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Organized Crime as Financial Crime: *The Nature of Organized Crime as Reflected in Prosecutions and Research*

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ABSTRACT

Organized crime is a financial crime because its objective is profit or other material gain. The provision of illicit goods and services dominates organized crime profit making. Sometimes an organized crime offense is directed at power or intimidation (in cases such as racketeering or extortion), but these actions are designed to ensure the survival and profitability of an ongoing criminal enterprise. Therefore, organized crime has important similarities to the white-collar forms of financial crimes. What has been lacking in organized crime research is a comparison of actual cases of organized crime (i.e., prosecutions and convictions) to determine the extent to which organized crime prosecutions correspond to the specific offenses being researched on organized crime. An entire calendar year of organized crime prosecutions and published research articles are examined to evaluate their similarities and differences. In addition, aspects of organized crime prosecutions reveal important similarities and differences from other forms of financial crime.

KEYWORDS

organized crime; financial crime; white-collar crime; prosecution

The problem

Organized crime is a generic term like pornography. It has an amorphous meaning and often is not defined clearly in law, if at all. The result is imprecision. What distinguishes organized crime from other crimes? What makes organized crime “organized”? How do we determine trends in organized crime?

A consensus definition of organized crime was derived from the work of multiple authors over the years. In succinct form, organized crime is a continuing criminal enterprise with several important elements (Albanese, 2015; Finckenauer, 2005; Hagan, 1983; Maltz, 1985; Von Lampe, 2000).

- (a) Planned, rational acts committed by groups of individuals.
- (b) The crimes committed often respond to public demand for illicit goods and services.
- (c) The objective of the crimes is financial or material gain.
- (d) Corruption and intimidation are used to protect ongoing criminal enterprises.

It is crucial to recognize that organized crime seeks financial gain as an objective, unlike terrorism, some hate crimes, or other forms of organized criminal behavior which is

centered around ideology or political objectives. In this regard, organized crime and white-collar crimes are similar, given their financial objectives.

On the other hand, white collar and organized crimes have important differences. There are multiple definitions of white-collar crime, some including occupational settings, abuse of power, the offender's social status, and inclusion or exclusion of government misconduct (Albanese, 1995; Benson & Simpson, 2018; Friedrichs, 2010; Geis, 1992; Hirschi & Gottfredson, 1987; Steffensmeier, 1989; Sutherland, 1940). The term "economic crime" is used instead of white-collar crime by some investigators to focus more on the nature and objective of the crime, rather than by the nature of the perpetrator (Chambers, 2012; Edelhertz, 1980; Engdahl & Larsson, 2016; Kryvoi, 2018).

U.S. Attorney's Offices, under the supervision of the Department of Justice, are inclusive in the cases they consider part of the organized crime problem. These cases deal with both traditional and non-traditional organized criminal groups, as well as illegal drug trafficking prosecutions. Federal prosecutions focus particularly on the importation of illegal narcotics, interstate, large-scale or organized drug trafficking, or individuals or groups that use violence in the course of drug dealing, as well as other kinds of illegal or banned goods (U.S. Department of Justice, 2020). State and local jurisdictions prosecute the vast majority of drug offenders, so the U.S. Attorney's Offices focus their efforts on interstate, international, organized crime offenders, and cases involving the diversion of prescription drugs for illegal sale. Therefore, prosecutions of organized crime in the US are generated by both organized crime *group* activity, as well as by the nature of *crimes* committed (organized trafficking in illicit goods and services).

The literature

Organized crime has a folklore and mythology surrounding it, involving ethnicity, national origin, trafficking illicitly in goods and services, and extortion threats (Albini & McIlwain, 2013; Catino, 2019; Finckenauer, 2007; Nicaso & Danesi, 2017; Viano et al., 2004). These are terms not associated with white-collar crime or financial crimes in general, even though organized crime has the same objective of financial gain.

