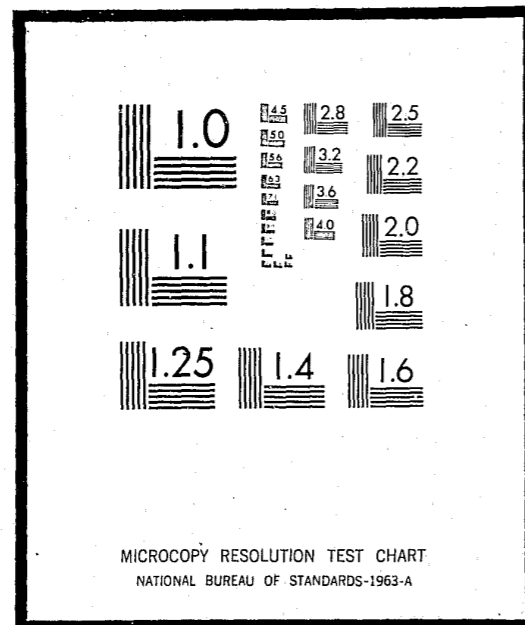


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**U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531**

THE ROLE OF STATE ORGANIZED
CRIME PREVENTION COUNCILS

Organized Crime Program Division
Office of Law Enforcement Programs
Law Enforcement Assistance Administration
United States Department of Justice

Date filmed

7/14/76

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Preface

This manual relates to the problem of structuring a "state organized crime prevention council" within the meaning of Section 601(g), Part F, Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

In this regard it is noted that except for the brief definition of the term "state organized crime prevention council" in Section 601(g), the Safe Streets Act is relatively silent on the question of council function and structure. In view of the foregoing, this manual was prepared to provide technical assistance and guidance to states which have formed such councils, to those states which are currently considering the formation of such bodies, and those which will give consideration to this approach in the future.

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Amendment No. 223 to S. 917, 90th Congress, 1st Session

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Council

I Legislative History of State Organized Crime Prevention Council Concept

Although still in what may be termed the early stages of development, it seems safe to say that the organized crime prevention council may prove to be one of the most useful tools available to a state in developing and implementing a comprehensive strategy against organized crime. A number of states have formed such councils and results have been encouraging. The Law Enforcement Assistance Administration encourages the creation of these councils.

The basic composition of an organized crime prevention council is prescribed in Section 601 (g), Part F, Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as follows:

State organized crime prevention council means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, 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.

The definition cited constitutes the only direct reference in the Act to the functions of a state organized crime prevention council. However, the legislative history of the council concept does provide us with additional guidance.

The idea of an organized crime prevention council was formally introduced in the Congress on June 29, 1967, by Senator Roman L. Hruska. On that date he introduced Amendment No. 223 to amend S.917, the Senate version of the Safe Streets Act.¹ Senator Hruska stated that Amendment No. 223 was designed as an important segment of the organized crime component of the Safe Streets Act. A number of other strengthening amendments in the organized crime area of interest were introduced by Senator Hruska on the same date. Specifically, Amendment No. 223 was framed to provide "federal financial assistance for the purposes of: first, developing State plans to combat organized crime; second, establishing or supporting State and local organized crime enforcement agencies; and third, establishing systems for organized crime intelligence centers."²

The Senator stated that under the provisions of the amendment, as then introduced, "these functions would be carried out under the supervision and control of State organized crime prevention councils."³ Essentially, the amendment was designed to make the Safe Streets Act meaningful in the fight against organized crime. Although modified in a number of particulars, the basic provisions of Amendment No. 223 were incorporated into the Act. This incorporation is reflected in the fact that Part C of Title I carries provisions which embrace the substance of Amendment No. 223.⁴

As originally proposed in Amendment No. 223, the organized crime prevention council was conceived as a medium through which a state might obtain federal funds to combat organized crime. That is, under the terms of

1. Amendment Number 223, to amend S.917, 90th Congress, 1st Session.
2. Remarks of Senator Hruska, Cong. Rec. 18000 (daily ed. June 29, 1967).
3. Ibid.
4. S. Rep. No. 1097, 90th Cong., 1st Sess. 224 (1968).

the amendment, federal aid to implement organized crime action programs described in the amendment, had to be preceded by the formation of a state organized crime prevention council. Although this prerequisite to the receipt of federal aid funds was not retained, the terms of the amendment now give helpful guidance with respect to the possible duties and functions which might be assumed by an organized crime prevention council.⁵

5. The full text of the amendment is set forth in the appendix.

II Relationship of State Organized Crime Prevention Council Concept to Safe Streets Act

The full significance of the role which the Congress contemplated for these councils is implied by the provisions of Section 301 of the Safe Streets Act. The broad mandate of Section 301 authorizes action grants to states having comprehensive law enforcement plans which incorporate a number of specific objectives, including objectives relating to the control of organized crime. In this regard, Section 301 (b) (5) refers to:

1. The organization, education and training of special law enforcement units to combat organized crime;
2. The establishment and development of state organized crime prevention councils;
3. The recruiting and training of special investigative and prosecutive personnel;
4. The development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

It should be noted that items (1), (3), and (4) above involve significant action programs designed to prevent and control organized crime. We may infer from this fact that Congress also contemplated a key role for organized crime prevention councils. (Item (2) above).

In effect, the Act invites attention to the formation of an organized crime prevention council as an especially desirable action program to effect one of the basic objectives of the Safe Streets Act, that is the objective of preventing, detecting, and controlling organized crime. The legislative history of the organized crime prevention council concept supports this view. In this regard it also should be noted that the possibility of implementing the

statutory emphasis placed on organized crime programs and projects by the Act would be considerably enhanced by an active organized crime prevention council. This emphasis is required by virtue of the provisions of Section 307(a) of the Safe Streets Act.¹

The factors outlined evince a strong legislative intent to commit the nation's financial resources to the task of destroying the power of organized crime groups. Implicit in this authorization is the conclusion that law enforcement generally has failed to develop the capability to root out the many manifestations of organized crime. There is no question that the organized crime prevention council concept was viewed by the Congress as an effective method of developing this needed capability.

1. Section 307(a) of the Safe Streets Act provides that, "in making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime" The emphasis referred to in Section 307(a) is underlined by the fact that under the terms of the Safe Streets Act, seventy-five percent of the cost of organized crime programs and projects may be assumed by the federal government. See Section 301(c).

III Organization and Composition

From an analysis of Section 301(b)(5) of Title I and the definition of "organized crime prevention council" set forth in Section 601(g) of Title I, it seems clear that only organized crime prevention councils which meet the criteria set forth in Section 601(g) may receive federal support under the terms of the Safe Streets Act.

