinator ²
Vacant - Administrative Assistant ³
Nadia Bice - Administrative Secretary

As it is presently designed, the Council exists as the problem identification and final approval entity. Problems which must be addressed in order to develop a State plan to control organized crime are identified by the Council and, in turn, forwarded to the Council's Operating Committee. The Operating Committee, composed of law enforcement and prosecution officials from throughout the State, serves to clarify the problem and break it into various components which are in turn assigned to one or more of the four subcommittees. It is on the subcommittee level that the problem, first identified by the Council, is thoroughly explored and possible solutions are developed. Once all available options are identified and refined, they are forwarded to the Executive Committee, composed of the chairmen of the four subcommittees, which serves as a screening body prior to the options being presented to the full Council. All recommendations from the subcommittees which the Executive Committee feels have undergone the maximum possible refinement, are forwarded to the full Council for their consideration. Recommendations approved by the Council are either scheduled for inclusion in the Council's Annual Report to the Governor on Organized

¹ *Ralph Bowman replaced Frank Dyson who resigned effective April 9, 1976*

² *Victor Solis replaced Rick Miller, who resigned effective June 11, 1976*

³ *Vacant because of resignation of John Isbell effective December 3, 1976. Now filled by David Hudiburgh.*

Crime, or forwarded immediately to the Governor, dependent upon the extent of the urgency. Throughout the above-described procedures, the Executive Director and the Staff serve to provide coordination, research, and other resources as necessary to aid the Council and its committees in their work.

II. ORGANIZED CRIME IN TEXAS

A. Definition of Organized Crime

Organized crime is defined in Section 601 (b), Part G, Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as follows:

" Organized crime means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loansharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations. "

The Texas Organized Crime Prevention Council has, since its inception, subscribed to this definition and has consistently recommended that it be used as a guideline by the Legislature to enact a statute which would make any form of organized crime unlawful. The subject is discussed in more detail in a later section of this report.

B. Types of Organized Crime in Texas

The Statewide Study of Organized Crime by Peat, Marwick, Mitchell and Company (PMM&Co.), intelligence reports from local law enforcement

agencies, organized crime control units, and the Texas Department of Public Safety identify six categories of organized crime now in operation in various parts of the State of Texas as follows:

1. Illegal drug traffic
2. Gambling
3. Fencing of stolen merchandise
4. Prostitution
5. Pornography
6. Other organized criminal activities, i.e.,
 - (a) Auto theft
 - (b) Cargo theft
 - (c) Smuggling
 - (d) Insurance frauds
 - (e) Securities frauds
 - (f) Business frauds
 - (g) Counterfeiting and forgery
 - (h) Crimes of violence

1. Illegal Drug Traffic

The PMM&Co. study prepared for the Council in 1976 and released in January 1977, states:

" The trafficking of narcotics into and through Texas has increased over the past five years and is now the (State's) most dominant form of organized criminal activity. (emphasis added) The trafficking of heroin and marijuana is extremely widespread, and there are substantial amounts of cocaine, synthetic drugs, and hashish

also being distributed. Law enforcement officials estimate that between 400 and 500 major drug dealers are importing narcotics into the State to as many as 5,500 local distributors. These distributors, selling through street dealers, account for a volume of drug trafficking estimated at between \$700 million and \$1.1 billion annually. Mexican heroin has replaced Turkish and other Asian forms of heroin as the most prevalent type available in Texas. The importing of heroin, marijuana, and other drugs from Mexico is the most organized form of activity identified. No fewer than 17 cities and counties in Texas were identified as being major distribution areas for direct shipments of heroin from Mexico, and at least two-thirds of these areas are believed to be intermediate shipping points to other localities in Texas and the nation. "

2. Gambling

According to available sources, gambling has increased in Texas over the past five years. The activity is widespread and includes all sections of the State. It is estimated that as many as 1,450 bookmakers take up to \$17.5 million in bets from up to 235,000 Texans every week, or an annual total of approximately \$900 million. Sports betting is known to be the most widespread and most organized form of gambling in the State and accounts for 93% of the total amount wagered; however, there

are also numbers games, lotteries, coin device gambling, and casino games operating in Texas.

3. Fencing of Stolen Merchandise

Knowledgeable sources indicate that the networks which exist as outlets for stolen goods are extensive within the State and extend to virtually all other parts of the nation and to some foreign countries. It is estimated that there are between 430 and 760 professional fencing establishments (or persons) operating in the State, grossing up to \$500 million annually.

