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1981 Annual Report

Georgia Organized Crime Prevention Council

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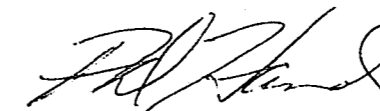
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MESSAGE FROM THE CHAIRMAN

This eleventh annual report of the Georgia Organized Crime Prevention Council covers the period January 1, 1981, through December 31, 1981. It is designed to inform governmental officials, the media and the general public about the activities of the Council and to provide an overview of organized crime in Georgia. The 1981 highlights are:

- A continuing increase in illegal drugs flowing through Georgia—This drug traffic, with an estimated street value of seven billion dollars, remains the single most lucrative source of revenue for organized crime in the state. Interrelated with this drug trafficking is an increase in corruption of public officials.
- The escalation of national organized crime involvement in Georgia—Federal, state and local authorities have learned that seven of the traditional national organized crime organizations have established a significant presence in the state.
- The increasing effectiveness of the Locals to Help Locals Project—Arrests through the use of the project's equipment and manpower totaled over six hundred. One hundred fourteen different departments used items from the equipment pool, accounting for thousands of man-hours during the year. Thirty-three requests from various departments throughout the state were received in the Council office to draw from the statewide manpower pool. This program, in existence for less than three years, appears to be very successful in both manpower and equipment usage.
- The impact of Project Leviticus, a multistate investigation of organized criminal activities in the nation's coal fields—By the end of 1981 fourteen Association investigations and fifty-two Association-related investigations for a total of sixty-two designated project cases were in progress. The Leviticus Project Association investigates a variety of crimes affecting the nation's coal industry. These investigations include sales of fraudulent limited partnership coal mining ventures, frauds affecting financial institutions, organized theft of heavy equipment, "boiler room" sales of fraudulent commodity futures in coal, extortion, bribery, insurance fraud, advance fee schemes, loan sharking, price fixing, and violent crimes such as murder and assault, as well as other crimes.

Sincerely,



F.D. Hand
Chairman

U.S. Department of Justice
National Institute of Justice

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ANNUAL REPORT

JANUARY 1981 - DECEMBER 1981

GEORGIA ORGANIZED CRIME PREVENTION COUNCIL (GOCPC)

The Georgia Organized Crime Prevention Council was statutorily created by the 1980 Georgia General Assembly, effective July 1, 1981 (see Appendices). Prior to the passage of Georgia Law No. 875 of the 1980 Georgia Laws, the Council acted under the authority of executive orders of the Governor issued in 1969, 1971, 1975 and 1979.

The 1979 executive order assigned the Council to the Georgia Board of Public Safety for administrative purposes and ordered that the Council be composed of not more than eight persons, who by virtue of their training or experience would be knowledgeable in the prevention and control of organized crime, and that one of these persons shall be a member of the Board of Public Safety, who shall be designated by the chairman of the Board of Public Safety.

Section 5(b) of the 1980 Georgia Law No. 875 mandates the functions and duties of the Council to be the following:

- (1) Creation, guidance and counseling of the Georgia State Intelligence Network (GSIN);
- (2) Coordination of joint federal, state and local intelligence

COUNCIL MEMBERSHIP

At the end of 1981 the Council consisted of the following persons: F.D. Hand, Jr., Director, DeKalb County Department of Public Safety; Harold P. Craft, Jr., Chief, Marietta Police Department; Gary C. Christy, District Attorney, Cordele Judicial Circuit; Madison Greeley, Jr., Deputy Sheriff, Bibb County; Paul L. Howard, Jr., Assistant District Attorney, Atlanta Judi-

COUNCIL STAFF

James W. Foughner continued to serve as the Executive Director of the Council. Mr. Foughner is a graduate of the University of Georgia Law School and has served as Executive Director since January, 1972. Mr. Foughner is a member of and secretary to the executive committee of Project Leviticus, a seven-state national and international investigation of organized crime in our nation's coal industry. He is a frequent lecturer on organized crime and is a graduate of several Department of Justice organized crime training schools.

Ron Irvin continued to serve as the GSIN Coordinator. Prior to joining the Council in 1975, Mr. Irvin was a seventeen-year vete-

conferences;

- (3) Providing organized crime and intelligence training courses;
- (4) Preparation of annual reports and annual confidential reports on Georgia's organized crime problem;
- (5) Development of an annual organized crime legislation package;
- (6) Coordination of international, national and statewide special projects to combat organized crime;
- (7) Providing advice and counsel to the Governor; and
- (8) Informing the public of the menace of organized crime and the threat it poses to the citizens of Georgia.

The Council is not an investigative agency and does not exercise any power, undertake any duty or perform any function presently or hereafter assigned by law to the Governor, the Attorney General or any prosecuting or investigatory agency at the state or local level.

The Council is a body that develops and coordinates strategies and plans to attack and control organized crime statewide.

cial Circuit; Earl D. Lee, Sheriff, Douglas County; E. Philip Peters, Sr., Director, Georgia Bureau of Investigation; and George W. Ward, Chief, Elberton Police Department.

Director F.D. Hand serves as Chairman, and Chief H.P. Craft serves as Vice-Chairman.

ran of law enforcement, having served as a major of detectives in the Griffin, Georgia, Police Department, and with the Georgia Bureau of Investigation.

Mary Dettlinger continued to serve as the Council secretary and office manager.

The staff functions full time to provide support and develop programs for the Council. The Council is administratively attached to the Georgia Board of Public Safety. Staff address and telephone number: P.O. Box 1456, Atlanta, Georgia 30371; (404) 656-1770.

GEORGIA STATE INTELLIGENCE NETWORK (GSIN)

The Georgia State Intelligence Network is the hub of our statewide organized crime prevention and intelligence effort and is the vehicle that provides the intelligence data on organized criminal activity in Georgia.

Membership in the Georgia State Intelligence Network in 1981 remained at thirty-seven:

Georgia Bureau of Investigation
Georgia Department of Revenue
Georgia Insurance Department
Georgia Secretary of State's Office
State Fire Marshal's Office
Albany Police Department
Americus Police Department
Athens Police Department
Augusta Police Department
Bibb County Sheriff's Office
Brunswick Police Department
Chatham County District Attorney's Office
Chatham County Police Department
Clayton County Police Department
Cobb County Police Department
Cobb County Sheriff's Office
Columbus Police Department
Conyers Police Department
DeKalb County Police Department
East Point Police Department
Fulton County District Attorney's Office
Fulton County Police Department
Gainesville/Hall County Vice, Intelligence and Narcotics Unit
Glynn County Police Department
Gwinnett County Police Department
LaGrange Police Department
Macon Police Department
Marietta Police Department
Muscogee County Sheriff's Office
Richmond County Sheriff's Office
Rome Police Department
Savannah Police Department
Tifton Police Department
Thomasville Police Department
Valdosta Police Department
Warner Robins Police Department
Winder Police Department

Admission to membership is covered by Article IX of the Council bylaws. To paraphrase, this article states that admission to membership is subject to the approval of the Council by a

unanimous vote of the members voting. The Council considers in its decision the size of the applicant agency and the extent of its organized crime problem, the desirable size of the Network, and the integrity and credibility of the applicant among law enforcement and the community in general. The applicant agency completes a GSIN department membership application form which includes, among other things, a summary of the organized crime problem in the applicant agency's jurisdiction, the organization and functions of the applicant agency's intelligence unit, names of agents in three or more intelligence units that the applicant agency has contacted recently, and a letter of sponsorship from an existing member agency.

