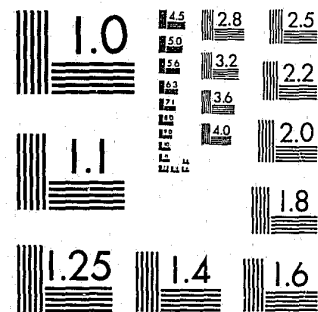


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ORGANIZED CRIME IN CALIFORNIA..1978

PART 1

- OPERATION EXPOSURE
- WITNESS PROTECTION
- ORGANIZED CRIME CONTROL COMMISSION

• Annual Report to the California Legislature •

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U.S. Department of Justice
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Annual Report To The
California Legislature

NCJRS

APR 20 1981

ACQUISITIONS

November 1979

INTRODUCTION

This Assessment of Organized Crime in California is submitted in accordance with Government Code Section 15028 which requires that an annual report on organized crime be presented to the California Legislature.

The purpose of the report is to identify the characteristics, scope, and magnitude of organized criminal activity in California and the efforts of the California Department of Justice (DOJ) directed against this crime problem.

The annual report has been divided into four sections highlighting separate areas of organized criminal activities.

Part 1: Organized Crime - Special Programs

Part 2: Gang Activity

Part 3: Property, Fraudulent, and Narcotics Crimes

Part 4: Terrorism

Part 1 is the subject of this report and includes:

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OPERATION EXPOSURE

OPERATION EXPOSURE

Threat

During the past five years, the California law enforcement community has been alarmed by an increasing number of recognized organized crime figures migrating to California from the Eastern United States. Many organized crime figures identified with New York and New Jersey Mafia groups have recently settled in the Los Angeles area, and another large contingent of organized crime figures connected to the Chicago group has moved to Palm Springs. While the more notorious of these migrants, as an example, Anthony Accardo from Chicago, appear to be seeking semi-retirement from their successful criminal careers, many of their lower-level followers are attempting to set up the extortion operations and similar rackets that they had previously conducted in New York and Chicago.

In addition, one of law enforcement's concerns is the number of organized crime homicides related to California. Since 1974, 20 of these types of assassinations have taken place.

State and local law enforcement agencies in California have a very difficult challenge to gather information on organized crime to prevent and diminish their illegal activities. This is especially difficult without the authority to wiretap. Other sources of information include informants. For example, James Fratianno, a well-known organized crime member, has and continues to provide law enforcement agencies with a rare insight into the area of traditional organized crime. His cooperation, as a federally protected witness, has enabled law enforcement to initiate several actions to hinder organized

crime activity. This information however, must be verified. The program described below is used jointly to accomplish that end and to collect data.

Law Enforcement Strategy

In order to meet the threat of this large influx of organized crime figures from the East Coast, the DOJ began an aggressive and proactive program during 1977 under the title of Operation Exposure. Operation Exposure involves data collection on and targeting of identified organized crime figures who have recently moved to California. This intelligence process is followed by direct interviews with these organized crime figures, conducted by DOJ Special Agents accompanied by police, sheriff, or district attorney agents representing their respective geographic jurisdiction.

Operation Exposure is designed to gather and verify information about the possible criminal activities of organized crime figures who have recently arrived in California. At the same time, the interviews serve the purpose of informing these organized crime figures that their criminal propensities are known to California law enforcement personnel and that organized crime rackets will be aggressively opposed.

Results

While it is difficult to measure the number of crimes which may have been prevented, there are several indications of the success of Operation Exposure. Forty organized crime figures were contacted during the first set of interviews conducted between October 1977 and March 1978. Another 21 organized crime figures in San Diego, Los Angeles, and Palm Springs were interviewed during

December of 1978. These interviews confirmed information regarding organized crime, established associations and business relationships, and updated law enforcement data. In one case, a meeting among top-level Chicago organized crime figures scheduled for Palm Springs was aborted as a direct result of an interview with Anthony Accardo. Law enforcement colleagues in Illinois and New York have informed this Department that the word among racketeers on the street is to avoid California because there is too much heat from the police.

WITNESS PROTECTION

WITNESS PROTECTION

Threat

The successful prosecution of criminals in California courts is frequently hindered or completely negated by the inability of law enforcement agencies or prosecutors to provide prosecution witnesses with adequate protection from reprisals by criminals on trial and their associates. This is because of the lack of money, rather than manpower. Although specific statistics are not maintained, local law enforcement agencies and prosecutors have noted an increase in the reluctance, and often refusal, of witnesses to testify during legal proceedings. In the most part, they attribute this to the notoriety given to prison gang murders of witnesses and other publicized intimidating actions directed against potential witnesses and their families.

Organized criminal activity is a growing statewide problem. The protection of witnesses testifying against organized crime subjects has become an essential part of a successful prosecution. Recurring requests to the Department of Justice have confirmed the real need for assistance to local agencies for witness protection.

A survey of California law enforcement agencies revealed that, with the exception of Los Angeles County, and this on a very limited basis, no jurisdiction within the state has a formal witness protection program or funds designated specifically for that purpose. Agencies do have very limited alternative sources when extreme emergencies exist, but these sources are often neither dependable or timely in providing assistance.

Witness Protection Program

The California Witness Protection Program, funded by the Law Enforcement Assistance Administration to meet this need, is designed to provide witness protection resources where no others are available. The program began in July, 1978, with funding extending through December, 1979.

The majority of cases in which assistance was requested involved prison gang criminal activity, individual homicides, and other felonies. Illustrative of the success being attained by the California Witness Protection Program are two separate requests for assistance submitted by the San Bernardino Sheriff's Office.