(a) Size

Councils may be composed of no more than seven persons. (Section 601(g)). Although the Act does not explain the reason for this limitation, it is noted that in small groups, communications between members would be easier to maintain and there would be a greater possibility of cultivating close working relationships.¹

(b) Method of Creation

An organized crime prevention council may be established pursuant to state law or by an order of the governor of a state. An existing agency may also be designated as an organized crime prevention council. (Section 601(g)).

Consideration of the procedures authorized indicates that designation of the members of a council by the chief executive of a state would be the most expeditious way of proceeding. This method has been used effectively in a number of states. Illustrations of this procedure are set forth in the appendix.

The utilization of legislative or gubernatorial power to create such a council reflects the importance of giving direct high-level support

¹. Senator Hruska's Amendment No. 223 to S.917, referred to a maximum of five council members. However, this figure was later increased to seven as a result of negotiations between Republican and Democratic leaders in the Senate.

to those serving on the council. The council would be able to speak with greater authority as a result of such support. Law enforcement agencies, state and local criminal justice planners, citizen groups, and the general citizenry would be more apt to act upon recommendations from an organized crime prevention council identified by the legislature or governor as being authoritative in this field of interest.

(c) Membership

Councils must be broadly representative of the law enforcement officials within a state, and by virtue of training and experience, must be knowledgeable in the prevention and control of organized crime. (Section 601(g)).

Although the composition of such councils will vary from state to state, a balanced representation is required and should include representatives from police and prosecutorial agencies. Both state and local police agencies should be represented. Police agency members should have a minimum of five years of law enforcement experience with a substantial part of their service devoted to organized crime intelligence work. In selecting police officials as council members, no more than two should be from the same department or city.

Prosecutors serving as council members should be full-time prosecutors, preferably those from local units with the largest populations. However, prosecutors may be federal, state or local. They should have had extensive experience before investigative grand juries or in court directing organized crime cases.

All council members need not necessarily be drawn from police and prosecution categories. They may be criminologists, attorneys, accountants, or academicians. In some states, crime commissions, the clergy, labor, business, private foundations and the communications media have highly experienced, imaginative people who are in a position to make substantial contributions to council programs. However, if any of the council members are to be selected from these latter categories, they must withstand the congressional test of being, "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." (Section 601(g)).

Inasmuch as the work of the council will in large measure relate to the initiation of new programs or improving existing systems, every effort should be made to select persons whose experience and training in this field have involved useful areas of expertise. Background experience in training, research, and community action development would be particularly helpful. The council should also be composed of individuals who can work closely together despite organizational differences. In order to achieve maximum coordination in improving the capability of state and local units it might also be desirable to include the state planning agency organized crime specialist as a member or advisor of the state organized crime prevention council.

With respect to the balancing of jurisdictional and professional interests in this field it should be noted that such balance is essential if meaningful results are to be realized. Fragmented approaches to organized crime investigation and prosecution whereby numerous law enforcement officials, without appreciable coordination, try to address the organized crime problem,

must be remedied. A blending of state-local and prosecutorial-investigative interests together with others in appropriate cases, would be essential to the development of effective organized crime programs. These elements, reflected in state organized crime prevention councils, will tend to generate a similar approach in the formulation of action programs designed to combat organized crime.

(d) Security

Security will be of importance in connection with the selection of members of organized crime prevention councils and their staffs. Each council or staff member should be carefully screened before selection to assure the integrity of the council. Doubts concerning the integrity of these individuals would attenuate the effectiveness of the council and thus operate to defeat its purposes.

(e) Structure

(1) General:

The basic organizational structure of an organized crime prevention council should be formed to facilitate the orderly disposition of business. There are no statutory requirements in this regard. However, each council should have a chairman. A vice-chairman should be appointed to act in the chairman's absence. The appointing authority may select these officers or allow the council to elect them for a term specified by the appointing authority. Minutes should be kept, voting procedures should be established, **periodic reports should be required**, and other rules or bylaws deemed necessary to the orderly conduct of council

business should be provided. Helpful guidance concerning such questions may be obtained in Roberts Rules of Order Revised (Seventy-fifth Edition). Article IX relating to the work of committees and boards should be particularly helpful in this regard.

It will be important to establish a regular meeting schedule and business agenda in order to expeditiously process the business of the council. With respect to meetings it is suggested that councils meet no less than six times a year to consider council business. More frequent meetings would be desirable in states having significant organized crime problems.

(2) Staff

Since members of the council will usually have full-time responsibilities in the field of law enforcement it is felt that each council will require a supporting staff. This staff may consist of a full-time executive director and one or more assistants. Wherever possible efforts should be made to draw such professional support from state planning agencies. From the administrative standpoint, support would include space, clerical services, clerical supplies, telephone service and office equipment. Working together, council members and professional staff employees will be in an ideal position to provide a continuous infusion of ideas for council use.

In addition to providing a regular staff to assist in processing council business, consideration should also be given to the possibility of obtaining useful assistance through the appointment of committees to handle specific council projects. The appointment of committee members for key projects could be handled by the council on an "as needed" basis. Committee

members could be drawn from the law enforcement community or the private sector. In appropriate cases members of the judiciary could be selected to aid in attaining council objectives.

(3) Funding

If an organized crime prevention council is established to aid a state planning agency in meeting its law enforcement planning responsibilities under the Safe Streets Act, then "planning" funds may be allocated by the state planning agency to support the objectives of the council.² Similarly, action funds might also be used to fund council activities.³ In appropriate cases the Law Enforcement Assistance Administration would also give favorable consideration to the use of discretionary funds, available under the provisions of Section 306 of the Safe Streets Act for the purpose of financing council activities.

(4) Coordination with Organized Crime Programs Division

It would be extremely helpful to the Law Enforcement Assistance Administration if states forming organized crime prevention councils would supply the Organized Crime Programs Division with copies of documents reflecting the creation of a new council, the appointment of council members, operating rules and procedures and other related materials pertaining to establishment and operation. Such material would be of invaluable assistance in providing guidance and technical assistance in this area of interest.

2. Sections 202 and 203(b) Title I, Omnibus Crime Control and Safe Streets Act of 1968.

3. Id. Section 301(a)(b)(5).

(f) Acquiring Information for Council Purposes

It will be necessary for council members to have access to intelligence data relating to organized crime conditions in a state in order to formulate corrective policies and programs. In this regard, councils should have authority to consult with key officials responsible for gathering organized crime intelligence information on behalf of state and local law enforcement agencies with general investigative jurisdiction as well as state and local regulatory agencies, licensing bureaus, and other official sources of information and assistance. Insofar as possible, the authority convening the council should make it abundantly clear that all such agencies are under an obligation to cooperate fully with the council by supplying information relating to organized crime conditions, or by giving such other assistance as might be needed to enable the council to obtain data.