Section Two of Article IX says that membership is not a matter of right, and suspension may be voted on by the Council at a regular or special meeting, following notice to the member agency of the scheduled action, with an invitation to appear and defend against the action proposed. The Council may suspend for any reason it feels is in the best interest of the member agency or the Network, keeping in mind that mutual trust and confidence among members of the Network are essential to a successful intelligence operation. A routine suspension occurs upon a change in command involving either the intelligence unit commander or the head of the organization, such change being subject to the approval of the Council.

In addition to Article IX of the Council bylaws, there is a four-part policy and procedures statement that governs the Georgia State Intelligence Network. Part One governs the organization and purpose and states that the Network shall be composed of law enforcement intelligence officers of proven integrity and ability, representing agencies that maintain a united and dedicated interest in combating organized crime. Its purpose is to assist in the collection, evaluation, preservation and dissemination of intelligence information concerning organized criminal activity in the State of Georgia, with a common and continuing goal of developing information resulting in the apprehension of persons engaged in such organized criminal activity.

Section Two governs membership and says that membership shall be open to local police departments, sheriffs' offices, state police organizations and bonafide investigative agencies. It provides that each member agency shall have a representative and an alternate representative, who shall be appointed by the chief executive of the member agency and approved by the executive committee of the Network, after a thorough background check. The representative is charged with the responsibility of gathering criminal intelligence, maintaining the GSIN records and handling correspondence and requests for assistance from other GSIN members. Any new member of the Network will automat-

ically be placed on probation. At the end of six months the executive committee will review and evaluate the new member's status and, upon approval by the Council, make the appointment permanent.

Section Three deals with officers and provides for the election of a five-man board from among the designated representatives.

Section Four has to do with the disposition of GSIN records

ORGANIZED CRIME DEFINITION

There is no simple definition of organized crime. The Council over the past several years has been using the following:

"Any group of persons collaborating or conspiring to engage in, on a continuing basis, criminal activity as a significant source of income or livelihood, or aiding or abetting the violation of the laws of this state relating to prostitution, lotteries, gambling, illegal drug distribution, illegal trafficking in liquors, illegal distribution of deadly weapons, theft offenses, extortion, arson, lending money at usurious rates of interest, counterfeiting, bribery of law enforcement officers and other public officers, or any other criminal offenses for profit."

For 1981 the Organized Crime Council and the Georgia State Intelligence Network believe that the description of organized crime developed by the Task Force on Organized Crime of the National Advisory Committee on Criminal Justice Standards and Goals is the most accurate and most inclusive definition of organized crime currently available. The Task Force described the characteristics of organized crime as follows:

1. Organized crime is a type of conspiratorial crime, sometimes involving the hierarchical coordination of a number of persons in the planning and execution of illegal acts, or in the pursuit of a legitimate objective by unlawful means. Organized crime involves continuous commitment by key members, although some individuals with specialized skills may participate only briefly in the ongoing conspiracies.
2. Organized crime has economic gain as its primary goal,

OVERVIEW OF ORGANIZED CRIME IN GEORGIA

Preface

The following is a general overview of organized crime activities within the State of Georgia for the period of January through December, 1981. The generalizations and projections contained in this narrative summary are based upon intelligence data col-

lected and evaluated by the members of the Georgia State Intelligence Network. During 1981 GSIN agencies targeted 830 major organized crime figures for intensive investigation.

and states that information accumulated by the Georgia State Intelligence Network shall remain the property of GSIN, and all records of such information held by any member agency, when said member is suspended or terminated, shall immediately be delivered to or picked up by the GSIN Coordinator or a designated person appointed by the Chairman of the Council or the executive board of GSIN.

3. Organized crime is not limited to patently illegal enterprises or unlawful services such as gambling, prostitution, drugs, loansharking, or racketeering. It also includes such sophisticated activities as laundering of illegal money through a legitimate business, land fraud, and computer manipulation. Organized crime often seeks to secure partial or complete control over many kinds of profitable, legal endeavors. Organized crime attempts to infiltrate wherever there is a potential for profit.
4. Organized crime employs predatory tactics such as intimidation, violence, and corruption, and it appeals to greed to accomplish its objectives and preserve its gains.
5. By experience, custom and practice, organized crime's conspiratorial groups are usually very quick and effective in controlling and disciplining their members, associates and victims. Therefore, organized crime participants are unlikely to disassociate themselves from the conspiracies and are in the main incorrigible.
6. Organized crime is not synonymous with the Mafia or La Cosa Nostra, the most experienced, diversified and possibly best disciplined of the conspiratorial groups.
7. Organized crime does not include terrorists dedicated to political change, although organized criminals and terrorists have some characteristics in common, including types of crimes committed and strict organizational structures.

lected and evaluated by the members of the Georgia State Intelligence Network.

During 1981 GSIN agencies targeted 830 major organized crime figures for intensive investigation.

National Organized Crime Involvement

In 1981 there was an escalation of national organized crime involvement in Georgia. The Council in previous reports has commented on national organized crime activity statewide.

In 1973 the Council stated:

"Georgia does not have a Mafia or La Cosa Nostra family in residence. Atlanta, at this time, is considered to be an open city for any family that wishes to establish operations.

"Eleven Mafia/LCN families have been identified as having an active interest in Atlanta, Georgia, based upon information received in the intelligence gathering process."

In 1974 the Council said:

"Our Georgia State Intelligence Network agents have determined that eleven Mafia families are represented in Georgia, either by their physical presence or through financial interest, and primarily in Metropolitan Atlanta. These families direct activities in Georgia, as they have in the past and will in the future. What is somewhat alarming is that organized crime operations with direct and indirect associations with Mafia/LCN families are being detected through intelligence information and investigations with a higher degree of rapidity than in the past. Therefore, one must conclude that our state is more and more becoming an area lucrative and susceptible to national organized crime syndicates. Activities of this syndicated nature are unquestionably alarming, but Georgians would be mistaken if they concluded from this that organized crime in Georgia is monopolized by any particular Mafia family or group of Mafia families. Indeed, the greatest threat to Georgia is posed by the autonomous local or regional criminal groups who operate independently, informally, and who often assist one another when needed."

In 1975 the Council reported the following:

"Eight national organized crime families have been identified as maintaining spheres of influence in the Metropolitan Atlanta area. This ranges from union organization to real estate management. At least ten La Cosa Nostra families can be identified through their operatives within the metro area, although no family maintains any significant control over illegitimate activities."

In 1976 the Council reported that:

"Ten to twelve La Cosa Nostra (LCN) families can be identified through their operatives within the metro area, although no family maintains any significant control over illegitimate activities."

And in 1977 the Council stated that Georgia continues to attract La Cosa Nostra elements.

