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5 Researching Organized Crime

Cyrille Fijnaut

Introduction

In the last few years organized crime has become an important public issue in Western Europe. There is a lot of discussion about the different forms of this crime - ranging from heavy professional crime to syndicated crime - and in the different countries within, for example, the European Community more and more steps are being taken to contain the problem. In this respect one could think of the creation of special police units, the widening of police powers, the penalization of preparatory acts and the adoption of sanctions like the seizure of illegally acquired property.

Contrasted with this growing political and official attention the interest of criminologists in organised crime has remained very small. It is not too much to say that all the most important writings date from the 1970s (McIntosh 1975; Mack and Kerner 1975). Some remarkable recent exceptions to this rule are the writings of Walsh (1986) on heavy criminals in Great Britain and Arlacchi (1986) on the mafia in Italy. For the rest one has to be content with official police studies and journalistic stories.

This paper is mainly meant as an analysis of the difficulties and possibilities of researching organized crime and the police fight against it. I suppose in any case that the discrepancy in question between policy and research is the result of the narrow margins within which research on these topics can be done. On the one hand this analysis is based on the rare comments in the recent literature and on the other hand it is a reflection of my own original research in Rotterdam. However, before analyzing the limited possibilities of research in this field, it may be best to discuss the reasons why organized crime and its control should become a more popular subject of empirical and penal study.

The necessity of research

At the moment the European situation is rather like the situation in the United States in the 1960s. The policy which is developed on a national and international level, usually lacks a firm empirical basis. Usually it is only dictated by the strong opinions of experienced police officers, public rumours, sensational incidents and, of course, electoral interests. This would not matter if nothing was at stake. The examples given in the introduction indicate, however, that as in the United States in the past so also now in Western Europe the ungovernable fight against organized crime will lead to radical changes in the administration of criminal justice and in the principles and rules of penal law. To counter this tendency requires both rigorous research about the magnitude and the nature of organized crime and research on the intrinsic juridical meaning of policy measures and their impact on the organization of crime and criminal justice.

Such research could provide authorities with means to develop a sophisticated system of reasonable measures to contain threatening forms of organized crime. There is no doubt that these forms of organized crime exist in the United States and in Italy, but is also present in other European countries (the available information excludes any misunderstanding on this point). It will be argued that constitutional states should do nothing to curtail civil rights by the extension of police powers and so on. But it is also important to put up resistance against the exploitation of poor people or against the corruption of officials in vital positions within the state apparatus. The incredible problems in some South American countries, in some North American cities and some Italian regions are all convincing arguments in favour of this view.

The possibility of research

Notwithstanding the continuous interaction between organized crime and the official reaction to it one may - for the purpose of this paper - draw an analytical distinction between two things. This distinction allows us to structure the possibilities and difficulties of doing research into two questions.

Outside and inside the underworld

First, the problem can be considered from the viewpoint of organized criminals. On this side there are different ways to gain insight into the world that D. Cressey (1967; Albini 1988) - following in the footsteps of the founding fathers of modern criminology - in the 1960s above all viewed as a secret world: an underworld. This world can be opened up in several ways along a continuum of which the extremes are: approaches from the outside and from the inside.

Tackling the phenomenon of organized crime from the outside means that the researcher keeps a distance from the underworld. He neither directly observes the working life of organized criminals nor takes an active part in it. The 'only' thing he does is to talk with one professional criminal and record his experiences, opinions and feelings. If well prepared and organized this method can yield very good results, as the work of Sutherland (1967) and Abadinsky (1983) on professional theft clearly demonstrates. This distant way of conducting research is, however, not uncomplicated. The first problem is: how to get an eloquent and thoughtful criminal? This problem can be solved by mobilizing connections within the police, the judiciary or the prison system. Or the researcher can make use of his own connections with criminals, picked up in the course of former research. A more difficult question has to do with the reliability and validity of the stories criminals relate. One has to confront the informant with his absurdities, contradictions and black spots in his account. In this way the reliability of the narrative will substantially be enhanced. An inherent shortcoming, however, is the lack of independent means to verify all that has been said. This problem too can be resolved to a certain extent. Comparisons can be made between the tales of the 'chief witness' with the stories of other, well informed criminals: this method was employed by Reuter (1983) in his research into illegal gambling, lotteries and loansharking in New York. Accounts can also be compared with information in police files, trial manuscripts and so on: Abadinsky (1983) did this in the case of his jewel thief.

Half-way along the continuum lies the method of direct observation of the underworld with the help of one or more of its inhabitants. Ianni and Reuss-Ianni (1972) explored the business of a mafia-family in the United States in this way, and

Taylor (1984) used the same method to invade the underworld of London. The advantage of direct observation is self-evident: the dependence of the researcher on his informant(s) is not so great. He has the opportunity to verify and falsify their oral or written statements by means of his own observations. These are problems, however. This method is only available for someone with very good connections in the circles of organized crime. The researcher must not be afraid of a disorderly life and should be able to act as an insider. Further, the researchers' guide(s) in the underworld determines what the researcher will and can see.