Although investigative authority and subpoena powers would provide the means for developing such data independently of other law enforcement agencies, it is felt that state organized crime prevention councils will serve the purpose of the Safe Streets Act more effectively if they do not have general investigative powers. 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 functions of state and local law enforcement agencies. They should, in large measure, be planning and coordinating bodies concerned with the objective of developing state and local capability to combat organized crime. In light of the primary mission of the council,

intelligence information needed to support council objectives would be more appropriately obtained from council members and other law enforcement officers working with and for the council.

Various methods can be employed by a governor to help insure that a newly formed organized crime prevention council will receive the support needed to function. It may be feasible to specifically identify key law enforcement officials in state and local agencies to serve as liaison with the council on behalf of their agencies. This will provide an important point of contact for information and assistance. In addition, the Executive Order appointing the council could require key law enforcement units in a state to file periodic crime condition reports with the council. With respect to the format or content of such reports, it is suggested that the segment of this memorandum entitled, "Defining the Organized Crime Problem" may be of assistance.

IV Functions and Duties

As previously noted the Safe Streets Act does not contain a description of the functions and purposes of an organized crime prevention council; however, the definition of such councils in Section 601(g), references to organized crime in Title 1, and the legislative history of the concept, imply the nature of council duties. In general terms, these bodies would normally maintain a wide spectrum of interests relating to the prevention and control of organized crime. The following material is set forth for the purpose of general guidance and does not purport to be a complete outline of the duties which an organized crime prevention might assume.

(a) Defining the Organized Crime Problem

One of the first and most important tasks which a state organized crime prevention council will be called upon to assume will relate to the difficult job of defining the organized crime problem posed within a state's borders. In many instances there will be individuals who do not yet fully appreciate the immense danger posed when organized criminal groups assume positions of power in a state. There will be some who do not feel that organized crime is a problem at all. Despite these impediments councils will be challenged to define organized crime in meaningful ways to law enforcement agencies in the state, to criminal justice planning officials, and to the community generally. In the last analysis each council will have to articulate its own response to this important responsibility.

In this regard a definition of organized crime is offered in the Task Force Report on Organized Crime.¹ Because of the importance of the

¹. See page 1, Task Force Report on Organized Crime, The President's Commission on Law Enforcement and Administration of Justice (1967).

definitional element in this discussion it is set forth below for consideration:

Organized Crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.

The core of organized crime activity is the supplying of illegal goods and services-- gambling, loansharking, narcotics, and other forms of vice -- to countless numbers of citizen customers. But organized crime is also extensively and deeply involved in legitimate business and in labor unions. Here it employs illegitimate methods-- monopolization, terrorism, extortion, tax evasion -- to drive out or control lawful ownership and leadership and to exact illegal profits from the public. And to carry on its many activities secure from governmental interference, organized crime corrupts public officials.

The Safe Streets Act also supplies helpful guidance on this point in that a definition of "organized crime" is set forth in Section 601(b) of the Act. This Section defines organized crime as "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."

These definitions are useful; however, in order to fully understand organized crime it is necessary to examine in detail the various manifestations or activities of organized criminal groups.

In ascertaining the nature of a state's organized crime problem, it may be helpful to think figuratively of superimposing or overlaying the definition outlined in the Safe Streets Act upon known criminal activities

in a state. To the degree that a state manifests the various symptoms of organized crime, then to that extent an organized crime problem would be identified.

It should be observed that the definition of "organized crime" in the Safe Streets Act refers to illustrative forms of organized crime, that is gambling, prostitution, loansharking, narcotics, and labor racketeering. Two key elements appear. These forms of crime are well organized, and they operate in a conspiratorial setting -- an atmosphere of relative secrecy. Depending on the area of the nation involved, other criminal activities are pursued by organized criminal groups. Included in the latter category would be fencing stolen property, hi-jacking, bankruptcy fraud, and other illegal activity of interest to organized crime groups. It should also be noted that the corruption of public officials usually accompanies all widespread organized crime activity.

In articulating an evaluation of organized crime, councils will find that there will be a danger of oversimplifying the problem. It is much more than one group controlling criminal conduct. It is in fact comprised in the conduct of many criminal groups engaged in the forms of criminal activity described. The total activity of these criminal groups makes up the menace of organized crime.

(1) Description of Organized Crime

For the most part, organized crime continues without complainants. Crimes are committed, but they are victimless in one sense. If there is a victim, he is usually a willing victim. Many conclude that the absence of complainants means the absence of organized crime, when nothing could be further from the truth.

An illustration of this is found in gambling situations. A sports bettor, for example, does not report his bookie. In fact, he does not complain at all. The only exceptions to this rule are those situations where the bettor is threatened or is otherwise endangered. In some cases, he will report these threats to the police; but as a rule, the relationship of bettor and bookie continues without disclosure.

Some may ask whether sports bookmaking is a facet of organized crime even though the definition referred to includes gambling as one element of organized crime. In order for a bookmaking organization to operate, it must be intricately organized. A bookie who takes a bet in New York City on a race in Kentucky must have fast results to service his bettors. He necessarily has to use interstate wire communication facilities in violation of federal law. This takes personnel in different parts of the nation because the bookie is taking bets on tracks all over the country and on sporting events occurring in various parts of the country.

Another element relates to the receipt of odds information. Dissemination of this data is carried on by a complex process involving large numbers of people. This data is supplied by an efficient organizational setup.

In order to continue in business, a bookie must have the capacity to lay off some of his bets to balance his book. When he receives a large number of bets on a particular team or horse race, he, in turn, bets with large-scale gamblers to offset the heavy emphasis on the particular team or race. In a sense, it is a form of reinsurance against gambling losses.

These financial arrangements involve careful organization and credit relationships between bookies in many locations.

Illegal gambling debts are not collectible through legal process. Nevertheless, most gambling relationships are based on credit. The collection of gambling winnings is a matter of prime concern to the bookie. He is engaged in business for a profit. To make certain that these profits are realized, the gambling organization has established machinery to coerce payment. It is merely a case of utilizing or threatening to use an existing segment of their wagering business -- the enforcer. In place of legal process and legal means, we find extortion. It is a classic pattern found often in gambling cases.

The loanshark racket, or the loaning of sums of money at illegal interest rates in situations where the borrower's person is security for the loan, is another manifestation of organized crime. This is a multi-million dollar business. The borrower understands clearly that he may be harmed if he does not repay the loan. The understanding is so clear that written evidence of these debts is not requested -- only the oral promise.

Here again we find that intricate organization is essential to operate the business. Large sums of money are involved. These sums are the fruits of organized crime. They are distributed to those who do the lending. The rate of interest on these loans runs from five to twenty percent weekly. To operate the loanshark rackets, collectors are necessary. They are usually hardened criminals who will stop at nothing to collect for their masters. Numerous extortion cases have told the story of their work. In these situations the borrower is not usually one who complains, and as a result, the loanshark racket operates in relative secrecy.