There has been much discussion and debate about the true nature and status of organized crime. Are organized crime activities shifting more toward economic crimes, such as cybercrime and fraud, or does it remain focused on illicit trafficking of goods and services? There are multiple known cases of transnational frauds committed by criminal groups or networks, but it has not been determined whether this is typical or aberrant behavior in the world of organized crime. Likewise, there is commentary on the rise (or fall) of mafia groups, street gangs, prison gangs, and transnational groups operating in the US. Many reports are based on anecdotal evidence, so it is difficult to distinguish particular incidents from actual trends (Asmann et al., 2020; Behar, 2020; Belger, 2019; Muggah, 2020). These are all empirical questions, which require evidence to support or refute. A lack of systematic data collection leaves researchers to generate data based on available information, resulting in many small-scale, and regional studies, and the speculation of experts (Kumar & Tidey, 2020; Mahadevan, 2020; Tilley & Hopkins, 2008; Weber & Kruisbergen, 2019). These studies are quite useful, but they cannot paint a big picture of trends across a large area. The result has been a reliance on organized crime research on official data or interviews with public officials and, less often, on offenders and victims. Windle and Silke (2019) found

in their review of 160 published research articles on organized crime that “secondary analysis of open-access documents has overwhelmingly dominated the field” (p. 410). The reason for this situation, of course, is the lack of available funding in most locations around the world (including the US) to support original data collection on organized crime. This leaves researchers in the position of carrying-out small-scale empirical studies, or attempting larger studies based on existing data, usually using government sources for data.

The existing research on organized crime reveals that much attention is devoted to particular types of organized crime. This finding was empirically determined, after a review was undertaken (for this manuscript) of all the published articles (in English) in four research journals that focus primarily on organized crime issues, plus a broader search of journals indexed by EBSCO Academic Search Complete. Articles were evaluated for their central focus on specific types of organized crime activities (some articles focused on more than a single type). They are summarized in [Figure 1](#).

[Figure 1](#) indicates that 58 organized crime research articles were published in journals in 2019. These 58 articles focused on 11 different types of organized crime activity with racketeering/extortion being the most common and tobacco smuggling and retail theft the least. It is not surprising that so many articles focused on racketeering/extortion because the articles focused on how groups and networks organize, structure themselves, and operate. The remaining substantive crimes addressed in these various studies reveal that organized crime research is focused on a circumscribed list of offenses. The substantive crimes carried out vary widely across the six continents covered by these research studies

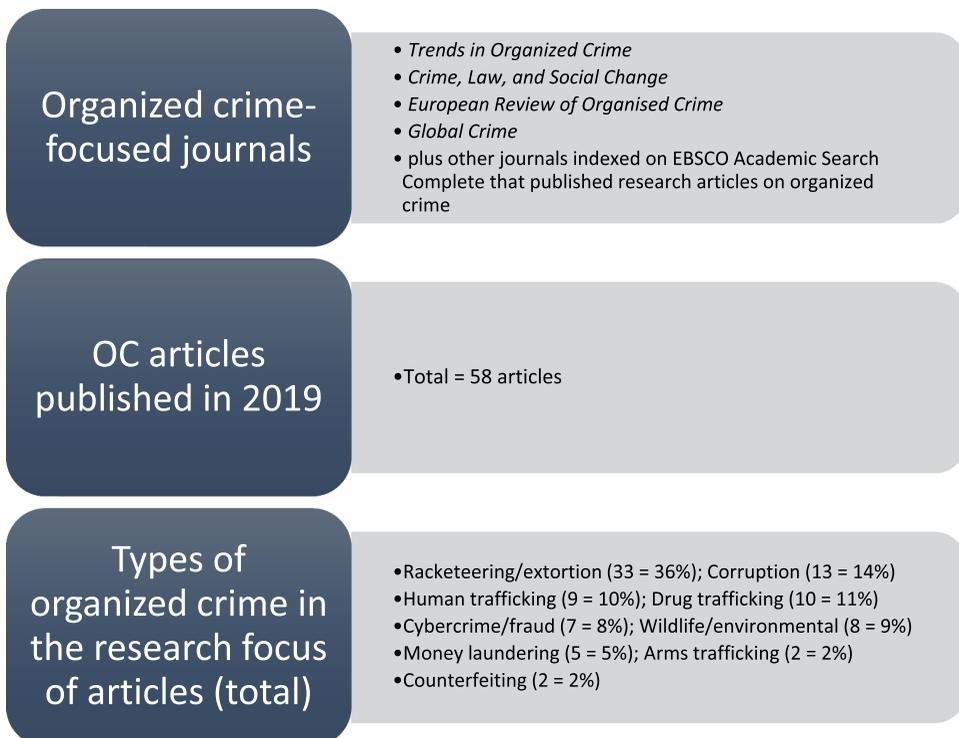


Figure 1. Types of organized crime found in research journals.

(the bulk of which are focused on a single country or region within a country). This summary paints a very broad picture of the nature of organized crime research published during 2019, understanding that some additional research articles may have appeared in other journals not indexed by the sources used.

