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A CASE STUDY:
NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

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1. Organizational Genesis

A. The Beginning, 1965-66: This is a study of the organization that New Jersey maintains to combat the effects of organized crime and political corruption. It must begin, however, with a look at the people and events at work before the public description of New Jersey as "the most corrupt state in the Union" brought action. Without understanding this period, the particular strengths and vulnerabilities of the New Jersey effort cannot be fully appreciated and the full measure of accomplishment may be understated.

Seventeen years ago, New Jersey had no effective instrument to combat organized crime. Law enforcement was in the hands of 430 largely uncoordinated local police agencies. The State Police were just emerging from a tradition grounded in traffic law enforcement and the investigation of crime in rural areas. All prosecutors in the state's 21 counties were part-time appointees of the Governor. The Office of the Attorney General was without statutory or institutional power to initiate, coordinate, direct, or prosecute cases. State licensing, purchasing, and other quasi-regulatory functions were essentially unmonitored, independent processes. Federal resources devoted to organized crime were limited to a small operation in northern New Jersey, a virtual outpost between major operations of the FBI and the U.S. Department of Justice in New York City and Philadelphia. Episodic media attention in New Jersey cities left local cases largely unresolved and, to some extent, made it too difficult to differentiate between the petty politics for personal gain of a few individuals and what, in time, would be disclosed as a raging infection caused by both deep-seated political corruption and the forces of an organized criminal syndicate.

Some who remember this period say the climate made it virtually impossible for agencies of the criminal justice system in the state to work together. Even like-minded individuals, sharing a commitment to and interest in organized crime, found it difficult, at best, to coordinate their efforts even informally, for fear one or the other was corrupt. Yet, there were exceptions. Of critical significance were those in the Newark outpost manned by federal officials and in the State Police Bureau, commanded then by Superintendent David B. Kelly.

Within the Newark office of the FBI, a high level of team spirit had evolved over the years. The office had earned a reputation as one where agents were well-developed, highly motivated, and exceptionally skilled in the investigative techniques that rely heavily on informants. The predominance of these skills, in those days before legal electronic surveillance, had established and validated for the agents the vital role that personal trust plays in developing informants who will provide information. From the rites and customs of the streets where the informants operated, the agents established similar practices to check out other law enforcement personnel who sought to use their informants.

Within the Office of the U.S. Attorney in Newark in 1965-1966, David Satz had named Edwin H. Stier as Chief of the Criminal Division. Stier, a New Jersey native, found himself working with Peter R. Richards, a lawyer from the Organized Crime and Racketeering Section, U. S. Department of Justice in Washington, D.C. Richards was assigned as an area attorney with the mission of mobilizing all federal resources into a cohesive effort in organized crime cases. The key to the mission was to develop personal relationships between prosecutors and agents within investigative agencies, giving the agents quick, street level access to

legal advice. The prosecutors, for their part, were directed to use their knowledge to promote and support those investigative techniques and the collection of evidence in a way that would minimize any flaws which could prove fatal at trial. The effort had profound and, in some dimensions, unanticipated impact on the investigative process and its participants.

An adversary relationship between prosecutor and investigator is well accepted by many as an essential check on the decision about who shall be prosecuted. But, Stier and Richards were well aware of how limited the adversary approach was and, in reality, how opportunities for successful prosecution were often lost. For want of time and availability of counsel, even the most competent of investigators have misjudged the legal efficacy of their tactics--particularly in what then was the fast changing and increasingly restrictive development of case law governing search and seizure, or, in other cases, choosing the time and place to best use an informant lead. The result? a "good" arrest which failed at trial for want of admissible evidence. Stier and Richards sought to make time for and to give their advice and experience to the agents: in this way, they hoped to eliminate such missteps by placing the prosecutorial review at the earliest stage of an investigation and finding a way to make the law serve both the agent and prosecutor. As importantly, they believed that incorporating the special focus of the trial lawyer, that of choosing the evidence best suited for success at trial, would add a missing dimension to the investigation; in the past, an enforcement agent's job was done, and done successfully, as soon as he made an arrest. What neither Stier or Richards anticipated, however, was just how much they would learn from the agents and,

subsequently, from the underworld informants on whom their cases came to depend. The investigators, for their part, found tactical and legal advantage from the ready access to prosecutors who, instead of creating barriers to accomplishing their mission, found a sound basis on which they could proceed. And, as this sometimes understandably contentious partnership evolved, agents and prosecutors developed new respect for and insight into each other's needs. The trust between them grew from the civility common in professional relationships to a shared commitment built on a deeper, richer, personal and professional regard, tested in the streets of northern New Jersey.

The focal point of federal efforts to combat organized crime shortly after this period was to become inter-agency Strike Forces. They would draw investigative and prosecutorial resources from their home ground into a structure intended to make use of what each contributor knew or could do, and to circumvent the sometimes questionable resolve of local officials to pursue organized crime investigations and to circumvent particular U.S. attorneys who had been insisting on autonomy in the organized crime area. In the minds of the U.S. Justice Department officials who conceived the program, the Strike Forces were also conceived to be an excellent means of insulating the anti-organized crime program against political or corrupting influences. While Stier and Richards had limited experience with the Strike Force concept, they were well aware of the problems that its hybrid structure might create. Such problems included the normal ones of agency loyalty, the disturbance of the natural and necessary relationships one develops within an agency, and the inevitable conflict between the institutional goals of a participating agency and those to be set by a Strike Force. And though they shared respect for and pleasure in the accomplishments of Strike Force operations, Stier, Richards, and their Newark colleagues in the U.S. Attorney's office and among the federal investigative agents often talked of an even better way to do the job,

if ever the opportunity came. Eventually, circumstance put them in a position where they had to find a better way.

Meantime, within the New Jersey State Police, Superintendent David B. Kelly's intense commitment to combatting organized crime was given fresh impetus when he learned of circumstances which suggested that his organization was tainted by the mob. Kelly knew individuals in his agency who shared his commitment and who believed their careers had been held back by unexplained transfers or other administrative action when they were close to touching the interests of organized crime, particularly in gambling. These suspicious administrative moves, coupled perhaps with the politics of any large organization, strengthened the resolve of a cadre of deeply committed, highly individualistic and resourceful troopers who, largely unknown to one another, had come to Kelly's attention as a group. During 1965-66, Kelly's excellent reputation and a relationship he had developed with the FBI provided a catalyst for action. From the FBI Kelly learned that informants were reporting that high level State Police officials were the objects of corruption by organized crime. Without consulting anyone, Kelly reached into his organization to divide the cadre of trusted troopers into three small task forces and an intelligence unit. The task forces were assigned in the field and reported directly to him. The intelligence unit's early quarters were in the basement of the superintendent's home. While their principal mission at the outset may well have been to protect the integrity of the State Police, there was now a State Police commitment to gathering the information and developing the skills which, as will be seen, would play a key role in the events to come. As with the prosecutors, the State Police had formed a group where mutual trust

and experience permitted sharing of sensitive information in an atmosphere in which, it appeared to many, betrayal threatened.