In the area of narcotics, it is well established that the importation and distribution of heroin requires an intricate organizational pattern. The business involves importation of the drug, wholesaling, and retailing. Large amounts of cash and international connections are necessary. Here again we have serious crimes, but we do not have complainants as we do in assault and mugging cases. A narcotics user seldom reports his pusher.

The prostitution racket is another illustration of a criminal activity which produces few complainants. Those engaged in this racket operate with a cloak of secrecy and protection.

Union locals in a number of sectors of business and industry are under the effective control of the underworld. We find very few complainants among those cooperating with labor racketeers, and those who succumb to the extortionate practices of corrupt unions seldom come forward to testify.

In each of these criminal activities we find that a high level of organization is essential. The illegal activity usually continues without interruption even though individual criminal leaders are removed from the scene. We also find that the crimes do not produce victims who complain. These characteristics make organized crime a formidable problem.

It is helpful to think of organized crime as a large circle. The circle is comprised of many criminal groups engaging in the unlawful activities previously outlined as well as others.

If there are elements of a recognized organized crime group in a community, that community has an organized crime problem. However, the absence of well-known organized crime figures in a community should not lull one into a false sense of security nor should it be used as a basis for concluding that there is no organized crime in that community. If a community has some of the identified activities of organized crime groups, that community would still have the vicious by-products of such criminal activities. You would still have murders, extortion, bribery, corruption, and all that necessarily goes along with the various manifestations of organized crime. The make-up of organized crime is not simple. The bulk of the evil is in the numerous criminal activities comprising organized crime. It is these that must be erased. Organized crime may be compared to an iceberg. The isolation of a few culprits on the surface will not erase the immense danger which is generated by the forms of criminal activity involved. This danger is hidden below the surface in a sense because the full significance of the problems posed by these forms of criminal activity is not appreciated.

(2) Some effects of Organized Crime

Organized crime prevention councils should be aware of the deleterious effects of organized crime so that members will be in a position to articulate the underlying reasons for their concern. Particular attention should be given to the relationship between violent street crimes and narcotics addiction generated by organized crime groups dealing in hard narcotics. A heroin addict may pay anywhere from twenty to one hundred dollars a day to feed his habit. He needs cash to purchase his supply. As a result addicts often resort to assaults, muggings, burglaries, robberies, and even murders to obtain money to pay for their habits.

Most professional gamblers will admit that a bettor is a sucker, that is the odds are overwhelmingly against the bettor. Professional gamblers are taking billions from citizens willing to be suckers -- from people who are eager to part with their money in gambling transactions. Consider the value of these dollars in terms of use in the fields of education, retraining of employees, housing, research, and social services generally.

It has been stated that organized crime and corruption of public officials go hand in hand. As a result of this we must consider the insidious effect of such corruption on our criminal justice system and upon the attitudes of our young as they form their views of our system of justice. At a time when we are endeavoring to support and elevate law enforcement generally, these corrupting elements are tearing away at it. This tends to indicate that there is a relationship between civil disorders and corruption generated by organized crime.

We should be aware of the fact that these criminals do not pay income taxes on their illegal profits. This means that each of us must pay that much more to pay their way in our society. In this regard we must also be aware of the increased cost of services generated in industries wherein hoodlums have obtained a measure of monopoly control, such as in the garbage and trash hauling business, the vending machine business, and the nightclub business. We do not realize it, but we are paying more when a corrupt union official drives prices up as a result of sabotage and extortion.

Human loss as well as the loss of dollars is generated by organized crime. When large numbers of individuals are engaged in organized crime activities, they are inflicting injury upon the members of society while at the same time depriving society of the benefit of more constructive endeavors. We must conclude that organized crime affects each of us directly and indirectly.

(b) Developing Programs to Combat Organized Crime

One of the most important functions that an organized crime prevention council can perform is that relating to the development of strategies and plans to attack and control 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.

This aspect of their work might be compared to the services performed by a management consultant firm. Business executives who need advice in the management area usually retain such firms. Studies are made and proposals are suggested. Members of an organized crime prevention council would act as such consultants in their area of expertise -- the control of organized crime. In this capacity they should be in a position to give expert guidance to a state planning agency and to the chief executive of a state.

The Congress intended all State Planning Agencies to be concerned with all aspects of reform in our criminal justice system, that is police, courts and corrections. The legislative history of the Safe Streets Act makes it clear that the responsibility for planning organized crime components of state plans would in many instances be more effectively met through the utilization of separate planning groups knowledgeable in the field of organized crime. These groups, identified

as state organized crime prevention councils, would be extremely helpful to a state planning agency charged with the task of producing meaningful approaches to the problem of organized crime.

Councils are in a unique position to explore state needs and to verify the justification for specific programs. For example, a council might recommend the creation of a statewide organized crime intelligence capability in a state where no such capability exists. Presently existing statewide units might be improved upon recommendation of a council. The roles of participating units in a statewide intelligence system might be broadened as a result of council planning. Avenues for the exchange of information could be opened or training relating to the intelligence process could be structured through council efforts.

(c) Coordinating Programs to Combat Organized Crime

If a state's organized crime program is to avoid the danger of fragmentation it will be necessary to coordinate organized crime law enforcement efforts. In this area of concern a state organized crime prevention council would be able to serve many useful functions. Council members or staff supporting the council could report on the results of organized crime programs, suggest and monitor modifications of existing programs, and assist in resolving jurisdictional disputes in existing programs. Such coordination of efforts would be essential if successful results are to be realized.

(d) Some Programs Which Might Be Encouraged by State Organized Crime Prevention Councils

During the course of Senator Hruska's introduction of the state organized crime prevention council approach, he referred to a number of programs which such a council might encourage in efforts to curb organized crime. These are reflected in Amendment No. 223 as introduced by Senator Hruska to amend S. 917. For the most part, the programs included in the amendment were incorporated into the Safe Streets Act in broader form as action programs suitable for federal funding.² The following were included:

The organization, education, and training of special law enforcement units to combat organized crime.

The recruiting and training of special investigative and prosecutive personnel.

The development of systems for collecting, storing, disseminating information relating to the control of organized crime.³

These programs were, in large measure, set forth in the Task Force Report on Organized Crime.⁴ A detailed justification for these programs is set forth in the Task Force Report. An organized crime prevention council would be justified in the adoption of the programs outlined as immediate goals.

Other programs suggested by the Task Force Report on Organized Crime would be of possible interest to an organized crime prevention council.