The current study next attempted a large-scale examination of all organized crime criminal cases that occurred during 2019. These cases are empirically justified for inclusion in that they have all met a burden of proof (probable cause for arrest or indictment, and proof beyond reasonable doubt for conviction). Therefore, the cases in this sample reflect actual organized crime conduct, rather than opinions and speculations. Second, this study will compare its findings on the characteristics of specific cases to the nature of the research studies published in journals, and also the interviews and opinions with experts and others on the current state of organized crime.

Methods

This study is focused on determining the current characteristics of organized crime by evaluating actual criminal cases in which a burden of proof has been reached, which include organized crime as a central feature. Using the government's own classification in determining whether a case was related to organized crime, every press release issued by a U.S. Attorney's Office that contained anywhere the term "organized crime" was coded. This was a painstaking process that required a review of every document released that contained this phrase. Most of these documents reported on specific cases relevant to the current research. Others were announcements of new task forces, or other community or government initiatives that were excluded from this analysis. As a result, this sample includes only cases involving organized crime in some way that occurred over a single calendar year.

U.S. Attorney's Offices invariably issue a press release when an organized crime case results in an arrest, indictment, conviction, or sentence. Interviews with former career Department of Justice (DOJ) prosecutors confirmed that cases involving public corruption or organized crime result in wide dissemination (Albanese & Artello, 2019). This occurs for two primary reasons: the U.S. Department of Justice has specialized units dealing with organized crime, and there is great public interest in organized crime cases, so it provides the DOJ with an opportunity to demonstrate and publicize its work against organized crime.

Data are presented here to examine the extent to which research discussions about organized crime match the organized crimes found in practice. The U.S. government does not systematically make available charging documents, indictments, guilty pleas, or sentencing memos in systematic fashion. Details from available cases involving organized crime cannot be separated from other cases with any efficiency using government records. Similarly, news media reports are not comprehensive and their coverage varies widely around the country, making it an incomplete data source. The written releases from U.S. Attorney's Offices are a comprehensive alternative in that they include all organized crime cases, and they also include the names of principals in those cases. This enables the connecting of multiple defendants involved in a single criminal scheme, who are prosecuted, convicted, or sentenced at different times, avoiding double-counting.

There are 94 U.S. Attorney's Offices in the United States, distributed geographically across the country. Each office's output was reviewed for this study, resulting in 1,451 total reports involving organized crime cases identified in this analysis. The nature of the project is more complicated

than it appears, given that an arrest, indictment, conviction, or sentence might result in separate press releases on a single case at different stages of the criminal process. In addition, organized crime cases usually involve multiple defendants. The scope of this effort involved careful review of a large number of cases, the descriptions and multiple locations of the criminal operations, and the need to combine individual defendants into distinct criminal schemes. For example, 10 defendants might be charged, arrested, indicted, or convicted at different times, but the review of documents reveals they were part of a single criminal scheme. In these cases, we merged the documents that referred to the same case, but simply reported on different stages of criminal procedure. We were interested in distinct cases (organized crime events or incidents), rather than individual defendants.

Given the large number of cases, only those that occurred over a single calendar year (2019) were analyzed for this study. Therefore, the research design is cross-sectional, although it includes every organized crime case occurring over 12 months.

Findings

Organized crime cases were brought in nearly every U.S. region in 2019, but the cases are not evenly distributed. Some regions had very few cases, while others had large numbers. [Table 1](#) reveals that only 10 of the 94 federal judicial districts accounted for nearly half of all cases brought. In addition, the cases are not concentrated in large urban areas, as one might assume. Jurisdictions such as West Virginia, Western Pennsylvania, North Carolina, and New Hampshire were in the top 10 most active regions in generating organized crime cases. Therefore, factors other than urban environments play an important role in organized crime activity.

The cases discovered were at different stages of adjudication during 2019. Of the total 1,451 unique organized crime cases found during the calendar year, the vast majority were either indictments (formal charges) or sentences imposed (see [Figure 2](#)). Other cases were at the arrest stage, had resulted in convictions, or were awaiting adjudication or sentencing. By their nature, organized crime cases involve multiple defendants and victims, so it is common for a case to take several years from arrest through sentencing. The cross-sectional sample used here captures these cases at a single point in time, regardless of adjudication status. Other work on case trends over 30 years found that the federal government prosecutes two-thirds of investigative referrals in organized cases, and most

Table 1. Organized crime cases by federal district.