The 1978, 1979 and 1980 reports stressed the local home-grown garden variety of organized crime, meaning that organized crime in Georgia was nontraditional in nature, with little influence being exerted by the nationally recognized families or syndicates. To sum up these previous years' reports, the Council and its intelligence network have stated that the most serious organized crime problem statewide has been local and nontraditional in nature, but with some national family influence. This situation remains the same. However, in 1981, based on intelligence received and evaluated by all levels of law enforcement, the national organized crime problem in Georgia has escalated from LCN members and associates conducting an occasional transaction in the state to members and associates establishing permanent businesses not previously detected by law enforcement.

It is believed that seven traditional organized crime organizations have now established a significant presence in Georgia through the following activities: (1) Placing of individuals or associates in Georgia; (2) investing in and obtaining control over businesses; (3) purchasing real property and making other investments; and (4) movement of large amounts of cash through the state economy.

The following is a list of organizations and their locales that are known to have established permanency in Georgia:

1. **Gambino**
New York
2. **Genovese**
New York
3. **Angulio**
Boston
4. **Bufalino**
Philadelphia
5. **Catronne**
Canada
6. **Accardo**
Chicago
7. **Zerilli**
Detroit

Authorities have learned that members and associates of traditional organized crime organizations are gaining significant influence in the business community by becoming officers, key employees or major stockholders of certain businesses.

Indications have been detected that members and associates are exercising control and influence over certain labor organizations and employee benefit plans in Georgia. Segments of the business community that have been infiltrated by traditional organized

crime members and associates are:

1. hospitality industry
2. recreation industry
3. construction industry
4. business services
5. transportation industry
6. investments; vehicles; real property

Areas of criminal violations which authorities have been alerted to involving these traditional organized crime organizations are:

1. narcotics
2. labor law violations
3. financial crimes, i.e., fraud, currency violations, tax violations
4. RICO statutes, including investment of illegally obtained funds in legitimate businesses
5. immigration law violations - use of illegal aliens in various businesses

Illegal Drug Traffic

GSIN agencies report that drug traffic has increased in all areas of the state. The agencies in the state expend most of their time and manpower in combating this particular criminal activity. Drug and gambling operations are frequently interrelated and monies gained from both are at times funneled into legitimate businesses. It is also important to realize that a large percentage of other crimes, i.e., homicide, etc., are connected to narcotics and drug operations.

Local agencies in the state working independently and in cooperation with each other, the Georgia Bureau of Investigation and federal agencies, i.e., U.S. Customs, Drug Enforcement Administration, and Internal Revenue Service, have had an impact on the problem. This is reflected in the fact that each year the seizure figures are higher than in previous years. However, while these seizure figures are higher it is estimated that only five to ten percent of the drug traffic is seized. Law enforcement agencies are hampered greatly due to Georgia's coastal location and the large number of clandestine airstrips and deserted flat areas of land. A 1981 survey identified 518 airports and airstrips located within the state. This was an increase of 48 percent from a 1977 survey. The coastal areas and rivers provide ideal locations for water smuggling operations, although Georgia has had a noticeable decline in marine smuggling activities during the last two years. This coincides somewhat with the intervention of federal naval resources in this area.

Georgia's geographical location in relation to major Latin American source countries places it within flight range of many types of general aviation aircraft. Airplanes land regularly in the state to unload cargoes of marijuana, cocaine, methaqualone (Quaa-

ludes), and other narcotics such as hashish, amphetamine, phenacyclidine, MDA and LSD. Intelligence analysts estimate that more than 500 aircrafts and more than 100 vessels made illegal drug deliveries in Georgia during 1981 (Georgia law enforcement agencies seized between three to five percent of these).

Besides the narcotics and drugs being smuggled into Georgia from South America, the Caribbean and Mexico, domestic marijuana is increasing significantly in most areas of the state. Both our state's climate and its rural terrain are ideal for domestic cultivation of marijuana. Cultivation of the more potent sinsemilla variety of marijuana is on the increase. Intelligence data on seizures also indicate that clandestine laboratories are being found in increasing numbers in Georgia.

Attendant to the increase in the drug problem is a dramatic increase in the corruption of public officials. The tremendous profit margin available to drug traffickers serves as an invitation to corrupt normally legitimate persons, i.e., public officials, bankers, lawyers and businessmen. At least forty Georgia law enforcement officers or public officials have been accused of serious drug offenses during the past two years. Many have been tempted by payoffs of up to \$50,000 per plane-load. Undercover operations by the GBI, FBI and other federal agencies have led to the arrest and conviction of a Georgia state senator who promised drug smugglers carte blanche authority to operate if they financed his bid for governor. Six sheriffs and ex-sheriffs, two police chiefs, two county commissioners, six deputy sheriffs, two state troopers, nine police officers, a police narcotics squad secretary, one GBI agent, one county prison warden, two deputy prison wardens, a Department of Natural Resources ranger, and eight Coast Guardsmen have been arrested on drug-related charges.

Drug arrests in 1981 included hard narcotics violators as well as violators of marijuana, pills, etc. Five hundred one key individuals were identified as major drug operators in the state. Based on arrests and drugs seized it is estimated that the street value of drugs flowing through Georgia in 1981 was \$7 billion.

Georgia continued to rank third in the nation in 1981 behind the States of Florida and Texas in drug trafficking. This drug trafficking continues to be the most serious organized crime problem in Georgia and is by far the primary source of revenue for organized crime. The unlimited monies available to smugglers and traffickers have enabled them to invest vast resources in sophisticated antidetection technology. They are better equipped technologically than our law enforcement personnel. The end result of successful illegal drug importation is an increase in the amount of drugs available on the street. There is a need for additional state and local drug enforcement agents. State, county and city drug enforcement units need additional funding

in order to: (1) train officers in drug enforcement; (2) employ long-term undercover agents; (3) provide per diem for drug agents obtained from other cities and agencies through the Locals to Help Locals program; (4) pay informant expenses; and (5) rent automobiles and other equipment.

Gambling

Commercial gambling in Georgia continues to be one of the major sources of illegal income for organized criminals. Gambling proceeds were second only to drug trafficking proceeds during the past year. In fact, gambling and drug operations are often interconnected; monies from these two main sources of income are funneled into legitimate business operations. Gambling revenues for 1981 are estimated at \$612 million, with approximately 298 major gamblers identified.

A year-end lottery investigation in the metro Atlanta area revealed a one-half million dollar per week, or twenty-six million dollar per year, operation. More than one thousand people spread across ten counties were involved in this sophisticated operation that utilized mini computers and telecopiers.

Gambling as a whole is a growing industry. High-stakes poker games, casino-type operations and bolita are all lucrative types of gambling but the most profitable form of gambling continues to be sportsbetting and lottery. Authorities believe that more and more bettors are entering the field these days and they believe that the average lottery bet has increased in the last two years from twenty-five cents to one dollar or more. It is estimated that there are more than three hundred bookmaking operations in the ten counties closest to Atlanta, some of them with a number of employees. Proceeds from gambling are often used to finance drug smuggling activities and also quite often the monies are hidden in nightclubs, retail liquor stores, real estate and other forms of legitimate business. Local gamblers in different regions of the state are known to have connections to other cities and states but it has not been determined that a structured organization controls the majority of gambling activity.