A list of these would include the following:

Research into existing state statutes to determine whether new legislation is needed, or whether existing legislation should be modified to better enable a state to cope with its organized crime problem. The enactment of general immunity statutes, the

2. Section 301(b)(5), Omnibus Crime Control and Safe Streets Act of 1968.
3. As previously noted the formation of a state organized crime prevention council was also listed as an action program in Section 301(b)(5).
4. See page 20, Task Force Report on Organized Crime, The President's Commission on Law Enforcement and Administration of Justice (1967).

abolition of the rigid two-witness rule in perjury cases and the creation of effective grand jury investigative authority are illustrative of the legislative changes which an organized crime prevention council might urge.

The establishment of residential facilities for the protection of witnesses desiring such assistance during the pendency of organized crime litigation.

Programs to utilize citizen groups, business organizations and the news media to combat organized crime.

The President's Task Force Report on Organized Crime should be carefully studied to determine whether any other suggestions outlined in the report can be applied to a particular state's organized crime problem.

The number of program possibilities in this area of interest is virtually unlimited. Organized crime prevention councils could encourage the development of:

Internal security systems to assure the integrity of law enforcement officials involved in organized crime law enforcement work.

Research projects into the structure and operation of organized crime within a state.

Liaison between selected federal, state and local officials in efforts to foster inter-jurisdictional coordination.

Regular and periodic meetings with other state organized crime prevention councils.

Recruitment programs to locate individuals knowledgeable in the field of organized crime law enforcement work.

Training programs for law enforcement officers and others to acquaint them with the problems posed by organized crime.

A methodology for the selection of organized crime targets to insure that the selection of

targets will result in the greatest impact on the manifestations of organized crime.

Where appropriate, equipment pools to provide law enforcement units with access to expensive hardware such as electronic surveillance equipment and other items.

The preparation of "white papers" on the subject of organized crime conditions within a state to apprise the public generally of the problems posed.

(e) Relationship of State Organized Crime Prevention Council to State Planning Agency

State planning agencies will undoubtedly find the recommendations of state organized crime prevention councils relevant to state planning agency objectives in the organized crime program area. For this reason council members should be alert to the need for establishing and maintaining close working relationships with state planning agency officials as they will be vitally concerned with overall criminal justice system reforms.

On the other hand, state planning agencies should consider the performance of council functions in the field of organized crime planning as an aid. In many cases, councils will be able to provide justification, support and designs for needed programs.

It should be clear from the preceding discussion that organized crime prevention councils will operate in aid of state planning agencies in that such councils will be surfacing organized crime programs and policies for implementation. It has been previously noted in this regard that it would be extremely desirable in appropriate cases to include a state planning agency organized crime specialist as a council member or council advisor to help insure that policies of cooperation will be effectively fostered.

Amdt. No. 223

90TH CONGRESS
1ST SESSION

S. 917

AMENDMENTS

Intended to be proposed by Mr. HRUSKA (for himself, Mr. ERVIN, Mr. HANSEN, and Mr. PERCY) to S. 917, a bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

JUNE 29, 1967

Referred to the Committee on the Judiciary and
ordered to be printed

APPENDIX

S. 917

IN THE SENATE OF THE UNITED STATES

JUNE 29, 1967

Referred to the Committee on the Judiciary and ordered to be printed

AMENDMENTS

Intended to be proposed by Mr. HRUSKA (for himself, Mr. ERVIN, Mr. HANSEN, and Mr. PERCY) to S. 917, a bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, viz:

1 On page 15, between lines 9 and 10, insert the following
2 new title:

3 "TITLE V—GRANTS FOR THE CONTROL OF
4 ORGANIZED CRIME

5 "AUTHORIZATION

6 "SEC. 501. (a) For the purpose of assisting the States
7 and units of general local government to combat organized
8 crime more effectively, the Attorney General is authorized
9 to make grants to States which have State plans approved

Amdt. No. 223

1 by him under section 503 to pay up to 90 per centum of the
2 cost of each such plan.

3 " (b) For the purpose of making grants under this title
4 there is authorized to be appropriated \$30,000,000 for the
5 fiscal year ending June 30, 1968, and \$15,000,000 for each
6 of the four succeeding fiscal years.

7 "DEFINITIONS

8 "SEC. 502. For the purpose of this title—

9 " (1) 'organized crime' means the unlawful activi-
10 ties of the members of a closely organized, highly dis-
11 ciplined organization generally engaged in supplying
12 illegal goods and services—including but not limited to
13 gambling, loan sharking, narcotics, and labor racketeer-
14 ing—in large metropolitan areas, and such term includes
15 the unlawful activities of members of such specific orga-
16 nizations as are designated by the Attorney General;

17 " (2) 'State organized crime prevention council'
18 means a council of not more than five persons appointed
19 by the Governor of any State desiring to participate in
20 the grant programs under this title chosen from among
21 representatives of the law enforcement and criminal
22 justice fields in that State who by virtue of their training
23 or experience are knowledgeable in the prevention and
24 control of organized crime. At least one-half of the per-
25 sons so appointed must be representative of the units of

1 general local government in that State concerned with
2 combating organized crime.

3 "USES OF FEDERAL FUNDS

4 "SEC. 503. Grants under this title may be used in ac-
5 cordance with State plans approved under section 504 for—

6 "(1) the establishment or expansion of a special
7 organized crime section within the appropriate State law
8 enforcement agency to provide specialized investigative
9 and prosecuting services at the State level to combat
10 organized crime, with particular emphasis upon recruit-
11 ing programs designed to obtain the most able investi-
12 gators and attorneys;

13 "(2) the recruiting and training of intelligence per-
14 sonnel for use in combating organized crime by the
15 law enforcement agency in such units of general local
16 government as are designated by the State organized
17 crime prevention council.

18 "(3) the recruiting and training of attorneys for
19 use in combating organized crime by prosecuting offices
20 in such units of general local government as are desig-
21 nated by the State organized crime prevention council;
22 and

23 "(4) the development of a system for the collection,
24 storage, and dissemination of information relating to the
25 control of organized crime, including the acquisition of

1 such equipment as may be necessary for the operation
2 of such a system.

3 "STATE PLANS

4 "SEC. 504. (a) Any State desiring to participate in the
5 grant program under this title shall establish for that purpose
6 a State organized crime prevention council (hereinafter in
7 this section referred to as the "council"), and submit to the
8 Attorney General through the council so established a State
9 plan which—

10 "(1) sets forth a program for carrying out the pur-
11 poses set forth in the preceding section;

12 "(2) provides that the programs and services for
13 which assistance is sought under this title will be super-
14 vised by such council and will be administered by a State
15 agency or by an agency of the participating units of gen-
16 eral local government within such State;

17 "(3) provides assurances that the State or unit of
18 general local government, or both, will pay from non-
19 Federal sources the remaining cost of such program;

20 "(4) sets forth policies and procedures designed to
21 assure that Federal funds made available under this title
22 will be so used as not to supplant State or local funds,
23 but to increase the amounts of such funds that would in
24 the absence of such Federal funds be made available for
25 the purposes set forth in the preceding section;

1 “(5) provides that such council and unit of local
2 government will make such reports in such form and
3 containing such information as the Attorney General
4 may reasonably require; and

5 “(6) provides such fiscal control and fund account-
6 ing procedures as may be necessary to assure proper dis-
7 bursement of and accounting of funds received under this
8 title.

