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AN ASSESSMENT OF THE
COLORADO ORGANIZED CRIME
STRIKE FORCE

PREPARED FOR
MR. WILLIAM KOLESZAR,
EXECUTIVE DIRECTOR
COLORADO DEPARTMENT OF PUBLIC SAFETY

Prepared By:

Charles H. Rogovin
Frederick T. Martens
August 15, 1984

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ACKNOWLEDGEMENTS

When we were solicited by William Koleszar, Executive Director of the Department of Public Safety, to undertake this assessment, he told us that we would find the members of the Colorado law enforcement establishment as well as those from Federal agencies candid, professional and vitally interested in improving Colorado's responses to the problem of organized crime. Our experience confirms the accuracy of his prediction. It further establishes that there is a vigor and pragmatic optimism among those law enforcement professionals that argues well for crime containment efforts in the State. We found too, that political leaders of both parties shared an informed interest and concern about the future of Colorado's program to attack organized crime. Governor Lamm met with us and members of an advisory group for nearly one hour, during a day with an obviously packed schedule. Senator Al Meiklejohn spent nearly four hours with us, reviewing the Organized Crime Strike Force and the creation of the Department of Public Safety. He reflected informed interest and a determination to move that program in proper directions. Former Senator Paul Powers, who played a key role in oversight hearings on the Strike Force, met with us and shared his views and experiences. Certainly as committed and concerned as anyone we met during our site visit was the Attorney General of Colorado, Duane Woodard. Together with Bob Silva, Pat Sullivan, Greg Long, Bob Holmes and Tom Coogan, the members of an advisory group who were instrumental in orienting us to the history and role of the Organized Crime Strike Force, Duane devoted nearly two full days to our project. Few Attorneys General have either the time or inclination to devote so much personal resource to a particular problem. In addition to his participation with the advisory

group, Greg Long accompanied us to interviews at Grand Junction and helped clarify points that emerged in discussion there and in other interviews. His experience as a Prosecutor and in particular his knowledge of the history and conditions on the Western Slope was particularly helpful to us. We would be remiss in moving on without noting our sense of the commitment of advisory committee members to improving the effectiveness of the Strike Force.

Ray Enright extended the fullest cooperation to us; making staff and facilities available and several times adjusting his own schedule to accommodate our needs. Chief Gary Leonard and Sheriff Delbert Ewaldt each assembled a representative group of Western Slope law enforcement officials with whom we met and derived substantial information and useful insights. For their interest and assistance we are grateful. Bill Gavin, Special Agent in Charge of the F.B.I. Office in Denver, arranged a meeting with key members of his staff who provided challenging and very valuable perspectives on the Colorado organized crime problem.

Throughout our interviews we were struck with the candor and friendliness of the officers with whom we met; all of whom were interested in sharing their information and experiences with us. Among them, three officers of the Colorado Springs Police Department stand out. Ron Butler, Dennis Haugen and Jim Rose--all of whom served for substantial periods of time with the Organized Crime Strike Force--particularly impressed us with their knowledge, expertise and dedication. Rarely have we seen police officers with such a combination of humor and professionalism. They were a credit to their Department and significant contributors to the Strike Force. Hopefully, their unique talents will not be lost if and when the Strike Force is modified.

We have attached to our report as Appendix "B" a list of the persons whom we interviewed for the purposes of our assessment. We apologize for any omission and note that--with one exception--our failure to include any name is inadvertent. In that exceptional case, a representative of the Internal Revenue Service whose comments were of enormous value to us, requested anonymity. We have of course honored that request, but extend to him our sincere thanks for his assistance.

To the members of our advisory committee and to the law enforcement officers with whom we met and talked throughout the state go our warm thanks. They gave graciously of their time and dealt with us openly and reasonably. As far as we could judge, these people reflected no predispositions and did not try to force us to particular conclusions. They rather encouraged an objective and candid appraisal from us; something we hope we have provided. While our report and its conclusions are ours alone, it reflects a synthesis of what we read, heard and observed. Primary responsibility for change, if any, rests with these officials who hold the public trust. We find that organized crime poses a very real threat to the quality of life in Colorado and to the extent that our work may play some role in improving responses to it, we will be pleased.

We would be remiss if we failed to acknowledge the assistance--in very different ways--of three other people. First, Jack Taylor, the reporter whose prodigious and analytical coverage of the Strike Force and related issues was of incalculable assistance to us in preparing for and carrying out our assignment. We suggest that his departure from Denver means the loss of a commentator whose expertise will be missed and hard to replace. To Lt. Joseph Mikita of the Colorado Highway Patrol go our

warm personal thanks. For causing him to miss at least one and often two meals per day because of the vagaries and intensity of our schedule go our apologies. For his tact and advice, our appreciation. For his warmth and humor in often trying circumstances, and his friendship, we are indebted. He is a credit to the Patrol and exemplifies the qualities which make its members so admired throughout the national law enforcement fraternity.

Finally, to Barbara Bennett Yates whose patience with us in the course of redrafts of our manuscript was boundless and whose enthusiasm for the project constant--thanks for getting it done!

Charles H. Rogovin
Frederick T. Martens

Philadelphia
August 15, 1984

FORWARD

In June of 1984, the newly appointed Executive Director of the Department of Public Safety commissioned an independent study of the Organized Crime Strike Force of the Colorado Bureau of Investigation. The objective of this study was limited; to assess the structure, operations and results of the Strike Force, with the goal of recommending constructive change, if warranted. The time for completing the field-work component of this assessment was limited to ten days. This constraint mandated an intensive schedule of personal interviews, document reviews and extensive travel throughout the State.

Initially, we began our inquiry by attempting to limit our analysis to just the Strike Force unit. However, because of the interrelationship between the Strike Force and many other enforcement agencies, we were inevitably required to examine how its resources could be more advantageously integrated with those of other elements of the Department of Public Safety and, equally important, local law enforcement.

As we gathered data throughout this assessment, we questioned whether organized crime was a serious problem in Colorado. While we were constrained by limitations in the available intelligence data, we believe that the conclusions we offer, albeit necessarily somewhat speculative, are nonetheless informed and predictive. Throughout our examination, we considered Colorado's tradition of local law enforcement autonomy and the prevailing resistance to a centralized, state-police model. We were conscious that such a model was not the answer to what appeared to us to be a Strike Force torn at various times by managerial ineptitude,

questionable ethical practices, political infighting and the continued application of inappropriate measures of effectiveness.

We examined such issues as the geographic¹ and demographic character of the State, the nature of existing police training for organized crime work, contractual agreements between contributing and recipient agencies, and how to better integrate activities of various elements of the new Department of Public Safety with those of the Strike Force. Exploring these matters was important in evolving a model that would be both practical and acceptable to various competing interests. When our information gathering phase ended, recognizing the cultural and political differences between the "East" and "West", we purposely avoided imposing some "utopian", structural model on Colorado. Rather, we sought to generate a model for organization and operation of the Strike Force relevant to the existing environment.

The danger in our approach, of course, is that traditions may inhibit change--no matter how well intended and potentially beneficial. Hopefully, the recommendations which have evolved from our assessment will professionalize and enhance organized crime containment efforts in Colorado.

1. The issue of geography was a significant variable. As we learned through the interview process, the distances traveled by OCSF members directly and negatively impacted the morale of the officers/agents assigned. We found that this travel placed unusual and in some cases, devastating stress on some individuals.

INTRODUCTION

Depending upon the perspective of the commentator, the Colorado Organized Crime Strike Force (OCSF) is an organizational element--an "office",² a functional responsibility,³ a media creation, a historical anomaly or even a series of missed opportunities. Some see the OCSF as a critically important vehicle for enhancing and extending law enforcement's capability to contain organized crime in Colorado. The last view probably best reflects the potential for what is currently an essentially ineffectual program of the Colorado Bureau of Investigation.⁴

Notwithstanding a somewhat checkered history, the Colorado OCSF is, by national standards at least, a vintage enterprise. While focused, anti-organized crime efforts have existed in Colorado in a variety of

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2. "Colorado organized crime strike force--established.. There is hereby established in the Colorado bureau of investigation an office to be known as the Colorado organized crime strike force which shall investigate organized crimes." C.R.S. 1973 (as amended) 24-32-416.
 3. "The bureau [Colorado Bureau of Investigation] is charged with responsibility to investigate organized crime which cuts across jurisdictional boundaries of local law enforcement agencies,..." C.R.S. 1973 (as amended) 24-33.5-412(4).
 4. For a perceptive and very informative summary-review of the OCSF as of January, 1981, see the letter-memorandum of former Chief Assistant District Attorney Richard T. Spriggs to former Attorney General J.D. MacFarlane, which is attached hereto as Appendix "A". An overview of the OCSF at an earlier time in its history may be found in RACKETEERS BUREAUS: INVESTIGATION AND PROSECUTION OF ORGANIZED CRIME, G. Robert Blakey, Ronald Goldstock and Charles H. Rogovin, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, 1978. pp. 81 et seq.

forms, the earliest formal program was begun in July of 1969 with the formation of the Denver District Attorney's Organized Crime Unit. Originally comprised of a Deputy D.A., five investigators, an accountant and a secretary, it received substantial assistance from the Intelligence Bureau of the Denver Police Department. Approximately fourteen months after its creation, in September, 1970, former Governor John Love charged the Colorado Bureau of Investigation to carry out investigations of organized criminal activity in the State. As noted below, the Legislature confirmed the Governor's direction a year later.⁵ Operationally, a division of responsibilities between local and state programs was achieved. It provided that the Denver District Attorney's Unit would have exclusive jurisdiction within the City and County of Denver, while the remainder of the state was to be left to the CBI and an Attorney General's Organized Crime Prosecution Unit. These various anti-organized crime capabilities underwent modifications during the early 1970's, especially as funds became available through the L.E.A.A. program. In the Fall of 1973, however, the Attorney General took charge of all organized crime grants and formed a strike force of state and local officers with legal support from assigned Assistant Attorneys General. An important feature in this unit's design was the combination of agents and attorneys for operational purposes and the day-to-day availability of investigative attorneys.

5. That statutory direction is in essentially the same language quoted above, in footnote #3.

Throughout the balance of the decade and into the early 1980's, the OCSF remained in the Attorney General's Office. However, as a consequence of highly publicized allegations of impropriety by OCSF members, conflict between the host Attorney General and members of the unit, changes in attorney leadership, and other factors, the then Attorney General, J.D. MacFarlane determined to reorganize the OCSF. Whatever his motives may have been, the Colorado legislature ultimately resolved the issue of the organizational placement of the OCSF by directing that it should continue as a constituent element within the Colorado Bureau of Investigation. It should be noted here that the Legislature intended that the state-local cooperative character of the strike force--historically one of its most useful and important features--was to be continued.