US district	Freq.	Percent
West Virginia-North	152	10.5
New York-South	101	7.0
Pennsylvania-West	94	6.5
North Carolina-East	55	3.8
New York-East	53	3.6
California-Central	52	3.6
Maryland	50	3.4
New Jersey	44	3.0
Massachusetts	40	2.8
New Hampshire	35	2.1
Total	676	46.6

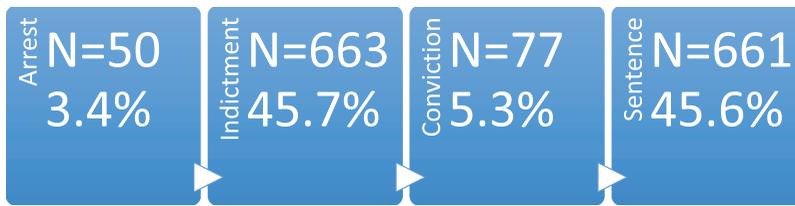


Figure 2. Organized crime cases by adjudication status.

of these adjudicated cases result in convictions (Artello & Albanese, 2019a). Once a case is initiated, therefore, it is likely to result in a successful prosecution.

Given the increasingly transnational nature of organized crime, an effort was made to determine the extent to which these cases, occurring in the US, had documented connections to other regions of the world. The connections usually involved the supply or demand for an illicit product or service. In other cases, the criminal scheme occurred on one continent with victims located elsewhere, or it moved transnationally.

As shown in Table 2, 17% of all cases (N = 241) prosecuted had proven connections outside the US. The largest percentage of cases (45.2%) involved North American connections outside the US (i.e., Mexico or Canada). The second largest group involved Central American countries (30.7%). These results are not surprising, because smuggling routes often take the closest, easiest, and most profitable path from supply to demand locations (Karson, 2014; Owens et al., 2014; Tinti, 2014; UNODC, 2018). Nevertheless, 13.7% of these cases that were prosecuted in the US had documented connections to Asia, and another 10.4% had connections to Europe, Africa, or the Middle East, illustrating the global reach of organized crime.

An important part of this project was to identify the nature of the organized crimes prosecuted, as a reflection of both their incidence and level of public/government concern. Table 3 summarizes the nature of the lead (primary) charges that resulted in prosecution. These charges are grouped into 10 substantive categories of illegal behavior. Drug trafficking was, by far, the most common charge (72.8%), followed by racketeering/extortion cases (13.3%). The other types of crimes occurred much less frequently, but there were significant numbers of cases involving human trafficking, fraud/counterfeiting, cybercrime, and money laundering.

Organized crime cases are often complex, because the offenses are occurring as part of an ongoing criminal enterprise. Therefore, multiple illicit activities often occur simultaneously and over time. Table 4 presents these data, illustrating that racketeering/extortion was the

Table 2. Transnational connections in organized crime cases.

Continents outside US	Number	Percent
North America	109	45.2
Central America	74	30.7
Asia	33	13.7
Eastern Europe	8	3.3
Africa	9	3.7
Middle East	4	1.7
Western Europe	4	1.7
Total	241	100

Table 3. Charges brought in US organized crime cases.

Lead Crime Type	Number	Percent
Drug trafficking	1,052	72.8
RICO/extortion/violence	192	13.3
Human trafficking	46	3.2
Fraud & counterfeit goods	39	2.7
Cybercrime	38	2.6
Money laundering	33	2.3
Corruption, bribery, obstruction	20	1.4
Firearms trafficking	14	1
Gambling bus./dog fighting	7	0.5
Wildlife, Environment crimes	5	0.3
Total	1,446	100

most common second- and third-level charge in organized crime cases. This finding indicates that the ongoing organization of the group or network behind the activity (racketeering) and the threats needed to enforce illicit authority and compliance (extortion) were also a focus of these organized crime prosecutions. In addition to prosecuting the substantive offense, it is clear that prosecutions also were directed at the organized crime group itself in operating an ongoing criminal enterprise.

It also is shown in [Table 4](#) that money laundering is a commonly charged second or third-level offense (ranked #2 and #3, respectively). This suggests the placing and moving the profits from illicit enterprises is a focus of organized crime prosecutions (when such evidence is available). Similarly, cybercrimes are the #3 and #4 most commonly charged offenses in cases involving multiple crimes, suggesting a significant role of illicit cyber activity in contemporary organized crime cases. When considering the range of organized crime offenses, this empirical examination is similar in result in the hypothesized spectrum of organized crimes (Holmes, 2016; Sergi, 2017; Wright, 2006). Therefore, the types of organized crime cases prosecuted in practice are similar in content to those included by authors writing on the subject.