9 “(b) The Attorney General may approve State plans
10 for grants under this title, or any modifications thereof, only
11 if the plan—

12 “(1) meets the requirements set forth in subsection

13 (a) of this section;

14 “(2) contains adequate provisions for the coordina-
15 tion of programs and services assisted under this title
16 between the State and units of general local government
17 within the State participating in such programs and
18 services; and

19 “(3) provides assurances that any information sys-
20 tem to be assisted pursuant to section 503 (4) will be
21 compatible with the national data system or any portion
22 of such national system designed to collect and store
23 information relating to organized crime, as determined
24 by the Attorney General.

1 **“FEDERAL SHARE**

2 “SEC. 505. The Attorney General shall determine the
3 amount of the Federal share of the cost of State plans
4 approved by him under section 504 upon the basis of the
5 funds appropriated therefor pursuant to section 501 for that
6 fiscal year and upon the number of participating States;
7 except that no State may receive a grant under this title
8 for any fiscal year in excess of \$2,000,000.”

9 On page 15, line 10, strike out “TITLE V” and sub-
10 stitute “TITLE VI”.

11 On page 15, line 11, strike out “501” and substitute
12 “601”.

EXECUTIVE ORDER

WHEREAS, The State of Texas recognizes the responsibility of the State and its political subdivisions to control all crime, including organized crime; and

WHEREAS, the development of a comprehensive law enforcement plan for the control of organized crime in Texas and the coordination of all law enforcement activities involved in its control are necessary in order to protect the lives, liberties and property of the citizens of this State from the threat of organized crime:

NOW, THEREFORE, I PRESTON SMITH, Governor of the State of Texas, by virtue of the power vested in me, do hereby create and establish the Texas Organized Crime Prevention Council, which Council shall be a subsidiary council of the Texas Criminal Justice Council. The purposes of the Texas Organized Crime Prevention Council are as follows:

1. 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:

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 in the State of Texas.

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

1. The Director of the Texas Department of Public Safety, a member of the Texas Criminal Justice Council, who shall serve as co-chairman of the Council.

2. The Attorney General of the State of Texas, a member of the Texas Criminal Justice Council, who shall serve as co-chairman of the Council.

3. One member of the Texas Criminal Justice Council who is a member of a law enforcement (police) agency in a metropolitan area, to be appointed by the Governor.

4. One member of the Texas Criminal Justice Council to represent prosecutors who is a prosecutor from a metropolitan area of the State, to be appointed by the Governor.

5. Three members who are members of local police and prosecutors' agencies from metropolitan areas of the State, to be appointed by the Governor.

The Texas Organized Crime Prevention Council shall have the following duties:

1. It shall meet as quickly as practicable after appointment of the members to organize by selecting a secretary, who shall maintain a record of the proceedings of the Council, and by adopting operating procedures.

2. The Council shall at its first meeting appoint an operating committee of appropriate size from appropriate locations in the State to perform its principal functions, and shall prescribe the duties and methods of operation of the operating committee.

3. The Council shall direct and supervise the work of the operating committee in performing the following functions:

a. The Development of a comprehensive plan involving law enforcement (police) and prosecutors for the suppression of organized crime.

b. The execution of the planned law enforcement program through investigation and prosecution of the perpetrators of organized crime.

4. The Council shall make an annual report and such other

reports as it deems desirable to the Governor and to the Texas Criminal Justice Council on the amount, nature, and significance of organized crime in Texas on the law enforcement and shall make recommendations for additional legislation and resources needed for more effective control. The annual report shall be made by January 31 of each year covering the preceding calendar year.

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

Members of the Texas Organized Crime Prevention Council who are also members of the Texas Criminal Justice Council shall serve on the Organized Crime Prevention Council as long as they are members of the Texas Criminal Justice Council. The members appointed to the Council from outside the Texas Criminal Justice Council shall serve for two years from the date of their appointment or until their successors are appointed.

Staff for the Texas Organized Crime Prevention Council shall be provided by the Texas Criminal Justice Council.

This order is to be effective immediately.

In Official recognition whereof, I hereby affix my signature this 7th day of March, 1970.

(Signed Preston Smith)
Governor of Texas

MINUTES OF MEETING

TEXAS ORGANIZED CRIME PREVENTION COUNCIL
TEXAS SUPREME COURT BUILDING

June 4, 1970

Presiding: Colonel Wilson E. Speir, Director, Texas Department of
Public Safety

1. Co-Chairman Speir called the meeting to order at 10:00 a.m. with all members of the Council present, except Chief Herman Short of Houston, who had notified the Criminal Justice Council staff of his inability to attend. Also present were C. G. Conner, Program Director, Law Enforcement, Criminal Justice Council; Mr. Nola White, First Assistant to the Attorney General; Mr. Tom Bullington, Crime Prevention Division, Attorney General's Office; and, Mr. Jack Dillard, Attorney General's Office. A preliminary discussion of the significance of organized crime was participated in by all members.
2. C. G. Conner was selected to serve as Secretary to the Council since he had been designated by the Executive Director of the Texas Criminal Justice Council to serve as Staff to the Texas Organized Crime Prevention Council.
3. The Chairman called on Mr. Conner to review the key points of the Executive Order creating the Texas Organized Crime Prevention Council. Mr. Conner read pertinent portions of the order emphasizing the responsibility to develop a comprehensive plan for the control of organized crime and the coordination of enforcement efforts.
4. The Chairman called on Mr. Conner to review some known facts about organized crime in Texas. Mr. Conner briefly reviewed some hard intelligence data concerning subjects in Texas known to be associated with La Cosa Nostra and passed out a number of published articles relating to organized crime figures and their connections in Texas.
5. The Council considered an operating procedure for conducting its business. The Council voted to instruct Mr. Conner to prepare a suggested set of operating rules and procedures to be considered at the next meeting. They voted to conduct business by letter ballot or telephone vote when necessary.
6. The Council in creating the Operating Committee in compliance with the Executive Order appointed as Chairman of the Operating Committee, James M. Ray, Chief, Criminal Law Enforcement Division, Texas Department of Public Safety, Austin. They appointed two Vice Chairmen, Mr. Robert Flowers, Chief, Enforcement Division,

Attorney General's Office, and Mr. Tom Bullington, Crime Prevention Division, Attorney General's Office. They then considered a list of suggested members of the Operating Committee and voted unanimously to authorize Chairman Ray to appoint such members of the Committee as he deemed appropriate, utilizing the approved list. They also authorized Chairman Ray to make substitutions on this list, to change subjects on the list, to appoint additional members and to remove members as he deemed appropriate.