Pornography

During 1981 as in 1980, pornography became a lesser problem to law enforcement. This is largely due to the vigorous prosecution of obscenity laws in the Metropolitan Atlanta area. Only a handful of adult bookstores and x-rated movie theatres are still open in the entire State of Georgia. Intelligence information and investigations indicate that the pornography dealers are now involved in setting up warehouses and distribution points within the state in order to receive and ship to points elsewhere in the country. As in past years, most of the material shipped to Georgia comes from the California and New York areas. Porno-

graphy income in Georgia is estimated to be at least \$10 million a year.

Organized Auto Theft

Vehicle theft in Georgia, which includes automobiles, trucks, tractors, motorcycles and motor homes, accounts for a major crime problem in the state. There was a slight rate increase in these organized thefts during 1981. The state has always had more than its share of individuals who are expert in changing VIN numbers, converting salvaged vehicles and operating sophisticated auto and truck theft rings. There has also been an increase in the thefts of large, expensive motorcycles. Approximately fifty to sixty theft rings are believed to be operating in the state, with estimated profits of twenty to thirty million dollars. Some of the large chop shop operations in the northern cities of the United States are known to have connections with such operations in Georgia. The operations in the northern cities have long-established ties to organized crime.

Major Theft And Fencing Operations

The fencing of stolen property remains one of the major crime problems and results in burglaries, organized shoplifting, credit card thefts, robberies and thefts from trucks and other vehicles. Some of the major fences are shipping stolen property to other states, sometimes by the truckload. This problem is not confined to the Atlanta area but includes most areas of the state. Millions of dollars worth of stolen property passes through the hands of professional fences in a year's time in the State of Georgia. Experience reveals that the best method of combating this problem is the sting operation. These operations, however, are difficult to set up and are expensive. A consolidated effort by concerned law enforcement agencies will be needed to make further headway in combating this problem.

Loan Sharking

Loan sharking operations are difficult to detect because the victim, the person who pays the high rate of interest, very seldom, if ever, complains to the authorities. Loan sharking activity does exist to some limited extent in Georgia in connection with gambling loans.

Prostitution/White Slavery

Organized prostitution/white slavery operations can be found throughout the state, primarily in the metropolitan areas. Prostitution can be defined at two levels. The first or lower level is street level prostitution. This situation is basically the same as in past years, with no indication of any organization other than one pimp working with several prostitutes. Prices are generally

lower at this level than at the second or higher level of prostitution, which is the escort services. The escort services are very expensive and highly organized. The organization is basically devised to protect the escort services from law enforcement authorities at all levels. Accounting procedures and record-keeping systems are elaborate and efficient. These services will accept cash or credit cards for payment, and gross over five thousand dollars per week. This money is generally used to finance real estate and other investments.

Public And Political Corruption

In 1981 there were thirty-one investigations into the charges of public corruption. One investigation resulted in four involuntary terminations, six resignations and four exonerations. In another area a joint undercover operation revealed a very large drug operation. Four county employees were arrested and indicted for their participation in this operation.

White Collar Crime/Commercial Fraud

There were various types of investigations in this category during 1981. These focused on crude oil investments, "Ponzi" schemes, international currency dealers, corporate notes and bonds, real estate investments, gold mining investments, treasure hunts, and regulatory investigations of registered dealers, sales-

SPECIAL PROJECT — THE CROSS CASE

The following case illustrates the excellent coordination and cooperation among law enforcement agencies at all levels.

William Howard Cross, Sr., was convicted in the United States District Court for the Middle District of Georgia, Columbus, Division, for violations of 21 USC SS841 (a), (1), 846, 952(a) and 963. The defendant was sentenced to the maximum of five years imprisonment on each count of the indictment, with the sentence on each count to run consecutively to the other — for a total term of imprisonment of twenty years. The defendant was also given a special parole term of ten years.

The defendant was the ringleader, supervisor and manager of a drug smuggling enterprise, in which four co-defendants were also indicted. The defendants were charged with conspiring to and actually importing 843,000 methaqualone (Quaalude) tablets into Cuthbert, Georgia, on October 18, 1980, by aircraft from Colombia, South America. This aircraft was apprehended on October 18, 1980, by agents from U.S. Customs, the Georgia Bureau of Investigation and Cobb County, Georgia, law enforcement officers. Cross, Sr., was the organizer and the moving force for this sophisticated importation operation which flew plane-loads of methaqualone tablets and marijuana into Georgia

men and issuers of securities. The amount of loss from securities-related violations increases each year. The dollar computation on cases reported in 1981 is approximately \$10 million. The loss computation includes victims of cases investigated within and outside the State of Georgia.

Infiltration of Legitimate Businesses

Georgia's nightclub industry, along with escort services, continued to be the most popular area for investment of organized crime revenue. Investments of organized crime revenue were made in 1981 in real estate, liquor stores, bonding companies, hotels and motels, and limousine services. Revenue from organized crime has become increasingly more difficult to trace due to investments in hidden assets.

Arson

Based on intelligence information reported, insurance fraud motivated a high percentage of the arson cases, some of which are connected to organized crime rings or arson for hire. The state of the economy has a definite bearing on the increase or decrease in this type of crime activity and in most areas there was a significant increase during 1981. Arson is one of the most difficult crimes to prove, with lower clearance rates than other crime categories.

on several occasions in the Fall of 1980.

The primary investigating agencies consisted of agents from Marietta Police Department, Cobb County Police Department, Cobb County Sheriff's Department and Smyrna Police Department. This combined county task force joined with agents from U.S. Customs, Drug Enforcement Administration, Georgia Bureau of Investigation and the U.S. Justice Department Atlanta Strike Force. This project was financed in part by monies approved for special projects by the Georgia Organized Crime Prevention Council.

In addition to Cross, Sr., and his four charged co-defendants (including "Black Tuna" fugitive Carl London) the government estimates that a minimum of ten to fifteen other individuals were involved in the importation and distribution of these Quaalude tablets. The Drug Enforcement Administration has identified Cross, Sr., as a Class I violator who dealt directly with Colombian organized crime family drug suppliers, and sold drugs in wholesale bulk quantities (lots of 20,000 to 100,000 per buyer). Federal and state law enforcement authorities conclude that the defendant, Cross, Sr., was one of the principal suppliers of methaqualone tablets in the entire nation during 1980-81. This

conclusion is based upon the volume and frequency of drug shipments attributed to Cross, Sr.'s, drug enterprise. The interdiction of 843,000 tablets in this case represents the largest seizure ever of methaqualone from an aircraft, and the second largest seizure of that drug in the history of American law enforcement.

Methaqualone tablets are classified as a Schedule II drug under federal law. Methaqualone has become the drug of choice for adolescents and young adult abusers who use methaqualone as a depressant. Methaqualone has a very high physical and psychological dependency potential. Overuse of the drug may result in convulsions, coma and possible death of the user. Cross was convicted of importing and possessing with the intent to distribute approximately 843,000 Quaalude tablets (totaling 1500 pounds of the drug) - quantity sufficient to victimize several hundred thousand drug abusers.