This leads us to the real insiders' insights into organized crime. The only researcher who has successfully pursued such a course, is Chambliss (1985; 1978) who by sitting down in bars and walking around in dangerous areas became familiar with the underworld in Seattle and with all the 'respectable' people that were in constant touch with this world: officials, politicians, employers and so on. He not only talked, walked and observed but participated to some degree also in their illegal business, notably in the role of a gambler. The report of this year-long journey through the world of Seattle is still one of the most fascinating and thorough studies on organized crime in the United States. Nevertheless, at least two critical remarks used to be made about the infiltration method. First, like the difficulty with criminal life histories any form of external control of such research is more or less impossible, unless it is organized like a covert police action. Second, it is questionable whether the observation and participation method gets at the reality of criminal activity. Could a researcher get 'permission' to be present at extortion practices, violent robberies, strategic negotiations between gangs or syndicates, attempted corruption of police officers or politician? I do not believe so. Just as the Iannis could not witness the illegal activities of 'their' family, so Chambliss could not do it in Seattle; he did no more than observe people at public and private places and interview some of them about their illegal business. This problem cannot be overcome. It would not be justified for a researcher to dig himself so deep into an underworld that he was hardly distinguishable from its real participants. There is no difference between an undercover agent and an academic infiltrator.

Outside and inside the police

It goes without saying that a regular stay in the underworld can be a rich source of information about the functioning of the police, the judiciary, the bar and the local authorities in their relationship to this world. As Chambliss (1978) and Taylor (1984) have shown, important impressions can be gained of police surveillance techniques, the political give and take in the field of granting concessions and licenses, the ambiguous position of criminal lawyers and so on. It follows conversely that in all these professions, circles and bureaucracies, much information about the underworld is available. Traditionally researchers have only made use of the police to study organized crime. The police have been assumed to offer the next best facilities for such study. How valid is this assumption?

In order fully to be able to use the police to study the underworld one would have to obtain access to the whole organization, its executive members, its files and so on. This is not easy. The reasons are manifold. First, is the police desire to maintain secrecy concerning its criminal information, tactical possibilities, organizational shortcomings and so on. Second, there is the concern among the police, and sometimes the judiciary, for the privacy or anonymity of suspects, informants and witnesses. Third, the desire to preserve the reputed monopoly of 'official' knowledge of organized crime; this monopoly is of great importance in the struggle for a positive public image and advantage in budget debates. In brief, the researcher will need very good connections in order to gain access to the police and its authorities for research concerning organized crime and their fight against it.

Many researchers have had access to the police within the framework of official commissions in charge of investigations into the state of affairs within the criminal justice system and/or into the realities of organized crime. Sometimes researchers get access because they are well-respected in police circles or foster old ties with senior police officials. Those who are unsuccessful in their efforts to become insiders are therefore not totally without opportunity to enter the police. In addition to what has already been said about approaching the police from outside via the underworld, it is also possible to make contacts with retired police officers, or officers who have left the police prematurely for one or another reason (troubles within the service, better

working conditions in industry, etc.). The researcher who is willing to go to any lengths should even try to recruit informants within the police. As in the search for criminals in order to interview them about their life history, such a working-method evidently poses many practical and ethical problems to solve and in any case the reliability and validity of the results will be doubtful, unless they can be checked with the help of inside-information, judicial testimonies and so on.

Researchers who obtain direct access enjoy different facilities to carry out their work. First, they may consult more or less secret records, files, policy papers and so on, though for obvious reasons one should not place too much reliance on these written sources: they are neither collected or organized for the benefit of scientific analysis of organized crime or the police herself. To be useful the information they contain ought at least to be converted into an appropriate data-base. Nevertheless police files may be of some value in a direct way, especially in the case of studies concerning a particular crime syndicate or incident.

Second, direct access researchers will be able to interview the investigators concerned. Their statements, if based on a broad experience with organized crime and police action against it, should provide much insight into the activities of the criminal elite and the functioning of specialised criminal investigation departments. However, neither the reliability nor validity of what is said by individual detectives should be taken for granted. One should, for example, never forget that most detectives do not possess an overall picture of the scene; their own experiences are usually fragmentary. That is why it is desirable to interview many insiders in order to compare their answers with the information that is contained in files and so on. There is in this respect no reason to treat police officers in a different way from organized criminals.

Third, there should be scope to observe the daily practice of criminal investigation and to take part in particular activities such as wire-tapping and surveillance operations. The studies of Skolnick (1967), Ericson (1981), Levy (1987) and Hobbs (1988) demonstrate this point. Seldom is one able to be present at 'real' police work such as undercover operations, dangerous arrests and complicated interrogations. As in the case of 'real' criminal activity one generally has to be content with second-hand information about what happens.