B. Public Disclosure: The State Responds, 1967-68.

In 1967, national attention was drawn to organized crime by publication of materials which reflected the hold Mafia families had on New Jersey. Whether the state deserved the title "most corrupt in the Union" may be disputed, but then and now all agreed that it was at least tied for first. A full range of illicit goods and services was being delivered to Garden State citizens without observable impediment. Well organized and highly sophisticated organized crime groups headquartered in New Jersey held enormous influence over government, which was seriously corrupted at all levels. The disclosures were of such magnitude that the state had to act and therefore formed the Special Joint Committee to Study Crime and the System of Criminal Justice in New Jersey. The committee, headed by the Honorable Edwin Forsythe, then State Senate president, quickly became a forum for people with ideas about both legislative and organizational changes needed to meet the challenge. In the Forsythe committee proposals, and the testimony supporting them before the New Jersey Senate Committee on Law, Public Safety and Defense, the dimension of the problem also received new attention, confirming for the records what had been largely ignored. Among the Forsythe committee findings was the statement, "It is an unfortunate fact of our existence today, however, that organized crime is widespread in our state and there also exists official corruption." During the testimony, Forsythe reported, "The U.S. Department of Justice officially stated that 70 percent of organized crime in the nation lies in three states (New York, Illinois, and New Jersey). That finding is a

disgrace to New Jersey and we must combat the spread of corruption in our community." In the Fall of 1968, as the legislature was considering bills aimed at organized crime and official corruption, there were fresh disclosures suggesting that the influence of organized crime had reached the legislature itself. The State of New Jersey had to act quickly and effectively to control such corrupting power:

"I would say the corruption problem that I encountered was the most severe that I had heard of anywhere and certainly equal to anywhere in the country. And to me, the most upsetting part of it is when people are paid to service the people and are really serving the interests of organized crime."

Not surprisingly, during this period media attention was continuous and persistent. The research and legislative efforts devoted to developing the needed tools was given wide coverage. Some whose experience encompasses those years recall it as the first time that the problems of organized crime and political corruption received sustained attention. Indeed, the proposed legislation was given a boost by the disclosure before an annual meeting of the state chapter of Sigma Delta Chi, the professional journalism society, that the corrupting influence of organized crime reached into the legislature itself. To many, that disclosure underscored the need for an independent, long-term effort, one which could root out the infection so deeply embedded in the workings of government and which could withstand a force that already had all but killed any effective law enforcement or prosecutorial response. Since a statewide effort was clearly called for, legislation was designed to provide for it. Then State Attorney General Arthur J. Sills turned to State Police Superintendent Kelly and Prosecutors Richards and Stier to implement the legislation. He gave them the mandate of organizing the unit and the resources that would enable them to use the authority the

legislation was providing. He gave Richards and Stier direct access to him which, in times to come, would protect the embryonic unit and free them to operate effectively.

In late 1968 the state Grand Jury Act and the Electronic Surveillance Control Act took effect. The planning for their use led to creation of an Organized Crime Unit within the Department of Law and Public Safety which the Attorney General would head and which would include the Division of State Police, Superintendent Kelly's organization. The mission of the Organized Crime Unit was to marshal all available state resources, including the State Police Field and Intelligence Units, and to create functioning systems for use of the statewide grand jury and electronic surveillance laws. Richards and Stier, appointed to head the unit, established their office within the State Police Headquarters complex. Kelly, Richards and Stier had come to know one another well and their relationship had matured into one of deep personal trust and respect. But since Richards and Stier had no similar relationship with other members of the state police, they quickly found themselves relying as much on the street experience they had gathered in Newark as on their legal skills to forge a working partnership with the field and intelligence units of the State Police. Recall that the units had been manned by highly individualistic troopers who were, in some ways, more familiar with the demands of working alone than as a team member. Initially, they had worked more to gather information than to analyze it in order to make cases in court. And, given their experience and the reported pervasiveness of illicit influence among local prosecutors, it was not surprising that the troopers took some convincing before they were prepared to accept Richards and Stier. Their

collaboration in forming a plan of action is the story of the early development of the unit.

C. 1969-75: The Early Years.

Before Richards and Stier took their state appointments, no one had planned what the Organized Crime Unit would do or how it would use the power that, to this day, makes the Office of Attorney General in New Jersey the most powerful in the nation. The pressures of public outrage after the legislative hearings that were widely reported in the media had resulted in legislative response. Richards and Stier were virtually without constraint: they could use their imagination and experience to develop a totally new enterprise; to foster their goal of an institutionalized capacity to investigate and prosecute at the state level; and to convince their new colleagues and the public that something could be done about organized crime in New Jersey. The first months were spent establishing an electronic surveillance program: writing procedures to ensure that their requests for its use would pass judicial review; enabling State Police officers to go to New York and other places where these surveillance tactics had been used legally. The issues and problems arising from their use were studied. Manuals and procedures developed elsewhere were adapted for New Jersey use. As the potential difficulties in the logistics of operating a grand jury with statewide jurisdiction in Trenton became apparent, Stier and Richards met frequently with the assignment judge who would supervise the jury in order to minimize any difficulties in the operation.

Within the State Police, the two prosecutors frequently contacted the troopers assigned to the three organized crime bureaus and the members of its Intelligence Bureau. They sought the raw leads that,

based on their Newark experience, might open an investigation leading to a case with courtroom quality evidence. Although they had no detailed strategies for a program, both were convinced that they had to tap a continuous flow of raw street intelligence through all available channels: those formally established between elements of the State Police; those between the State Police and federal authorities; and, most important, those informal ties between working level agents where the information often carried more truth and valuable detail than written reports.

The need to develop these channels was vital. The State Police Intelligence Bureau had gathered information documenting the presence of seven organized crime families in New Jersey, two of them New Jersey-based, the remainder allied with New York groups. The bureau knew the families had up to 500 made members, and another 5,000 workers they could call upon. But the bureau was in the earliest stages of developing an analytic capacity and sources with which to refresh and chart the activities of the families and their adherents. State Police knowledge of gambling and bookmaking as a major source of income had been refined by the work the Intelligence Bureau had done, and Superintendent Kelly had ordered agents into the cities to attempt to disrupt those operations. What to target next was not clear. To some extent, the State Police like Richards and Stier, sought a new target or at least a better sense of where their efforts should focus in order to attack organized crime and corruption. Both police and prosecutors found the beginnings of an answer from an incident in the Newark area.

A federal agent had an informant within the organization of a prominent organized crime leader who was willing to equip the leader's

office with electronic surveillance equipment. When the agent approached his superiors for permission, they demanded that detailed information about the informant be placed in the affidavit to support the surveillance request. Since the agent believed his informant would be easily identifiable if he met his superiors' demand, the agency lost this opportunity as a result of its concern over the judicial scrutiny such requests were expected to receive. The agent, knowing of Stier and Richard's relationship with the agency, approached the two prosecutors who were able to protect the informant's safety while meeting all legal requirements. The surveillance was undertaken and, by the time it was over, the new Organized Crime Unit had secured an indictment and arrested a principal organized crime figure organized crime for conspiracy to murder and had gotten other indictments which would implicate three mayors, a sitting Republican Chairman in Hudson County, a former Democratic Chairman, a Chief of County Detectives, and several policemen.