At the trial a Cobb County narcotics agent testified that the volume of drugs seized in Cross, Sr.'s case had an estimated street value in the State of Georgia of between three and four million dollars. Government investigators calculate that Cross, Sr., had purchased these tablets for approximately twenty-five to thirty cents each and thus stood to realize a potential profit in excess of one million dollars.

As the central figure in this drug enterprise, Cross, Sr., was responsible for the planning, management and day-to-day operation of this smuggling and distribution network. At the trial, numerous facts were introduced into evidence which established Cross, Sr.'s guile and sophistication in this drug operation, including:

- (1) The use of radios to broadcast directly to drug suppliers in Colombia, South America, and to radio-equipped aircraft by use of coded messages;
- (2) Establishing a bogus corporation using nonexistent officers and stockholders, to purchase aircraft to be used in the smuggling operation;
- (3) The use of substantial amounts of cash to make purchase of aircraft, suppliers, etc., to avoid detection by law enforcement authorities (Note: During testimony at a pre-trial hearing in this matter, the trial judge heard testimony that one pilot used by Cross in this operation was to be paid a \$75,000 cash fee for making one successful flight between Georgia and Columbia with a plane-load of drugs. Also, Cross, Sr., himself admitted under oath that he directed that \$40,000 in cash be used to make partial payment on a smuggling aircraft.);
- (4) The use of counter-electronic surveillance gear (radio frequency detectors) in an attempt to negate law enforcement

airplane tracking transponder devices:

- (5) The use of obscure rural airstrips to avoid detection;
- (6) The habitual use of telephone paging devices and pay telephones to communicate with other co-defendants;
- (7) The use of false Federal Aviation Administration medical certificates and pilots' licenses to document false identification of pilots used in the operation.

Evidence produced at Cross, Sr.'s trial established that Cross, Sr., was the most culpable member of those in his drug smuggling operation. He was directly responsible for recruiting other individuals, including his own son, to participate in the smuggling operation. Cross, Sr., was also the key individual in the operation who maintained contacts with drug smugglers in South America, pilots, airstrip operators and other individuals necessary to import methaqualone. Further, Cross, Sr., was responsible for overseeing the storage and distribution of these drugs to various wholesalers who marketed these drugs throughout the southeastern United States.

In the Spring of 1981, Cross, Sr., joined with an Atlanta-area pilot, Donald Martin, in an effort to continue to import Quaaludes via aircraft from South America. In this regard, Cross, Sr., Martin and Cross, Jr., met and conspired with a cooperating government witness to arrange for the purchase of an aircraft under a false corporate name and began active steps to bring an additional one million Quaalude tablets into North Georgia. Note: Cross, Jr., has already pled guilty to substantive charge 21USC 843(b); and Donald Martin has been convicted by a jury trial on the factual allegations concerning this conspiracy.

Although the defendant was arrested and released on bail in October, 1980, he continued his criminal activities with respect to drug smuggling during the late Fall and Spring of 1981. Evidence of Cross, Sr.'s continued trafficking in drugs as well as his potential risk of flight was presented in an application for bail revocation, which was granted by the court on June 1, 1981. Essentially the court found that Cross, Sr., intended to flee the country to avoid prosecution and this warranted his being apprehended and remanded to jail pending trial.

The successful investigation and prosecution of William Howard Cross, Sr., demonstrates the excellent cooperative efforts of federal, state and local agencies. This defendant is a career criminal who has conducted numerous criminal acts as his sole method of support; for the past fifteen years he has never held any legitimate position of employment. Additionally, he has a past history of corrupting law enforcement officials, specifically his conviction in DeKalb County, Georgia, for bribing a police officer and instances of bribery of foreign customs and law enforcement officials in order to protect drug shipments.

LOCALS TO HELP LOCALS PROJECT (LHL)

This program enables a local law enforcement agency anywhere in the State of Georgia to request and receive the manpower and equipment necessary to carry out an undercover or other special project in its jurisdiction. This program permits the greatest utilization of law enforcement manpower statewide and signifies the historic degree of cooperation and cooperation that exists among local law enforcement agencies. A total of eighty-five agents contributed by forty police departments and sheriffs' agencies make up the current Locals to Help Locals manpower pool. The Georgia Organized Crime Prevention Council, the coordinating agency for the Locals to Help Locals Project, maintains this confidential list of names of agents and their investigative specialties. The Council identifies and selects the necessary agents upon the request of a receiving agency and provides the receiving agency and the selected agents the necessary training and sophisticated electronic equipment to carry out their assignments. The long-range effectiveness of this program is maximized by the fact that it is not contingent on federal or state funding levels. The contributing agencies continue to pay the agent's salary and the receiving agency pays the agent's per diem for the duration of the project. Project length is usually anywhere from two days to three weeks. In addition, the Council has secured a liability insurance policy to cover the agents

PROJECT LEVITICUS

The Leviticus Project is a formally structured and centrally coordinated multistate investigation of a variety of crimes affecting the coal industry. The Leviticus Project is an unincorporated association composed of fourteen member agencies from the States of Alabama, Georgia, Indiana, Kentucky, New York, Pennsylvania and Virginia. Jim Foughner, Executive Director of the Georgia Organized Crime Prevention Council, serves as Georgia's member on the Executive Committee of Leviticus, and as the Secretary to the Executive Committee.

Law enforcement efforts to combat crime in the coal industry before the Leviticus Project relied exclusively, as do most multistate law enforcement efforts, on personal relationships between investigators and on the sharing of information in an arbitrary case-by-case manner.

The Leviticus Project is unique because it combines regular central administrative procedures with structured and predictable multistate law enforcement cooperation on special investigations and prosecutions.

The Leviticus Project is increasingly being recognized by law enforcement agencies around the United States and in Canada

selected to participate in this project. The agents are considered temporary state employees during the course of their participation in Locals to Help Locals and the liability policy is secured through the Department of Administrative Services, State of Georgia, Insurance and Hazard Reserve Fund.

The Council maintains for use by local law enforcement agencies an array of electronic equipment (60 pieces valued at \$150,000). This equipment has been heavily used.

Since its inception on July 1, 1980, the Locals to Help Locals program has been quite successful. There has been a total of one hundred sixty requests for the use of the Council's electronic surveillance equipment. Thirty requests from various departments throughout the state were received in the Council office to draw from the statewide manpower pool. Local departments draw from the manpower pool for undercover-type operations and other investigations which are conducted over short periods of time. Smaller departments as well as the larger ones have borrowed manpower and utilized this special electronic equipment which otherwise, because of the cost factor and infrequent use, would not have been available through their local government. Arrests through the use of the equipment and manpower have totaled over four hundred.

as the primary reliable source of cooperation and information concerning coal-related crimes. Since its beginning the Leviticus Project has effected formal liaison with approximately one hundred thirty-five agencies in forty states and in Canada. The Executive Committee of Leviticus has also briefed the U.S. Senate Permanent Subcommittee on Investigations.