A more detailed history of the permutations in Colorado's use of an organized crime task force comprised of state and local officers, with permanently assigned legal advisors, is beyond the purview of this report. Nonetheless, it must be noted that the creation of such an entity reflected well upon both state and local officials and demonstrated an excellent model for enhancing and extending local police and Sheriff investigative capability. In a jurisdiction where local and county law enforcement officers have a profound distaste for the expansion of state authority, a willingness to share and even cede certain responsibility to a state capability--in the interest of effective action against a common problem--was a very important development. To a very substantial degree that willingness continues today.

What must be further noted here, however, is that throughout the

history of strike force efforts in Colorado--including those underway today--one very important issue has been ignored. That is the failure by any of the persons involved, police, prosecutors, legislators, officials of the executive branch and even representatives of the press, to pursue questions of strike force effectiveness in a rational way. Instead, as with Federal, state and local governments elsewhere, answers to issues of effectiveness and use of resources are sought through the wrong sets of questions and by submission and use of the wrong data.

A recent report by the United States Senate's Permanent Subcommittee on Investigations noted with approval criticisms of those traditional measures law enforcement uses to assess effectiveness.⁶ The essence of the criticism is that law enforcement plays a statistics or numbers game with regard to arrests and convictions, and decision-makers learn little, if anything, about the value of any particular effort in the total law enforcement arena. The basic question is and should be what, if any, impact has a law enforcement program effort had in diminishing the problem that an organized crime group presented. Unless and until legislators begin to demand that law enforcement provide data that permits making these judgments, rather than the irrelevant information that is currently sought and supplied, resource allocation decisions will continue to be made upon a series of false premises. Or they will be made as acts of faith, grounded in the belief that attacking organized crime is a worthwhile thing to do and to which resources should be

6. "Profile of Organized Crime: Mid-Atlantic Region" Permanent Subcommittee On Investigations of the Committee on Governmental Affairs. U.S. Senate, July 18, 1984, 98th Congress, 2d Session, Report 98-548., pp. 61-62, 68-69.

devoted--even though there is no real accountability offered or demanded regarding their use.

Other than as a caveat, the foregoing suggestion about measuring effectiveness will serve little purpose unless it is clear that there is a serious problem of organized crime in Colorado; and further, that there is in place a capability to deal with it.

The Problem of Defining Organized Crime in Colorado

Does Colorado have an organized crime problem? If so, how serious is it and is it getting worse? While these questions have been asked often by public officials and law enforcement practitioners, few confident responses are offered. In our necessarily limited inquiry into the structure, operations and results of the OCSF, we have arrived at several tentative conclusions with respect to the presence and nature of organized crime. We suggest, however, that these conclusions deserve further law enforcement inquiry. In the absence of an intelligence system that defines the scope and dimensions of the problem of organized crime in Colorado, we were forced to rely on data collected in interviews and apply our experience and expertise in defining and gauging the problem.

It is appropriate to suggest that Colorado is not unlike New York, Pennsylvania, or New Jersey with respect to the presence of such vice activities as gambling, narcotics, "loansharking," and prostitution. Admittedly, the scale is significantly different and the nature of the market--that is, whether the activities are controlled or competitive--is probably different. But, the existence of such vice activity and the demonstrable evidence of degrees of organization establish the presence of complex crime networks. We do not believe, however, that the so-called "Eastern Model" of organized crime, the Mafia or La Cosa Nostra, is characteristic of organized crime in Colorado. That view is

inconsistent with both the research of others and with our observations.⁷ From data obtained in the course of our interviews we discerned patterns of activity that lead us to conclude that "rackets" in some locales are organized. While the extent of competition between and among criminal groups is unknown, it appears that attempts are being made to establish exclusive territorial and market allocations. For example, we found in our discussions of sports-bookmaking, that Denver is considered the central location for "lay-off" in the state. It is believed that Kansas City handles the lay-off for Denver. This is certainly a plausible proposition, given the number of professional sports teams located in Denver, and the estimated level of "home team betting" occurring.

With respect to narcotics, we queried a number of law enforcement agencies and were told that at least two cartels are currently operating in the State, with a large number of independent entrepreneurs seeking to secure a portion of the markets. One particular investigation in Colorado Springs resulted in the seizure of fifteen pounds of cocaine; a not insubstantial quantity. That case involved an East Coast trafficker, who had previously been arrested in the 1970's for organizing a rather large, interstate, narcotics distribution network. This principal's attempt to control the cocaine market in Colorado Springs resulted in a number of deaths and acts of violence.

Interestingly, in some of our interviews we learned of a pattern of

7. For further discussion of this point, suggested readings are The Containment of Organized Crime: A Report to the Arizona Legislative Council, Seattle, Washington: Battelle Human Affairs Research Centers, December, 1981; and Critical Criminology, "The Political Economy of Crime: A Comparative Study of Nigeria and the U.S.A.," London: Routledge and Kegan Paul, 1975, pp. 167 - 179.

arrests that suggested that "newcomers" or "transients" were more likely to be arrested than established criminal operators.⁸ Whether this was merely an aberration among the agents/officers discussing their experiences, or whether this suggests that arrest opportunities are being provided by established operators as an anti-competitive device are matters for speculation. In light of our awareness that enforcement priorities are being established in an intelligence vacuum, however, that pattern deserves further inquiry.

Prostitution, a low priority activity for most law enforcement agencies, provided us with an interesting illustration demonstrating the concept of market control. In discussing prostitution in Colorado Springs, we were told that in 1973-1974, there were a number of violent acts committed against prostitutes. Today there are virtually none. During a more than ten year period most of the operating prostitutes in the Colorado Springs area were heroin addicts. This led us to consider that, much like the prostitution rackets in the East, the prostitution market has been organized by the heroin traffickers who are able to effect control of prostitutes through heroin. When we presented this proposition to the agents most knowledgeable about the rackets in Colorado Springs, they agreed that such was in fact the situation. The illustration demonstrates the utility of applying strategic intelligence concepts in identifying and defining organized crime as a problem. If

8. Vincent Teresa, in his book My Life in the Mafia (with Thomas Renner), New York: Doubleday and Company, Inc., 1973, makes a point about his being arrested within twenty-four hours of "setting up" operations in Atlanta, Georgia. As Teresa put it, "I was sent to Atlanta to take over that town. I met with two of the biggest bookmakers in the city.... At five thirty that morning the police came banging on my hotel door.... [The bookmakers] had the X with the law and they put the finger on me" p. 257.

this is the situation in Colorado Springs, is it different in Denver?

"Loansharking" and labor-racketeering are two activities that have produced significant revenue for organized crime. While there was insufficient data from which any credible estimates as to the extent of these activities could be made, with the level of construction and economic growth in the Denver metropolitan area and elsewhere in the State, we are convinced that these activities must be a part of the economic landscape.⁹

Clearly, what is defined as Organized Crime must include white collar crime. This has been and remains one of the primary difficulties in limiting a definition of organized crime to only the traditional vices. It is more appropriate, and the approach that we recommend for the Strike Force, to expand its concept of organized crime to include those forms of white-collar crime that are part of a continuing criminal conspiracy, transgressing jurisdictional boundaries. To this operational definition should be applied the label "Complex Crime."¹⁰ This modification would encompass the types of land and time-sharing frauds found on the Western Slope, the investments in legitimate business by persons who acquired monies illegally, the computer and high-technology

9. Between 1970 and 1980, the total personal income of Colorado increased from 8+ billion dollars to 29+ billion dollars, a 300% increase; the manufacturing industry for the State increased from 1.9 billion dollars to 6.6 billion dollars; commercial bank deposits in the Denver-Metro area increased from 2.1 billion to 8.5 billion dollars; and retail sales in the Denver-Metro area increased from 4.8 to 15.8 billion dollars. While economic growth may not be as dramatic in 1980-1990, the State's population is expected to double by the year 2000.

10. See The Containment of Organized Crime, op. cit., pp. 9-19.

crimes likely to occur in the "Silicon Mountains" of Colorado Springs and the diversions of money from legitimate businesses into illegal markets, such as narcotics.

Given what will be a doubling in Colorado's population by the year 2000, it is appropriate to conclude that the volume of complex crime will multiply commensurate with the economic and demographic growth of the state. Law enforcement capabilities must be expanded and enhanced to contain the more deleterious social, political, and economic consequences of this projected increase in crime.

Methodology and Qualifications

Our inquiry into the structure, operations and results of the OCSF involved sampling a number of primary and secondary sources of information. Prior to arriving in Colorado, we reviewed a large number of newspaper articles that addressed the operations and problems encountered by the Strike Force during its current and prior phases. Further, we were provided with a number of internal documents that discussed budgetary constraints, resource limitations, and mission, goals, and objectives of the Strike Force. From this data base, we proceeded to interview approximately 100 people, including law enforcement officers, present and former public officials, and newspaper representatives. The candor and sincerity of nearly all the persons interviewed was both refreshing and promising.

In addition to interviews, we reviewed documents and procedures currently in use by the OCSF. Electronic surveillance procedures and equipment were examined, reporting systems and informant and narcotic undercover guidelines assessed, and analytical methods and techniques reviewed; all in an effort to acquire insight into the operations of the current Strike Force. In our discussion with Strike Force personnel the interviewees demonstrated an overwhelming desire to professionalize and upgrade the quality of the OCSF operations.

In all management studies conducted by persons who are strangers in the operating environment, the assessors must be sensitive to the cultural mores and political norms of the organization and environment they are studying. We are confident that we were adequately attuned to these differences.

Simply stated, we were fully cognizant of the differences between the so-called "eastern" and "western" models of organized crime and were careful not to transpose the eastern model on Colorado. We were sensitive to the sometimes unreasonable fear of an expanded state law enforcement capability encroaching upon local autonomy.¹¹ It was also clear to us from the onset that the corruption of political and criminal justice processes was neither as serious or severe as one finds in some of the more urbanized centers of the East.¹² Our analytical inquiry proceeded with full recognition of these differences.

The richest source of data for our inquiry was the interviews we conducted. Through this technique we were able to capture otherwise unavailable information. Police are notorious for retaining a great deal of information in their heads, never committing it to paper. By asking the right questions, an assessor can acquire bits of information that may ultimately be pieced together to form a mosaic of a topic, here, organized criminal activity. We found that a wealth of information exists among local law enforcement officials; if properly tapped, this collective could define and refine the organized crime problem in Colorado in a very short time.