Electronic or radio equipment, guns and other weapons, jewelry, business machines, vehicles, and heavy equipment are acknowledged as being the most often fenced items. Many of the items, particularly vehicles and heavy equipment, are known to have been delivered in Mexico. There have been some major vehicle and heavy equipment theft and fencing operations discovered and successful prosecutions undertaken in the past year.

4. Prostitution

Prostitution, an ever present problem, has increased over the past five years, and the problem has been compounded by the tremendous expansion of massage parlors in the State. It is estimated that between 3,000 and 4,000 prostitutes are operating in the State, many of whom are part of organized operations. According to the previously cited

sources, the gross dollar volume attributed to this activity is estimated to be as much as \$137 million annually.

Organized operations were identified which included the traveling of prostitutes into different sections of the State for conventions, major sports events, and other major activities, as well as traveling circuits of prostitutes that visit cities with military bases in Texas.

5. Pornography

There are few areas in Texas that have not experienced an increase in pornography in the past five years. The already overburdened criminal justice system in Texas has experienced much difficulty in trying to cope with this problem. Public apathy, lack of aggressive prosecution (except in a few noteworthy metropolitan areas) and inconsistent court decisions have all compounded this problem. Available information indicates that there are approximately 225 establishments--movie theaters, adults bookstores, etc.--which are engaged in the providing of pornographic matter, and the gross annual take is estimated to amount to as much as \$41 million.

It is generally believed among law enforcement officials that 70% to 80% of the activities relating to the distribution of pornographic materials in the State is connected with structured operations which are nationwide in scope. It is no longer supposition, but a well-known fact, that syndicated crime has infiltrated the pornographic motion picture business throughout the United States, including the financing and distribution of films and the ownership of theaters.

6. Other Organized Criminal Activities

Organized crime is not confined to a neatly defined set of offenses. Some organized activities may be more obvious, more visible, and, as a result, more measureable. By the same token, there are an infinite number of activities which may fit the definition of organized crime without being normally associated with it. Additional activities which law enforcement agencies and other professional groups associate with organized crime include:

- (a) Motor Vehicle Theft: This activity is widespread across the State, with Texas connections extending throughout the nation and into Mexico and South America. It is estimated that a minimum of 15% to 20% of all vehicles stolen in Texas can be attributed to well organized groups, and that this same activity comprises an annual economic drain of between \$8.8 million and \$11.4 million for Texans.
- (b) Cargo Thefts: Interviews at major ports and air terminals in Texas indicate a minimum of 1% to 2% of all goods imported are routinely diverted and fenced illegitimately. Based on the value of trade imports into the State, this would place the dollar volume of this activity at a minimum of \$37 million and a maximum of \$76 million annually.
- (c) Smuggling: The smuggling of contraband across the Texas-Mexico border is extensive and, in addition to narcotics,

the principal items include precious metals and jewels, guns, ammunition, tobacco, liquor, and other valued commodities. While it is , as yet, extremely difficult to estimate total dollar volumes, the value of smuggled weapons alone is estimated at \$13 million annually.

- (d) Insurance Fraud: The major portion of casualty frauds committed in the State are indicated to be: 1) false claims for Workmen's Compensation, 2) staged motor vehicle accidents, 3) "slip and fall" artists, and 4) arson. In Texas it is estimated that between 35% and 40% of the annual claims for incendiary damages can be attributed to arson, and that this will amount to between \$21 million and \$24 million.
- (e) Securities Fraud: Fraudulent schemes involving securities are estimated to involve at least \$100 million each year in Texas. The major types of these frauds include: 1) commodities fraud, 2) Schedule D oil company investment frauds, 3) bogus tax exempt securities, 4) advance fee loan schemes, 5) production of false financial statements. It is anticipated that existing organized crime systems will continue to invest in legitimate business areas. It is both logical and pragmatic to project increases in the areas of business and securities fraud.
- (f) Business Frauds: During a recent twelve month period, the Texas Attorney General's office received over 11,000 consumer

complaints. While there is insufficient evidence to clearly identify what portion of these complaints are related to organized crime activities, the total dollar impact on the State is estimated to be at least \$200 million each year.

- (g) Counterfeiting and Forgery: The ease with which the photo-engraving process can be accomplished has led to increases in activities related to counterfeiting. During one year, in Texas alone, an estimated \$5 million in currency was counterfeited and the duplication of securities has been estimated at between \$180 million and \$200 million. In addition, the forging of payroll checks is known to include between three to five organized groups involved in check cashing schemes across the State involving between \$100,000 and \$200,000 each year.