The nature and size of organized crime groups prosecuted vary considerably. The average number of defendants per case was six, although cases ranged from one defendant to several hundred. Organized crime groups with specific names also were captured in this search. Groups identified by name appeared in 297 cases with a total of 179 distinct groups named in the more than 1,400 total prosecutions. [Table 5](#) identifies the top 14 groups identified by frequency of appearance in these criminal cases. These 14 groups include all those groups named in at least three criminal prosecutions, representing 41% of all groups identified by name during 2019.

Table 4. Second and third-level charges in organized crime cases.

Second & Third Level Charges	Number	Percent	2ndRank	3rdRank
Drug trafficking	16	17.6	3	2
RICO/extortion/violence	30	33	1	1
Human trafficking	6	6.6	6	5
Fraud & counterfeit goods	8	8.8	5	4
Cybercrime	13	14.3	4	3
Money laundering	13	14.3	2	3
Bribery, corruption, obstruction	2	2.2	8	6
Firearms trafficking	2	2.2	7	6
Gambling business/dog fighting	0	0	9	8
Wildlife, Environment crimes	1	1.1	10	7
Total	91	100		

Table 5. Organized crime groups named in criminal cases.

OC Groups & Gangs	N	% of all cases
Total groups identified	279	19.3%
Total different groups identified	179	
<i>Top 14 Groups Involved:</i>	<i>115 cases</i>	<i>41%</i>
MS-13 (La Mara Salvatrucha)	28	9.4
Greenway Boy Killas (GBK)	22	7.4
Gangster Disciples (GD)	9	3
Nine Trey Gangsters (Blood gang)	8	2.7
Almighty Latin Kings Nation	7	2.4
SCO gang	7	2.4
Kingsmen Motorcycle Club	6	2
Sinaloa Cartel, Mexico	5	1.7
Hillside Enterprise	5	1.7
Black P-Stones	4	1.4
Nuestra Familia prison gang	4	1.4
Trained to Go (TTG)	4	1.4
Murdaland mafia Piru Bloods gang	3	1
Colombo organized crime family	3	1

As [Table 5](#) illustrates, a number of street gangs and drug trafficking organizations are represented in the top 14 groups identified, reflecting the strong concentration of drug trafficking cases prosecuted. Many are groups with Mexican or Central American origins. Only one traditional mafia group was in the top 14 list. Of course, many organized crime operations do not have identifiable names or affiliations, but it can be seen that such affiliations existed in nearly 20% of all organized crime cases prosecuted.

Limitations

This study reviews one calendar year of organized crime prosecutions in the United States. The primary limitations of this work are two: cross-sectional design and official data source. This project examined all cases (1,451) prosecuted during calendar year 2019 in the US. In order to examine trends over time, it would be necessary to review cases over multiple years, which requires greater resources than are currently available. Such a multi-year perspective would also have to account for other longitudinal factors, such as changing federal prosecution priorities over time, world events (e.g., COVID-19, economic recessions), and related factors that might also influence prosecution trends. These factors are amorphous in that their role in the causal chain of events is difficult to assess.

It is noted, however, that an earlier examination of organized crime cases found no significant increases in prosecution referrals over time (Artello & Albanese, 2019). Therefore, there have not been wide fluctuations year-to-year in the US, although the total number of organized crime cases has declined over the last 30 years in favor of other prosecution targets. For example, immigration cases now comprise the largest percentage of federal criminal prosecutions in the United States, due to a recent surge in prosecuting these cases as crimes beginning in 2017 (TRAC, 2020; U.S. Sentencing Commission, 2020).

A second limitation is the use of official data. Government prosecutions against organized crime reflect its priorities, and not necessarily changes in the nature of organized crime itself. As noted earlier, however, Windle and Silke (2019) review of 160 published research articles on organized crime found that the vast majority relied on official data,

given the limits of funding, and the time and access required to conduct interviews of offenders, victims, or others.

Nevertheless, this study reflects the universe of organized crime cases prosecuted in the US over a full calendar year. This group of more than 1,400 cases reflects significant government investigative and prosecution effort against organized crime. It provides many insights into the nature of organized crime activity uncovered during this period.