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11. Alleged state police activity in the "Ludlow Massacre" in 1914 was offered as the primary reason for opposition to any form of state police. Interestingly, this "massacre" was the result of the actions of the Colorado National Guard, and not a police agency. See The New York Times, April 22, 1914, p.7, col. 1.
 12. We believe it is fair to suggest that the systematic and systemic corruption found in some of the larger police departments in the Northeast (e.g., New York City and Philadelphia) is not evident in Colorado. This is, we believe, in part a result of population demographics (e.g., the rural ethos prevailing). This may, of course, change as the economic character of the State changes, with possible change in the character of the state's population.

It is extremely dangerous, of course, to accept all interview data at face value. However, by critically challenging answers to questions, an assessor is able to distinguish what is rhetoric or factless generalization from material grounded in experience and fact. Often in the course of interviews, an assessor is carefully fed the formal doctrine, dogma or "line" of the agency under study. Similarly, when employees or other persons who have an identified bias in the outcome of a study are interviewed, they provide the assessor with responses that serve their self-interest. This is certainly understandable and should not be perceived as a fatal deficiency in the interview process, making it an unacceptable technique in conducting a management study. To be used effectively, an assessor must critically challenge answers, forcing an interviewee to be more precise and definitive in his/her responses. Used effectively, this technique will elicit data not contained in reports or documents, and perhaps more importantly, allow for input from those persons directly affected by the results of the study, thereby making the findings more useful in terms of initiating organizational change.

In conducting our inquiry, there were several issues that arose which deserve further comment. Rather than reserving these issues for later discussion we believe them to be of such importance as to warrant address at this time.

First, it was initially postulated that budgetary constraints created a serious resource problem for the existing OCSF, substantial enough as to seriously constrain its effectiveness. Our inquiries on this point disclosed this argument to be a "red herring". In fiscal 82/83 the Colorado Bureau of Investigation received its requested

appropriation which included funding for its existing Complex Crimes unit. For that fiscal year, the first complete fiscal year following the legislative transfer of the OCSF to CBI in May of 82, CBI received almost \$400,000 in additional monies to fund OCSF activities which were actually carried out by CBI agents transferred from the Complex Crimes unit. In fiscal 83/84 the CBI only received a \$70,000 appropriation to support OCSF operations. However, it should be noted that the costs of CBI personnel previously transferred to the OCSF were included in the primary CBI appropriation and thus the \$70,000 was available to fund local agents. Further the CBI has received an "energy impact grant" that permitted creation of a Western Slope Strike Force which includes a CBI agent and a secretary/analyst.

At no time were any of these additional monies used to develop and institutionalize an intelligence program--a function that is critical and one which was consistently "promised", if additional monies were forthcoming. In interviews, the establishment of an intelligence unit was referred to as a "luxury" that the OCSF could ill-afford, unless more monies were provided. The real fact, however, is that the OCFS can not operate effectively without an intelligence program; without this essential element, resources will continue to be misallocated.

Second, and related to intelligence programming, is the wide-spread belief among CBI personnel that the Legislature, through the Joint Budget Committee, is only concerned with the number of cases investigated as well as other equally irrelevant measures of strike force effectiveness. Assuming that this perception by the managers of the OCSF is accurate, it is incumbent upon that management to inform and educate legislators as to the irrelevancy of such data. Yet, legislators are not solely

responsible for using irrelevant measurements. Professional law enforcement managers must demonstrate that current measurement standards are wholly inadequate to accurately assess the impact of enforcement efforts. They must develop and provide relevant measures to correctly assess effectiveness.

Third, it would be unfair to attribute the findings of this inquiry in their totality to the current management of the Colorado Bureau of Investigation or the OCSF. The CBI only secured operational control of the Strike Force in June of 1983--a mere twelve months ago. Taken alone, this is hardly sufficient time to establish a consistent or noteworthy record in "the war against organized crime." However, CBI had for some time maintained a mandated capacity to investigate organized crime; this provided at least a limited foundation upon which to build. CBI had access to the research literature on organized crime; presidential and legislative commission reports, and descriptions of the methods and techniques used by other law enforcement agencies both in Colorado and elsewhere for its anti-organized crime effort. It could have learned from the successes and failures of the predecessor Strike Force, which it apparently chose not to do.¹³ And though it was often asserted that the

13. For example, in Rackets Bureaus: Investigation and Prosecution of Organized Crime (G. Robert Blakey, Ronald Goldstock, and Charles H. Rogovin, Washington, D.C.: Government Printing Office, 1978), a section is devoted solely to the Colorado Organized Crime Strike Force (see pp. 81-83) and a number of recommendations are cited; in the Report of the Task Force on Organized Crime (National Advisory Committee on Criminal Justice Standards and Goals, Washington, D.C.: U.S. Government Printing Office, 1976), a number of standards are provided. Illustrative of our point, is the material available in such texts as Theft of a Nation, A Family Business, Guns and Garlic, Police Intelligence in Crime Control, Task Force Report: Organized Crime, Illegal Gambling in New York (National Institute of Justice,

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limited resources of the Strike Force prohibited any sophisticated, long term investigations, it could also be argued that its small size encouraged a higher level of coordination and managerial efficiency. In summary, it appears that the newly-created Strike Force within the Colorado Bureau of Investigation is no more prepared to achieve its Legislative mandate than was its predecessor.

Lastly, it should be clear at this time, that we have purposely avoided drawing any conclusion(s) about the "success" of the predecessor Strike Force. We were not commissioned to study it, nor did we have the time to intensively assess what it in fact accomplished, vis-a-vis what it led (via the media) the public to believe it accomplished. What does emerge from our inquiry however, is the fact that the predecessor Strike Force was engaged in a high-profile enforcement program which was dedicated to accumulating a large number of narcotics statistics.

Washington, D.C.); and Identification and Investigation of Organized Criminal Activity, Robert C. Stewart, National College of District Attorneys, 1980. In addition, the National Criminal Justice Reference Service periodically provides abstracts of new literature on organized crime and its related control systems. Reports are available without charge to any law enforcement official or agency.

The Predecessor Organized Crime Strike Force

The history of the prior Organized Crime Strike Force has been adequately catalogued by journalists, legislators, and government officials. There is no need to reinvent the wheel and regurgitate that which has become part of the history of Colorado law enforcement. However, it is certainly appropriate to discuss in some detail the problems encountered by and with the prior Strike Force with the view to avoiding similar mistakes in the future.

In reviewing an incredible volume of media accounts and other documents chronicling the operations of the earlier Strike Force, we were able to isolate several critical variables that ultimately contributed to its demise. Once it lost public credibility and political support, death in its earlier form was inevitable. While there were undoubtedly other factors which might be assigned partial responsibility for the legislative transfer of the Strike Force from the Attorney General to the CBI, the following appear to have been most critical.

* Ineffective Management¹⁴

Few factors were more critical to the demise of the former Strike Force than the diminution of strong management exercised by the Attorney General through his assigned attorneys. There appears to

14. Rocky Mountain News, "Strike Force demise laid to waffling," April 17, 1982; The Denver Post, "Absence of Management," March 28, 1982; The Denver Post, "MacFarlane Disbands Organized Crime Strike Force," March 25, 1982.

be sufficient reason to believe that when the Attorney General replaced experienced and forceful deputies with less experienced and weaker attorneys, the assertive personalities of several principal investigators thereafter dominated the actions and activities of the Strike Force. This resulted in the gradual dissolution of the Strike Force's political base and perhaps, equally important, created a serious morale problem among Strike Force personnel. At that point, allegations of improprieties began to surface, impugning the integrity and credibility of the Strike Force.

* Policy Guidelines Inadequate

When contributing agencies assigned personnel to the Strike Force, the Attorney General permitted such detailed officers to work within the parameters of their own Department's policy guidelines. This created an array of policy procedures that resulted in a managerial nightmare. While some police officers were allowed to perform "outside employment," others were not; while some police officers received overtime, others did not; and while some officers were subject to strict codes

of propriety and ethics, others were not.¹⁵ It is obvious that such arrangements could only lead to serious managerial conflicts over the long term--when the euphoria of a new and exciting assignment diminishes. Moreover, the inability of a Strike Force supervisor to reject the assignment of any personnel from a contributing agency seriously compromised managerial prerogatives. The absence of a disciplinary system applicable to all police officers, regardless of their agency of origin, exacerbated the problem.

* Assignment of Officers by Contributing Departments

The lack of balance among the various contributing departments permitted one department, the Denver Police Department, to virtually control the Strike Force through mere numbers. In effect the Strike Force became the exclusive property of the Denver Police Department,¹⁶ since it could withdraw its

15. Three police officers from the Colorado Springs Police Department have instituted a civil action against their Department for \$100,000. for overtime pay earned while assigned to the Strike Force. Also see The Denver Post, "Pietrafeso Violated Moonlighting Rules," January 22, 1982; "F.B.I. Probes Policeman's Second Employer," The Denver Post, February 7, 1982.

16. In the words of former Attorney General J.D. MacFarlane, the Strike Force was a "bumbling force," impossible to control," "a unit answerable only to itself," which became "no more than a statewide extension of The Denver Police Department." (see The Denver Post, March 25, 1982).

officers and effectively cripple the enterprise. Moreover, the Denver Chief of Police conveniently transferred his responsibility for narcotics and organized crime enforcement to the Strike Force, in effect "washing his hands" of public accountability. This abdication of responsibility was a clever means of rejecting accountability in several critical areas. However, when improprieties by Denver Police Department personnel assigned to the Strike Force surfaced, the Chief was also drawn into a controversy which nearly totally consumed the energies of the Strike Force.

* Allegations of Impropriety

Perhaps the most crucial factor in the demise of the earlier Strike Force was its loss of credibility, politically and publicly. This was primarily a result of allegations that the state's "top" narcotics officer, allegedly the most experienced and honest "narc" in the state (if not the country) had performed body-guard services for a cocaine addict, who happened to be the editor of a major Colorado newspaper. This same officer, who had effectively used the media to create an image of unsurpassed expertise and competency, also accepted gratuities from the late Elvis Presley, who too was addicted to various controlled, dangerous substances. Not only had this officer accepted such gratuities but his immediate supervisor, the head of the Denver Police Department's Investigations Division, and the Chief of the Denver Police Department, were also

involved in what appeared to be ethical compromises.¹⁷ While all were absolved of any ethical violations, the impact of these revelations had serious consequences for the future of the Strike Force. The same press that had been so carefully cultivated now turned its energies toward exposing alleged improprieties among members of this elite unit. The results were public hearings that ultimately led to the transfer of the Strike Force to the Colorado Bureau of Investigation.