- (h) Crimes of Violence: The PMM&Co. study disclosed numerous instances of crimes of violence--ranging from assaults to bombings and murder--related to organized criminal activities. Violence associated with drug trafficking and prostitution were the most frequently identified; however, percentages and numbers were inestimable within the scope of the study.

C. Groups Engaged in Organized Crime and
Infiltration into Legitimate Businesses

The PMM&Co. study and other intelligence reports confirmed prior

reports by the Texas Organized Crime Prevention Council regarding the existence of the Mafia or La Cosa Nostra, the Dixie Mafia, and other organized groups operating in Texas to either perform illegal acts or own legitimate businesses. The activities of the principal groups identified are summarized below.

1. Mafia or La Cosa Nostra - Primarily it is believed that the main thrust of Mafia activity in Texas occurs through contacts and associates acting in the place of Mafia members who reside outside the State. Members or associates of the Mafia are known to own or have ownership in businesses or commercial property, to have close associations with businessmen, and to have close associations with criminals in the State. There is also indicated involvement in criminal activities, chief of which includes bookmaking and narcotics trafficking.
2. Dixie Mafia - This group is considered to be a loose-knit organization of criminals who are associated, but have no formal structure or organization. Members associated with this group are principally involved in the commission of illegal acts as opposed to infiltration of legitimate businesses. Members are thought to have widespread connections.
3. Mexican Connection - This group, which is primarily involved in the smuggling of narcotics, is believed to operate an

extensive network of persons in Mexico, Texas, and throughout the nation. Control, structure, organization, and direct family relationships are some of the characteristics associated with this operation.

D. Significance

To summarize, the PMM&Co. study (intelligence reports support these findings) found that there is considerable evidence that organized crime activities exist in all metropolitan areas of the State, and that it has created problems which are broad in scope, economically burdensome and critically entrenching. Organized criminal operations are involved in a wide variety of illegal activities grossing between \$1.8 billion and \$3.2 billion annually.

To place this dollar drain-off in perspective, using \$1.8 billion annually as the minimum gross amount for organized illegal activity, this amount would represent 30% of the 1976 State government budget of approximately \$6 billion. Again using the minimum figure of \$1.8 billion annually, organized criminal activities alone cost every man, woman and child in the State of Texas \$158 annually, and this does not take into account any other amounts spent by the federal, State, county, and local governments because of these criminal activities.

III. ACTIVITIES TO REDUCE ORGANIZED CRIME

A. Statewide Study of Organized Crime

In the first report issued by the Texas Organized Crime Prevention Council (TOCPC) in 1971, it was recommended that a professional consulting firm be employed to conduct a basic research of organized crime in Texas. The Council persisted with this recommendation and by March, 1976, the firm of Peat, Marwick, Mitchell and Co. (PMM&Co.) was selected to conduct a comprehensive study of organized crime in Texas.

The PMM&Co. study was completed early in January, 1977. The study findings summarized in Chapter II of this report confirm prior Council evaluations on the seriousness of the organized crime problem in the State.

The study's value to the Council's efforts to reduce and control organized crime will have to be judged in the months, or perhaps years, ahead. Still before the Council is the task of evaluating, and either implementing or rejecting, many of the recommendations made by the study to deal with the menace of organized crime. As reported in Chapter IV of this report, the Council has addressed most of the study recommendations for needed legislation. Additional study recommendations to be addressed place particular emphasis on the need for citizen involvement, including citizen representation on the Council.

The Council Staff has begun to develop programs to promote public awareness and increase citizen involvement in the effort to combat

organized crime. The Council, after review by its Operating Committee, will decide on implementation of these programs. As for citizen representation on the Council, the Executive Order creating the TOCPC specifies representatives of the criminal justice system who shall serve. Following the dictates of the Executive Order, the Council could, however, consider expanding its Operating Committee to include persons who work outside the criminal justice system.

The findings and recommendations of this study will continue to be a source of reference as the Council progresses.

B. Organized Crime Control Units

Statewide, the Texas Department of Public Safety has continued to operate an Organized Crime Intelligence Unit, and the Attorney General's office has maintained an Organized Crime Strike Force.

