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## VISITING EXPERTS' PAPERS

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### THE UNITED STATES' EXPERIENCE IN THE INVESTIGATION AND PROSECUTION OF TRANSNATIONAL ORGANIZED CRIME

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#### I. INTRODUCTION

The recent proliferation of organized crime has drawn the increasingly close scrutiny of international law enforcement officials. Organized crime groups are generally defined by a hierarchical structure, continuation of criminal activities over an extended time period, self-perpetuating form, and engagement in various illegal activities for profit, including drug and human trafficking, money laundering, and financial fraud. In the past, there were only a few large, but well-defined, organized crime groups in the United States. Now, however, with the growth of transnational organized crime, fighting it has become more demanding. In particular, Asian, Russian and Eastern European crime groups have become a recent concern. As they increase their criminal activity, these modern transnational criminal enterprises have expanded the responsibility of law enforcement officials.

Modern international organized crime activities incur great cost to the global community, resulting in losses of billions of dollars, loss of life, physical harm, and public corruption. U.S. officials have been successful in curbing these enterprises through various techniques: electronic surveillance, undercover operations, immunity, and witness protection programmes. The Racketeer Influenced Corrupt Organizations (RICO) statute has been particularly helpful in prosecuting organized crime leaders, both domestic and foreign. Finally, the close co-operation of the international community is vital to fight this serious and growing crime trend.

#### II. GENERAL DESCRIPTION: US PROSECUTIONS AGAINST TRANSNATIONAL ORGANIZED CRIME

##### A. Characteristics

##### 1. Transnational Organized Crime Groups in the United States

Globalization and technological advances have created more opportunities and potential benefits for organized crime enterprises. Indeed, modern organized crime now has the capacity to transfer money, goods, services, and people at great speeds and over great distances. Accordingly, U.S. law enforcement officials have been shifting their attention to fighting transnational organized crime groups, particularly those from Asia and Eurasia.

##### *(i) Asian Organized Crime*

Asian criminal enterprises generally fall into one of two categories: traditional criminal enterprises and non-traditional criminal enterprises. While traditional criminal groups are located in Asian countries, non-traditional groups have taken root in Western countries with substantial Asian communities. Asian organized criminal enterprises are generally poly-crime groups, involved in several illegal activities. These groups commit both traditional organized crime within their own communities – extortion, murder, kidnapping, illegal gambling, prostitution, and loan-sharking – and also engage in international criminal activities, including alien smuggling, drug trafficking, fraud, theft, counterfeiting, and money laundering. Asian criminal enterprises are particularly troublesome for law enforcement officials due to their vast national and

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international network, mobility, fluidity, sophistication, adaptability, multilingual skills, and financial strength.

(a) *Chinese Criminal Enterprises*

There are two categories of ethnic Chinese criminal enterprises: traditional criminal enterprises based in Asian countries such as China, Hong Kong, and Taiwan, and non-traditional groups based in Western countries with significant Chinese communities. These groups may range from small street gangs to quasi-legitimate businessmen with international connections. Generally, Chinese criminal groups engage in more diverse and complex crimes than other Asian groups. Their influence is felt at both national and international levels, and their methods are frequently copied by other Asian groups. Within Chinese communities in the United States, these groups are responsible for traditional organized crime activity, including extortion, murder, kidnapping, illegal gambling, prostitution, robbery, and loan sharking. On the international front, these groups are known for drug trafficking, theft, counterfeiting, money laundering, and intellectual property piracy. North American Chinese enterprises have been tied to heroin trafficking from Southeast Asia, alien smuggling, and credit card fraud. The three most problematic groups of Chinese crime groups are the Triads, Tongs, and quasi-independent gangs.

Triads are criminal groups that have existed in China since the early seventeenth century. These groups began, according to legend, following an act of betrayal by the Manchu conquerors of China against Shaolin monks in 1674. These secret societies honour their own secret rites and symbols. In the 19th century, they began evolving into primarily criminal groups. Triads exist today in Hong Kong, China, Taiwan, and, in derivative form, the West Coast of the United States. Wah Ching, the main U.S. group, is based in San Francisco and has branches in New York, Los Angeles, Seattle, Vancouver, and Toronto. Their illegal activities consist of narcotics trafficking, dealing in stolen property, and infiltration of legitimate businesses.

Tongs were established by Chinese immigrants in the mid-nineteenth century in American urban ghettos and railroad societies to provide mutual aid and protection. Although some Tongs were, and still are, legitimate organizations, some degenerated into Triad-like criminal groups. Today, the primary Tong groups are the *Hip Shing Tong*, located in New York and on the West Coast (principally in San Francisco), and the *On Leong Tong*, located predominantly in New York, Chicago, Houston, Detroit, and Atlanta. These enterprises are known for operating illegal gambling, prostitution, alien smuggling, narcotics trafficking, and stolen property activities.

Finally, there are quasi-independent Chinese gangs, which are affiliated with the Tongs. Two notable independent Chinese gangs are the Flying Dragons, affiliated with the *Hip Shing Tong*, and the Ghost Shadows, associated with the *On Leong Tong*. They operate a variety of rackets such as loan-sharking, illegal gambling, trafficking in stolen property and narcotics, and infiltration of legitimate businesses.

(b) *Vietnamese Criminal Enterprises*

Ethnic Vietnamese organized crime groups engaged in racketeering activities generally consist of street gangs and criminal enterprises. Approximately a million Vietnamese have immigrated to the U.S., especially to California. Vietnamese gangs have established bases in Washington D.C., Southern California, Texas, and Louisiana.

Vietnamese gangs have shown remarkable flexibility in co-operating with criminals of different ethnic backgrounds. American law enforcement agencies have faced both traditional and non-traditional organized crime problems as a result of Vietnamese gangs. In existence in the U.S. for over a decade, the proliferation of their criminal activities has given law enforcement officials added concern. Vietnamese criminal enterprises are the fastest growing Asian crime group, although still lagging behind others in sophistication and financial backing. Their determination, ruthlessness, mobility, and intelligence, in addition to their national and international connections, suggest that their threat will only increase in the coming years.