Assessing Productivity Measures

Funded by monies from the now defunct L.E.A.A., the Strike Force formulated a series of well-written and well-intentioned goals and objectives during its tenure. Whether the ultimate goals of the Strike Force were ever accomplished is a matter of supposition. Proponents argue that organized crime and narcotics trafficking networks were seriously crippled as a result of the Strike Force's efforts. Opponents argue that a neatly-packaged media campaign was promoted to create the perception of success, but that in reality there is no evidence to support claims of success. Further

17. The Denver Post, "Witness Claims Strike Force Misconduct," April 16, 1982; "Ex-Investigator accused of Laxity on Drug Probe," April 17, 1982; "Feud Tied To Probed Policeman's 2nd Employer," February 7, 1982; "Addict Hired Investigator as Bodyguard," January 21, 1982; "Dill Says He Bought Uniform Elvis Used For Denver Posary," April 22, 1982; "New Presley Connections With City Police Revealed," April 21, 1982; "Rock Singer Sought OK to Go Along on Drug Raid," April 21, 1982.

it is suggested that certain persons were permitted to carry on criminal activities without any enforcement pressure. We do not choose to pursue the validity of either position, other than to suggest that the Strike Force's raw statistics alone did not reflect success in addressing the problem of either organized crime or narcotics.¹⁸ Police can effectively control these statistics, increasing or decreasing the "stats" according to the perception they wish to create (e.g., quality vs. quantity). If an organized crime and narcotics control program lacks a credible and well-developed intelligence capability, enforcement impact can never be accurately measured. Unfortunately, this issue has never been adequately addressed by police officials, legislators or other public officials, all of whom continue to assess the "success" of such efforts in terms of the irrelevant statistics historically generated.

Given these factors, reconstituting the Strike Force as it currently exists within the CBI will require careful design and delicate and supportive management by the Executive Director of the Department of Public Safety and his staff.

18. See in this connection, Crime Control Strategies, Harold E. Pepinsky, New York: Oxford University Press, 1980, pp. 54-70; pp. 94-118; pp. 153-157.

Management Initiatives with Respect to the
Operations of the Organized Crime Strike Force

In order to ascertain how the resources of the Organized Crime Strike Force were being managed, we sought and were given access to personnel, records, equipment, and reports maintained by this unit. Interviews were conducted with Strike Force members, the records system was inspected, reports were assessed for content, and the equipment used in the course of conducting electronic surveillance was inspected. Our findings revealed:

- * No procedural guidelines existed for the conduct of electronic surveillance. It should be noted that the Strike Force had not conducted any electronic surveillances independent of local law enforcement agencies, and it relied upon those agencies for expertise. The lack of such guidelines has resulted in a variety of questionable methods for securing consensual recordings and recordings of conversations obtained through a wiretap or bug. It was clear, for example, that no uniform procedure existed which would provide for an evidentially-sound method for sealing recordings.

- * The inventory system for control of equipment was wholly inadequate. Equipment lacked inventory

identifiers, and security of the equipment was subject to compromise. We found that there were several personnel who had access to the room where equipment was maintained and that equipment would be removed without proper documentation being secured.

- * When request for the loan of electronic surveillance equipment was received and honored no requirement for delivery of a copy of the court order authorizing a surveillance was imposed. It is conceivable, given this obvious lack of managerial control, that equipment could be acquired by another agency for a non-law enforcement purpose.
- * The supervisor of electronic surveillance activities admittedly lacked the technical expertise to repair equipment. This has resulted in inoperable equipment laying dormant until monies can be acquired for repair work ordinarily performed in-house.
- * Several shotguns, an "AR-15" (a semi-automatic weapon) and ammunition were observed in an unlocked glass cabinet. The supervisor of the physical area did not know to whom the weapons belonged, nor why they were being stored (unsecured) in his office.

* It was learned that safe-guarding evidence (e.g., consensual recordings, seized documents, etc.) obtained as a result of an investigation was usually the obligation of the investigating agent. This was the practice as opposed to maintenance of evidence in a secure, central facility.

In interviews after interview, respondents indicated that the evidence locker was improperly secured and the chain of custody subject to compromise. Thus, most agents stored their evidence at locations independent of the authorized facilities.

* The records system with respect to the filing of intelligence and investigative reports was inadequate. Those interviewed indicated that intelligence reports were filed with investigative reports. As should have been recognized, this blending could result in intelligence data being secured through discovery. Reports were frequently not placed in file for fear that they might not be retrievable at a later date. Thus, individual agents maintained their own case folders. The intelligence reports for 1983 and 1984 were randomly stacked on a secretary's desk, unsecured and not indexed. It was indicated in interviews, that a secretary

would often work on these reports at her home, posing again, a potential for serious compromise.

- * The numbering system with respect to both intelligence and investigative reports was designed to generate impressive statistics. Illustratively, regardless of the assignment of an initial case number, a new number was assigned to any report that followed in the same investigation. This resulted in an artificial inflation of the number of apparent investigations conducted by the Strike Force.

- * Formal guidelines for the operations of the Organized Crime and Electronic Surveillance Unit did not exist. Since the Strike Force lacked an intelligence capability, there were no guidelines for the collection, analysis, and dissemination of intelligence. Guidelines for the Narcotic Unit were promulgated on July 1, 1984.

- * Our analysis of the procedures being employed for the control of informants indicated that there was no method of knowing the true identity of an informant, how much money he/she received, and the criminal background of the informant. Control of informants was neither effectively prescribed nor did it appear that the development of informants was encouraged by management.

- * The role of the analysts assigned to the Strike Force has not been adequately defined. Again, the lack of an intelligence capability has resulted in one analyst being used to perform secretarial tasks. The other has operated in an investigative mode primarily to assist local police, with little effort being devoted to preparing intelligence assessments for proactive investigative purposes. It was apparent that the analysts were working out of title.

- * Computer technology such as telephone toll analysis programs and link diagramming, were not readily available or used by the agents or analysts.

- * Relationships with other law enforcement agencies, particularly Federal authorities were virtually non-existent. Agents of the Federal Bureau of Investigation assigned to organized crime work indicated that they had little need or reason to communicate with the Strike Force (although they did attempt-- unsuccessfully--to establish a professional rapport). The Drug Enforcement Administration State and Local Task Force agents have had little contact with the Strike Force nor did the Internal Revenue Service's Criminal Investigation Agents.

- * There is consensus among officials from agencies external to the OCSF who have had contact with it that its supervisors lack essential skills and expertise.

- * Local police officers assigned to the OCSF do not enjoy the same status as Colorado Bureau of Investigation agents. This is due in part to their inexperience, the perception of divided loyalty, and the reluctance of certain supervisors to accept the concept of local participation.

- * There was little meaningful interaction between the Western Slope Strike Force and the Denver OCSF office. Geographic separation and distinctly different priorities are in part responsible for this alienation. But, the issue goes beyond that. The CBI agent responsible for the Western Slope Task Force does not have supervisory rank and is provided very little managerial authority. Finally he is tasked well beyond his available physical and psychological resources.

- * There was a significant discrepancy in the accounts about who in the CBI is functionally responsible for the operations of the OCSF. The CBI Director stated that he has informally assigned this task to the Deputy Director. The Deputy Director said that he never had functional control of OCSF and only exercises administrative oversight. One is tempted to ask, "Who is watching the store"? The

rank and file indicated that no operational decisions are made without the concurrence of the Deputy Director.

* Morale was rated as extremely low by many of the persons interviewed in the OCSF. These individuals cited factors such as incompetent and insensitive supervisors/managers, lack of direction, inoperable equipment, and a "chilling" atmosphere which stifles creativity, initiative and innovation. The budget is used as a weapon to threaten the jobs of those perceived as disloyal or not part of the team.

* In an effort to ensure that history was not repeated, the legislature prohibited OCSF personnel from maintaining outside employment. This issue, in some instances, was cited as a factor in the reluctance of some local officers to participate in the Strike Force and has created a morale issue among those personnel assigned to the OCSF.

* There is a noticeable absence of formalized in-service training for OCSF staff. On-the-job experience appears to be the primary means of educating personnel. Budget limitations are cited as explanatory of this problem.

* The relationship between the attorney and agents assigned to the Strike Force appears to be cordial and cooperative. However, the attorney does not function as an

investigative prosecutor and is relied upon only for legal advice. His failure to participate in the decision-making process appears to be in part a function of self-restraint and in part a function of organizational resistance to utilizing him in that capacity.

From our analysis of the routine operations of the Organized Crime Strike Force, it is readily apparent that the State is ill-prepared to respond strategically or tactically to the growing threat of organized crime in Colorado.

Resource Allocations and the
Intelligence Process

Notwithstanding that something less than optimal resources are available for the Organized Crime Strike Force, it was quite evident that the absence of even a primitive intelligence capability has resulted in a statistically-oriented, reactive mode for managing the activities of this unit. Put differently, our findings clearly and convincingly indicate that the Organized Crime Strike Force is allocating its limited resources to investigative opportunities as they arise. That is, OCSF reponds to "targets of opportunity" rather than pursuing investigative targets defined through an intelligence process which is part of a proactive, strategic approach to the organized crime problem in the State. As a result OCSF does not possess an understanding of the organized crime problem as it exists in Colorado. The implications and consequences of such an enforcement posture have been articulated by numerous researchers, legislative and Presidential commissions and deserve special attention here.

In 1967, the President's Task Force on Organized Crime ascribed the failure of law enforcement to combat organized crime in large measure to the lack of strategic intelligence.¹⁹ The Natonal Advisory Committee on Criminal Justice Standards and Goals in 1976 again promoted the need for intelligence in effectively combatting organized crime.²⁰ And later, in

19. Task Force Report: Organized Crime, President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: U.S. Government Printing Office, 1967.