Discussion & conclusions

A central aspect of the vast majority of organized crimes – financial gain – provides an anchor for directing future research and policy in the field in order to highlight the similarities, rather than the differences, among the various types of organized crime. Although white-collar financial crime often involves frauds in the legitimate sector to deceive victims, organized crime activities seek profit through provision of illicit goods and services for which the public is willing to pay (Friedrichs, 2010; Holmes, 2016; Marriott, 2020; Soltes, 2016). Therefore, the fraudulent methods and deviation from legitimate business activity, that characterize white-collar crimes, are replaced by trafficking and distribution of illicit products and services as part of an ongoing criminal enterprise that characterizes organized crime.

Comparing the current emphasis in organized crime research (see Figure 1) to actual cases prosecuted, there are both similarities and differences that emerge. The contemporary research literature focuses primarily on racketeering/extortion (36%), corruption (14%), human trafficking (10%) drug trafficking (11%), cybercrime/fraud (8%), and wildlife/environmental crimes (9%). Recent organized crime prosecutions, occurring during a similar timeframe, are dominated by drug trafficking, racketeering/extortion, human trafficking, fraud/counterfeit goods, cybercrime, and money laundering (see Tables 3 and 4). Therefore, research studies focus more on corruption and environmental crimes than do actual prosecutions, whereas criminal prosecutions focus on fraud/counterfeiting and money laundering more do than the research studies identified in this review.

On the other hand, both research and prosecution efforts devote significant effort to organized crime involving racketeering/extortion, human trafficking, and cybercrime, illustrating the dominance of these contemporary manifestations of organized crime. It remains to be seen whether actual prosecutions will follow the research lead to investigating corruption and environmental crimes (Chin & Murillo, 2020; Williams, 2019). In the same fashion, the future is uncertain whether more research will follow the prosecution focus on fraud/counterfeiting and money laundering offenses (see Jurva, 2018; Lallerstedt, 2018).

The differences between organized crime and white-collar crime are well documented, but their similar objectives often overlooked. This research offers insight into the nature of organized crime through an examination of a large number of prosecuted cases. The specific types of illicit activities, groups, and locations identified here offer insight into the nature of organized crime uncovered through prosecutions, how it is similar and different to the current research on the subject, and its similarity in motive to white-collar financial crimes. It is noteworthy that organized crime prosecutions are widely distributed geographically, and include many non-urban areas. In addition, most of the organized crime cases prosecuted occurred entirely within the US. It remains to be investigated whether this characterizes the true nature of organized crime activity occurring, or whether it reflects the difficulty in discovering and proving transnational crimes.

In a study of financing-related aspects of organized crime in 27 EU member states, it was found that “intelligence gathering by law enforcement agencies has typically been focused on identifying members of criminal groups and tracing illicit goods or services they sell, whereas their financial transactions have rarely been traced” (Center for the Study of Democracy, 2015, p. 419). An important finding of this research is how often the structure of an organized crime group or network is the focus of criminal prosecutions. This is revealed in the significant number of cases that involve prosecutions for racketeering/extortion, money laundering, and corruption – all crimes needed to *protect* an illicit enterprise and its profits, rather than as direct *income-producing* activity as an important source of revenue. It has also been observed that corruption “is one of the primary enabling activities” of organized crime that “make possible and/or facilitate the conduct” for the profit-making provision of illicit goods and services (Reed, 2009).

In 2011, The US National Security Council released its *Strategy to Combat Transnational Organized Crime*. Its recommended “priority actions” included two categories of substantive crimes: (1) disrupting drug trafficking due to its prevalence and high-level of profits which funds other criminal activities, and (2) protecting the financial system and strategic markets against transnational-organized crime. This emphasis included cybercrime, money laundering, and asset forfeiture (National Security Council, 2011). These two priority areas are clearly reflected in the prosecuted cases reported here with drug trafficking the most common substantive offense, and money laundering the most common second and third-level offense charged. Cybercrime cases closely followed money laundering as second and third-level charges. This finding suggests that public/government emphasis and attention given to specific types of crimes can result in shifting the targets of investigation and prosecutions. What remains to be seen is whether research findings can similarly be highlighted to draw attention to other kinds of serious organized crime that currently lack the same prosecution priority (i.e., corruption and environmental crimes).

The challenge for the future is to find ways to use more robustly funded research to highlight “emerging” or newly discovered crimes. A greater effort must then be made to disseminate these findings to a wider audience (that includes both the general public and government decision-makers) in an effort to move forward research findings about new kinds of criminal activity into public priorities that are acted upon, in order to reduce their incidence and harm. In this way, we can move away from finding the organized crime we’re looking for, to finding newly discovered types of organized crime identified as emerging threats.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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