(c) *Korean Criminal Enterprises*

Ethnic Korean organized crime groups engaged in racketeering activities are generally categorized into traditional criminal enterprises, based in South Korea, and non-traditional criminal enterprises, based in other countries with significant Korean communities. Many non-

traditional Korean groups, while having ties to Korean groups in Korea and Japan, are independent entities. Traditional Korean criminal enterprises date to the 19th Century, when merchants formed smuggling rings to move merchandise out of China. In the 1940s, they morphed in order to advance the Korean National Independence Movement. These groups evolved further into criminal organizations, similar to Chinese Triads, as their political cause gradually diminished. While taking part in traditional crime activities like drug trafficking and extortion, traditional Korean criminal enterprises have expanded their activities into the operation of legitimate businesses, including operation of restaurants, coffee shops, construction companies, golf courses, and auctions.

Although perhaps not as sophisticated as Chinese criminal enterprises or Japanese *Boryokudan*, Korean criminal enterprises have proven to be adept at certain criminal activities, such as crystal methamphetamine and heroin trafficking, extortion, illegal gambling, alien smuggling, prostitution, public corruption, and money laundering. These illegal pursuits share identical features: a structured criminal activity, efficient co-ordination, and an extensive domestic and international network of criminal contacts. Becoming ever more globally-minded, Korean traditional criminal enterprises have formed business ventures with foreign crime groups, such as the Japanese *Yakuza* and the Russian mafia, learning new criminal operational tactics and improved organizational control.

Due to their low-key method of operation and the reluctance of Korean immigrants to report crimes, Korean organized crime activities are significantly under-reported. Consequently, Korean criminal activity has flourished in the past ten to fifteen years. They have gained footholds in Korean communities, have garnered control of a large share of methamphetamine trade in Hawaii and on the West Coast, and have established a network of prostitution and alien smuggling rings across the country. As Korean organized crime groups expand, they have the dangerous potential to become entrenched like their traditional counterparts in Korea.

(d) *Japanese Criminal Enterprises*

Ethnic Japanese organized crime groups engaged in racketeering are generally traditional criminal enterprises. Better known globally as *Yakuza*, the Japanese police prefer the term *Boryokudan*, meaning “the violent ones.” The *Boryokudan* are based in Japan, while associates of the enterprise are located in countries like the United States, Australia, and Brazil, which have sizable Japanese communities.

The primary goals of the *Boryokudan* are money and power. Their criminal endeavours include drug trafficking, gambling, extortion, collection of ‘protection money,’ and intervention in corporate activities. With the assistance of other international organized crime groups, the *Boryokudan* are involved in distributing crystal methamphetamine. Due to the strict prohibition of handguns in Japan, the *Boryokudan* are heavily involved in importing illicit handguns, primarily from the United States, which allows them to maintain and expand their power through violence and intimidation.

The *Boryokudan* rely on their associates in the United States to aid their criminal activities of money laundering, drug trafficking, handgun trafficking, public corruption, monopoly of Japanese tourism, and manipulation of the real estate market. The *Boryokudan*’s principal activity is money laundering, which has always been difficult to detect. Furthermore, Japanese victims, fearing retaliation, are often reluctant to report crimes to law enforcement. *Boryokudan* also invest in high-volume cash businesses, such as construction companies, oil companies, banks, casinos, golf courses, and American securities. The most active groups in the U.S. are *Yamaguchi-gumi*, *Sumiyoshi-rengo-kai*, *Inagawa-kai*, and *Toa Yuai Jigyo Kumiai*. They have established in-roads in Hawaii and southern California.

Despite some alliances with various international organized crime groups, the *Boryokudan* is the most closed ethnic crime group, allowing only Japanese or Japanese-related individuals into their organization. Law enforcement officials are quite troubled by the *Boryokudan*’s deep financial resources, ability to launder great amounts of money, adeptness in infiltrating legitimate businesses, and international connections with high-level political, financial, and criminal figures. Although evidence does not yet indicate that they represent a substantial threat, U.S. law

enforcement has focused attention on the *Boryokudan* due to fears that they can become a truly entrenched crime group.

(ii) *Eurasian Organized Crime*

Eurasian organized crime collectively refers to Russian and Eastern European criminal enterprises. Their existence in the United States is a fairly recent phenomenon, dating to the 1970s and 1980s when significant waves of Soviet émigrés first arrived on American shores. Many of the approximately 150,000 émigrés who entered the U.S. at that time were Soviet Jews fleeing religious prosecution and were deemed political dissidents. However, one percent of the émigrés were criminals who formed the base of Eurasian criminal groups that would operate in the U.S. Another wave of émigrés arrived following the collapse of the Soviet Union in 1991 and subsequent lifting of travel restrictions. The poor economic conditions of the post-collapse Soviet Union led to a dramatic increase in organized crime in Russia, as well as in newly formed independent states, resulting in an increase in domestic and foreign-based Eurasian criminal enterprises in the United States.

There are generally two kinds of Eurasian criminal enterprises with activities in the United States. First are the traditional, large, organized crime groups based in Russia and former Soviet Bloc states, including the *Semion Mogilevich Organization*, *Izmailovskaya Organization*, the *Solntevskaya*, and the *Tambov Syndicate*. These traditional groups are well-connected to either national or local politicians or wealthy businessmen. They exercise enormous influence in Russia's metallurgical and energy sectors. The second category, often referred to as 'fraudsters,' is comprised of émigrés from the former Soviet Union who engage in various kinds of fraudulent and other criminal endeavours. They are smaller, less centralized, with less hierarchical power structures than first-category groups. Second-category Eurasian criminal enterprises have focused their activities in the United States, with little or no guidance from outside groups, with whom they may have some ties. Because Eurasian criminal enterprise activity is a relatively new development, law enforcement must continue to learn about their vast criminal operations.

2. Transnational Crimes

(i) *Drug Trafficking*

The global illicit narcotics industry is one of the greatest threats to social stability and welfare in the United States. The drug trade is a serious problem due to its terrible human costs and its association with street crime, violence, and gang activity. The economic and social costs of the trade are also quite high, including the loss of productivity in the workplace and medical care resources, and in spending for drug rehabilitation programmes and personnel resources. Thus, the high human, economic, and social costs of narcotics makes fighting drug trafficking a top priority for U.S. law enforcement officials.

Although the United States' drug problem is severe, it is by no means limited to American soil. Indeed, other countries, such as the People's Republic of China, Pakistan, and Russia, have experienced exponential growth in drug use in the past 25 years.<sup>1</sup> Southeast Asia has historically been the greatest source of opium for heroin worldwide. However, the supply of heroin began to shift to Southwest Asia, particularly Afghanistan, in the 1990s.<sup>2</sup> According to the UN, Afghanistan was responsible for 87% of the world's opium supply in 2005.<sup>3</sup> Burma and Laos rank second and third, respectively, as the world's greatest producers.<sup>4</sup> Other Asian countries – such as Thailand, Vietnam, Cambodia, and China – provide transit routes for these illicit substances.

