

COORDINATION AT THE STATE LEVEL:
PRACTICAL PROBLEMS IN CURRENT ORGANIZATION

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These observations are based on my 15 years experience with the Attorney General's Office. The Attorney General of Maine has full prosecutive powers and original jurisdiction to initiate criminal prosecutions. Our office handles the investigation and prosecution of all homicides and other major crimes that the Attorney General deems to be in the public interest. Also, the Attorney General handles the investigation and prosecution of almost all organized criminal activity throughout the state of Maine. The eight local prosecutors are paid through the Attorney General's office; they are elected locally but are on the Attorney General's payroll. They take care of street crimes and property crimes for the most part. We work closely with them; we can supersede them but this rarely happens. The Attorney General is elected by the legislature. The office is completely non-political.

Many things have been said thus far about operational problems, and I would like to comment on a few of them. First of all, I agree with the speakers from Colorado and Michigan that there is a need for continuity within the Attorney General's office if there is going to be a meaningful ongoing attack against organized crime. If you are going to have continuity of prosecutors in the criminal area, and particularly in white collar crime and organized crime, there must be a distinction within the office itself in regard to criminal prosecutors that is reflected in salary and other aspects of carrying out responsibilities. Attorneys in our state who work in criminal prosecution, including organized crime control, do not work on a 8-to-5 workday basis or 5-day-a-week basis. They work on an ongoing basis, 7 days a week, and on nights and weekends. They operate in a totally different way than do the other attorneys in the office. It is not that they are any more important but they have to put in a lot more time.

We have managed to develop continuity in our office and I cannot emphasize enough that this is really one of the greatest problems today. It is very important to have career prosecutors, particularly those in charge of criminal divisions or organized crime units who can develop (not in a political sense) a constituency of their own and credibility by doing a good job over a period of time. I feel that the Attorneys General have generally fallen down in addressing the organized crime problem in any meaningful way, though not intentionally; they have many other interests that must be attended to. This makes it all the more important to have career prosecutors who have the respect of the Attorney General and who can apprise him of what is going on and what needs to be done in regard to fighting organized crime. NAAG has done a good job to date in this area, although I'm not sure how its role can best be developed.

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LEAA has not been as responsive as it could be in the area of organized crime. We cannot realistically get along without federal money and therefore must rely on LEAA. LEAA professes to put a high priority on organized crime. If the Attorneys General could get together and develop a collective approach, they could get LEAA to focus more on the problems of the states which have serious organized crime problems without the high visibility of those states which get a lot of publicity about Mafia families. These states tend to get left out and for that reason, it would be good if the Attorneys General could turn LEAA in the direction of helping these states develop statewide investigative and prosecutorial capabilities.

There is also a need for ongoing regional communication and joint approaches not only in regard to an exchange of intelligence information but also for the development of operational cases. The first experiment of this kind was around 1967. The New England Attorneys General got together, along with the State Police Superintendents, and formed an organization called the New England Organized Crime Intelligence System (NEOSIS). These states conferred on strategy and intelligence was collected and distributed throughout the states. There were problems in that, once the states got the information, they did not have the operational capabilities to do anything with it. Collecting intelligence without being able to develop operational cases constitutes a waste of money and man-hours. The New England states share some mutual problems and some regional coordination could be very beneficial.

There cannot be a meaningful attack against organized crime unless we get organized from a law enforcement and prosecution standpoint. It is very important to have seasoned attorneys with a lot of experience in charge of cases from the beginning. I feel strongly about this and have seen many hours wasted on investigations because this was not done. We've done this in Maine with excellent results. In our Criminal Division, we have sixteen prosecutors and we have both in-house investigators and state police investigators assigned to us. It is best to have in-house investigators. If this is not possible, work cooperatively with others, but be sure the Attorney General is in charge.

There is clearly a basic distrust of prosecutors, both young and old, by seasoned law enforcement officers. They feel that in a few years the young prosecutors will be defense attorneys. Again, this can be countered by having people who view their work on a career basis and who can develop a working relationship with state and local police officers over a period of time and build up personal trust.

One problem that we've had that has been mentioned by others here is not having narcotics investigations separate from the organized crime investigations and prosecutions. They should be kept separate but still maintain good lines of communication. The information that develops from narcotics investigations is invaluable to other organized crime investigations.

Another problem in an organized crime unit results from not making a distinction between operational personnel and non-operational personnel.

This means a distinction between intelligence collectors and the investigators working under a prosecutor who are building an operational case. When we had the same people collecting intelligence and working operational cases they didn't have enough time to stay on a case or their intelligence collection became paramount. It is therefore important to have a separate intelligence-gathering capability.

I also feel very strongly that it is important in this area that rapport be developed not only with people in the Attorney General's office who are working in the criminal area but also with those working in areas considered to be civil in nature. There is a wealth of information to be shared. We have instituted regular meetings with attorneys from the tax and securities sections, and find that there is a good deal of interrelated material that can be used in the criminal area.

Intelligence is the key to an organized crime unit and intelligence is no good unless it is used and unless it is gathered for targeted purposes. Otherwise, you are wasting manpower. You will never have enough people or time to do everything you need to do and you cannot afford to waste any of it. The only meaningful way to operate is to bite off one thing at a time; the manpower is simply not there to do everything at once. I also agree with an earlier speaker that you can't try to be friends with everyone.



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