In the two cases, the Sheriff's Office protected three witnesses and three family members. The threats were real and intimidating. The witnesses were accosted and threatened with death to themselves or their families should they testify against the defendants. In addition, one individual who had been accused of cooperating with law enforcement had been murdered prior to the witnesses being threatened.

The assistance and testimony given by the three witnesses led to the arrest and conviction of seven defendants on charges of voluntary manslaughter, great bodily injury, and second degree murder. One is presently awaiting a preliminary hearing for murder, and another is awaiting sentencing in Superior Court for second degree murder.

In addition, the witnesses' assistance resulted in the arrest of twelve persons for charges stemming from incidents involving attempted murders, robberies, assaults with deadly weapons, and assaults on police officers.

The San Bernardino Sheriff's Office did not have the monetary resources to protect these witnesses. Without assistance from the California Witness Protection Program, the witnesses could not have been protected and the witnesses would not have testified without protection.

It is significant that the State of California is currently the only state with a program such as the California Witness Protection Program. The leadership demonstrated by the California Department of Justice is resulting in other states requesting information regarding the program for purposes of establishing similar programs.

ORGANIZED CRIME CONTROL COMMISSION

ORGANIZED CRIME CONTROL COMMISSION

In accordance with Constitutional and Government Code authority, former Attorney General Evelle Younger appointed the independent, eight member, Organized Crime Control Commission on July 28, 1977.

The Commission was charged with identifying the scope and nature of the organized crime problem in California, assessing current efforts by local and state agencies to control and combat this problem, and to develop recommendations to improve the level of effort devoted to meeting the problem.

In a concerted effort to carry out its mandates, the Commission held 15 hearings throughout California over a span of 18 months. Representatives of local, state and federal law enforcement and regulatory agencies testified as to the status of organized crime activities in their jurisdictions and the resources devoted to this problem. They also presented suggested remedies, legislative and general, which they felt would improve the adequacy and capability of law enforcement to deal with these statewide problems. Additionally, in order to broaden commissioners' knowledge and appreciation of organized crime-related problems, confidential informants testified before the Commission, revealing an insider's perspective on organized crime groups involved in self-perpetuating and continuing criminal conspiracies. Supplemental to the hearings was the review by commissioners of volumes of written documentation.

In May 1978 after nine months of intensive study and review of factual testimony and documentary evidence from throughout the state, the Commission submitted its

First Report to the Attorney General; the focus was on syndicated organized crime. The report included legislative recommendations for statutes dealing with electronic surveillance, witness immunity, racketeering, and a state-wide organized crime grand jury. The report also identified 92 individuals having organized crime associations in the state, as evidence of the magnitude of the problem confronting California.

With the publication of the First Report, the Commission turned its attention to prison gangs, outlaw motorcycle gangs and terrorism. During the tenure of the Commission these areas were identified frequently by law enforcement as being major threats. Testimony from law enforcement officials and secret witnesses revealed that recruitment and organization efforts have been broadened and are continuing. The Commission submitted its Second Report to the Attorney General in January 1979.

The Commission observed enough evidence of the presence of identified organized crime figures in California and the overt manifestations which have in the past indicated that they were active to suggest that when these factors are coupled with the size of the population and the economy of the state, California cannot remain complacent. The Commission, therefore, made twenty-two legislative and general recommendations. Implementation of these recommendations would give state and local law enforcement the necessary tools to sustain extended investigative efforts.

Legislative Recommendations

1. A statute should be enacted to permit the use of court authorized electronic surveillance by law enforcement agencies against organized

crime conspiracies. This statute should also contain provisions to punish abuses of electronic surveillance.

2. A statute should be enacted to revise the present witness immunity law so that "use" immunity would apply to witnesses compelled to testify before a grand jury or state court having felony jurisdiction.
3. A statute should be enacted, modeled on the Federal Racketeer Influenced and Corrupt Organizations (RICO) statute, to provide for the prosecution of racketeering activities and conspiracy to commit racketeering.
4. A statute should be enacted to revise the current law for impaneling Grand Juries so that statewide crime proceedings can be specifically authorized by the Attorney General against organized crime conspiracies.
5. A statute should be enacted to provide for increased punishment of violent offenders and career criminals.
6. Legislation should be enacted to prohibit the use of fraudulent identification and to close current legal loopholes pertaining to the use of identification documents.
7. A statute should be enacted similar to the Federal Statute (Title 18, Chapter 73) for criminal penalties against attempts to obstruct justice.

General Recommendations

1. Retain an effective Grand Jury system as an investigative tool.
2. Involvement by the State Franchise Tax Board in the investigation of syndicated organized crime.
3. A statewide task force formed, consisting of the various regulatory agencies and local and state law enforcement agencies.
4. State financial support of the organized crime training programs should be provided.
5. Develop legislative measures to aid law enforcement in securing critically needed information regarding financial transactions.
6. Increase Attorney General's role in investigation and prosecution of crimes committed in prison.
7. Improve and expand prison facilities.
8. Increase Department of Corrections efforts to deal with prison gangs.
9. Increase Department of Justice support to Prison Gang Task Force.
10. Create a legal task force on Terrorism.
11. Create a criminal terrorist index.

12. Create a central coordinating unit on outlaw motorcycle gangs.
13. Increase funding of State Witness Protection Program.
14. Increase Department of Justice support to local law enforcement agencies.
15. Each local law enforcement agency should establish a criminal intelligence unit.

END