The arrests received prominent attention as uniformed State Police surrounded various locations and the arrest warrants were delivered by Stier and Richards, who flew to the scene in helicopters. By most accounts, this was the case that turned things around, that proved their efforts had tangible results. Skeptics, who had believed that the legislation and the unit it had spawned would fade quickly as public attention was drawn elsewhere, reconsidered. Others who had hoped for results but were uncertain of whether it could be done, found cause for hope and renewed effort. An operational beachhead had been established. Stier and Richards then set out to demonstrate that they intended to stay for the duration; everyone knew it would be a long campaign.

While the legislative acts that took effect in 1968 had added greatly to the authority the Organized Crime Unit needed, a defect in the system was identified almost immediately: it did not give the Attorney General's Office the power to try the cases arising from indictments returned by the State grand jury. The trials were turned over to county prosecutors. Partially in response to that problem, the legislature created a Division of Criminal Justice in 1970, and gave the attorney general broad powers to handle prosecutions from their initiation through the termination of appeals. Creation of the Division resolved certain other problems. These included a capacity to direct programs for developing and enforcing standards and coordination among local police and prosecutors. The absence of such collaborative work in the attack on organized crime had earlier been identified as one of the reasons for its pervasiveness in the state.

The Organized Crime Unit became known as the Organized Crime and Special Prosecutions Section of the Division of Criminal Justice. However, the group continued to work from offices at State Police Headquarters, separated from other Division functions. The legislature strengthened the anti-organized crime effort again in 1972. Recognizing the state grand jury as a productive component of the effort, the lawmakers mandated that at least one state grand jury sit at all times, eliminating the need for the attorney general to petition each time he sought to have a grand jury empaneled. These early years saw the major legislative and procedural growth for the joint venture between the State Police and the section headed by Richards and Stier.

Other growth and change which would contribute to the shape of the venture occurred between 1972 and 1975. One should recall that Stier and

Richards had no detailed plan of attack when the unit was formed and the State Police intelligence capacity, for its part, lacked a sophisticated capacity to collect, analyze, and disseminate information on the various activities linked with organized crime. Yet, it was equally true that the prosecutors and the State Police each had a rather specific process in mind and, after a series of reactive strikes against the problems of organized crime and corruption, they gave more and more time to developing those processes. Yet before considering how the New Jersey effort to combat organized crime continued to evolve, it is important to return for a moment to selected aspects of the problem; to reflect on points of vulnerability which the success of the police-prosecutor alliance exposed; and, to examine how events outside of New Jersey influenced developments within the state.

Students of organized crime will recall that by the late 1960s and early 1970s there were strong signs that the character of the syndicate itself had evolved. It was still characterized by a willingness to use deadly force to discipline its members and to achieve its goals. But trafficking in drugs as a major source of income, together with the traditional sources of revenue, gambling and bookmaking, was generating millions of dollars and a demand for legitimate business channels to give the illicit dollars and those who earned them the appearance of respectability. In New Jersey, as with most states, the law and administrative practices designed to regulate commerce were adopted to combat a substantially different type of predator; but the robber barons of the early 20th century had faded in the public mind. Indeed, civil penalties in New Jersey were slight compared to the massive returns from the business of organized crime. Organized crime's use of legitimate

business channels presented new investigative problems as well. Telltale signs of illicit operations were to be found more often in ledgers and corporate documents than in the deadly discipline that organized groups had traditionally used. Although the public continued to be concerned about crime, it was street crime, not organized crime which most aroused the public. This more readily observable type of crime lessened the impact of the disclosures of organized crime and corruption in the state. A broader base for the anti-organized crime effort was necessary both to minimize the ebb and flow of support and to ensure that the capacity to combat organized crime and corruption would be institutionalized. In this environment, the New Jersey effort continued to grow during 1972-75 and reach toward maturity.

The processes which the State Police developed during this period were largely those of a sophisticated intelligence program. This was a vital adjunct to existing investigative skills. Sophisticating its intelligence activities, however, was no small task. Gathering information with the goal of analyzing it and developing a continuously updated picture of organized crime ran counter to the case-by-case, arrest orientation common to all police organizations; the analytic techniques themselves were ones which had to be developed or adapted from other fields. Early intelligence efforts, understandably flawed as a result of these problems, were presented to individuals unfamiliar with the role intelligence information should play in decisions. Some of these people concluded that the effort might be of marginal value. In addition, the secrecy of the intelligence process, amplified by concern over the lingering impact of corrupt local officials, hindered the understanding and acceptance of the Intelligence Bureau's work within

its own agency. The final obstacle was that the intelligence development within the State Police occurred when national attention was focused on the questionable incursions of federal, state, and local authorities into the activities of political dissidents, followed by the confidence-shattering revelations of Watergate. The survival and growth of the Intelligence Bureau into one of the nation's most sophisticated operations was largely the work of Justin Dintino, now a Lieutenant Colonel commanding the investigative services and intelligence program of the New Jersey State Police. Dintino was among the cadre of troopers to whom Superintendent Kelly had turned at the outset. He had helped collect the first information on the extent of organized crime influence and operations, and, as he rose through the ranks, became the tough practitioner-scholar who drew from the experience of others the techniques of collection, analysis, and dissemination. By 1974, when Superintendent Kelly left the State Police, Dintino and his agents were defining for prosecutors, the strategic opportunities for attack and were shaping with them, the investigative programs most likely to produce informants whose knowledge and cooperation would yield cases for prosecution.

Kelly's departure from the State Police and the appointment of a new director for the Division of Criminal Justice in 1974 threatened the New Jersey program substantially. Within the State Police, the organized crime units had been Kelly's to command. In large measure, Richards and Stier were dependent upon the State Police for much of their operating vitality. Their prosecutorial success since 1969 had created the expected backlash. Time spent on their primary mission, as well as their physical separation from the other departments of the Division of

Criminal Justice, had left little opportunity to develop a wider base of support. Some individuals elsewhere in the Division apparently viewed the Organized Crime and Special Prosecutions Section as a competitive threat to their own interests. Few were wholly comfortable with the direct access the section leaders had to the Attorney General, if Stier or Richards believed a case warranted it. The top to bottom bonding of prosecutorial staff and state Police was threatened, and with it the effectiveness of the operation; loyalties to one's own institution appeared to be a safer course than a shared commitment to a mission. Both Richards and Stier were sufficiently concerned as to consider disbanding the unit that, from 1969 through 1983, had obtained 330 indictments against 841 individuals. Of those indictments, 63 involved allegations of corruption and 122 involved gambling violations. The two years 1975-76 were a period of uncertainty, resulting in part in Stier's move from the section to become Assistant Director of Investigations for the Criminal Justice Division, which relocated him in the offices of the Division of Criminal Justice. Stier and Richards attempted to find in the altered organizational arrangement the means to broaden their base of support and prevent the program from being diminished. Started with a staff of two lawyers in 1969, the section now had Richards and 10 other attorney. Stier, in his new position, was assigning all investigative matters to the different sections of the Criminal Justice Division and acting as the Division liaison with County prosecutors on criminal matters. He and Richards were no longer a day-to-day team, although they continued their collaboration on policy and operating issues. The way was open for the development of capacities to strike more directly at the economic aspects of organized crime, providing the changes had not done

serious damage to the essential strength of the police-prosecutor relationship.