Locally, multi-agency organized crime control units with countywide or regional organized crime investigative jurisdiction are established as follows:

- (1) Greater Austin Area Organized Crime Control Unit, consisting of members of the Austin Police Department, the Travis County Sheriff's Office, and the Travis County District Attorney's Office.
- (2) Bexar County/City of San Antonio Organized Crime Control Bureau, consisting of members of the San Antonio Police Department, the Bexar County Sheriff's Office and the Bexar County District Attorney's Office.

- (3) Cameron County Organized Crime Control Unit, consisting of members of the Brownsville and Harlingen police departments and the Cameron County District Attorney's Office.
- (4) Central Texas Organized Crime Control Unit, consisting of the Killeen and Temple police departments and the Bell County District Attorney's Office.
- (5) Greater Dallas Area Metro Intelligence Unit, consisting of the Dallas, Garland, Grand Prairie, Irving and Mesquite police departments and the Dallas County Sheriff's Office.
- (6) The Galveston County Organized Crime Control Unit, consisting of members of the La Marque, Galveston and Texas City police departments and the Galveston County Sheriff's office.
- (7) The Harris County Organized Crime Control Unit, consisting of members of the Baytown, Bellaire, Deer Park, Houston, La Porte, Pasadena, Seabrook and South Houston police departments and the Harris County Sheriff's Office.
- (8) The Nueces County Organized Crime Control Unit, consisting of members of the Corpus Christi Police Department, the Nueces County Sheriff's Office and the Nueces County District Attorney's Office.
- (9) The Potter-Randall Metro Intelligence Unit, consisting of members of the Amarillo, Canyon and West Texas State University police departments, Potter, Randall and Deaf Smith County sheriffs' offices.
- (10) The Tarrant County Organized Crime Intelligence Unit, consisting of members of the Euless, Hurst and North Richland Hills police departments, the Tarrant County Sheriff's Office and the Tarrant County District Attorney's Office.
- (11) Texarkana Area Organized Crime Intelligence Unit, consisting of the Texarkana, Texas and Texarkana, Arkansas police departments, and the Bowie County District Attorney's Office.
- (12) The district attorneys' offices in Bexar, Dallas, Harris and Tarrant counties also have special crimes divisions.

Activity reports of these local organized crime control units for 1976 reveal that direct or cooperative efforts resulted in 1,662 felony arrests and 771 misdemeanor arrests. Information on arrest dispositions

is not readily obtainable. Recovery of money and stolen property as a result of all local unit activities amount to \$1,875,599. Direct or cooperative efforts of the local organized crime units resulted in dangerous drug seizures in amounts described as follows:

- 41,283.35 grams heroin
- 1,320.14 grams cocaine
- 342.93 grams hashish
- 16,825.24 pounds marijuana

Large quantities of other dangerous drugs were seized in varying dosage units (pills, capsules, etc.). While these quantities are substantial, they by no means reflect the total amount of dangerous drugs seized in Texas during 1976. Likewise, it is difficult to distinguish incidents of double reporting when studying seizure statistics of the various units.

In addition to the activities reported by local units, the DPS Statewide Organized Crime Intelligence Unit, during 1976, furnished intelligence information to other agencies that resulted in 217 felony arrests and 105 misdemeanor arrests. The unit also contributed information that resulted in property recoveries valued at \$5,141,130 and narcotic seizures valued at \$5,190,970.

C. Organized Crime Control Training

More than 350 persons attended eleven organized crime related training schools conducted by members of the Texas Department of Public

Safety Statewide Organized Crime Intelligence Unit. Members of this unit attended nine outside training schools or seminars. The local organized crime control units collectively sent 128 members to 55 organized crime related schools and seminars during 1976.

D. Federal-State Cooperation

The co-chairmen of TOCPC have actively supported the Federal-State Law Enforcement Coordinating Committee in Texas. This committee is composed of top officials of more than 25 federal, State and county law enforcement agencies. The committee meets quarterly and provides an on-going forum for discussion and resolution of concurrent jurisdictional problems.

E. Public Awareness

The Council's 1975 Annual Report to the Governor was released during May, 1976. More than 1,200 copies of the report were distributed throughout the State's criminal justice system and to radio and television stations, as well as daily newspapers and a variety of public institutions.

Release of the report received statewide media coverage and some very favorable editorial comments as evidenced in the *Dallas Times Herald* statement, "The Organized Crime Prevention Council provides a service in outlining the size and shape of the state's crime problems...", and the *Dallas Morning News* statement, "The Legislature must place high priority on giving law enforcement officers the tools to battle organized crime in Texas."