By way of conclusion it can be said that substantial research into organized crime and crime fighting by the police requires methodical triangulation of methods and data sources.

The go-between: the newspapers

It is appropriate now to consider the most visible and tangible go-between between organized crime and the police and the judiciary, namely the media, especially the newspapers. For year the press has published in Western Europe much information and rumour about all sorts of organized crime and the methods, powers etc. used by the police to master it. In terms of the quantity of data the newspapers consequently constitute an important tool for research, the more so as they make up the only continuous public source of information about essentially secret subjects.

There is however, a problem about information in the press. First, one should be aware of the fact that the media do not provide an independent source of knowledge (Abadinsky 1983; McIntosh 1975). On the contrary, newspapers are more often than not completely dependent on spokesmen of the police and informants from the underworld. That is to say that the news in the media usually echoes these voices. Second, the media is concerned to make news as well as money. It follows that the information that is published is unlikely to be random. Only facts and rumours that draw the attention of (potential) readers have a good chance of being printed. The newspapers produce a very superficial and very selective image of organized crime and crime fighting accounts. Nevertheless, these features do not eliminate the value of accounts: they can be used for example, to check the statements of informants. Further, the reporting of organized crime and its containment in our society would in itself be of value.

My own research in Rotterdam

In the summer of 1981 I embarked on a research project on organized crime (fighting) in the city of Rotterdam. The rationale for the project has been explained in the introduction of this paper, albeit in general terms. In the Netherlands the government

is pursuing a mainly repressive strategy against organized crime without the benefit of much understanding of the extent and nature of the problem. Only a very general overview of the problem exists. My research project has been designed as a case study which - apart from theoretical aspirations - aims to contribute to a better considered policy.

The methodological strategy of the project is based largely on the experiences and opinions of the predecessors whose writings have been reviewed in this paper. Their work convinced me that only triangulation would in the long term yield good results. The biggest problem, however, was how to begin? I chose two starting-points: the police and the newspapers. Having no idea about the extent and nature of organized crime in the city the third possible starting-point - observing and interviewing organized criminals - was passed over. More exploratory sources were needed at the initial stage.

The research with the police comprised loosely structured interviews with some 40 experienced detectives from the different general and specialist investigation units of the Rotterdam police. I asked them about such topics as: the several forms of organized crime; their evolution in the last 20 years; the restructuring of criminal investigation; the relationship between policemen and organized criminals; the policy of the judiciary and local authorities; etc. Mainly because of my own background as a police officer and police researcher it was neither difficult to get access to the police force nor to discuss with the detectives - at least most of them - the questions mentioned. All the detectives except one agreed to the interview being tape recorded. Interviews lasted an average about two hours and these data will shortly be analyzed.

The next stage will comprise a study of the press. For several months some students have collected all the reports since 1968 that have been published about organized crime in the two most important local newspapers. Reports of criminal investigation and relevant trials in the city are also being collected. The harvest from this tiring detective work is abundant: files full of interesting photo-copies.

These two sub-studies are already of great value in themselves. Their interest lies also in the contribution made to the larger research project. I already have enough information - names, points of time, cases, incidents and so on - for a thorough investigation of police records and files. This will be the next step in the project. I

shall use these sources to reconstruct the biographies of well-known criminals and criminal organizations, including their most remarkable criminal activities, and to compile the recent history of criminal investigation in Rotterdam, its organization, its methods, techniques, and so on. This part of the research will start in the autumn 1989. The police authorities are willing to create the organizational conditions for this analysis.

My colleague Dr. de Doelder, who has for years worked as a public prosecutor in Rotterdam will go into the problems of prosecuting organised crime and look at the trial and punishment of a number of cases of organized crime; these cases will be selected on the basis of the interviews with the detectives and the press-study. In 1990 we will discuss together with the judiciary the conditions in which the interviewing or prosecutors and judges, the consultation of files and so on will be done.

Finally, we hope to get in touch with the people who in a negative sense are associated with important forms of organized crime in the city: drugs traders; businessmen in the sphere of sex, gambling and lottery; professional thieves; organized white collar criminals; and so on. This sub-study will comprise the final stage of the project. We have deliberately left the conversations with those groups until the end. We want to be well-informed about what is going on in terms of organized crime before we talk with them. We are also interested in their visions of the administration of penal justice.

Conclusion

At this moment it is too early to speculate about the final results of the project. We expect that it will be of value because of the combination of methods and the involvement of the different parties. This hope is founded on our research strategy and its efficacy on previous occasions, for example, the investigation of the New York State Organized Crime Task Force into the corruption and racketeering in the New York construction industry (Goldstock 1987). However, there is one great difference between this investigation and our own project: the use of penal law to develop a theoretical or scientific analysis of organized crime.

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