D. 1967-82: Expansion Toward Maturity.

One of the first principles of organized crime is its need to penetrate and influence the workings of government, seeking whenever possible to neutralize, or at least to weaken, efforts to curb syndicate activity. Prosecutor Richards, reflecting in part on the track record of the Organized Crime and Special Prosecutions Section early in this period, acknowledged that persons within the system who had been corrupted still held positions of power and influence; yet nearly 100 public officials had been indicted since 1969. The section itself was running up to 100 investigations at any one time in continuing cooperation with the State Police. And, while some questioned the efficacy of attacking organized crime and public corruption separately, Stier pressed forward with the formation of a Corruption Control Bureau within the Division of Criminal Justice. Funds for the new unit came from the Law Enforcement Assistance Administration (LEAA), within the U.S. Department of Justice. It had the strong backing of Governor Brendan Byrne, who said his first priority was "...to eradicate official corruption from state and local government and therefore, restore confidence in our institutions." Staffed initially with a lawyer, an accountant, and an investigator, the Corruption Control Unit was intended to reach out and find corruption, whether linked to organized crime or not. In its first year, 1967, the unit investigated 116 cases, 43 of which were unsubstantiated.

Meantime, the Special Prosecutions Section remained as the focal point of anti-organized crime efforts bringing 78 indictments involving

202 individuals. Twenty-three were public officials, including a chief of police, five police officers, three municipal mayors, several employees of the Division of Motor Vehicles, a sheriff's department officer, and a regional engineer for the State Department of Transportation. With the Corruption Control Unit, Special Prosecutions also moved against those who sought to corrupt public officials and those officials who succumbed to the offers. Five indictments were returned in 1976 for conspiracy to bribe officials of a northern New Jersey County and for soliciting the officials to violate their public trust. In a southern New Jersey community, a former mayor, the incumbent mayor, and a former councilman were indicted for extortion. They were charged with receiving about \$200,000 in return for favorable zoning, planning, and sewerage decisions for apartment complexes within the community.

The Corruption Control Bureau and the Special Prosecutions Section, together with an Antitrust Section created earlier, gave clearer shape to the mature enforcement/prosecution structure Stier and Richards had conceived in their Newark days. The structure that was emerging was capable of attacking organized crime and of using civil remedies to recover all or major portions of the illicit profits gained from organized crime operations: whether illegal activities or ones which appeared to be legitimate business.

In 1977, the structure was strengthened further by the creation of the Economic Crime Section, a permanent unit formed from a pilot one funded by LEAA in 1976. The primary responsibility of the unit was "to identify, investigate, and prosecute white collar criminal activities ... as [they relate] to organized crime." A major objective of the section was "to establish an effective and efficient intelligence and information

system between the various law enforcement agencies throughout the state." Perhaps because of Governor Byrne's emphasis on the restoration of public faith in the integrity of state and local government, most of the 122 complaints that came to the section during 1977 were from other state agencies.

The activities of the Economic Crime Section created another opportunity. This time it was an attempt to reform the record-keeping of other state agencies and to ensure that those agencies were monitoring the people and companies tainted or controlled by organized crime. For example, the unit sought to add information to tax or licensing records kept on companies, in order to make it harder for the syndicate to hide its ownership interests, its diversion of taxable profits, or its laundering of funds from illegal sources to make them appear legitimate. In its first year, the Economic Crimes Section brought 18 indictments against 22 individuals and six business entities. Two other individuals pleaded guilty. The fraud involved a total of \$2 million.

Special Prosecutions' cases in 1977 led to 36 indictments involving 177 individuals. Among the significant cases were the completion of 2 three-year investigations, one of which ended with bribery indictments for fixing thoroughbred racing events. The other, conducted in cooperation with agents from the Federal Drug Enforcement Administration and three other states, charged 31 defendants with illegally manufacturing and distributing methamphetamine, commonly known as "speed." A successful infiltration of an organized crime group in northern New Jersey led to seven separate indictments for counterfeiting, illegal weapons sales, insurance fraud, and hijacking. Former Democratic Chairman Janus Joyce, along with four other present or former officials,

were indicted for conspiracy, jury tampering, obstruction of justice, and solicitation of misconduct in office.

As a result of the efforts of the Corruptions Control Bureau, nine individuals were named in indictments for bribery, conspiracy, and solicitation of misconduct in office. In addition, the Bureau obtained a guilty plea from a consulting engineer for the Camden County Sewer Authority and sued successfully for the money he had obtained for work not performed. The Antitrust Section undertook an investigation of the garbage collection industry in a joint venture with Special Prosecutions, seeking to examine the industry for infiltration and control by organized crime, as well as bid rigging, price fixing conspiracies, and illegal allocations of collection, customers, and territory. The section was also working with liquor control authorities to improve the information collected on applicants and to broaden investigative access to the data.

Collusive, anti-competitive activities were being investigated within the entities doing business with the State Department of Purchasing and in the sale and distribution of chlorine used by local water and sewer agencies. The new units and Special Prosecutions held to an agenda of prosecutorial targets dominated by organized crime and corruption cases.

In 1978, when the anti-organized crime effort was 10 years old. The anniversary was marked by two events: publication of the report of the Task Force on Organized Crime by the Division of Criminal Justice and the County Prosecutors Association of New Jersey; and the emergence within the Division of Criminal Justice of the foundations for wider and more regular use of civil remedies and anti-trust enforcement to hinder the activities of organized crime in various business enterprises. The

report was noteworthy in its recognition that 16 of the 21 county prosecutors were now full-time officials and that a formal mechanism now existed to carry the efforts against organized crime forward at the county level; in years past, county-level organized criminals had worked without substantial fear of intervention. The full-time county prosecutors also were moving, the report showed, to develop and train investigative staffs skilled in those aspects of investigation peculiar to combatting organized crime.

County involvement also broadened the political base of the effort, which some antagonists had attacked by characterizing it as a program from Trenton intended to aggrandize its creators. The full participation of the county prosecutors supported the findings of the Task Force that recommended still more legislative and administrative initiatives for action. Chief among those recommendations were the need for:

- o A Racketeer Influenced and Corrupt Organizations Act (RICO) to parallel at the state level the provision of Title 9 of the Federal Organized Crime Control Act of 1970.
- o A model Theft and Fencing Act designed to make the "business" of trafficking in stolen property an offense.
- o A distinction in the criminal penalties for managers and workers in enterprises commonly associated with organized crime; and that the penalties for higher level participants be severe enough to deter managers, instead of being accepted as the cost of doing business.
- o An expansion and refinement of the investigative capabilities of the State Bureau of Taxation as another means of taking the profit out of the illegal penetration of legitimate business. This penetration was

costing the state sales, motor fuel, and cigarette sales-tax income, as well as corporate and individual income tax revenues.

o Refined administrative procedures in all state agencies responsible for licensing and investigating applicants in business and in various professional trades. All of these had been open to penetration since applications often did not collect the information needed to uncover questionable applicants. The approval criteria used by different licensing authorities were neither uniform or precise; investigators needed to check the information supplied for the licensing process were in short supply.