Colombia continues to lead the world in cocaine production. It is estimated that 90% of the cocaine in the United States originated in, or passed through, Colombia. Colombian drug cartels use Mexico and Central America as staging or shipping zones for U.S.-bound cocaine, which is smuggled into the country through the southwestern or southeastern border of the United States. Colombian drug organizations are historically

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<sup>1</sup> Official statistics reveal a 26.3% increase in the year 2000 in the number of drug users in China, due mainly to rising imports of 'ice' – a concoction made with cocaine and amphetamine – and heroin from other Asian countries. See "Drug Problem Grows, Upsets Social Stability", *People's Daily*, Feb 10 2001.

<sup>2</sup> The International Heroin Market, Office of National Drug Control Policy.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

family-based organizations involved in cocaine trafficking and, to a lesser extent, marijuana trafficking.

Distribution of the drugs is directed by sophisticated organized groups. Cocaine wholesale-level distribution and money-laundering networks are comprised of multiple cells that operate in many metropolitan areas. These organizations are technologically savvy, with personal computers, pagers, and facsimile machines in their daily operations. Primary bulk distribution centres are located in southern California, southern Florida, southern Texas, and New York City. Columbian drug organizations have been known to use gangs operating in Mexico to provide smuggling services. These gangs are well known for their violence and have created a threat to the stability of Central and South American countries.

Nigeria has also become a principal supplier of heroin to the United States. Recent cases indicate that Nigerian drug organizations typically smuggle only small quantities of drugs at a time using thousands of couriers, as opposed to smuggling large bulk shipments like other drug trafficking organizations.

Illicit drug trafficking thus poses formidable problems for both domestic and foreign law enforcement agencies. Within the United States, the Drug Enforcement Agency (DEA) and the Federal Bureau of Investigation (FBI) are the principal agencies responsible for combating illegal drug trafficking. Their primary strategy is to target, dismantle, or disrupt the largest enterprises for investigation and prosecution.

*(ii) Alien Smuggling*

Alien smuggling criminal activity generally consists of sophisticated networks that traffic in 'human cargo.' It has fast become a global problem as citizens of many countries, particularly Mexico, China, India, and Pakistan, seek new homes and economic opportunities in prime destination countries, such as the United States, Japan, Canada, and western European countries. Alien smuggling has also become a lucrative trade for international criminals, resulting in global profits of billions of dollars annually.<sup>5</sup>

The 'push' and 'pull' forces that drive immigration apply equally to alien smuggling. The overwhelming majority of migrants who enter other countries illegally are motivated by economic factors. In some cases, however, the aliens are fleeing political persecution and are seeking greater political freedom. Accordingly, there are significant humanitarian concerns related to alien smuggling. Yet, the problem it poses for law enforcement in the United States and in other countries is substantial.

Although Mexico is by far the greatest source of illegal aliens in the United States, other countries such as El Salvador, Guatemala, Honduras, and Haiti are also significant sources of illegal migration. Alien smuggling networks and routes have solidified in Central and South America, serving as conduits for aliens from other areas, including Asia and Eastern Europe. Alien smuggling organizations employ many means of transportation, including boats (usually large boatloads of migrants), planes (flying a few individuals to large groups of putative tourists), and automobiles (including commercial buses, trucks, and vans).

The dangers of alien smuggling endeavours are substantial. Unsafe, overloaded, and overheated vehicles have contributed to accidents and heat casualties in the United States, especially in the hot and dry Sonoran Desert of the southwestern part of the country. In 2005, the US Border Patrol reported finding 463 dead bodies of illegal immigrants. Boats, often used by Chinese smugglers, are overcrowded, unsanitary, lack adequate food and supplies, and are often unsafely operated. In one incident in 1993, the Golden Venture, a ship carrying over 100 aliens from China, crashed off the shore of New York City, resulting in the deaths of ten alien passengers. Furthermore, federal prosecutions have revealed that aliens and their families are often subject to exploitation once they arrive safely in their destination. Smugglers often charge up to \$60,000 per alien, which is generally beyond the means of a typical migrant to pay. As a means of collecting fees, the smugglers are known to threaten, kidnap, and assault aliens and their family members. They also often force the alien to work in illegal gambling rings, prostitution businesses, or sweatshops until the smuggling fees are paid.

The economic cost of illegal immigration to the United States is substantial. A study by The Center for

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<sup>5</sup> Combating Alien Smuggling: Opportunities Exist to Improve the Federal Response. Report to the Chairman, Subcommittee on Immigration, Border Security, and Claims, Committee on the Judiciary, House of Representatives, U.S. Government Accountability Office, May 2005.

Immigration Studies reveals that households headed by illegal immigrants used \$10 billion more in services than they paid in taxes in 2002.<sup>6</sup> The largest federal costs of illegal immigrants include: Medicaid (\$2.5 billion), treatment for uninsured (\$2.2 billion), food assistance programmes (\$1.9 billion), federal prison and legal costs (\$1.6 billion), and federal education costs (\$1.4 billion).<sup>7</sup> The financial costs of interdiction and deportation procedures are also very high. For example, the cost to deport 158 migrants and 11 crew members seized in a boat carrying migrants from China in 1995 was \$7 million alone.

To counter the rising dangers and costs of illegal immigration, the Intelligence Reform and Terrorism Act was passed by Congress and signed by President Bush in 2004. It authorized hiring an additional 10,000 agents, and would nearly double the Border Patrol by 2010. Law enforcement has increased co-operation with the Coast Guard, Navy, and other agencies to interdict and repatriate boatloads of illegal aliens off American shores. Criminal penalties for alien smuggling have increased, including a mandatory minimum of three years' imprisonment upon conviction for alien smuggling for financial gain. The Department of Homeland Security (DHS) also has begun to co-ordinate with foreign countries to identify alien smuggling networks and to standardize entry and documentary requirements for international travel to combat the production of counterfeit documents.