In order to penetrate the pattern of organized criminal activity in the coal industry and successfully prosecute the criminals, the Leviticus Project has selected certain pieces of the pattern to focus on. The Project chose to aim at limited partnership tax shelters, heavy equipment theft and fraud on financial institutions. Since the Project began, a fourth major area of potentially unlawful activity has gained such momentum that it too has been included as a major area of Project concern. This fourth area is boiler-room sales of deferred delivery contracts for coal.

The Leviticus Project continues to operate somewhat ahead of expectations in all areas. Some highlights of the developments during the period October 1, 1981, to December 31, 1981, are as follows:

The Project's caseload continues to grow: there are now

14 Association investigations and 52 Association-related investigations. The Project has 66 designated cases.

There are approximately 128 other nondesignated coal-related investigations, or complaints under investigation, being handled by member agencies.

Investigative and support personnel devoted 2399 man-days to Project work.

Project investigators conducted 954 investigative interviews.

Criminal charges have been brought against 35 defendants in 22 cases. Criminal charges are expected soon in 14 cases involving 55 defendants. Civil charges have been brought against 84 individuals and business entities in 7 cases. Civil charges are expected in two cases involving 9 defendants.

TRAINING

GSIN agents attended three organized crime related training courses in 1981. The first was a five-day course on vice investigations. This course was designed to provide the student with an in-depth study of commercialized vice. The student became skilled in the legal aspects of each phase of vice investigations. The student gained a working knowledge of the relationship of organized crime to vice operations. Topics included liquor, gambling, pornography, prostitution violations and administrative handling of vice cases. The instructional staff included experts in this field from the local, state and federal level.

The second course was a one-week course in advanced techniques for the investigation and prosecution of complex criminal cases—major street crimes, fraud, arson, organized crime, narcotics trafficking, white-collar crime and related conspiracies. This course was presented at the Georgia Police Academy by

STATEWIDE INTELLIGENCE CONFERENCES

Twelve organized crime intelligence conferences were held in 1981. This brings the total number of conferences from their inception on September 18, 1972, through December 31, 1981, to one hundred thirty-seven (137). Representative: from twelve federal agencies—Bureau of Alcohol, Tobacco and Firearms; Drug Enforcement Administration; Federal Bureau of Investigation; Federal Trade Commission; General Services Administration; Internal Revenue Service; Organized Crime Strike Force,

Members of the Leviticus Project have referred approximately ninety-five million dollars worth of cases to various offices of the Internal Revenue Service around the country. Additional referrals between eighty and one hundred million dollars are expected in the future.

The Project's Management and Information System is fully functional. The system now contains about 1.9 million pieces of information. Project members can now make complex cross reference inquiries of the system and receive information about subjects in chronological order as well as indexes of all information on the system by individual category. Each member state continues to receive updated indexes of the information in their files, and a master index printout of all information on the system is also available.

Anacapa Sciences, Inc., specialists in techniques for investigation and intelligence. This course is designed to improve the analytical thinking required for the successful investigation and prosecution of complex criminal cases. Through its practical "hands-on" approach the course prepares the investigator or analyst to organize available information; graphically portray relationships among individuals and organizations; trace the flow of money, stolen goods, narcotics or other commodities; develop inferences by means of inductive logic; develop investigative leads and establish priorities; and disseminate analytical results to supervisors, administrators, prosecutors and other investigators.

The third offering was a repeat of the vice investigation course with an added emphasis on the Georgia Racketeer Influenced and Corrupt Organizations Act.

U.S. Department of Justice; Securities & Exchange Commission; U.S. Attorney's Office; U.S. Customs Office; U.S. Immigration Service; and the U.S. Secret Service—plus representatives from the thirty-seven GSIN agencies, meet to exchange intelligence on organized criminal activity. Confidence gained in each other from these meetings has led to the joint federal, state and local special operations and the targeting of organized criminals and their associates for further investigation.

LEGISLATION

The Georgia Organized Crime Prevention Council supported the following legislation that was prepared and presented in the 1982 General Assembly;

H.B. 723, a law that allows no bond for known or repeat drug traffickers;

H.B. 1210, that enacted a forfeiture of drug assets; this law has the potential to provide enough funds for the majority of drug enforcement efforts;

H.B. 1349, a law which expands the definition of drugs to include the sale of any substance **purported** to be a narcotic;

H.B. 1435, which moved methaqualone from a Schedule II to a Schedule I drug;

S.B. 479, creating the felony offense of trafficking in methaqualone;

S.B. 480, a bill changing existing law to require that large transactions be reported to the State Banking or Revenue Commissioner; this helps to identify major suppliers and provides information by which known violators can be checked; and

H.B. 813, Amended RICO Statute. The RICO statute provides the basis for prosecution of organized criminal elements and it is a significant tool in fighting organized crime and preventing its infiltration into legitimate businesses. The original bill that passed in 1980 had several errors of omission which significantly weakened the intended effectiveness of the act.

The principal amended provisions of the act are as follows:

Makes it clear that wiretaps can be used in racketeering cases; under the 1980 law, while it was clear that wiretaps could be obtained for the underlying predicate offenses, it was not clear that the evidence derived from such wiretaps could be used in a case brought under RICO.

H.B. 813 adds new predicate offenses, including felony violations of the Georgia Securities Act of 1973 and conduct defined as racketeering under federal RICO. Violations of federal law such as interstate transportation of stolen property and the federal controlled substances act could not serve as predicates under the 1980 act.

The amended RICO statute also includes the following provisions:

Makes felony violations of other states' and federal laws dealing with murder, robbery, theft, receipt of stolen property, bribery, extortion, obstruction of justice, dealing in narcotics or dangerous drugs, or dealing in securities, also evidence of racketeering under Georgia RICO;

Reinserts the word "person" in the definition of an enterprise; several legal commentators concluded that omission of this word from the original act prohibited the conviction of one person under the Georgia act unless others were also charged and convicted;

Excludes any period of imprisonment from the requirement that acts of racketeering occur within four years of each other;

Restores conspiracy to violate the RICO act as a substantive offense; this provision is found in the federal and all of the other state RICO's but was accidentally omitted from the House floor substitute enacted in 1980.

Requires that a RICO forfeiture be instituted within a reasonable time after seizure; the 1980 law required filing within 30 days; in at least five known cases the police did not know they had seized evidence of a racketeering operation until after the 30 days had passed;

Allows an in personum action to be brought in lieu of an in rem; this permits all of the proceedings to be brought in a single jurisdiction;

Provides for reciprocity with other states having RICO acts;

Specifies that venue in RICO cases is in the county where racketeering occurs or in which the interest or control of the enterprise is acquired or maintained;

Provides that conviction for an offense which constitutes an incident of racketeering does not bar the use of such incident as evidence of an act of racketeering in a subsequent prosecution.