In the larger context of the Division of Criminal Justice's development, the Task Force recommendations may be seen as a means of recognizing that, since syndicate participants seem willing to risk criminal penalties, they could best be attacked by keeping them from profiting in other activities. Further, the recommended changes in licensing should create a kind of early warning system that would alert law enforcement to new faces attempting to enter businesses traditionally favored by organized crime, and reveal to law enforcement and administrative regulators threats to a new line of business. Taken as a whole, the recommendations also recognized that a fully developed structure to combat organized crime must meet its adversary with vigor, persistence, and scope: it must be as strong as or stronger than the forces it is fighting. Finally the recommendations focussed on stopping those people, perhaps wholly unconnected to organized crime, whose greed motivates them to use government in ways that add to the cost of goods and services; unchecked corruption affects society in even more subtle ways, by convincing others that there is no value in playing by the rules

and perpetuating an official climate in which illegalities appear to be tolerated.

The cases which came to maturity in 1978 underscored both the profits and persistence of organized crime in New Jersey. The Special Prosecutions Section of the Division of Criminal Justice was active in:

o Obtaining twenty-three indictments against an organized crime group in northern New Jersey on counts of counterfeiting, insurance fraud, illegal arms sales, hijacking, extortion, loansharking, receiving stolen property, burglary, and larceny. The profit potential from on tractor-trailer load of smuggled cigarettes was \$126,000, the fine for tax avoidance on the cigarettes was \$1,000.

o Disrupting the New Jersey segment of an intercontinental distribution ring that brought marijuana to New Jersey and Connecticut by plane from Jamaica and Columbia via the Bahamas or Aruba. The estimated annual profit was \$300 million. The pilots in the operation earned between \$50,000 and \$275,000 per flight.

o Indicting 17 persons in a multi-county gambling and bookmaking operation, and 7 others involved in a gambling operation in Hoboken.

o Obtaining the first indictments against a southern New Jersey organized crime group whose use of murder to discipline a loansharking operation revealed a reemergence of organized crime violence in that section of the state.

During 1978, the Special Prosecutions Section participated in over 150 investigations, bringing 54 indictments against 154 separate defendants with over 195 counts of organized crime conduct. Meantime, counterparts in the Economic Crime, Corruption Investigation, and Civil

Remedies Sections were equally active. Their cases included those brought against:

- o Eleven corporations and 12 individuals charged with conspiracy to defraud the Public Service Electric and Gas Company, New Jersey's principal utility firm.

- o The former treasurer of the New Jersey Policeman's Benevolent Association for embezzlement.

- o A company charged with illegal disposal of toxic waste in the Elizabeth, New Jersey area and a second company for discharging cancer-causing agents in a watershed.

- o A local housing authority whose members had received \$546,00 in kickbacks; working with the U.S. Attorney, the Division sought treble damages and return of the kickbacks.

In the view of many, the 1978 report was evidence that a state once apathetic to the presence of organized crime had, in a ten year period, pulled together a comprehensive law enforcement effort aimed at organized crime and extending to attack acts of official corruption. More specifically the reports detailed the efforts that lead to indictments of from 17-20 public officials and about 100 individuals at every level of organized crime each year during a decade of operation; the Division had found the means and momentum to sustain in institutional form the vigor that had marked the earliest days of the effort, despite the expected diminution of public support and interest in the years after the disclosures of 1968.

The years 1979-1982 saw the Division of Criminal Justice indict eight individuals, including the aged and failing head of the Genovese crime family, on 24 counts. These indictments alleged the existence of a

secret, nationwide, criminal organization whose purposes included committing crimes for financial gain and of perpetuating the organization know as "La Cosa Nostra" (This Thing of Ours). The eight defendants, including the Genovese family head -- Ruggiero (Reggie the Boot) Boiardo -- were charged with conspiracy. Other substantive counts included murder, robbery, extortion, loansharking and gambling. While Boiardo was severed from the case because of his medical condition, in 1980 pleas and convictions were obtained against the others. In another case, 10 indictments were returned involving \$10-million in alleged insurance and bank frauds. In yet another, a liquor industry probe, begun in 1978, disclosed an industry "rife with kickbacks and resting uneasily on a 46-year old price fixing law which invited illicit trade practices and forced the public to pay needlessly high prices." The information developed during the investigation prompted a complete overhaul of the regulatory apparatus governing the liquor industry and led to fines of about \$650,000 against various wholesalers and suppliers.

With RICO legislation pending in 1979 and 1980, the Division also brought the garbage, dairy, and real estate industries under investigation, and continued to cooperate with federal authorities to target distributors of illicit drugs, particularly cocaine, amphetamines, and quaaludes. The well-established drive against official corruption yielded indictments against two individuals for taking 1.5-million in kickbacks from subcontractors to the State Housing Authority, against an Assistant Secretary of State and a former Burlington County Democratic chairman for violations in accepting and reporting campaign contributions, against the Chief of Police and six others in the Town of Kearney for protecting an illegal lottery, against a Superior Court judge

for alleged bribe taking, a state senator and mayor for attempting to avoid taxes and hide ownership in several topless dance bars, and a private attorney for attempting to subvert a state grand jury investigation. A "sting" undercover operation, named Project Seashore and run by the State Police in Atlantic City, led to 142 indictments against 113 individuals.

In the same period, the Appellate Section examined more than 2,800 lower court decisions both to protect and litigate on behalf of the enforcement community. In the process it sought to find opportunities to define and resolve conflicts through legislation, particularly in the use of anti-trust and civil remedies as means of effecting organized crime business. Appellate intervention, often in "friend of the court" briefs, had begun in 1971 with 100 cases, as a means of balancing the energy of a defense bar often unchecked in its efforts to defeat or overturn successful prosecution. And, with money and commitments secured in the last days of the Law Enforcement Assistance Administration, the Division began projects that would bring computer-based case management to the county prosecutors who, with their expanded role, had emerged as a critical element in the state's organized crime effort. As 1982 drew to a close, 15 years after Life Magazine's disclosures of organized crime's influence in New Jersey, it was clear that the effort to combat the syndicate had advanced very substantially from a three-man band (Kelly, Stier and Richards) to a sophisticated symphony orchestra.