At this writing, summaries of the PMM&Co. study, released early in January, 1977, are being distributed in a similar manner to the 1975 Annual Report.

IV. RECOMMENDATIONS FOR ORGANIZED CRIME SUPPRESSION

A. Needed Legislation

The PMM&Co. study recommends certain legislative needs deemed essential to the successful investigation and prosecution of organized crime. These recommendations repeat many of those previously made by the Texas Organized Crime Prevention Council (TOCPC) in their annual reports.

The study finds that Texas has taken "...a piecemeal and halting approach to the laws necessary to answer the challenge of organized crime." The result has been that laws passed to combat "ordinary" crime must also serve as the chief weapon against "organized" crime. The multi-faceted nature of organized crime requires the enactment of comprehensive legislation to insure adequate tools and strategies for investigation and prosecution.

In formulating its recommendations, the study looked to the following sources:

- Prior annual reports of the TOCPC
- Information gathered from interviews in sixteen metropolitan areas of the state
- Draft legislation from the TOCPC's Legal and Legislative Subcommittee and from the Office of the Governor
- The state-by-state compilation of approaches to organized crime by the Criminal Justice Division (CJD) of the Governor's Office.

- The citizen opinion survey taken in conjunction with the study
- Review of the draft report of the 1976 National Task Force on Organized Crime (NTFOC)

At its meeting of January 18, 1977, the Council addressed recommendations for legislation made by the PMM&Co. study. Those recommendations adopted by the Council are discussed briefly in the paragraphs which follow. While it may be noted that no specifically drafted legislation has been collectively endorsed by the Council, the conceptual designs for legislation passed on here are deemed essential to combat organized crime.

1. Definition

The first essential legislative need is a clear definition of what constitutes organized criminal activity and a prohibition of such activity. In order for the TOCPC to meet its obligation of planning and coordinating the efforts to combat organized crime, it must have a definition. Indeed, the organized crime units about the State are hampered by the lack of a statutory definition of organized crime. The definition should be flexible enough to be effective against any organized criminal activity that might occur in the foreseeable future.

There are many definitions of organized crime; however, according to the Criminal Justice Division study cited previously, all have at least three common elements:

- Time--a continuing series of transactions

- Type--the inclusion of those crimes generally associated with "racketeering" or criminal syndicates, and including terroristic threats.
- Conspiracy--participation by more than one person

NTFOC believes no single definition of organized crime sufficiently describes its character, i.e., "...organized crime is conspiritorial; it has economic gain as its primary goal; it is not limited to illegal activities per se; it is characterized by predatory tactics; its member groups are proficient at controlling and disciplining those they touch; and it extends beyond such stereotyped groups as the Mafia and La Cosa Nostra."

While no concrete definition of organized crime has been proposed by the Council, it considers that a statutory definition is urgently needed.

2. Electronic Surveillance

The prosecution of organized criminals requires careful and sophisticated case preparation, especially when the target individuals at the top often communicate by telephone.

In its findings, NTFOC recommends that every state should have a wiretap and microphonic surveillance statute permitting use of non-consensual procedures in cases involving organized crime and related corruption. It further states that vigorous enforcement of laws against the illegal use of these techniques should be adopted.

According to the CJD survey previously cited, "...the Federal

government and twenty-one states authorize surveillance without consent of either party." A great majority of law enforcement personnel in Texas feel that electronic surveillance is an indispensable tool in the investigation and prosecution of organized crime. In its citizen opinion survey, the PMM&Co. study found that 79.9 per cent of the respondents approved the use of wiretapping to combat organized crime.

TOCPC supports and endorses legislation authorizing electronic surveillance in the investigation of organized criminal activities. In addition, it strongly recommends safeguards such as those provided for in federal statutes to prevent its abuse.

3. Joinder

TOCPC has, in the past, recommended legislation to provide joinder of offenses and defendants as permitted by the Federal Rules of Criminal Procedure. This allows two or more offenses to be charged in the same indictment. Legislation patterned after the Federal rule would also allow the joinder of individuals who work in concert to commit organized crime. This would provide the means for judge, jury and press to see the conspiratorial nature of organized crime and would relieve prosecution witnesses from testifying in multiple trials. It is felt that coordinated presentation of this type of case would greatly increase the likelihood of conviction.

Legislation to permit the liberal joinder of offenses and/or

defendants is deemed essential by TOCPC as a means to combat organized crime in Texas.