Another amendment deals with RICO lien notices. Under the 1980 law racketeers could effectively defeat the RICO forfeiture provisions by owning real property in secret land trusts or other secret devices and immediately liquidating these ownerships and removing the proceeds from the jurisdiction. As a result, notwithstanding the forfeiture law, the racketeer was able to retain his illgotten gains and subsequently reinvest those proceeds or utilize the money for funding additional criminal enterprises. In other words, aided by secret ownership, the drug dealer for instance, charged with a violation of the RICO act, would immediately upon the filing of a RICO forfeiture action dispose of the real property and remove the proceeds either from the jurisdiction of the authorities or otherwise make it almost impossible for the authorities to locate the proceeds. The amended RICO lien provision permits the state, upon the filing

of a civil RICO proceeding, to file in the public records of any county in the state a RICO lien notice that would create a lien on certain real property and other interests in real property owned in the county of filing by the defendant against whom the RICO proceeding has been instituted.

Another provision places certain responsibilities on the trustees in the event a RICO notice is filed against one or more of the beneficiaries as known to the trustee. In such a case, the trustee would not only be required upon actual knowledge of the filing of the RICO notice to report the names of the beneficiaries to the investigative agency, but the trustee would also be responsible to the state if it thereafter conveyed title to the real property for the proceeds paid to or distributed by the trustee to the beneficiary against whom a RICO notice was filed.

The amended law also requires foreign corporations to file a short form annual report with the Georgia Secretary of State prior to investing in any Georgia real estate. This provides a method through the registered agent for the State of Georgia to obtain pertinent information about their corporations.

The amendment also strengthens the RICO forfeiture of organized crime's illgotten gains. By creating a lien through the filing of a RICO lien notice, persons will be hesitant to purchase real property in the name of the individual named on the lien notice, or purchase directly from this individual an interest in the trust, since they would be subject to the RICO lien notice and the possibility that the property would be forfeited to the State of Georgia. The statute broadly defines a beneficial interest to include any interest in land, the legal or record title to which is held by another person for the benefit of the person against whom the RICO notice has been filed. This then would not only cover express trusts but also informal agreements or understandings not reduced to a specific agreement. The statute also permits the RICO lien notice to apply to fictitious names and aliases if used by the person charged with the violation.

In regard to trust agreements, the RICO lien notice will also operate to place restrictions on the transfer by the trustee of real property which he holds for beneficiaries against whom a RICO lien notice has been filed. Since drug dealers very rarely purchase property in their own name but often use a trustee or other secret device, some restriction or impediment had to be placed on the right of the drug dealer as a beneficiary to direct the trustee to dispose of the property. The effect of filing a RICO lien notice will be to render the trustee responsible if it conveys the real property for the proceeds distributed to the beneficiary against whom a RICO lien notice has been filed. Thus, the trustee will be hesitant to convey the property without assuring itself that no RICO lien notice has been filed and if a RICO lien notice has been filed, to hold title to the property

until the matter has been resolved.

The lien proposal also requires the trustee, upon obtaining actual knowledge that a RICO lien notice has been filed against one of the beneficiaries, to immediately advise the investigative agency. This should help enforcement actions. This will also have the effect of preventing attorneys who are themselves involved in any illegal activities from acting as trustee for drug dealers. This will further eliminate the source of trustees for drug dealers.

By seriously restricting transfer by drug dealers and other organized crime figures of real property acquired by them at a time when a RICO proceeding is initiated against them, it is hoped that the State of Georgia will be able to ascertain the whereabouts of the real property and initiate forfeiture proceedings of the real property to the State of Georgia in the event a violation of the RICO act in regard to the real property can be proven. On the other hand, in order to protect certain rights, the amendment does not preclude continuing use of the property nor does it interfere with proceeds such as rents received from the property until such time as the forfeiture proceedings are rendered in favor of the State of Georgia. All that the lien notice effectively does is to preclude any further interest in the property either by way of sale, mortgage, lease, etc. It is further hoped that by making disposition on short notice impossible for a drug dealer that it will assist in dissuading narcotics smugglers and organized criminals from investing illegal proceeds in Georgia real estate.

The second part of the legislation requires that foreign corporations file a short form notice with the Georgia Secretary of State and to designate a registered agent prior to acquiring or conveying and interests in Georgia real estate. A foreign corporation is defined to mean any corporation organized under the laws of any state or foreign jurisdiction other than the State of Georgia or any other state of the United States and who has not already qualified to do business in the State of Georgia. The necessary form to be filed is different from one for qualification to do business in the state and is simply the annual report form. The statute further provides that the acquisition or sale of property is not doing business in the State of Georgia but the filing of the form nevertheless is required. Further, the filing of the form does not in and of itself subject the corporation to jurisdiction in the State of Georgia for any matters and cannot be used by the State of Georgia or any other entity except in regard to RICO matters. By requiring such notice, it is hoped that the State will have someone in the state through the registered agent to contact and discuss regarding the corporation if it felt that the corporation has a shareholder or shareholders involved in drug-related business or other organized crime activities.

1982 FORECAST

The Georgia Organized Crime Prevention Council will continue in 1982 the intrastate efforts of coordinating the Georgia State Intelligence Network, the Locals to Help Locals special project, and a newly created Metropolitan Area Narcotics network. At the interstate and international level the Council will continue its efforts in the Leviticus Project. Major emphasis at all levels will

be given to deterring the enormous statewide drug problem. Escalation of increased national organized crime influence will be monitored throughout the year. In the training area, the Council will join in the task force approach to develop advanced training courses for prosecutors and agents in the area of major conspiracy violations.

APPENDICES

1. Organized Crime Prevention Council Act

ORGANIZED CRIME PREVENTION COUNCIL.

Ga. Laws 1980

No. 875 (Senate Bill No. 409).

AN ACT

To create the Organized Crime Prevention Council; to provide for assignment of the council to the Board of Public Safety for administrative purposes; to provide for the members, officers, qualifications, duties, powers, authority, appointments, terms of office and vacancies; to provide for meetings; to provide for expenses; to provide for a director and other staff personnel; to provide for rules and regulations; to preserve the powers of certain state agencies; to provide for procedures connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. There is hereby established the Organized Crime Prevention Council of the State of Georgia which is assigned to the Department of Public Safety for administrative purposes only, as prescribed in Section 3 of the "Executive Reorganization Act of 1972" (Ga. Laws 1972, p. 1015), as amended.

Section 2. (a) The Organized Crime Prevention Council shall be composed of eight members who shall be, by virtue of their training or experience, knowledgeable in the prevention and control of organized crime, and one of which must be a member on the Board of Public Safety. The Governor shall make all appointments and the members shall serve at his pleasure. The initial terms for the members shall begin July 1, 1981.

(b) In the event of death, resignation, disqualification, or removal of any member of the council, the Governor shall fill the vacancy in the manner as other member appointments.

Section 3. (a) The council shall elect a chairman and vice-chairman from its members to serve at the pleasure of the council and may appoint such committees as it considers necessary to carry out its duties.

(b) The council shall meet once each alternate month. Additional meetings may be held on the call of the chairman or at the written request of any three members of the council.

(c) Members of the council shall serve without compensation but shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of the council is in attendance at a meeting of such council, plus either reimbursement for actual transportation costs while traveling by public carrier or the same mileage allowance for use of a personal car in connection with such attend-

ance as members of the General Assembly receive. Such expense and travel allowance shall be paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance.