II. ORGANIZATIONAL STRUCTURE

The anti-organized crime effort in New Jersey is founded on the operations of two divisions among the 10 Divisions that comprise the state Department of Law and Public Safety. The two Divisions are the Division of State Police and the Division of Criminal Justice. The Department is headed by an appointed attorney general who, with his power to appoint the chief of the Division of Criminal Justice, his operating authority over the Superintendent of the State Police (who is formally appointed by the Governor) and his wide-range statutory authority, is generally acknowledged as the most powerful state attorney general in the nation. This structure has been in place since 1974; from 1969-1974, the prosecutorial component operated as a small section housed with the State Police. Before discussing organizational aspects of the two key Divisions, it should be noted that four other Divisions within the Department play substantive roles in the fight against organized crime. These are the Division of Gaming Enforcement, the Division of Alcoholic Beverage Control, the Division of Systems and Communication and the Division of the New Jersey Racing Commission.

A. Role of the Attorney General

As chief law enforcement officer of the State of New Jersey, the attorney general has the power to direct, coordinate, and establish policy for virtually all phases of the investigation and prosecution of organized crime. The attorney general's power of appointment for Division heads, together with his substantial influence in the gubernatorial appointments of county prosecutors, adds further to his hegemony. Throughout much of the organization's history, however, a

succession of attorneys general tended to leave investigative and prosecutorial polices unchanged, relying upon the counsel of the individuals heading the key Divisions. The attorney general appoints directly the Director of the Division of Criminal Justice, who thereafter sits at the attorney general's pleasure. All other appointments of Division heads are subject to the advice and consent of the state Senate, including the Superintendent of the State Police. Whether exercised or not, the attorney general clearly is empowered to direct and set the tone for the pursuit of which organized crime targets.

B. The Division of Criminal Justice

The Attorney General exercises the functions, responsibilities and powers of his office as they relate to the detection, apprehension and prosecution of crimes through the Division of Criminal Justice. It's responsibilities may be divided into three parts: investigation, prosecution, and support. The investigative work of the division, including some intelligence collection, is done in collaboration with the State Police. The collaboration is intended to foster close working relations between personnel of the Division and of the State Police and to aid in assessing investigative tactics and in meeting the trial needs of prosecutors; prosecutors need higher-quality evidence to obtain convictions than police officers need to justify arrests. Division personnel including prosecutors, investigators, or auditors often work with State Police units in the field.

The prosecutorial functions are three-fold. First, Division personnel provide the staff for the continuous operations of a statewide grand jury. Second, the Division prosecutes criminal cases in any county that lacks its own prosecutor. And, third, Division personnel supersede

a county prosecutor upon request or when the attorney general decides that the Division should handle a particular matter. In addition, the Division provides consultant and advisory services for the 21 county prosecutors, including periodic evaluation of their offices and technical support for the introduction of advanced management techniques such as computer systems; it acts as a central repository for handling all criminal appeals and applications for post-conviction remedies; and studies and surveys the organization, methods of operation and administration in law enforcement agencies across the state. The objective is to build and maintain a unified structure for the detection of crime, the apprehension of law violators, and the prosecution of cases. Training is provided as required.

C. The Division of State Police

Within the Investigations Section of the State Police, investigative and intelligence personnel, in addition to other functions, conduct the most active electronic surveillance program in the nation. The intelligence program of the State Police is unique within the U.S. law enforcement community; the agency has successfully developed a system in which the gathering of intelligence information is separated from its analysis. This separation yields a product usable for either strategic or tactical applications. Written procedures to guide the intelligence operation have successfully balanced concerns for the protection of individual privacy and the special needs in the investigation of a group or groups that use deadly force to guard their secrets. In addition, the analytic component of the State Police Intelligence Bureau has at its core a group of civilian analysts who are skilled at working on long-term projects that often do not lead quickly to arrests. They, like their

police colleagues, are skilled in using sophisticated computer operations to manage and analyze data.

The command and communications structure of the Division of State Police, together with its members' power to enforce the law anywhere within the state, provide a framework within which Division of Criminal Justice personnel can work--avoiding either duplicative or competitive efforts. Joint use of facilities also reinforces the collaborative nature of the effort, reducing counter-productive turf struggles. In addition, the State Police run an excellent forensic laboratory and, through the training of troopers and local law enforcement officers, give added force to the Division of Criminal Justice's objective of enhancing law enforcement at the local level. Since State Police are responsible for investigating proposed owners and operators of gambling casinos, investigating the backgrounds of casino employees, and protecting life and property on coastal and in-land waters the Division of State Police is and must be sensitive to changes among organized crime elements within New Jersey.

III. ORGANIZATIONAL RESOURCES

New Jersey's anti-organized crime program includes an annual budget amount of about \$5-million in the State Police and \$5-million in the Division of Criminal Justice. These readily identifiable resources probably understate the degree of state financial support since it is difficult to assess the dollar value of the efforts of the 21 county prosecutors or the value or cost of the information obtained from the records of state regulatory agencies. In any case, \$10-million represents a substantial investment in the effort, and reinforces the concept of a police-prosecutor partnership to contend with organized crime.

The large budget, coupled with the training and support the Division can offer to the localities, stimulate the coordination of investigative and prosecutorial initiatives. This coordination is supported further by the Division's mandate to oversee and review the operations of county prosecutors' offices.

The resources of the State Police, its equipment, computer-based intelligence systems, statewide communications and forensics, as well as its capacity to staff the long-term investigations typical of organized crime cases, illustrate that stable and adequate funding is indispensable to the fight against organized crime. In addition, when search warrants are to be served or arrests made, the command and control system of the State Police can rapidly provide large numbers of state troopers; the tasks of serving warrants and making arrests at the end of an organized crime investigation can be enormous, frequently beyond the capabilities of any one municipal police agency.

Unlike most states, New Jersey's effort did not require the creation of new police communications systems or the decentralization of police investigative responsibilities, or the substantial modification of administrative and managerial systems. Instead, people could rely on adapting systems already in place. It appears that this reliance on existing systems and structure reinforced the collaboration of police and prosecutors that the organization's leaders' had sought.

While Federal resources play a diminished role in the operations of New Jersey's anti-organized crime program today, at the outset those resources were pivotal. According to state police and prosecutors, the experience, information and procedures of the federal investigative agencies, particularly the Federal Bureau of Investigation, provided the foundation for their efforts. Upon that foundation were grounded over time the computer-based intelligence system, the techniques for the management of complex, white-collar crime, conspiracy cases, as well as the utilization of other advanced organized crime tactics. Yet the guidance of the FBI was invaluable and it suggests that the FBI was more active in combatting organized crime than some histories have suggested. In addition, the agency became the common ground, where the prosecutors and state police could learn about each other and come to respect each others different views and experience.

Another important source of federal support was the Law Enforcement Assistance Administration, formerly the funding arm of the U.S. Department of Justice. Through this agency, the Division of Criminal Justice was able to fund programs and training that enhanced coordinated law enforcement and prosecution in the state's 21 counties. Within the Division, LEAA funds were also used to create two separate investigative

components, one of which addressed white-collar crime. The other component was charged with investigating and prosecuting corrupt public officials. LEAA funds were also used for support programs, such as the introduction of computer-based management for prosecutor's offices--a program which it is expected will be installed in all major county prosecutor's office within the next two years.

