

Elite crime unit is illegal, says county's lawyer

By MICHAEL MATUSZEWSKI

The Oakland County Organized Crime Strike Force, Prosecutor L. Brooks Patterson's elite, undercover crime unit, is illegal, says Robert Allen, the county's civil counsel.

According to Oakland County officials, it could mean cutting off funding for the strike force. According to Allen's preliminary opinion, neither the Michigan constitution nor any legislative statutes give county prosecutors the authority to set up police units under their jurisdiction.

Allen's opinion was hastily made public after reporters gained information concerning the previously secret opinion's content.

Allen, however, recommended that because of the legal ambiguities regarding the duties of the prosecutor, the county should begin a suit in circuit court seeking a declaratory judgment.

The preliminary opinion was turned over to Oakland County Board of Commissioners' public services committee. Board Chairman Wallace Gabler (R-Royal Oak), who officially requested the opinion, said the committee had three options.

It could recommend that the board disregard the opinion and continue funding the force. It could ask the full board to suspend the force's funding. Or it could ask the board to seek Allen's recommended declaratory judgment.

Last year, the board appropriated

\$350,000 for the strike force's 1979 operations.

REACTIONS FROM Patterson and his assistant prosecutors was swift.

In a tersely-worded statement, Patterson said: "Now we must face the hurdle of an opinion that, in essence, challenges our legal existence."

"We will overcome this latest challenge and in the next two years of my administration we will redouble our efforts to investigate organized crime."

More critical statements came from his assistants.

Asst. Prosecutors James Mitchell and Robert Bunting called Allen's opinion "shallow," "narrow," "poorly researched" and "baloney."

"The Supreme Court," Bunting said, "says it's the duty of the prosecutor to investigate."

"He (Allen) says, 'So what.' He says it has to be spelled out in the constitution and statutes. We side with the Supreme Court," he said.

County commissioners, for the most part, were surprised.

"The opinion does surprise me. I felt the force's legality would be sustained," Gabler said. "There's still a possibility that it'll be sustained."

Commissioner Alexander Perinoff (D-Southfield), a long-time foe of the strike force, said the preliminary opinion supported his contentions that the constitution and legislation do not give the prosecutor authority to set up an independent police unit.

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