Section 4. (a) The council may appoint a director who shall serve at the pleasure of the council.

(b) The director may contract for such services as may be necessary and authorized in order to carry out the purposes of this Act and may employ such other professional, technical, and clerical personnel as deemed necessary to carry out the functions of this Act.

Section 5. (a) The council is hereby authorized to promulgate and adopt rules and regulations consistent with this Act which are necessary for the performance of its duties.

(b) The council shall develop and coordinate strategies and plans to attack and control organized crime, such as:

- (1) Creation, guidance and counseling of the Georgia State Intelligence Network (GSIN);
- (2) Coordination of joint federal, state and local intelligence conferences;
- (3) Providing organized crime and intelligence training courses;
- (4) Preparation of annual reports and annual confidential reports on Georgia's organized crime problem;
- (5) Development of an annual organized crime legislation package;
- (6) Coordination of international, national, and statewide special projects to combat organized crime;
- (7) Providing advice and counsel to the Governor; and
- (8) Informing the public of the menace of organized crime and the threat it poses to the citizens of Georgia.

(c) Notwithstanding any provision in this Act to the contrary, the Organized Crime Prevention Council shall not exercise any power, undertake any duty, or perform any function presently or hereafter assigned by law to the Governor, the Attorney General, or any prosecuting or investigatory agency at the state or local level.

Section 6. This Act shall become effective on July 1, 1981.

Section 7. All laws in conflict with this Act are hereby repealed.

Approved March 20, 1980.

2. Council Bylaws

BY LAWS

(amended)
October 1981

ORGANIZED CRIME PREVENTION COUNCIL

**ARTICLE I
(Name)**

The name of this organization shall be
the Organized Crime Prevention Council.

**ARTICLE II
(Purposes)**

1. To develop and coordinate strategies and plans to attack and control organized crime;
2. To encourage and develop improved intelligence resources in the state and local agencies responsible for combating organized crime;
3. To provide advice and counsel to the Governor of Georgia on ways and means to prevent and control the intrusion of organized crime into Georgia;
4. To be administratively attached to the Georgia Public Safety Department;
5. To coordinate joint federal, state and local intelligence conferences;
6. To provide organized crime and intelligence training courses;
7. To prepare annual reports and annual confidential reports on Georgia's organized crime problem;
8. To develop an annual organized crime legislation package;
9. To create, guide and counsel the Georgia State Intelligence Network (GSIN);
10. To coordinate Georgia's Locals to Help Locals law enforcement program;
11. To coordinate international, national and statewide special projects to combat organized crime;
12. To inform the public about the menace of organized crime and the threat it poses to the citizens of Georgia.

**ARTICLE III
(Membership)**

Section 1:

There shall be eight (8) members of the 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, and one of whom must be a member of the Board of Public Safety.

Section 2:

The Organized Crime Prevention Council for the purpose of the bylaws, 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 shall be entitled to receive the same expense allowance per day as that received by a member of the General Assembly for each day the member of the Council is in attendance at a meeting of the Council, plus either reimbursement for actual transportation costs while traveling by public carrier, or the same mileage allowance for use of a personal car in connection with such attendance, as members of the General Assembly receive. Such expense and travel allowance shall be paid in lieu of any per diem, allowance or other remuneration received by any Council member for his or her attendance.

Section 5:

The names of any members of the Council who are personally absent from two (2) meetings of the full Council during any one twelve-month period shall be forwarded to the Governor for consideration of the reasons for such absences and for consideration of removal from office, and such absenteeism shall be deemed sufficient grounds for dismissal.

**ARTICLE IV
(Officers)**

Section 1: Election.

There shall be elected from the general membership of the Council a Chairman and a 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 the Director of the Organized Crime Prevention Council.

Section 2: Duties, Appointment of Committees, etc.

(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 of 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 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 V
(Committees)**

Section 1:

The Executive Committee shall be composed of the Chairman, Vice Chairman and one at-large member named by the Chairman. This committee will meet at the call of the Chairman and it shall have the same functions, responsibilities and authorities as those of the full Council when the latter is not in session.

Section 2:

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

Section 3:

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 VI
(Staff)**

Section 1:

The Organized Crime Prevention Council shall be authorized to appoint a full-time director and other personnel, professional or clerical, on a full- or part-time basis as may be deemed necessary to work with the Council in discharging its duties.

**ARTICLE VII
(Funds)**

Section 1:

Should funds become available to the Council they shall

be used in furthering the Council's goals and objectives. The fiscal officer of the Department of Public Safety shall be the fiscal officer of the Council.

**ARTICLE VIII
(Meetings; Authority; Quorum; Voting)**

Section 1:

(a) The Council shall meet regularly four times each year at the call of the Chairman. Special meetings may be called by the Chairman when deemed necessary and in the best interest of the Council. Committees shall meet at the call of their chairmen.

(b) No regular or special meeting of the Council, committee or subcommittee shall be held without notice to all members at least five (5) days prior to the date of such meeting.

Section 2:

(a) No action of the Council shall be binding unless it is duly acted upon at a regular or special meeting of the Council or executive committee of the Council. No member shall be qualified to speak for or bind the Council unless specific authorization has been granted.

(b) A majority of the Council shall constitute a quorum at any regular or special meeting, and a majority vote of those present is required for the approval of any action of the Council, unless otherwise provided therefor.

(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.

**ARTICLE IX
(Georgia State Intelligence Network)**

Section 1:

Admission to membership in the Georgia State Intelligence Network, hereinafter referred to as the "Network," is subject to approval by the Council by a unanimous vote of the members voting. The Council will include the following considerations in its decisions but is not restricted thereto: needs/benefits to applicant/ Council; size of applicant agency as well as extent of its organized crime problem; desirable size of the Network; integrity/credibility of applicant among law enforcement and the community in general. Applicant agency will complete a GSIN department membership application form. This form will include, among other things, a summary of the organized crime problems in the applicant agency's jurisdiction;

organization and functions of the applicant agency's intelligence unit; names of three or more intelligence units that applicant agency has contacted recently; and letter of sponsorship from existing member agency.

Section 2:

Membership in the Network is not a matter of right, and suspension therefrom may be voted on by the Council at a regular or special meeting, following notice to the member agency of the scheduled action with an invitation to appear and defend against the action proposed. The Council may suspend for any reason it feels is in the best interest of the member agency or of the Network, keeping in mind that mutual trust and confidence among members of the Network are essential to a successful intelligence network. The Council may consider any changes in circumstances of the member's admission to the Network.

A routine suspension occurs upon a change in command involving either the intelligence unit commander or the head of the organization, subject to approval by the Council of such change.

Except for a routine suspension the Council through its

Chairman or Director will keep the Governor advised of any action which may affect the credibility and effectiveness of the Council in carrying out the designated purposes for which it is organized.

**ARTICLE X
(Amendment of Bylaws)**

Section 1:

- (a) Amendments to these bylaws may be presented at any meeting but shall not be considered for passage until the next regular or special meeting.
- (b) Any proposed change in the bylaws shall be submitted to the Council members in the notice of the meeting.

ARTICLE XI

Section 1:

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

END