Until 1981, the Divisions of Criminal Justice and State Police shared the same building as headquarters. In 1981 Criminal Justice moved to new quarters within a large governmental complex in the Trenton state capitol. In part, the move was dictated by the growth of the staff; twelve years after its initiation, the Division had grown from two prosecutors to 97 full-time lawyers, plus investigators, auditors, and support personnel. The lawyers' responsibilities cover several units within the Division: 4 have administrative duties, one is assigned to the Administrative Section; 11 to the Antitrust Section; 33 handle appellate work; 2 are assigned to the Casino Control Unit; 16 to the Civil Remedies Unit; 10 work on Economic Crimes; 1 is assigned to the Education and Legislative Services Unit; 1 to the Grand Jury; 10 to Health Services; and 5 have been allocated to the Trial Section. The 97 Lawyers in the Division of Criminal Justice are nearly three times the attorney complement in any other Division within the Department of Law: all 13 other components of the Department have a total of 195 lawyers.

IV. ORGANIZATIONAL DECISION-MAKING

Specific areas of organized crime activities or specific cases within a category of organized crime operations are selected for action when the State Police and prosecutors in the Division of Criminal Justice concur on three points: that the activity represents a substantial threat to the state or a major region within it, that the effort has a reasonable chance of ending with the prosecution of a person or persons from the upper echelons of organized crime; and, that the personnel and other resources essential for effective investigation are available. The judgments of the two agencies are most often based on intelligence estimates prepared by the State Police and on information received from informants. The blending of intelligence with timely informant information is thought to provide the best combination of facts, opportunities for investigation and access to an individual or individuals whose participation in the process will yield success. In addition, the attention given to informant data enables police and prosecutor to detect readily shifts in either tactics or alliances within organized crime groups.

In establishing targets for action, the State Police appear to dominate. The agency prepares intelligence estimates and, in the vast majority of cases, their agents develop the informants who enrich the intelligence product. Although Division of Criminal Justice personnel, are aware of and have access to the information used to select targets, their major role appears to be assessing how the case will fare in court and which of the available techniques will yield enough evidence to enhance the likelihood of a conviction. In a few cases, Division

personnel have indispensably aided investigative strategy by judging the value of a particular informant's information or reviewing the collection method to be used to enhance sketchy information to courtroom quality. Division personnel also assist by advising whether an informant who will cooperate only if he or she receives special treatment should be accommodated.

In large part, the present emphasis on case-by-case resource allocation is evidence of the excellence of the State Police intelligence operation. After years of effort, the agency has reached a point where, though its collection and analytic capacities, people and groups within organized crime in New Jersey are well known, and their relationships can be traced through sophisticated schemas of personal and institutional linkages. The agency is aware of much of the illicit activities undertaken by organized crime and can decide which targets will most likely lead to the top of the organized crime hierarchy. There are some exceptions to the dominance of the State Police in such decision-making, particularly in the area of white collar crime and the use of legitimate businesses as fronts for organized crime. In these cases, the specially trained investigators and auditors of the Division of Criminal Justice usually play the lead role in developing facts, or at least they have a substantially larger part in such situations than in cases involving gambling, narcotics, and loansharking. Indeed, one of the great strengths of the New Jersey program is the wide variety of strategies which police and prosecutors may use to attack the organized crime problem.

Informants and the products of electronic surveillance are the principal sources of cases in New Jersey. Unfortunately, considering the

two separately is a task too large for the scope of this paper. Interviews with individuals familiar with the New Jersey effort suggest that electronic surveillance probably figures in virtually all of the cases. Nonetheless informants provide the best means of identifying and gaining access to the persons who and places which will be the object of electronic surveillance. Viewed in a slightly different perspective, cases involving the traditional enterprises of organized crime usually arise from informants and surveillance, rather than from media reports, citizen complaints or the work of other state agencies. When the cases involve new initiatives or the penetration of legitimate business, data from regulatory and other agencies play a major role.

The significance of electronic surveillance in detecting and investigating organized criminal activities results mostly from the skills of the State Police in preparing and using intelligence. Critics of electronic surveillance claim that the amount of time spent tending the listening devices generally outweighs the value of the information gathered, most of which appears to be rambling conversations not useful information. Yet in New Jersey, the introduction of computer-assisted analysis, coupled with the skills of the human analysts, has demonstrated that the wheat can readily be separated from chaff. And it now appears that what intelligence analysts once thought was meaningless becomes valuable data if the analyst's knowledge of the group is sufficiently detailed to put the information in the proper context. That State Police administrators had the patience and foresight to continue the intelligence process until this level of sophistication was reached can only be applauded. It has made electronic surveillance the single most productive tool in the New Jersey program.

A close rival to electronic surveillance as an indispensable investigative/prosecutorial tool is the involvement of the prosecutor in the earliest stages of a developing case. The success enjoyed by state units in prosecuting cases and the failure of all legal challenges to the state's electronic surveillance program are strong proof that prosecutor advice and counsel to State Police agents during investigations has worked well. This experience, in a state which has done more wiretapping than any other governmental entity including the Federal government, is in marked contrast to that in other states where the police-prosecutor alliance is less developed or exists only as an adversarial relationship. Review of the Florida experience, for example, indicates that when police use electronic surveillance, they may fare badly in court review. In Dade County during the summer and fall of 1982, a state circuit court judge held eight weeks of hearings to decide if the recorded information supporting an indictment of 28 persons for narcotics trafficking was secured legally. When he ruled that it was illegally obtained, nearly 1,000 hours of material was denied to the prosecution. The court held, in part, that proper procedures were disregarded in the use of the surveillance; particularly, that the police failed to exhaust other investigative means before resorting to electronic surveillance. Police in New Jersey credit their ready access to prosecutors as the reason for their having avoided such pitfalls. The New Jersey success does not resolve the debate over the desirability or efficacy of electronic surveillance. It does, however, suggest that, when properly designed and managed, an electronic surveillance program can operate without inappropriately violating the privacy rights of individuals. It should also be noted that as early as 1976, the National Wiretap Commission, a

congressional panel funded by the Federal government, praised the New Jersey State Police for their practices and found, in part, that installations in the state were operated for shorter periods of time than those elsewhere, while yielding substantial evidence. New Jersey practitioners believe that one reason for these results is the state's superior use of intelligence and informants and review by prosecutors, which enables them to place electronic surveillance devices with greater precision and higher yields.

Since 1969, when New Jersey began its effort to combat organized crime, the state has gradually increased the statutory authority to support the program. Presently this authority includes the full range of legal tools needed for a model program. Of particular significance for students of anti-organized crime efforts are the statutes granting prosecutors at the state level original jurisdiction in criminal matters, those authorizing the operations of a statewide grand jury, and those which are modeled after the Federal Racketeer Influenced and Corrupt Organizations Act (RICO), as well as statutes that categorize the "business" of dealing in stolen property as a crime. The electronic surveillance authority granted by state statute mirrors the Federal law. All the tools available to the effort are well understood and well used.