7. The Council then discussed procedures to guide the Operating Committee. They unanimously directed the Chairman to create the following Planning Subcommittees of the Operating Committee:

- a. Personnel Training and Equipment
- b. Intelligence
- c. Legal and Legislative
- d. Operations
- e. Public Education

The Council further directed Chief Ray to appoint Subcommittee Chairmen for such Subcommittees and to charge each Subcommittee as set out in Attachment 1.

8. The Council voted unanimously to instruct Chairman Ray to appoint the Operating Committee members as quickly as possible and to call a meeting of the Operating Committee at the earliest appropriate time. They further instructed concerning the Operating Committee as follows:

- a. Meetings of the Operating Committee and its Subcommittees shall be closed meetings.
- b. Members of the Operating Committee will make no statements for publication concerning work of the Committee or a Subcommittee.
- c. The Operating Committee or any Subcommittee will take no action toward implementation of any plans developed by it until approved by the Council.

The Council further directed Chairman Ray with the assistance of Secretary Conner to promulgate operating procedures for the Operating Committee and its Subcommittees.

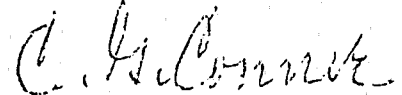
9. The Council voted unanimously to allow the two Co-Chairmen to select the next meeting date and call a meeting of the Council when they deemed a meeting necessary.

10. Other Business

- a. Colonel Wilson E. Speir gave a brief description of the Organized Crime Intelligence Unit of the Department of Public Safety.
- b. The Council voted with one member abstaining to request the State Bar Committee on Revision of the Penal Code to include an extended sentencing provision for persons convicted of offenses involved in organized crime.
- c. The Council unanimously endorsed the enactment of an electronic surveillance statute modeled after the Federal law.
- d. Mr. Conner discussed attendance of investigators and prosecutors at the IRS school for agents.
- e. Payment of travel and transportation of members was discussed.

11. Meeting adjourned at 12:00 p.m.

Respectfully submitted,


C. G. Conner
Secretary

ATTACHMENT 1

TEXAS ORGANIZED CRIME PREVENTION COUNCIL

OPERATING COMMITTEE

Planning Subcommittees

1. Personnel, Training, and Equipment
2. Intelligence
3. Legal and Legislative
4. Operations
5. Public Education

TEXAS ORGANIZED CRIME PREVENTION COUNCIL

OPERATING COMMITTEE

PLANNING SUBCOMMITTEE FOR PERSONNEL, TRAINING AND EQUIPMENT

The Chairman of the Planning Subcommittee for Personnel, Training and Equipment will call such meetings of his Subcommittee and make such work assignments of the Subcommittee as may be necessary so that he can report to the Chairman of the Operating Committee and to the Organized Crime Prevention Council the following:

1. A recommendation specifying the additional personnel that may be needed in the agencies involved to mount an effective attack on organized crime. This recommendation should specify the kind of special capability desirable in the personnel.
2. A recommendation on the kinds of training necessary for personnel of agencies involved in organized crime control including executive conferences, seminars, workshops, and regular training sessions. This recommendation should cover the personnel in intelligence units, CID units and all personnel in the police departments with special emphasis on administration. It should also cover recommendations for training prosecutors' personnel.
3. A recommendation on the kinds and amounts of new equipment needed by investigative agencies in the State for the adequate investigation of organized crime.

4. The Committee shall recommend a method for financing the acquisition of such equipment.
5. This report should be completed by _____.

TEXAS ORGANIZED CRIME PREVENTION COUNCIL

OPERATING COMMITTEE

PLANNING SUBCOMMITTEE FOR INTELLIGENCE

The chairman of the planning subcommittee on intelligence will call such meetings of his committee and make such assignments as may be necessary so that he can make a report to the chairman of the Operating Committee and to the Organized Crime Prevention Council covering the following matters:

1. A recommendation for an intelligence system on organized crime involving the appropriate law enforcement agencies within the State of Texas. The recommendation will cover in detail the specific operations of the intelligence system including adequate security measures.
2. A recommendation that will cover a system to exchange intelligence on organized crime with appropriate neighboring states and Federal agencies. This recommendation should be specific as to operations and should provide for adequate security.
3. This report should be completed by _____.

TEXAS ORGANIZED CRIME PREVENTION COUNCIL
OPERATING COMMITTEE

PLANNING SUBCOMMITTEE ON LEGAL AND LEGISLATIVE MATTERS

The Chairman of the Planning Subcommittee on Legal and Legislative Matters shall hold such meetings of the Subcommittee and make such assignments as may be necessary to be able to produce recommendations to the Chairman of the Operating Committee and to the Organized Crime Prevention Council covering the following matters:

1. The Subcommittee will prepare a listing of all penal statutes and all regulatory statutes that might be utilized in the control of organized crime.
2. The Subcommittee shall recommend to the Chairman of the Operating Committee and to the Organized Crime Prevention Council a list of new laws that are needed in the State and shall attach thereto, drafts of such recommended statutes.
3. This report should be completed by _____.

TEXAS ORGANIZED CRIME PREVENTION COUNCIL
OPERATING COMMITTEE

PLANNING SUBCOMMITTEE ON OPERATIONS

The Chairman of the Planning Subcommittee on Operations shall hold such meetings of his Subcommittee and make such assignments to its members as may be necessary so that he can produce a report to the Chairman of the Operating Committee and the Organized Crime Prevention Council covering the following items:

1. A recommended organizational structure and operating procedure for the operating committee after the first planning work is completed that will coordinate the work of all the investigative agencies and prosecutors in the State and with the Federal government.
2. A recommended organizational structure and operating procedure for a city or metropolitan organized crime control task force.
3. A recommendation for a system of revising the operating procedure for the operating committee as may be needed.
4. This report should be completed by _____.

TEXAS ORGANIZED CRIME PREVENTION COUNCIL

OPERATING COMMITTEE

PLANNING SUBCOMMITTEE ON PUBLIC EDUCATION

The Chairman of the Planning Subcommittee on Public Education shall call such meetings of his Subcommittee and make such assignments to the members as may be necessary so that he can produce a report to the Chairman of the Operating Committee and the Organized Crime Prevention Council on the following items:

1. A recommendation covering the kind of public education program that should be conducted including subject matter and methods of dissemination.
2. A recommendation concerning the method of implementing the public education program.
3. This report should be completed by _____.