20. Report of the Task Force on Organized Crime, op. cit. n.13, pp. 212-135.

1977 the Government Accounting Office leveled a blistering attack on the Federal Strike Force Program, arguing that the

"war on organized crime was faltering
...because the existing data collection
was directed more toward evidence gathering
than toward intelligence information."²¹

Clearly, the incorporation of an intelligence component in an organized crime strike force is central to the effective and efficient use of what will always be scarce resources. Moreover, lacking an intelligence component, it is conceivable that an illegal market which is not yet organized could be organized through the uninformed selection of investigative targets. For example, if an organized crime unit administrator is allocating his/her resources solely on the basis of opportunity, an organized criminal network could easily inform on independents, thereby using the police to eliminate competition through arrests.²²

Hence, an illegal market that is disorganized could be quickly organized if the police are allocating resources in accordance with the target opportunity(ies) which arise. This then raises the question of how to measure effectiveness, given the inadequacy of traditional methods of measurement. It may be appropriate to reflect on the statement of Assistant United States Attorney General Glen E. Pommerening, who quite correctly argued,

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21. "War on Organized Crime Faltering, Strike Forces Not Getting Job Done," Government Accounting Office, Washington, D.C., March 17, 1977, p. 32.
 22. Dintino, Justin J. and Frederick T. Martens, Federal Probation, "The Process of Elimination," Washington, D.C.: U.S. Government Printing Office, June, 1981, pp. 26-31.

We do not want to fall prey to demands to measure strike force performance simply by a blizzard of statistics, which may read one way or another, indicate more or less "progress" is being made.²³

Clearly, the use of statistical data which only measures the numbers of cases successfully investigated fails to address the impact of any investigation on an illegal market. It was clear to us that the OCSF, in both past and present forms, was enmeshed in a statistical game. Without an intelligence component that can clearly define the scope of the organized crime problem, and recommend investigative priorities that are consistent with available resources, the role of the OCSF will remain ill-defined and poorly-managed.²⁴

23. "War on Organized Crime Faltering...." op. cit. n.21, p.49.

24. Godfrey, Drexel E. and Harris, Don R., Basic Elements of Intelligence, Washington, D.C.: U.S. Government Printing Office, 1971; also Dintino, Justin J. and Frederick T. Martens, Police Intelligence in Crime Control, Springfield, Illinois: Charles C. Thomas, 1983.

RECOMMENDATIONS

Change of Title

The Organized Crime Strike Force has been designated by the Legislature to contain the growing threat of organized crime in Colorado. Given what appears to be a rather tumultuous and checkered history, and the lack of an explicit mandate that specifically addresses the multi-dimensional nature of complex crime in the State of Colorado, it is strongly recommended that the name be changed to the "Complex Crimes Task Force." This will hopefully rid the OCSF of its negative perceptual image, but more importantly, define the scope of its tasks consistent with the uniqueness of the complex crime problem in Colorado.

Intelligence Capability

The lack of a sophisticated intelligence capability at the state level was perhaps the single-most prominent reason for the inability of law enforcement to define or agree upon a description of Colorado's organized crime problem. The implications and consequences of this finding suggest that it would be more appropriate and cost-effective to develop a first-class intelligence capability before new monies are allocated by the Legislature for additional, reactive investigative activities. In short, without substantially enhancing the State's knowledge of the problem there is little utility in increasing operational resources. Generating publicly-acclaimed statistics that are irrelevant to measuring the impact on the organized crime problem serves no useful purpose, other than to symbolically suggest that the state is doing "something." Unfortunately, that "something" may be eliminating competition in an illicit market; in effect, encouraging the organization of crime.

Lacking any logical basis upon which to allocate resources, administrators are likely to continue to react to the situation or crisis of the moment when addressing organized crime. "Opportunistic enforcement" as a basis for allocating resources is both dangerous and cost-ineffective. Hence, it is strongly recommended that an intelligence program be developed whereby periodic intelligence assessments are disseminated to appropriate law enforcement agencies for further investigation.

Assuming that a persuasive case has been made for modifying the anti-organized crime apparatus currently existing in the Colorado Bureau of Investigation, several questions are presented. Should it be transformed into an intelligence unit, utilizing some or all of its present resources for intelligence activity? What, if any, complex crime investigative capability will remain after the changes? To what degree, if any will such a change contribute to or diminish accomplishing what is generally (although not universally) regarded as an important objective--that is, enhancing local law enforcement's ability to conduct complex crimes investigations?

As we have suggested earlier, the absence of an effective intelligence mechanism has made the investigative program efforts of the OCSF essentially ineffectual. A first step in redressing that deficiency is creating an intelligence unit. The fundamental design elements for such units are reasonably well known and essentially include a cadre of dedicated (assigned exclusively) agents whose principal function is the collection of information about complex criminality throughout the State. These agents must operate under the direction of trained intelligence analysts.

For traditionalists in law enforcement that concept is frequently deemed to be unacceptable, on the ground that only a police officer can tell another police officer what to do. The view misperceives the basic relationship which must exist between analysts and agents. The former determine what kinds of information must be obtained and determine what priority is to be assigned to the collection effort. Agents, on the other hand, working under their police supervisors determine how to collect the information, including the techniques for collection. Agents

work for their supervisors, in concert with analysts. Unless that relationship is established at the inception of an intelligence program, it is almost invariably doomed to failure.

Assuming that functional roles and responsibilities are clearly defined there remains the critically important question of the training of personnel for roles as intelligence collectors and analysts. There are well-developed training programs available at various locations in the United States and of equal importance, there is a training capability available in Colorado. All that training facility would need is a charge to deliver the training, financial resources and personnel to attend training classes. There is ample evidence of the willingness of local agencies to secure training in new areas for its personnel as evidenced by the training of some fifty Western Slope officers in narcotics investigation.

Intelligence collection agents should be assigned at various points throughout the state, an arrangement which would be consistent with the current regionalization of the CBI, and one which should guarantee a continuing flow of current information about diverse conditions in the State. The information systematically collected would be utilized by the analysts for the preparation of intelligence products which in turn would be disseminated for investigative follow-up.

In its various forms, the OCSF has represented the vehicle for the investigation of organized crime in Colorado. Historically, local officers have been contributed to a task force by their parent department and expected to remain in place for substantial periods of time--often years. Since apart from the larger police agencies the OCSF was regarded as the principal investigative capability for organized crime work in the

State, long-term assignments were expected and justified. Shortcomings and negative consequences of this arrangement are suggested elsewhere in this report, but under our proposal the rationale for permanent, long-term assignment of local personnel to a central, state investigative capability disappears.

What we suggest is that with the development and operation of a sophisticated intelligence capability and the generation of intelligence studies that lay out investigative leads and define with some specificity the parameters of required investigative activity, that a different arrangement be developed. That is, a series of ad-hoc task forces for specific investigations. These would be comprised of a CBI agent joined by officers from local agencies contributed by a Chief or Sheriff for the purpose of that investigation and to be returned to the home agency at its conclusion. Instead of the debilitating model which currently prevails, in which agents are expected to serve for lengthy periods, covering enormous geographic areas, in pursuit of targets of opportunity, more limited efforts would be undertaken. With intelligence defining a particular problem and providing guidance as to the geographic area of operation, ad-hoc task forces could be initiated to work for better defined and shorter periods of time. When a specific investigation is concluded, detailed personnel will return to their agencies with investigative skills enhanced, available to assist with local investigative problems.

During the period of assignment to an ad-hoc task force, the CBI would be responsible--as it is presently--for providing equipment and subsistence. To ameliorate one of the nagging problems which beset the OCSF in its earlier form, the Legislature should provide funds for

payment of overtime to local officers so assigned. In our view the provision of assistance to local agencies is a priority responsibility for the CBI. If the foregoing suggestion is adopted, experience in ad-hoc task forces would materially increase the rate at which local investigative expertise is enhanced and extended.

Establishment of Advisory Committee

The establishment of an Advisory Committee to the Organized Crime Strike Force has been institutionalized and should not be disbanded under any new concept. However, this Committee must take a more active role in the educational and legislative lobbying processes so as to ensure that the "Complex Crimes Task Force" has continued political support.

The role of the Advisory Committee with respect to priorities of the Task Force should be narrowly proscribed to avoid bureaucratic inertia. In essence, the Advisory Committee should terminate its efforts to establish operational priorities. Formulating such priorities should be the responsibility of the Task Force managers in consultation with the upper-level management of the CBI. In the event the Advisory Committee disagrees with the operational priorities established, it may initiate a review and request modifications.

The Advisory Committee should be appointed by the Executive Director of the Department of Public Safety and include representatives of the Attorney General, the District Attorneys of the State, the CBI, Sheriffs and local police agencies.

Formal Agreements with Contributing Police Agencies

Pay differentials, union agreements, overtime issues and a host of other very real management issues confront the Colorado Bureau of Investigation in its quest to properly manage the resources contributed to the Task Force. In order to ensure that the contributing agencies are explicitly cognizant of the administrative parameters that will be a condition of employment with the CBI, a formal agreement between the contributing agency and the Bureau should be promulgated. This agreement should address such issues as chain-of-command, maintaining the confidentiality of information, pay and rank differentials, adherence to the policies of the CBI, and conditions of outside employment, if any. The supervisor of the "Complex Crimes Task Force" must have the right to reject the assignment of any officer to the Task Force and recommend discipline of a contributed officer to his parent department.

Outside Employment

The issue of outside employment was central to many of the problems encountered by the predecessor Strike Force. In addition to the questionable ethical conduct that contributed to its demise, the Strike Force was riddled with what appeared to be conflicts of interest with respect to outside employment. The issue of such employment will remain the prerogative of the Legislative and Executive branches of government. However, given adequate oversight, including requiring permission of the Executive Director of the Department of Public Safety, we suggest that the present Legislative prohibition on outside employment be repealed. Not only does such a prohibition inhibit experienced officers from contributing to the Task Force; it also establishes an artificial standard of ethical propriety that may encourage other methods of enhancing one's standard of living. A policy of strict regulation would appear more reasonable and appropriate than one of absolute prohibition.²⁵

25. In 1982 the Senate Judiciary Committee initially recommended that strict rules be established governing off-duty employment. Subsequently, at the behest of a Sheriff who argued that if he "assigns an officer to the strike force, I want him to devote his full time to that job.... If he has enough time to devote to hold another job, then, he shouldn't be there," the law was changed to prohibit "moonlighting" by Strike Force personnel. Such a disincentive may explain why the contributed officer ratio of late has declined so significantly.

Local Contribution and
Demands of Contributing Agencies

A sensitive issue that confronted us throughout our inquiry was the balance and demands of agencies contributing to the Strike Force. The history of the former Strike Force was one of an inordinate contribution of officers from the Denver Police Department as compared to other departments. Moreover, the Chief of Police, because of this commitment, expected the Strike Force to focus on the narcotics problem in Denver, to the virtual exclusion of other jurisdictions. The danger in this sort of arrangement is that the respective Chief or Sheriff abdicates to the Strike Force all responsibility for narcotics or organized crime in his/her jurisdiction. The balance of contributed officers to the "Complex Crimes Task Force" should be consistent with the needs of a particular investigation (if in fact, an ad-hoc task force system of assignment is instituted), or in accordance with the problem as defined through intelligence.