If there are shortcomings in the New Jersey program, they arise largely from the impotence of the Division of Criminal Justice to demand more stringent regulatory controls in the operations of other state agencies. For example, Division personnel have tried to encourage the agency which licenses the sale and distribution of alcoholic beverages to adopt more stringent and exacting review of applicants, and to computerize their files so that the Divisions of Criminal Justice and

State Police would have better readier access to them. Other state agencies are constrained by the demands of their own agendas and limited budgets from implementing additional regulatory controls. Since most observers believe the shortcomings are not critical to the prosecution of cases, they do not value the effort it would take to overcome bureaucratic inertia in order to develop the early-warning system the collaboration between the regulatory agencies and the division would create. Until the change comes, however, the Division and the State Police will more often respond to problems after, not before, they surface.

V. Lessons from New Jersey

Distilling the New Jersey experience for lessons requires consideration of the program from several perspectives. Replicating an effort of equal power and dimension may fail because, in several critical ways, both the forces that brought the effort into being and the people who played key roles in its early and middle years were unique. In addition, two crucial questions have not yet been answered by this examination of the New Jersey effort. How can public policy-makers keep a successful, maturing, institutionalized program energized, despite the inconstancy of public support for an anti-organized crime effort? How can the awesome prosecutorial power centralized in the Division of Criminal Justice be checked, without blunting its force or opening it up to unwarranted political interference?

A. Organizational Lessons--While it is clear from the genesis of the anti-organized crime effort that none of the key actors on either the police or prosecutorial side of the partnership had a formal plan to guide them, it seems just as clear that they had something better: a shared goal. That goal permitted them to set aside institutional loyalties to focus their energy on putting members of organized crime groups and corrupt public officials in jail. Indeed, had the prosecutors come to the partnership from a fully developed Division of Criminal Justice, one with its own well-established methods and reward systems, participants in the effort agree that the early years might well have been marred by bureaucratic turf wars. Great credit must be given to Stier and Richards for their organizational moves in the early years; actions which were well-tuned to three principles vital to successfully managing change.

First, the two prosecutors and their police colleagues expected and sometimes even encouraged debate and conflict. Both sides therefore had an opportunity to articulate their views openly, and to work out satisfactory solutions to any problems they perceived. Second, the prosecutors and the police accorded one another respect and autonomy for each other's very different kinds of experience: they took their mission as a matter of higher importance, and avoided the bickering which arises when one would-be partner believes the other is imposing an alien concept on his or her experience. And, third, both prosecutors and police officers were careful to resolve conflicts as they arose, to exploit fully the available resources and law, and to seek further changes in law and operations gradually rather than attempting to force through at once all that was needed. The approach permitted the program to evolve while accommodating the diverse interests of police, prosecutors, political figures and the judiciary; each group could establish continuity in operations within a new and unusual organizational setting.

This study has examined the New Jersey experience as a process of change, induced by crisis which created an opportunity for needed reform in the criminal justice system and other systems and agencies essential for combatting organized crime. It is easier to seek to outmaneuver than to face opposition directly. Resistance can be overcome by overwhelming the opposition with expert knowledge. The prosecutors and police in the New Jersey effort, on the other hand, took the time to listen to each other and other interested parties, as well as to explain their approach to anyone willing to listen. When necessary, they were willing to pursue other areas such as investigating toxic waste, in order to broaden support in the legislature and to insulate the anti-organized crime

effort from budget reductions, one of the favored means of crippling a reform effort when the crisis that initiated it fades from public memory.

The willingness and skill of the prosecutors to become advocates and negotiators, first with the State Police and then with the legislature and judiciary appear in retrospect to have been the mortar holding the unique collaboration together. At the same time, their pivotal role and their dependence on extra-institutional loyalty to a mission rather than loyalty to an institution may be the achilles heel of such a venture. Indeed, if the skill and personality of the police or prosecutors are the keys to the success of the operation and confidence that the enormous prosecutorial power of the program will be used wisely, changes in leadership may leave the institutional structure in place, without the will and vitality that have marked the venture to date. The negotiating and political skills required to keep the prosecutor-police partnership working are ones easily undervalued. Some observers, for example, might view the head of the Division of Criminal Justice as merely a skilled prosecutor or manager. Moreover, the usual career route for prosecutors rarely includes training or experience as a working agent in organized crime--the experience of the New Jersey prosecutors was unique in that they learned to respect police expertise. There may be a danger, then, that, when the leadership changes, the partnership is weakened because it was based on personal ties. Once these ties are broken, the willingness to endure conflict, to listen and explain, and to renegotiate continually the terms of the operating agreement may be replaced by a rigid adherence to bureaucratic procedures and a competitive rather than collaborative atmosphere. As a result of this changed environment, prosecutors would probably lose their feel for and their access to the informants whose

information and testimony have been critical for targeting investigations, and siting electronic surveillances and vital in gaining convictions. A word must also be said of the role played by the Federal government in the New Jersey effort. The support given by Federal investigative agencies, as the genesis of the program showed, provided the Division and its antecedents with information on the workings of organized crime and, according to participants, aided it by its expertise in investigative skills, in training for intelligence and electronic surveillance, and, in protecting witnesses. The now defunct Law Enforcement Assistance Administration was also of great value; its grants enabled the fledgling Division of Criminal Justice to pilot attacks on corruption and on the activities of white collar criminals and to offer the training and support which brought the county prosecutors and investigators into a coordinated effort against organized crime. Some believe that without LEAA help, the legislative appropriations to fund the fully developed program would not have been forthcoming and the program's record of success, which prevented the legislature from refusing to fund, might not have been compiled.

Power of the sort which has emerged in the hands of the attorney general and his appointee in the Division of Criminal Justice carries with it a need for accountability. And, in large part it was concern over the wise use of this power and a companion interest in minimizing opportunities for political interference that the Division's Chief came to hold office at the pleasure of the attorney general. In the beginning, organized crime's penetration of the New Jersey legislature provided reason to avoid a process of appointment requiring advice and consent by the State Senate.

Yet the question remains how may accountability be achieved without making an organized crime program either too dependent on an individual or exposing it to the danger of a process requiring the advice and consent of a possibly corrupted legislature? In New Jersey, little opportunity to debate this matter was available. As the effort reaches maturity, however, that opportunity may now exist. But, without full appreciation of the role that individuals have played in the success of the effort, can the debate proceed in an intelligent manner? Could the success the Division has enjoyed in prosecuting corrupt officials create a backlash which could surface during a confirmation process? These questions remain to be resolved, and their answers will be of great interest to those seeking to organize and sustain anti-organized crime programs. In New Jersey, there appears to be no doubt that the program has been institutionalized and cannot be dismantled without substantial political risk. Yet, how the question is answered may well determine the state's spirit and will to use its prosecutorial resources. We can only hope that the spirit will remain and that the loss of the architects of the police-prosecutor partnership will not result in a return to the usual routine of an adversarial relationship between police and prosecutors.

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