4. Penalties

The legislature should authorize significant penalties for the organized crime offender who poses a special threat to society. Because convicted organized crime figures frequently resume illegal activities when released into the community, individual cases should be reviewed with care before parole or probation is granted.

Specific recommendations of the PMM&Co. study are repeated for consideration as follows:

- no probation, unless defendant helps prosecute others or unless the defendant is fined heavily;
- no parole from minimum sentences;
- fines at least equal to the gain, or expected gain of the offense; and
- Texas Department of Corrections' segregation of organized crime offenders, with restriction on correspondence and visitations.

The TOCPC has long recommended legislation to provide mandatory minimum and maximum penalties for organized crime exceeding penalties prescribed for the same offense as an "ordinary" crime.

5. Broader Jurisdictional Grand Juries

The Council has endorsed the concept of broader jurisdictional grand juries with the following statement:

" We believe that legislation should be enacted permitting the Governor or Presiding Judge of the Court of Criminal Appeals to authorize the Attorney General to convene a specialized grand jury to deal with organized crime and corruption investigations. "

6. Statutory Authority for TOCPC

The Council recommends statutory authority for TOCPC, noting that for long range organized crime programs to be implemented, the Council must continue in existence. TOCPC has been operating since its inception with LEAA funds distributed through the CJD. The Council recognizes that LEAA funds are intended as "seed" money and are exhaustible. Legislative recognition of TOCPC will eventually be necessary if it is to continue beyond the period of available federal funding.

7. Mandatory Reporting

Many law enforcement agencies do not keep the types of records and data which TOCPC needs to develop projections or conclusions about organized criminal activities and to determine the most appropriate organized crime

control program. Some of the benefits of having comprehensive organized crime data are:

- long-term strategic planning could be more realistic and effective;
- programs to inform the public and enlist their aid could be more effective;
- state resources could better meet the needs of local agencies;
- an assessment capability to anticipate organized crime could be properly directed.

The Council recommends that efforts be strengthened to facilitate the reporting of organized crime information to the Department of Public Safety in the same manner that index crimes are currently reported.

8. Other Legislative Considerations

While previous recommendations for legislation have been called essential for organized crime control, the following items are worthy of consideration:

- Protection of Witnesses - The state should commit the financial resources necessary to promote the cooperation of witnesses who might otherwise suffer reprisals from target criminals.
- Civil Restraints - Prostitution, drug traffic, fencing, and other organized criminal activity could be controlled to a degree by civil injunctions against common law nuisances.

- . Presentence Reports - Adequate presentence review of cases involving organized crime figures would be useful to the sentencing court, interested agencies, reviewing courts, defense counsel, and the prosecuting attorney.
- . Increased Sentences - Special organized crime offenders should be sentenced and/or fined in a manner best designed to discourage their return to organized criminal activities.
- . Maximum Terms - Criminal court judges should be encouraged to impose the maximum terms and fines currently allowed as a justified and appropriate sanction against organized crime.
- . Economic Sanctions - In those categories of organized criminal activity where economic sanction is appropriate, a formula sufficient to suppress the particular offense should be developed.
- . Correctional Policies - Correctional agencies should redesign their inmate policies to treat special offenders in an appropriate restricted manner.
- . Probation Supervision - Probation policies for special offenders should include measured caseload standards, regular detailed reports, and ready use of amendment or revocation powers.
- . Parole - Consideration for parole and parole supervision should track policies designed for probation departments and officers.

B. Public Awareness

Persons knowledgeable about organized crime unanimously suggest that public understanding of organized crime is essential to an effective program for control and prevention. The PMM&Co. study also endorsed this

concept and urged business and community involvement in the effort. The study suggested programs that will:

- " - Provide the public with information about the nature and activities of organized crime and its impact on the State;
- Advise the public of goods and services which are connected to organized crime groups;
- Solicit support for programs and legislation aimed at reducing organized crime;
- Encourage citizen cooperation to report evidence of organized criminal activities to appropriate agencies. "

The Council has taken note of these observations and has already instructed its Staff to prepare informational documents for wide public distribution. This is only a beginning for a program to promote community involvement. The Council recommends expanded efforts to insure that the programs suggested above are given a fair opportunity for success.

C. Organized Crime Training

From Chapter III of this report it can be observed that there are numerous training schools available to organized crime investigators. The Council recognizes the importance of training in any successful organized crime prevention activity. It recommends:

- Periodic management training courses for organized crime unit directors;
- Annual training programs for newly appointed members of organized crime units.