*(iii) Money Laundering*

Money laundering is a criminal activity designed to prevent governments and law enforcement agencies from discovering the source of illegal funds so as to obtain additional financial profits. It comes in a broad range of forms, from laundering illegal proceeds of drug trafficking to laundering funds from white collar crimes such as fraud, bribery, and tax evasion. Generally, money laundering is a lucrative crime – it is estimated that the amount of money being laundered annually is between \$300 billion and \$500 billion. It is also costly to the United States, depriving it of up to \$100 billion in tax revenue annually as a result of tax evasion or money laundering via transactions between American firms and foreign partners.

Money laundering's international infrastructure is extensive. Banks, brokerage houses, commodities dealers, currency exchange services, casinos, and other legitimate businesses can comprise a money laundering network by providing cover – a plausible source of wealth – for illegally obtained funds. Uses of such 'shell' companies are widespread by criminals worldwide. Furthermore, foreign banking services which offer secrecy, or states with weak regulations or enforcement mechanisms, are often appealing to international criminals.

*(iv) Financial Fraud*

The expansion of computer and internet technology worldwide has resulted in increased opportunities for criminals to gain access to confidential information and to use the interactive capabilities of advanced computer and telecommunications systems to facilitate fraudulent schemes. Such schemes steal billions of dollars annually from U.S. citizens, businesses, and government programmes. As computer technology has allowed greater transparency of personal and corporate financial information, these crimes have become more prevalent in recent years. The Association of Certified Fraud Examiners estimated financial losses of more than \$200 billion per year in the United States due to international and domestic fraudsters.

Credit card fraud is a form of financial fraud that crosses international borders. A 2005 study conducted by the Progress Freedom Foundation estimated that annual identity theft losses are as high as \$55 billion, a cost borne by both businesses, and, to a lesser extent, consumers.<sup>8</sup>

*(v) Bank Fraud and Threats to International Banks and Financial Institutions*

Countries with developing market economies are vulnerable to criminal involvement in their financial sectors. In such countries, criminals can gain influence over banks and gain access to loans simply by threatening to withdraw their funds from the bank. When the funds are not repaid, customer accounts are defrauded, harming the credibility and solvency of the bank, and often resulting in a national financial crisis. Criminal use of banks to launder money, finance illicit transactions, or facilitate financial fraud schemes

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<sup>6</sup> Center for Immigration Studies, *The Costs of Illegal Immigration* (2004), available at [www.cis.org/articles/2004/fiscalrelease.html](http://www.cis.org/articles/2004/fiscalrelease.html)

<sup>7</sup> Ibid.

<sup>8</sup> Congressional Testimony, *Improving Data Protection Practices*, Steve Delbianco, 23 May 2006.

undermines the credibility of banks to the detriment of the global markets. Additionally, allegations that a financial institution is in some way involved in criminal activity raises the possibility that its services and business practices are corrupt, and thus scares away potential investors and customers.

*(vi) Counterfeiting*

Today, counterfeiting of the currency of the United States and other countries still remains a problem, especially with the advancement of copying and producing technology. In 2005, an undercover investigation into an international smuggling operation revealed a plot to smuggle high quality counterfeit U.S. bills from Korea to the United States. These counterfeit bills are called 'supernotes' because their high quality made it particularly difficult for untrained persons to detect them.

*(vii) Transnational Crimes Involving Intellectual Property*

The illicit duplication of American films, DVDs, computer software, pharmaceutical, and clothing trademarks is another growing international problem. The Commerce Department estimates that the global trade in pirated and counterfeited goods costs U.S. companies up to \$250 billion annually.<sup>9</sup> Furthermore, the trade in counterfeit goods accounts for almost 7% of all goods sold globally, rising to over \$600 billion in 2004.<sup>10</sup> Such counterfeiting and other forms of copyright, trademark, and patent infringement, and the sale of pirated products distorts international trade, undermines the market, and causes extensive financial losses to domestic and foreign industries.

*(ix) Illegal Arms Trafficking*

Using international criminal networks to traffic illegal arms, broker deals, and smuggle sensitive technologies related to weapons of mass destruction threatens the security of the United States, and indeed, the world. The illicit arms trade is second only to drug smuggling in worldwide profits. Accordingly, the United States has not hesitated to prosecute some of the worst offenders of these crimes. For example, in 1997, several individuals connected to State-run Chinese weapons companies were convicted in California of smuggling 2,000 AK47s and other weapons<sup>11</sup> into the United States.

*(x) International Car Theft Rings*

Recently, crime groups, especially Russian and Asian groups, have created extensive networks in the United States to aid the theft of luxury cars by hijacking or fraud. The vehicles are then smuggled outside of the country for sale in foreign countries.

*(xi) Prostitution*

Asian and Russian organized crime groups are also actively involved in bringing women from Asia and former Soviet Bloc countries to work as prostitutes in the United States. The women are often coerced by false promises of assistance in obtaining legitimate employment. However, they are frequently forced into prostitution by the criminals until they pay substantial amounts of money, with threats of physical harm or threats to expose their illegal status to authorities.

## **B. Role of OCRS and Strike Forces**

The United States Department of Justice focuses its prosecution efforts against organized crime in the Organized Crime and Racketeering Section (OCRS). OCRS is headquartered in Washington D.C. and is part of the Criminal Division in the Department of Justice. The principal enforcement efforts are currently directed against traditional groups such as *La Cosa Nostra* families (commonly known as Mafia), and international organized crime groups from around the world.

### 1. History

OCRS was created within the Criminal Division of the Department of Justice in 1954 to co-ordinate enforcement activities directed against organized crime, to initiate and supervise investigations, formulate prosecuting policies, and assist United States Attorneys in preparing indictments and conducting trials

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<sup>9</sup> See "U.S. Discloses Moves to Stop Piracy of Intellectual Property", *New York Times*, 22 September 2005.

<sup>10</sup> *Ibid.*

<sup>11</sup> See "China Ship Deal Preceded Campaign Funds Furor COSCO's Bad Press", *Mobile Register*, 30 March 1997 (describing the 1997 controversy in which two Chinese weapons dealers were implicated in a scheme to smuggle the arms into Oakland aboard a COSTCO ship).

against organized crime figures. The creation of OCRS occurred in the wake of the televised Senate hearings of the Kefauver Commission, which brought to widespread public attention for the first time the Mafia's involvement in interstate gambling and other criminal activities. In response to a police raid of a meeting of Mafia leaders in Apalachin, New York, a federal task force was formed in 1958 to conduct grand jury investigations of organized crime activities in New York, Miami, Chicago, and Los Angeles. After being appointed Attorney General, Robert F. Kennedy energized the Department of Justice's efforts against organized crime. By the time he left office, OCRS had grown to 60 employees and teams of OCRS attorneys were assigned to specific areas to mount a co-ordinated attack on organized crime. The first Strike Force, a combined team of federal prosecutors and investigators, was created in Buffalo in 1967, and quickly duplicated in Philadelphia, Chicago, Miami, Detroit, and Brooklyn.