The Task Force should recruit personnel consistent with its geographic demands so as to minimize excessive travel time and costs, and refuse to accept full responsibility for complex crimes in the contributing agency's jurisdiction. It should be made explicit that the Task Force is a statewide enterprise not subject to the political demands of any particular Chief, Sheriff, or District Attorney.

This is not to suggest in any way that the Task Force should not be sensitive to the needs of local agencies. It does mean, however, that priorities must be based on intelligence and not on the number of officers a Chief or Sheriff commits to the Task Force.

Interfacing With The El Paso Intelligence Center and
the Rocky Mountain Intelligence Network

The El Paso Intelligence Center (EPIC) is an on-line, computer-based, pointer index system that offers the State of Colorado unlimited capacity to track narcotic traffickers. While it is only a pointer system, inasmuch as it serves to coordinate law enforcement intelligence through a system of inquiry, it would be cost-inefficient for the State to create a parallel system. It would appear to be more appropriate, given the size of the state and its rural character, for the state to expand through EPIC the number of access locations. For example, on the Western Slope, consideration should be given to establishing an EPIC terminal in the Montrose Office with a program developed among the various municipal and county law enforcement authorities that encourages its use.

With respect to RMIN, this system is still in its infancy and can only serve to enhance investigative activities by providing money and equipment. While its use should not be discounted, its utility to the state is seriously limited at this time. The RMIN coordinator should assess how this system can more effectively meet the needs of the OCSF if and where it is reconstituted.

Reordering Investigative Priorities
on the Western Slope

Our interviews revealed the lack of any meaningful collaboration or interaction between the Western Slope Strike Force and the OCSF group in Denver. The problem is further complicated by an apparent antipathy toward the Western Slope group elsewhere in the CBI. While the Western Slope group supervisor is attempting to meet the sometimes conflicting demands of the Denver CBI management and that Task Force's constituents on the mountains, too little useful work is underway. Task force resources--which are all too limited already--are sometimes squandered inappropriately. Manpower is allocated to inconsequential matters and the analyst is wasted. She functions solely as a secretary, undertaking no real intelligence work because of the absence of any collection program and the lack of direction. The failure, for example, to have detailed local officers query their home department information bases is so elementary a mistake that the quality of supervision extant in the Task Force is open to serious question. Of greater importance is the reported pattern of responses to requests for investigative assistance. They purportedly are dealt with in crisis terms, without reference to any rational set of priorities.

Substantial reform in the operations of the Western Slope Strike Force are essential if the Strike Force is to establish credibility and serve any meaningful purposes--including that of providing quality investigative assistance to local agencies.

Automation of Systems

Many of the laborious manual tasks that cost the State money in terms of unnecessary people-hours could be streamlined through automation. For example, word processors could be used to replace the current system for report preparation. Computer routines could be acquired that would reduce the number of hours expended on telephone toll analysis,²⁶ networking,²⁷ and tracing monies and corporations in sophisticated white collar crime scams.²⁸ Thoughtful consideration should be given to refining the current manual card index system to a computerized operation.

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26. The Colorado Springs Police Department, among others throughout the nation, has developed a sophisticated toll analysis program. See Criminal Justice Journal, "How To Intergrate Computers in Intelligence Analysis: A Guide For Administrators," Virginia: Washington Crime News Service, Vol. 1, No. 9, September, 1982.
 27. The Organized Crime Analysis Program provided through "Anacapa Sciences, Inc., Santa Barabara, California, is the most advanced computer-based networking program on the market today.
 28. M. Maltz and S. Pollock, "Analyzing Suspected Collusion Among Bidders," White Collar Crime, Beverly Hills: Sage Publications.

Technical Capability in the Electronic

Surveillance Unit

Consideration must be given to upgrading the technical capabilities of the Electronic Surveillance Unit. The current supervisor of this unit acknowledges his lack of technical expertise. In order to maintain the existing equipment in an operable condition, technical resources, perhaps from another division or department in State government, should be explored.

Coordination of Highway Patrol Activities

The Colorado Highway Patrol enjoys a distinct and superb reputation among its peers throughout the nation. With its consolidation in the Department of Public Safety, it has the opportunity to benefit from a new relationship with the CBI. Currently the Highway Patrol functions primarily as a traffic force. It has within its powers, however, the right to arrest persons violating certain motor vehicle related criminal law of the state.²⁹ Through intelligence prepared and disseminated by the Complex Crimes Task Force, individual members of the Highway Patrol can be made cognizant of complex crime in their respective jurisdictions. Through an assertive patrol posture, one which is sensitive to the political and cultural tradition of local autonomy, the Patrol force could serve as a viable extension of the Task Force.

It must be emphasized that this should not be interpreted as a mandate for extending the policing powers of the Highway Patrol, but rather as suggesting the application of another resource to assist local law enforcement agencies in their crime containment efforts.

29. According to C.R.S. 1973 (as amended) 24-33.5-212(1)(a)(III), a Highway Patrol officer can "Inspect, examine, investigate, impound or hold any vehicle for violation of said laws of this state."

Innovative Investigative Strategies

The use of limited investigative resources in an innovative way can result in the more efficient allocation of resources. For example, the "reverse sting"-- an investigative strategy wherein the State actually distributes seized narcotics to those persons who have demonstrated a predisposition toward trafficking--could enhance the rather feeble resources currently available to combat drug trafficking.

Using this investigative strategy, which has proven to be legally permissible³⁰ and publicly acceptable at the Federal level, the State could realize considerable profit while at the same time, arresting those involved in the distribution of narcotics. Furthermore, given the State's new Contraband Forfeiture Act, such an investigative strategy could support a self-sustaining task force.

It must be noted that the adoption and employment of such investigative strategies should only be undertaken with the full concurrence of the District Attorneys and the Attorney General. Legal direction must be provided throughout any investigation in which such a strategy is employed. It would be advantageous for the Attorney General, in cooperation with the District Attorney's Council, to develop a training seminar on this topic.

30. See in this connection, U.S. vs. Russell, 441 U.S. 423 (1973); U.S. vs. Gentry, 642 F. 2d 385 (1981) 626 F. 2d 503; U.S. vs. Hampton, 425 U.S. 484 (1976); and U.S. vs. Twigg, 588 F. 2d 373, 382-283, (1978). It should be recognized that when this technique is coupled with electronic surveillance to demonstrate predisposition on the part of the prospective distributor, its use--while controversial (e.g. the DeLorean case)--is legally permissible in most jurisdictions.

Establish An Office of Professional Responsibility
In The Department of Public Safety

The investigation of organized and white collar crime creates an environment most conducive to corruption. Historical accounts are replete with examples of how some of the most dedicated and well-intentioned police officers succumbed to the profits that organized and white collar crime offer. Furthermore, it is not unusual to find that some agents assigned to organized crime, white collar crime, or narcotic units fall prey to the cynicism and apathy that they confront on a daily basis. When such a condition occurs, a fertile environment for corruption exists.

With the Organized Crime Strike Force incorporated within the Colorado Bureau of Investigation, it is most desirable that a unit with responsibility for monitoring the climate for corruption, developing programs to counter corruption, and to investigate allegations of corruption be established within the Department of Public Safety. This unit should be directly accountable to the Executive Director and perform "preventive inspections" to ensure public confidence in the integrity of the divisions within the Department.

Administrative Oversight of the
Complex Crimes Task Force

Maintaining administrative oversight of the Complex Crimes Task Force will require an elaborate system of reporting requirements that should provide the Executive Director with a systematic accounting of the results of the Task Force's efforts. To aid in accomplishing this task, the various units with the Task Force should be required to promulgate procedural guidelines delineating the operations of the respective units and submit on a weekly basis, an executive summary detailing the investigations and intelligence activities that are being conducted.

Training

Perhaps no recommendation is as cost-efficient as one which suggests that enhancing the investigative proficiency of patrol personnel is likely to bear a return far in excess of the costs incurred.³¹ Training patrol officers to identify strange or unusual patterns of criminal conduct, particularly in the remote, rural counties where there appears to be some fairly significant narcotics trafficking occurring, would undoubtedly enhance the investigative capability of the Complex Crime Task Force. Particularly in the area of narcotics distribution, where it is estimated that as much as 70% of the illegal narcotics entering the state moves on its highways (with the remaining 30% by aircraft), patrol officers attuned to the nuances of traffickers, and the laws and procedures to effectively interdict this activity, would provide the state with an untapped resource. In addition, given the geographic size of the state, these patrol officers could serve as intelligence technicians, collecting data on suspected career criminals engaged in complex crimes in the state.

In-service training should be provided on an annual basis to a select number of local and state law enforcement officers which would serve to sensitize them to the concept of complex crime and provide the skills necessary to properly investigate such crimes.

31. With the creation of the Department of Public Safety and the assignment to it of the Colorado Law Enforcement Training Academy, the opportunity now exists for the Department to expand its training curriculum to include a variety of criminal justice - related courses; including practicums in organized and white collar crime investigative techniques. Search and seizure law training should certainly be included for uniformed local and state patrol officers. They should be taught what to observe (e.g. behavior of narcotic traffickers) when citing traffic offenders for motor vehicle violations.

State/Local Relationships

The resistance to the development of a state police authority to enforce the criminal statutes in the State of Colorado was reinforced throughout the interview process. In fact, Governor Lamm made it very clear that any reconstituted strike force must enjoy a commitment from local authorities.

The difficulties in managing any organizational structure when the participants are from agencies with differing crime problems and interests were articulated by those familiar with the problems encountered by the prior Organized Crime Strike Force. It is extremely difficult to serve two masters--the state and the municipality/county--when conflicting loyalties exist. These problems are exacerbated by the unique nature of organized crime and its need to rely upon corrupt police/officials to maintain control over illegal markets. It would certainly not be inappropriate--although clearly not politic--to suggest that a state organization without local/county participation could alleviate at least some of the problems encountered by the former Strike Force. Fiscal concerns and historical precedent being what they are, however, such a proposition is not feasible, politically or economically. Further, given the mandate of the Legislature and the commitment of the Governor to ensure maximum local participation, a core of state agents responsible for deciding priorities, allocating resources, and managing investigations of complex crime, with the assistance of contributed agents on an ad-hoc basis, appears to be a reasonable alternative to the current system. This would alleviate the need for the long-term commitment of officers, thereby reducing the stress placed on the

individual officer and his family, and would permit the Complex Crimes Task Force to recruit on a continual basis new, energetic personnel who would be more experienced when they returned to their original departments.