INSTRUCTIONS TO SUBCOMMITTEE CHAIRMEN

Chief Jim Ray

Subcommittee Chairmen will carry out the following:

1. Hold a Subcommittee meeting at the time and place designated
2. Appoint a Secretary and instruct him to keep a record of the meeting
3. Read the Subcommittee assignment to the members and conduct a discussion of it
4. Arrive at a method of carrying out the assignment
5. Make individual work assignments as appropriate
6. Announce the next meeting date and time
7. Instruct the Secretary to transmit to the Operating Committee Chairman as promptly as practicable the minutes of the Subcommittee Meeting

TEXAS ORGANIZED CRIME PREVENTION COUNCIL
OPERATING COMMITTEE

COMMITTEE PROCEDURES

Membership

The Operating Committee of the Texas Organized Crime Prevention Council shall be composed of members of law enforcement agencies and prosecutors' offices appointed by the Council or by the Chairman of the Operating Committee.

Officers

- a. Chairman -- The Organized Crime Prevention Council will appoint a Chairman of the Operating Committee. The Chairman shall carry out all necessary duties as Executive Officer of the Committee. He shall appoint a Secretary, call Committee meetings as he deems necessary, preside over Committee meetings, appoint Subcommittees and Subcommittee Chairmen, assign tasks to Subcommittees, supervise the work of Subcommittees, receive reports from Subcommittees, and report to the Council on the work of the Committee and its Subcommittees. He shall carry out such other duties as may be prescribed by the Council.
- b. Vice Chairmen -- Co-Vice Chairmen will be appointed by the Council. In the absence of the Chairman or his inability to act, the Vice Chairmen shall perform all the duties of the Chairman and such other duties as he may direct.
- c. Secretary -- The Secretary of the Committee will be appointed by the Chairman and it shall be his duty to maintain a membership roll of the Committee, to keep minutes of all meetings of the Committee, and transmit copies of the minutes to the Chairman, members of the Organized Crime Prevention Council, and members of the Committee. He shall prepare with the guidance of the Chairman all reports of the Committee to the Council. He shall handle all correspondence for the Committee and perform such other duties as may be assigned by the Chairman.

Meetings

The Operating Committee shall meet upon the call of the Chairman at a date, time and place designated by him. Upon direction of the Chairman, the Secretary will notify members of all meetings.

Quorum

A quorum of members must be present at each meeting for the transaction of business in that meeting. A quorum shall consist of 15 members present. For emergency items of business the Chairman may conduct a letter poll or a telephone poll of the members. Approval for any items of business will consist of an affirmative vote by a majority of the membership present at a meeting or a majority of the membership polled by letter or telephone.

Regulations

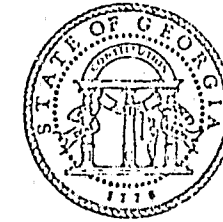
- a. Meetings of the Operating Committee shall be closed meetings unless permission is granted by the Council for an open meeting upon request of the Chairman.
- b. Members of the Operating Committee will make no statements for publication concerning the work of the Committee or the Council without prior approval of the Council.
- c. The Operating Committee will take no action toward implementation of any plans or programs developed by it until approved by the Council.
- d. The Operation Committee will work at all times under the general supervision of the Texas Organized Crime Prevention Council.

Reports

The Chairman and Secretary of the Operating Committee will make reports to the Council on all work of the Operating Committee and its Subcommittees in a form deemed appropriate by them. These reports will describe the work of the Committee and its Subcommittees and will contain recommendations for action.

EXECUTIVE DEPARTMENT

THE STATE OF GEORGIA



Executive Order

By the Governor:

WHEREAS: Organized crime is known to exist in all sections of the nation and is becoming a greater threat to legitimate businesses and the general public in the State of Georgia; and

WHEREAS: Under the "Omnibus Crime Control and Safe Streets Act of 1968", appointment of a State Organized Crime Prevention Council is encouraged for the purpose of developing and coordinating strategies and plans to attack and control organized crime; and

WHEREAS: It would be beneficial to the State of Georgia to organize such a Council in an effort to prevent further intrusion of organized crime into the State.

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the "Georgia Organized Crime Prevention Council" be and it is hereby established, to be composed of no more than seven persons, who shall, by virtue of their training or experience, be knowledgeable in the prevention and control of organized crime.

IT IS FURTHER

ORDERED: 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 in the State and local agencies responsible for combating organized crime. Additional goals are 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 to assure absolute integrity of these persons involved in the program.

IT IS FURTHER

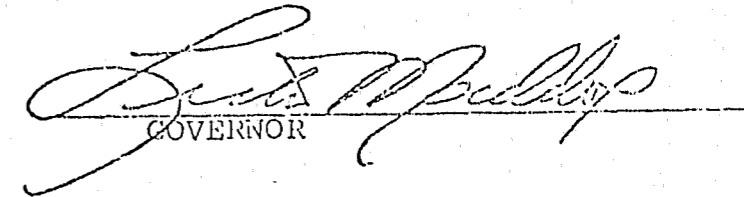
ORDERED: That a Chairman and Vice Chairman of the "Georgia Organized Crime Prevention Council" created by this Executive Order shall be elected from among the membership of said Council. A majority of the members shall constitute a quorum. The members of the Board shall not be entitled to compensation for their services, but all members except State officials serving on the Board shall be entitled to receive reimbursement for expenses incurred in the performance of their duties with such reimbursement to be expended from funds allocated for travel under the Omnibus Crime Control Act. The Council may delegate to any one or more of its members, or agents, such powers and duties as it may deem proper.

IT IS FURTHER

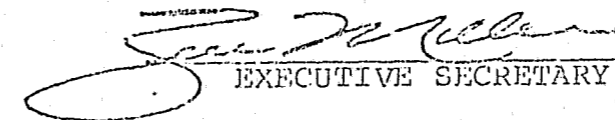
ORDERED: That the State Planning Bureau shall furnish the staff assistance necessary to carry out the responsibilities imposed by this Executive Order, and that the following named persons be and they are hereby appointed as members of the "Georgia Organized Crime Prevention Council" for terms beginning this date and serving at the pleasure of the Governor:

<u>NAME</u>	<u>REPRESENTING</u>
Major Barney Ragsdale	Georgia Bureau of Investigation
Hon. Roger Thompson Assistant District Attorney	Office of District Attorney Atlanta Judicial Circuit, Fulton County
Hon. Clinton Chafin Superintendent of Detectives Atlanta Police Department	Metropolitan Atlanta Area
Sheriff Jack Rutledge Muscogee County	Metropolitan Columbus Area
Captain Lawrence Mahany Savannah Police Department	Metropolitan Savannah Area
Deputy Sheriff Ray Wilkes Bibb County	Metropolitan Macon Area
Hon. Jack N. Gunter Representative, Dist. 6 House of Representatives of Georgia	State-At-Large

This 23rd day of September, 1969.


GOVERNOR

ATTEST:


EXECUTIVE SECRETARY

BY-LAWS

GEORGIA ORGANIZED CRIME PREVENTION COUNCIL

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.

END