The Strike Forces pioneered an approach to investigations and prosecutions that stressed co-operation between prosecutors and agents from the earliest stages of the investigation, a willingness to try new methods and new legal theories, and a strategy aimed at dismantling an entire criminal operation as opposed to a few of its components. This approach made full use of the new laws providing for electronic surveillance and the Racketeering Influenced and Corrupt Organizations (RICO) statute, passed in 1968 and 1970 respectively, and became the model for complex federal investigations in all areas of crime. In 1989, the Strike Forces were merged into the United States Attorneys' Offices in the major cities where they were located, while remaining under the programme supervision of OCRS.

## 2. Current OCRS Role

Today, OCRS supervises the investigation and prosecution of organized crime cases by Strike Force Units located within United States Attorneys' Offices in 21 federal districts having a significant organized crime presence. These cases involve a wide variety of criminal violations, including extortion, murder, bribery, fraud, narcotics, and labour racketeering. In instances where a Strike Force requires supplementary resources, a prosecutor from the Litigation Unit of OCRS may travel to the Strike Force to handle directly certain cases. Litigation Unit attorneys are experienced in complex investigations and prosecutions. They may either work jointly with an Assistant United States Attorney in the Strike Force, or handle the entire case as the sole prosecutor.

OCRS is involved in setting national priorities for the organized crime programme by co-ordinating with investigative agencies such as the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), the Department of Labor, and other investigators. In addition to its supervision of all federal organized crime cases, OCRS also maintains close control over all government uses of the RICO Statute and the Violent Crimes in Aid of Racketeering Statute. Attorneys from the RICO Unit of OCRS provide extensive advice and training to prosecutors about the use of these powerful tools for cases involving patterns of serious criminal conduct.

OCRS works with the FBI and other federal agencies to tackle the huge expansion in international organized crime that has accompanied the rapid globalization of the world economy. Together with U.S. and foreign partners, OCRS attorneys travel around the globe identifying and developing cases against transnational criminals and bringing them to justice.

## **C. Criminal Statute Used for Prosecutions against Organized Crime: RICO**

In every organized crime case, the objective is always to find and convict the highest levels of a criminal organization. Accomplishing this requires special prosecutorial tools. Above all, they need a statute that explicitly prohibits participation in a crime group through specified unlawful activity. The most common anti-racketeering law is the Racketeer Influenced and Corrupt Organizations Statute (RICO), passed in 1970. RICO generally provides heavy penalties when a defendant conducts, or conspires to conduct, the affairs of an enterprise through a pattern of specified acts, or predicate crimes. An enterprise can be anything from an ostensibly legitimate entity, such as a corporation or labour union, to a group of individuals working together to commit a crime.

### 1. Basic RICO Features

It is important to note that RICO did not create any new offences – all of its original 46 predicate offences, such as murder, arson, and extortion, were made criminal long before 1970. RICO was a significant



legislative initiative because it permitted many different crimes to be charged within a single indictment. Under RICO, these different crimes could be even be charged in a single count against a defendant, provided that the crimes were part of the defendant's pattern of acts that related to the enterprise. Essentially, RICO criminalized being in the business of crime.

RICO is particularly useful for organized crime cases because it allows prosecutors to detail the complete criminal activity of one person or a group of criminals. Significantly, RICO contains a reach-back provision which allows prosecutors to demonstrate a pattern of racketeering activity. Since indictments cannot usually allege crimes that occurred more than five years prior to the date of the indictment, evidence of past criminal activity is often outside the period for which a person could be prosecuted. However, pursuant to RICO, as long as one of the predicate crimes alleged occurred within five years of when the indictment was first brought, the next previous crime in the pattern of racketeering is only required to be within ten years of the most recent crime. Similarly, the third most recent crime must have only occurred within ten years of the second act. In this fashion, the reach-back feature allows this process to extend back as long as twenty years in the past, in some cases, making RICO particularly useful in organized crime cases involving systematic criminal activity.

The reach of RICO is quite broad, as its predicate crimes cover various forms of criminal activities. Most judges would ordinarily prohibit the prosecution of such diverse crimes in a single case and seek to break it up into a series of smaller trials, especially if it involves many defendants. Splintered adjudication in this fashion, where no single jury can see the entire picture of criminal activities, generally benefits organized crime groups, as their crimes are often composed of many crimes linked by a single chain of command. Thus, effective prosecution of crime groups requires proof of many crimes in a single trial. RICO permits this, allowing the jury to see an entire pattern of crimes.

## 2. Extraterritorial Application of RICO

RICO is ideal for combating transnational organized crime because it can reach extraterritorial activity. Generally, statutes have been found applicable to conduct outside of the United States where inherent powers of the United States as a sovereign are threatened, or where its impact is on a substantial number of U.S. citizens. It is settled U.S. law that Congress has the authority to enforce its laws beyond the territorial boundaries of the United States when Congress expresses its intent that a particular statute has such extraterritorial application.<sup>12</sup>

RICO's legislative history reflects Congressional intent that the RICO statute be liberally construed to effectuate its remedial purpose. Its broad goals of eliminating organized crime and effects of organized crime warrant extraterritorial application. The language of the statute itself addresses racketeering enterprises "engaged in or the activities of which affect interstate or foreign commerce."<sup>13</sup> Moreover, Congress has added new offences to the list of crimes which can be predicates for RICO that clearly apply to conduct outside of the United States. These include the alien smuggling violations which were added in 1994, and the terrorism offences which were added in 2001. The extraterritorial application of RICO in a given case must satisfy the Principles of International Law as set for the in the Restatement of Foreign Relations, section 402. These include the objective territorial principle, nationality of the defendant, the passive personality principle, the protective principle, and the universality principle.

## 3. Increasing Benefits of RICO

Under RICO, the government is capable of prosecuting systematic criminal activity, thereby punishing individuals of an organized crime group for the criminal endeavours each engaged in on behalf of the group. Often six or more racketeers are charged with at least a dozen or more predicate crimes throughout a decade. Indeed, some RICO indictments have charged several defendants with committing, as a part of a pattern of racketeering activity, over fifty offences. RICO also allows prosecutors to present evidence of criminal activity from earlier prosecutions, which would ordinarily be prohibited due to constitutional rules against successive prosecution of the same conduct. Accordingly, RICO has proven to be an effective tool in helping to prosecute organized crime in the U.S.