Lawyer/Investigative Relationship

The success of any complex crimes task force is dependent in large part on the quality and energy of the legal staff available and attorney participation in decision-making with regard to the allocation and direction of investigation resources. A former Organized Crime Strike Force was comprised of investigators and several attorneys, one of whom served as project director. It appeared that the relationship between the attorneys and investigators in that enterprise was relatively stable, with the exception of the last attorney/project director, who was over-whelmed by the assertiveness of the investigative staff. Nonetheless, for a strike force to function at optimal effectiveness and efficiency, an attorney (s) must be part of the apparatus; physically located so that the daily operations of the strike force are known and actively participated in by this person.

Our interviews with both investigative personnel and attorneys have indicated that the attorney currently assigned to the Strike Force from the Attorney's General Office is merely performing in an advisory capacity, on a part-time basis. He is not relied upon for setting investigative priorities, nor does he encourage the use of investigative strategies that might result in a more efficient and effective use of resources. While this particular attorney is well-liked and highly regarded by the investigators, it was clear that his sole purpose was to service the legal inquiries, if and when generated by the investigators. A more advantageous relationship could be developed if the attorney was made part of the strike force and actively involved in its decision-making processes.

CONCLUSION

In conducting this assessment and preparing our report and recommendations we have been mindful of the ethos which prevails among Colorado law enforcement officers, other public officials and many private citizens. That is, that enforcement of the criminal laws of the State is at heart a local--not State--responsibility; that the State's function in that connection should be to assist local agencies in extending and enhancing local capabilities.

It is to that end, and to the end of rationalizing the use of available resources in the effort to contain complex crime in Colorado that our recommendations are directed.

* * *

BIOGRAPHIES

Charles H. Rogovin is Professor of Law at Temple University School of Law, Philadelphia, Pennsylvania. He is a member of the President's Commission on Organized Crime, and has served as Administrator of the Law Enforcement Assistance Administration and President of the Police Foundation. Professor Rogovin served as the Director for the Task Force Report: Organized Crime in 1967. He has authored a number of studies on organized crime, and recently served as the Project Director of the Organized Crime Research Program supported by the National Institute of Justice. Mr. Rogovin who is a former Chief Assistant District Attorney in Philadelphia and an Assistant Attorney General of Massachusetts, currently serves as Special Counsel to the Pennsylvania Crime Commission, investigating judicial improprieties.

Frederick T. Martens is an Adjunct Professor in Sociology/ Criminology at Upsala College, East Orange, New Jersey. He is a Lieutenant in the New Jersey State Police, having served as the Supervisor of the New Jersey State Police Intelligence Bureau, Analytical Unit. Professor Martens has lectured and consulted on intelligence and organized crime throughout the United States, Canada, and Great Britian. He has authored numerous articles in professional journals and recently published a text, Police Intelligence in Crime Control.

7/1

DALE TOOLEY
DISTRICT ATTORNEY



State of Colorado

OFFICE OF THE DISTRICT ATTORNEY
DENVER

July 1, 1982

Administrative Offices	(303) 575-5176
Appellate Division	575-5933
Community Relations and	
Crime Prevention Division	575-3220
Complex Prosecution Unit	575-3291
Consumer Fraud Division	
1544 York St 80206	333-7731
County Court Witnesses	534-3753
Criminal Complaint Dept	575-5824
(Police Bldg Office)	575-2979
Child Support Division	575-5821
County Court Deputies	575-5155
District Court Deputies	575-5135
District Court Witnesses	575-2349
Investigations Division	575-5956
Juvenile Court Deputies	575-5157
Juvenile Diversion	575-2828
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City & County Bldg Office	575-5951
Information	575-5824
Weekends & after 5 p.m. call	575-5555

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924 WEST COLFAX AVENUE
DENVER, COLORADO 80204

Hon. J. D. MacFarlane
Attorney General, State of Colorado
State Services Building
1525 Sherman Street, Third Floor
Denver, Colorado 80203

Re: Organized Crime Strike Force

Dear Mr. MacFarlane:

At your request, I am submitting to you herewith this summary report of my review, conducted during December of 1981 and January of 1982, of matters relating to the Colorado Organized Crime Strike Force.

At the time of my inquiry, the Strike Force was staffed by members from nine participating agencies, including the Office of the Attorney General, the police departments of Denver, Colorado Springs, Pueblo, Grand Junction and Aurora, the sheriff's offices of Jefferson and Boulder Counties and the Colorado Bureau of Investigation. Personnel assigned to the Strike Force consisted of 23 investigative officers of various ranks, 4 Assistant Attorneys General and 4-1/2 support staff. The Strike Force was funded approximately one-half by State funds (for the employees of the Attorney General's office and operations expenses) and one-half by the contributed salaries of officers of the various participating police agencies. Total expenditures for the last fiscal year for which figures were available were slightly in excess of one million dollars, including both State and local contributions.

My initial inquiry was directed toward the legal basis for the existence of this organization. A number of problem areas were presented by the very concept of an organized crime strike force. These can be summarized as follows:

1. It seems clear that there is no statutory basis for the existence of the organization which has come to be known as the "Colorado Organized Crime Strike Force." It is an ad hoc unit formed by the various participating agencies. Since its inception in 1969,

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It has been variously funded and operated under the aegis of the Denver District Attorney's Office, the Denver Police Department, and, most recently, the Office of the Attorney General. Initially funded by a series of grants to various agencies by the Federal Law Enforcement Administration, the Strike Force in recent years has rested its legal existence upon (1) the state funding provided by the legislature, and (2) the definition of "peace officer" contained in C.R.S. 1973 (as amended), 18-1-901, which includes "an authorized investigator of a District Attorney or the Attorney General." The various job titles within the Organized Crime Strike Force, such as "project director," "project coordinator," and "agent in charge," exist not by statute nor by virtue of any operative personnel system, but are simply positions of authority created by virtue of agreement among the contributing state and local agencies.

2. The lack of statutory existence immediately posed the problem of the authority of the officers assigned to the Strike Force to conduct investigations and make arrests beyond the confines of their own local jurisdictions, since it is implicit in the concept of the Strike Force that the officers be able to operate on a state-wide basis. The view that the Strike Force was in fact a state police agency was emphasized during a proposed merger between the Organized Crime Strike Force and the CBI in 1978 when the project coordinator noted that "the success of any state-wide police agency is dependent upon the cooperation and contributions of the local police agencies." (Emphasis added)

The authority of police officers to make arrests upon probable cause outside of their own territorial jurisdiction was widely assumed in the law enforcement community by virtue of the provisions of C.R.S. 1973 (as amended), 16-3-102, which states:

"16-3-102. Arrest by peace officer. (1) A peace officer may arrest a person when:

"(a) He has a warrant commanding that such person be arrested; or

"(b) Any crime has been or is being committed by such person in his presence; or

"(c) He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested."

This assumption was dispelled by the ruling of the Supreme Court of Colorado late in 1981 in the case of *People v. Wolf*, 635 P.2d 213, Colo. ____ (decided October 19, 1981). In that case, the court made it clear that an officer operating outside his own jurisdiction has no

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authority to arrest upon probable cause, but rather has only a citizen's arrest power (which is limited to crimes committed in his presence). While upholding the arrest in that case on the basis that the crime was committed in the presence of the Denver Police, the court added the following ominous warning:

"This Court cannot sanction willful and recurrent violations of the law, and thus, future violations of the statutes governing peace officers' authority to arrest may trigger application of the exclusionary rule and require suppression of evidence obtained in the course of an extra-territorial arrest."

In addition to the expressed threat not only of suppression of evidence but also of potential civil liability, the court's decision in Wolf poses the question of whether officers of the Organized Crime Strike Force would be insured against loss in the event of a suit based upon an extra-territorial arrest.

3. The problems posed by the lack of statutory existence for the Organized Crime Strike Force and the Court's decision in the Wolf case present the question whether this dilemma can be resolved by appointing the police officers, sheriffs' deputies and CBI agents assigned to the Strike Force as attorney general's investigators. It is my opinion that this delegation of authority cannot be accomplished without running afoul of the statutes regulating the organization and existence of the Office of the Attorney General.

Colorado Constitution, Article 12, Section 13, provides:

"The personnel system of the state shall comprise all appointive public officers and employees of the state, except the following: --- attorneys at law serving as assistant attorneys general."

It is noted that the foregoing provision, while exempting assistant attorneys general from the requirements of the state personnel system, makes no such provision for attorney general's investigators. Moreover, C.R.S. 1973 (as amended), 24-31-104, provides that "the attorney general and the heads of the divisions specified in Section 24-31-102 may appoint the subordinate officers and employees of their respective divisions, but only in conformity with Sections 24-2-102 and 24-2-103."

Since C.R.S. 1973 (as amended), 24-2-102, regarding the appointment of officers and assistants and employees in the principal departments of state government in turn requires that such appointments

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be made in conformity with Article 12, Section 13, of the Constitution, it is my conclusion that this statutory framework requires that attorney general's investigators, unlike assistant attorneys general, must be members of the state personnel system. (In fact, those investigators employed by the attorney general and assigned to the Organized Crime Strike Force in the past have been appointed through the state personnel system process.)

Based upon the foregoing, it is my conclusion that the power of the local officers to make arrests upon probable cause outside of their own jurisdictions cannot be broadened by appointing them as attorney general's investigators.

4. Another potential problem regarding the operation of the Organized Crime Strike Force is the anomalous situation posed by the State Grand Jury law. The provisions of C.R.S. 1973 (as amended), 13-73-101, allow the Attorney General to convene a State Grand Jury when he deems it to be in the public interest, but it is required that a showing be made "that the matter cannot be effectively handled by a county grand jury." This somewhat elastic phraseology has resulted in the empanelling of state grand juries on an annual basis for a number of years, including those conducted by the Organized Crime Strike Force. However, even the according of state grand jury powers to the attorney general did not expand the authority of that office to conduct prosecutions in the district courts absent an order by the governor requiring the attorney general to supersede the authority of the district attorney. See People ex rel Tooley v. District Court, 190 Colo. 496, 549 P.2d 774 (1976). This problem has been alleviated by the "cross deputizing" of assistant attorneys general assigned to the Organized Crime Strike Force as deputy district attorneys for purposes of prosecuting cases investigated by the Strike Force.