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<sup>12</sup> See *Equal Employment Opportunity Comm'n v. Arabian Am. Oil Co.*, 499 US, 244, 248 (1991).

<sup>13</sup> 18 U.S.C. 1962(c).

Despite RICO's broad power, there were only a handful prosecutions against organized crime in its first 15 years. The shortage of prosecutions was mainly because it took time for federal prosecutors to feel comfortable with such a complex statute to make it the focus of organized crime prosecutions. Additionally, the investigative techniques, such as electronic surveillance and undercover operations, necessary to build a convincing RICO cases, were not routinely used against organized crime bosses in the 1970's.

By 2006, it is clear that controlling organized crime without RICO would be inconceivable. RICO is not used solely for organized crime cases; it has been used in official misconduct cases, against hundreds of police officers, judges, and public officials, as well as against terrorist groups, hate groups, street gangs, stock manipulators, and drug cartels. RICO's power, however, also means that it can be abused. To protect against potential abuses, OCSRS houses a special unit of attorneys who carefully review all proposed RICO indictments for legal and factual sufficiency, which ensures that RICO is only used when necessary, by advising to forego a potential RICO charge when less powerful statutes would be equally useful.

### **III. METHODS OF COMBATING TRANSNATIONAL ORGANIZED CRIME**

In recent years, law enforcement in the United States has improved its ability to immobilize transnational criminal activity due to improved methods and techniques. There are now greater techniques for obtaining evidence from abroad. Extradition and mutual legal assistance treaties are proliferating and becoming more inclusive. Congress and federal courts have significantly reduced domestic legal obstacles to international law enforcement as foreign governments and law enforcement agencies have co-operated with American officials to improve their own criminal justice systems.

#### **A. Electronic Surveillance**

Electronic surveillance is the most important law enforcement tool against organized crime. In proving a crime, nothing is more effective than the use of the defendant's own words; statements by the participants themselves generally provide reliable, objective evidence. Electronic surveillance also enables law enforcement to learn about crimes before they occur by surveying criminal activities, such as contraband delivery and planning meetings, or disrupting activities, where appropriate. It is also helpful in combating transnational crimes because it allows law enforcement to intercept conspirators in the United States discussing future crimes with associates abroad by providing evidence that would otherwise be difficult to obtain.

Electronic surveillance has moved beyond the more traditional telephone and video surveillance, and now allows for operations such as monitoring computer keystrokes, telephone calls placed, electronic communications and locations from which cellphone calls are placed. Stored electronic communications retained by a service provider (such as electronic mail on a server) may also be obtained pursuant to court authorization, but more general information (such as billing information) may be obtained with only a subpoena.

While very helpful, electronic surveillance is a sensitive technique due to privacy interests of suspects. Accordingly, there are substantial restrictions on its use designed to protect an individual's privacy interests. For example, electronic surveillance can only be used to obtain evidence of specific serious offences listed in the governing statute.<sup>14</sup> The government must first receive the permission of a neutral independent judge to authorize the surveillance. Thus, a law enforcement agent that seeks to obtain evidence must submit an affidavit to a U.S. district judge that contains specific facts establishing probable cause to believe that the subject of the surveillance is committing certain specified offences and that it is likely that evidence of such crimes will be obtained through the electronic surveillance.<sup>15</sup> The investigative agency, rather than the attorney, is responsible for conducting the surveillance and so the agency must review and approve all applications. An attorney must also make out an affidavit under oath relating the facts of the case in support of the application.

The standard applied by the judge varies depending on the type of electronic surveillance sought. For pen registers, the surveillance must merely be relevant and material to the investigation, while Title III searches

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<sup>14</sup> See 18 U.S.C.A. § 2516 (West Supp. 2006).

<sup>15</sup> See 18 U.S.C.A. § 2518 (West Supp. 2006).

require an even higher showing than the normal probable cause standard: there must be very little doubt in the judge's mind that the device is being used for criminal activities.

The government must also establish that other investigative methods have been attempted and failed to obtain the sought evidence, or establish why other techniques would be unlikely to succeed or too dangerous to attempt. Department policy also requires that the suspect have recently used the method of communication. After obtaining the authorization, however, the government may act surreptitiously in implanting the listening devices into the home or business of the suspect.

While executing the electronic surveillance, the government must attempt to minimize the interception of innocent conversation by taking reasonable steps to assure that only conversation relevant to the crime is captured.<sup>16</sup> Thus, monitors must turn off the recording machines when conversations veer from matters relevant to the crime under investigation. The Department has also instituted policies in the event that the surveillance captures privileged or confidential information, such as attorney-client communications. The tapes are immediately sealed, the judge and supervising attorney are informed and no other investigative officers may know the content of the conversation.

Electronic surveillance is also temporally restricted. Court-authorized electronic surveillance is limited to thirty days,<sup>17</sup> but may be extended for additional thirty-day intervals as long as the requirements are met every thirty days and approved by the judge.<sup>18</sup> Courts have ruled that so long as the surveillance is being used to aid in a good faith prosecutorial effort, the surveillance may extend indefinitely. At the end of monitoring, the individuals under watch must be informed of the surveillance within ninety days in the absence of a court order delaying such notification due to the government's showing that it would impair an ongoing investigation. Immediately upon the expiration of the surveillance period, the tape recordings of the intercepted conversations must be sealed in order to preserve the integrity of the electronic surveillance evidence.

In recent years, criminals have grown more cognizant of the likelihood of surveillance, and have begun to act accordingly, eschewing telephones and altering their patterns frequently. In response, law enforcement officials may obtain 'spin-off' applications, which add additional locations to the court authorizations as they become necessary to monitor the subject. A 'roving' interception is also allowed in cases where individuals frequently change their methods of communication in order to avoid detection by authorities.

Judicial authorization is necessary only when neither party to the conversation has consented to make a recording. If one party makes his own recording or submits to outside monitoring, privacy concerns are no longer implicated. Further, prison inmates are aware that they are constantly watched, so their conversations may be monitored without obtaining an electronic surveillance order.

One of the biggest challenges in using electronic surveillance to investigate transnational organized crime lies in the use of languages other than English. Real-time minimization is not always possible, particularly when the monitoring agents are unfamiliar with the language being spoken or the participants are speaking in code. In cases such as these, 'after the fact' minimization is permitted by the statute, allowing an interpreter or expert to listen to the conversation as soon as is reasonably possible after the recording and turn over only the relevant portions to the investigators. Privacy concerns under the U.S. Constitution are also not invoked when the parties are not American citizens and have no attachment to the United States, though wiretaps may be excluded if they were not reasonable under the laws of the country in which they occurred.<sup>19</sup>

## **B. Undercover Operations**

After electronic surveillance, an undercover operation is the second-most helpful technique in the fight against organized crime, and often complements electronic surveillance efforts. Undercover operations allow

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<sup>16</sup> See 18 U.S.C.A. § 2511, 2518 (West Supp. 2006).

<sup>17</sup> See 18 U.S.C.A. § 2518 (West Supp. 2006).

<sup>18</sup> See 18 U.S.C.A. § 2519 (West Supp. 2006).

<sup>19</sup> See *U.S. v. Verdugo-Urquidez*, 494 U.S. 259 (1990); *U.S. v. Barona*, 56 F.3d 1087 (9<sup>th</sup> Cir. 1995).

law enforcement agents to infiltrate the highest rungs of organized crime groups by posing as criminals when real criminals meet to discuss their plans and seek assistance in committing crimes. The scope of undercover operations varies greatly. They can be short, lasting only a few hours, or quite lengthy, lasting a few years. They may investigate a single criminal incident, or a complex criminal enterprise. They may involve merely the purchase of contraband such as drugs, stolen property or illegal firearms, or they may involve the operation of an undercover business where criminals meet and discuss their activities with undercover offices or informers.

Agents often succeed in gaining the confidence of suspects and induce them to reveal past criminal activities or to plot with the agents in ongoing criminal endeavours. In conjunction with electronic surveillance, the undercover operations provide comprehensive coverage of suspects' daily activities. For obvious reasons, going undercover is a dangerous and sensitive operation. It also poses the danger of luring otherwise innocent individuals into criminal activity. Accordingly, it requires exceptional preparation.

Crucially, law enforcement officials must always keep in mind the physical safety of the undercover agent. To prevent a premature disclosure of his or her identity, the agent must be given a substantiated past history (referred to as 'backstopping'). Also critical are careful briefings of the target's *modus operandi*. Before an undercover investigation may occur, the Special Agent in Charge (SAC), as well as the prosecutors, must consent. As sensitive circumstances develop in the investigations, the level of review is increased. The general concerns of approving any investigation look to the risk of injury to individuals or property, both civilian and governmental; privacy concerns, particularly where an undercover operation might intrude upon privileged or confidential discussions; and the risk that the undercover operative might have to participate in illegal activities. An undercover operation may not last longer than is necessary to achieve the objective nor last longer than six months, absent renewed authorization to proceed.

If the duration of the undercover operation is relatively short, such as a single narcotics purchase, a first line investigative agency supervisor and first line prosecutor must approve the activity after having been advised of all the facts of the investigation. An operation of longer duration, with an undercover agent and informant engaging in what would otherwise be ongoing violations of law, requires the approval of a higher level supervisor, such as a local lead investigative agent, and a supervisory prosecutor must be informed of all the facts before giving approval. Long-term operations are crucial to infiltrating entrenched organized crime groups that continue their illegal activity over an extended period of time.

If the situation is one of extreme sensitivity, such as a risk to innocent third parties, or if there is extensive criminal activity of a serious nature, then investigative headquarters and Justice Department prosecutors must review and approve the investigation. To balance prosecutorial concerns with safety of the agent, as well as the public, the Department of Justice created the Undercover Review Committee, made up of senior prosecutors and investigators, which is responsible for reviewing, approving, and controlling all sensitive undercover operations. Before being approved, the request for approval must be in writing, contain a full factual description of the suspected criminal activity and the participants therein, and adequately detail the undercover scenario, the expertise of the undercover team, the duration of the project, the foreseeable legal issues, and risks to the agents and public.

Finally, law enforcement officials must avoid, at all costs, entrapment – inducing a person otherwise not intending to commit an offence to do so. Accordingly, restrictions were instated to limit undercover operations and avoid this potential mishap. These limitations bar a potential operation unless the illegality of the activity is reasonably clear to potential subjects, the nature of the inducement is justified in light of the kind of illegal transaction in which the subject is invited to engage, and there is a reasonable expectation that offering the inducement will reveal illegal activities.

Law enforcement personnel are also required to take steps to prevent violence from occurring if they learn of potential violent crimes. This may include warning a potential victim, arresting suspects who pose a threat, or shutting down an undercover investigation altogether.

## C. Testimonial Compulsion

### 1. Immunity System

The immunity system allows the U.S. government to compel testimony from a reluctant witness who invokes the Fifth Amendment privilege against compulsory self-incrimination.<sup>20</sup> This authority is derived from the principle that compelling its citizens to testify is one of the government's most important powers to assure effective functioning.<sup>21</sup> Because a witness may not refuse to comply with such a court order, the testimony, and any other information compelled by the order, cannot be used against the witness in any subsequent criminal case.

Until 1970, there were many federal immunity statutes which provided *transactional immunity* – providing immunity to witnesses from future prosecutions as to any transactions or matters about which he or she testified. Today, however, transactional immunity has been done away with in the federal system, following its replacement with *use immunity*. In 1970, Congress enacted use immunity statutes which proscribed the use in any criminal case of testimony compelled under court-ordered immunity grants. Thus, use immunity only provides protection for the witness from his or her own testimony. It does not immunize a witness from matters about which he or she testified before a grand jury. While not providing as broad coverage as transactional immunity, use immunity is nevertheless consistent with Fifth Amendment principles because it “prohibits the prosecutorial authorities from using the compelled testimony in any respect, and it therefore insures that the testimony cannot lead to the infliction of criminal penalties on the witness.”<sup>22</sup>

Federal prosecutors, with the approval of the Attorney General, the Deputy Attorney General, or a designated Assistant Attorney General, may seek a court order granting immunity when, in the government's judgment, the testimony or other information is necessary in the public interest and the individual has asserted, or is likely to, his or her privilege against self-incrimination. Non-exhaustive factors in invoking the public interest include the importance of the prosecution to effective enforcement of the law, the value of the person's testimony, and the person's relative culpability in relation to the offence being prosecuted. Finally, there is a ‘close family exception,’ in which the Department refrains from compelling the testimony of a close family relative of the defendant on trial. In 2003, the Department of Justice submitted 1,613 requests for witness immunity.<sup>23</sup> The Attorney General granted 1,175 of these requests.