In summary, the concept of the Organized Crime Strike Force has been predicated upon the voluntary, continuous cooperation and agreement of the attorney general, the legislature via the state budget, the contributing police agencies and the various district attorneys throughout the state. The unwieldiness of this arrangement, coupled with the legal problems inherent in the concept of the Organized Crime Strike Force, clearly suggests that changes be made which would to the maximum extent possible reduce the number of stilts necessary to keep this operation above water.

In addition to these conceptual problems, interviews which I conducted revealed a number of administrative and management problems which had reached serious levels and had threatened to reduce the Strike Force's effectiveness. I discussed this matter with the project director and the three staff attorneys assigned to the Strike

Force, with the project coordinator (a Denver police lieutenant), the agent-in-charge (a Denver police detective) and three of the investigators assigned to the Strike Force. Interviews of additional personnel, including some of those assigned from police agencies outside the Denver area, were prevented by the premature disclosure of this matter to the press. Nonetheless, the rather uniform nature of the concerns expressed by attorneys and investigators alike would rapidly lead one to the conclusion that change was in order. In summary, these problems can be set forth as follows:

1. The allocation of investigative personnel to the Organized Crime Strike Force was markedly uneven. The Denver Police Department had a total of ten officers assigned, including a lieutenant in the position of project coordinator and a detective in the position of agent-in-charge. Colorado Springs contributed three officers, as did the Jefferson County Sheriff's Office, with the Pueblo Police Department contributing two investigators and other participating agencies contributing one each.

2. The placement of a Denver Police detective in the capacity of "agent-in-charge" gave rise to the anomalous situation of a detective acting as the supervisor of personnel from other departments bearing various ranks including patrolman, investigator, CBI agent, detective, lieutenant and captain. In light of the paramilitary structure of virtually all police organizations, it is wholly understandable that great concern was voiced about the lack of any clear chain of command.

3. The contributing police agencies, by virtue of the very nature of the Strike Force, were free to participate or not participate in the Strike Force at will. This gave rise to a certain amount of coming and going (for instance the Aurora Police Department has at various times been in, out, and back in). Moreover, each of the officers contributed to the Strike Force is subject to the personnel system, rights, privileges, and requirements of his own department rather than one unitary personnel system. As a result, the position of project coordinator which was occupied by a Denver police lieutenant had become virtually a full-time administrative job with responsibility for the operative supervision of investigations being left to the agent-in-charge (a Denver Police Department detective).

4. In theory, the overall operation of the Strike Force was the responsibility of the "project director," a position filled in recent years by an assistant attorney general. Given the variegated makeup of the investigative branch of the Strike Force, it is clear that this position carried considerable responsibility with little authority to insure that decisions are carried out. Given the friction which inevitably exists between investigative agencies and prosecuting attorneys, it was not surprising that the Strike Force developed internal conflicts which would hamper its effectiveness.

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This situation had given rise to various management problems which had become critical at the time of my discussions with various members of the Strike Force. These problems can be summarized as follows:

1. It was the uniform consensus of both attorneys and investigators that the establishment of investigative priorities and the decisions regarding what should be investigated (and by whom) were made at the investigative level with little or no consultation with the legal staff. This situation resulted in what could be regarded as undifferentiated selection of cases for investigation and allocation of investigative resources.

2. With the increase of drug abuse as a law enforcement problem, the emphasis on drug investigations became the first priority of the Strike Force. Statistics provided to me for 1980 (the last year for which the statistics were available) showed that 78% of the cases filed by the Strike Force were drug related matters. The staff attorneys indicated that an even greater percentage of their time was devoted to drug related matters, many of which they felt were not of sufficient magnitude to be handled at the Strike Force level.

3. As a result of the situation where judgments regarding investigative priorities and resources were being made at the investigative level, a severe schism had developed between the staff attorneys and the investigative personnel. It was the uniform view of the staff attorneys that the investigators, while by and large experienced, competent and dedicated, were, in their view, misdirected and in large measure devoting extensive resources to relatively small priority matters. On the other hand, the investigative staff appeared to consider the attorneys assigned to prosecute the cases developed by the Strike Force as inexperienced, indecisive and sometimes less than enthusiastic.

In short, these administrative and management problems had contributed to a deterioration of the situation at the Organized Crime Strike Force. What was intended as a unified, cohesive prosecutorial and investigative approach to organized crime had developed into a freewheeling, loosely-supervised program in which the emphasis on drug investigations predominated.

In light of the foregoing legal, administrative and management problems, it was my recommendation that some change be implemented which would provide for the continuation of the organized crime effort on a state-wide basis, but simultaneously alleviate both the legal problems and the rapidly deteriorating situation at the Strike Force.

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In my view, the options available to accomplish this were extremely limited. Colorado has long had a deeply ingrained resistance to the establishment of a state police force, and no such organization exists. On the other hand, it is generally recognized in the law enforcement community that the problems presented by both "traditional" organized crime and drug violators should be addressed at the state level. This clearly necessitates an organization in which the investigative personnel have the unassailable authority to conduct investigations on a state-wide basis.

The goals of any intended reorganization of the Organized Crime Strike Force can only be accomplished by the transfer of the Strike Force functions to an existing state agency, or by the creation by law of a new unit of state government. In light of the necessity that change be implemented sooner rather than later, it was my feeling that the former course of action would be preferable since no change could be accomplished by statute without considerable delay.

The only existing state agency which presents any reasonable ability to absorb the functions of the Organized Crime Strike Force is the Colorado Bureau of Investigation. As you are aware, this suggestion is not by any means novel. Such a change was supported by a resolution of the District Attorneys Council some four years ago and by the Organized Crime Advisory Council. It was also the recommendation of the Criminal Justice Study Committee in 1981.

My recommendation, as well as those previously mentioned, is based upon the existing statutory framework contained in C.R.S. 1973 (as amended), 24-31-401 et. seq., which creates the Colorado Bureau of Investigation and defines its powers. These statutes provide:

24-32-412 states that "(1) The bureau has the following authority:"

"(4) The bureau is charged with the responsibility to investigate organized crime which cuts across jurisdictional boundaries of local law enforcement agencies, subject to the provisions of Section 24-32-410."

The transfer of the functions of the Organized Crime Strike Force to the Colorado Bureau of Investigation could not be accomplished within the current budgetary limitations of the CBI. They have neither the authorized positions nor the budgetary capacity to absorb the functions of the Organized Crime Strike Force without significant additional appropriations by the legislature. The legislature in 1979 had made provision for the appointment of temporary agents from the ranks of local law enforcement agencies with the approval of the local agencies. See C.R.S. 1973 (as amended) 24-32-415.

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With these statutory provisions already on the books, the investigative functions of the Organized Crime Strike Force can be transferred to the CBI without the necessity of implementing legislation. Staffing would be dependent, at least initially, upon the continued cooperation of local enforcement agencies to supply investigative personnel. Since the investigative personnel provided by local agencies would be authorized to act as agents of the Colorado Bureau of Investigation pursuant to this statute, the entire unit would be under a unitary chain of command already existing within the structure of the Colorado Bureau of Investigation. This would hopefully alleviate the chain of command problems previously addressed. Concededly, this is not a total solution to the problems inherent in the Strike Force as it existed at the end of 1981. For instance, it leaves unresolved the question of whether attorneys will be directly assigned to work with the CBI. Presumably, the CBI would be free to seek legal advice and assistance from either the attorney general's office, the district attorneys involved in particular cases, or both. The question of whether a state grand jury should be empaneled to assist in the investigative process would, of course, remain with the attorney general and would require the use of assistant attorneys general in acting as legal advisors to a state grand jury.

It is my further strong recommendation that, in the future, the "traditional" organized crime functions and the drug investigations be administratively separated. This would not prevent agents from discussing with one another matters of mutual importance. It would, however, provide some mechanism for preventing the inevitable tendency of drug investigations to overwhelm everything else. The prevalence of drug abuse in our society is such that unless administrative restraints are imposed, other important functions of the organized crime investigative process tend to be placed on the back burner.

This recommendation is not intended as a panacea for all of the ills which have beset the Organized Crime Strike Force in the past. However, it is my sincere feeling that the most important step that could be undertaken at the present time, given the existing structure of state government, would be to get the investigative apparatus under a single roof where clear lines of authority will be established and the existing legal cobwebs will be swept away. It is simply not feasible to expect investigative officers to perform effectively when their authority is subject to question and confusion.

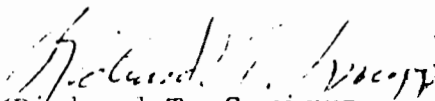
Needless to say, I have attempted to present these matters without reference to the events that have transpired regarding the Organized Crime Strike Force since January of 1982. Obviously,

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since that time, the recommendations made to you have been to some extent implemented by your acts and by those of the legislature. It is my understanding that the various agencies which previously contributed men to the Organized Crime Strike Force have by and large decided to continue this cooperative effort.

Please be assured that our office will do everything within its power to cooperate in providing legal assistance when necessary. It is obviously in the interests of both the law enforcement community and the public that the efforts directed against organized crime be successful.

Yours truly,



Richard T. Spriggs
Chief Deputy District Attorney

RTS:pam

APPENDIX "B"

Roger Allott
Ray Anderson
Bill Barnett
Richard Barrett
Ben Blake
Tom Bock
Steve Borden
Cliff Brown
Ron Butler
John Callahan
Craig Camp
Robert Cantwell
Walt Chin
Tom Googan
Don Day
Don DeNovellis
Tom Early
Ray Enright
Delbert Ewaldt
Terrance Farina
Tom Flohrs
Harold Foster
Robert Gallagher, Jr.
Daryl Gates
Bill Gavin
Tom Gilmore
John Goodwin
Chuck Green
Robert Halbert
James Hardke
Dennis Haugen
Jack Haynes
Robert Holmes
Rennea Jenson
A.J. Johnson
Helen Kaupang
Mike Kazmier
William Koleszar
Tim Kuretich

Honorable Richard D. Lamm
Tony Lane
Gary Leonard
Gary Lindstrom
Gary Lisotto
Greg Long
Dick MacNamee
Ralph Martin
William Masters
Al Meiklejohn
Larry Morris
Ron Nardollilo
Frank Oldham
Michael Patrick
Larry Potts
Paul Powers
Marty Remington
Jim Rose
Ralph Ruzicka
Angelo Saladino
Dave Schumacher
Robert Silva
Joe Stephenson
Lloyd Stewart
Verne Soucie
Jack Taylor
James Vetter
F. H. VanPelt
Ron Weaver
Lonnie Westphal
Carl Whiteside
Chris Wiggins
J. Williams
L. R. Williams
Mike Wilson
Charles Wood
Honorable Duane Woodard
Steve Zotos