### 2. 'Agreement' System

In addition to the Immunity System, there is also an ‘Agreement’ system which, while not contained in the U.S. Code, is a wide-spread, valid practice in obtaining witnesses. There are two kinds of agreements that the government can enter into with witnesses: immunity agreements and co-operation agreements.

Immunity agreements, also known as non-prosecution agreements, are generally used when the witness plays a minor role in a crime.<sup>24</sup> Essentially, immunity agreements grant immunity from prosecution from the case at bar in return for full, truthful co-operation. However, in practice, they are rarely used.

Co-operation agreements, meanwhile, are the most commonly-used tool for testimonial compulsion. These agreements require some liability for the witness's criminal conduct; the defendant agrees to fully and truthfully co-operate, testify in any court proceeding concerning matters asked of him or her, and enter a guilty plea on other charges. In exchange for this co-operation, the government files a motion giving the judge special discretion in determining the defendant's sentence.<sup>25</sup> Often the sentencing judge will reduce an otherwise fixed sentence. This creates an incentive to co-operate, and often assists in prosecuting organized crime groups.

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<sup>20</sup> See 18 U.S.C.A. § 6002 (West Supp. 2000); *Kastigar v. United States*, 406 U.S. 441 (1972).

<sup>21</sup> See *Murphy v. Waterfront Comm'n* 378 U.S. 52, 93 (1964) (White, J., concurring).

<sup>22</sup> See *Kastigar*, 406 U.S. at 453.

<sup>23</sup> See *Sourcebook of Criminal Justice Statistics*, U.S. Department of Justice, Criminal Division.

<sup>24</sup> U.S. Dept. of Justice, United States Attorney's Manual, ch. 9, § 27.600 (B)(1)(c).

<sup>25</sup> U.S. Sentencing Guidelines Manual, § 5K1.1 (2005).

During a trial which includes the testimony of a witness who is a party to an immunity or co-operation agreement, the prosecutor anticipates that the lawyer who represents the accused may attack the witness's credibility. The defence attorney may try to convince the jury that the witness will say whatever the government wants him or her to say in order to receive the benefit of the sweet deal negotiated in the co-operation agreement. To ensure credibility of these witnesses, prosecutors usually present additional evidence which corroborates the testimony of the co-operators. Documentary evidence, forensic evidence, surveillance, and the testimony of other witnesses are all used to bolster the jury's confidence in the truth of co-operator testimony.

#### **D. Witness Protection Program**

Another valuable instrument that assists the government in prosecuting organized crime groups is the federal Witness Security Program. Because organized crime groups can often be violent, witness intimidation can pose a substantial obstacle to successful prosecution. As a countermeasure, the Department of Justice created the Federal Witness Security Program in 1970. Subsequently, the Witness Security Reform Act, passed in 1984, expanded the authority of the Attorney General to provide security through relocation for witnesses in cases involving organized crime or other serious offences where a violent crime against the witness is likely to occur.

Requests for witness protection are made when it is clear that a candidate will be an essential witness, and will require relocation from the danger area. Due to the safety concerns of a witness and his or her family, a witness's participation in the Program is not disclosed unless the Department of Justice's Office of Enforcement Operations authorizes it. For a witness to be admitted into the Program, he or she must supply significant evidence in important cases, and must show that there is a perceived threat to his or her security.

Before approval for entry, the United States Marshals Service (USMS) must conduct procedures to minimize disruption to both government agencies and witnesses. First, the USMS will interview the applicant so as to determine that the witness is essential to the prosecution, endangered, and requires entry into the Program. The witness is also provided with an overview of the Program and what he or she can, and cannot, expect to receive through it. Next, USMS will arrange for psychological testing and evaluation for each prospective witness and adult member of the witness's household who are also to be protected. This test will attempt to determine if the individuals will pose a safety risk to their relocation communities. Potential participants who are incarcerated are required to undergo a polygraph examination to ensure that they do not intend to harm or disclose other protected witnesses.

In order to ensure the witness's testimony will be available at trial, it is recommended that the witness either testify before a grand jury or otherwise commit to providing the requested testimony at trial. Once in the Program, the witness and his or her family are relocated to a less dangerous part of the country, and are given new identities and financial assistance until the witness can obtain secure employment. The vast majority of protected witnesses have criminal records. However, the recidivism rate for witnesses is less than 17%, half the rate of those released from U.S. prisons.

The Witness Security Program is quite expensive. Since the beginning of the Program, over 7,500 witnesses have been relocated and protected, in addition to approximately 9,500 family members.<sup>26</sup> The USMS spent almost \$60 million and employed 173 staff members to administer the Program in 2003.<sup>27</sup> The high cost, and potential complications of the operation, compels a request for witness protection to be preceded by a thorough inquiry into the significance of the testimony, its importance to the success of the prosecution, its credibility, and its certainty in coming. Despite the significant cost, the results of the Program have made it worth the cost. It has so far has achieved a conviction rate of 89% when protected witnesses testify.

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<sup>26</sup> See *Witness Security Program*, United States Marshals Service, available at [www.usmarshals.gov/witsec/index.html](http://www.usmarshals.gov/witsec/index.html)

<sup>27</sup> See *United States Marshals Service Administration of the Witness Security Program*, U.S. Department of Justice, Office of the Inspector General, Audit Division.

Transnational organized crime presents a new challenge since the Witness Security Program operates only in the United States. However, aliens can be eligible for the Program following appropriate INS authorization allowing the witness and family members to remain in the United States. In the end, despite its costs, the Witness Security Program has proven to be effective in prosecuting organized crime enterprises.

#### **IV. CONCLUSION**

Transnational crime has rapidly become a serious law enforcement issue. Technology and globalization have increased the opportunities for transnational criminal activities, from money laundering to financial fraud. While 20 to 25 years ago, there were only a few organized crime groups in the United States, the emergence of international enterprises – namely Asian and Eurasian groups – has forced American officials to turn their focus to more global threats. With the help of various organized crime-fighting tools, including electronic surveillance, undercover operations, immunity and witness protection, coupled with a RICO statute that broadens the scope of organized crime prosecution, we are confident that we are well equipped to counter organized crime's recent global proliferation.