The Causes of Organized Crime: Do Criminals Organize Around Opportunities for Crime or Do Criminal Opportunities Create New Offenders?

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The Causes of Organized Crime

Do Criminals Organize Around Opportunities for Crime or Do Criminal Opportunities Create New Offenders?

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This study examines the assumption that crime-prone individuals or organizations move to exploit changing criminal opportunities. A competing explanation holds that new criminal opportunities (e.g., Internet access, money laundering, political upheaval, etc.) provide motivation for individuals who formerly were not connected with criminal activity. Detailed case studies of organized crime groups and activities are used to examine the nexus between criminal opportunities and criminal groups. A model that employs both opportunity and offender-availability factors is proposed to predict the incidence of organized crime activity. Such a model also has implications for the extent to which law enforcement agencies and public policy should focus on surveillance of known criminal groups versus proactive strategies to reduce criminal opportunities that emerge from social and technological changes.

John “Junior” Gotti, 35-year-old son of the infamous John Gotti, was sentenced in 1999 to more than 6 years in prison for bribery, extortion, gambling, and fraud charges. Many of the charges stemmed from an extortion racket at a Manhattan topless club. Prosecutors claimed that Junior Gotti inherited a leadership position in the Gambino crime family in New York City, after his father received a life-in-prison sentence for racketeering and murder in 1992. The sentencing judge was amazed that Junior Gotti would repeat his father’s mistakes. “You know the toll that kind of behavior [by your father] took on the family and children. Yet the pattern, for reasons I’m

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unable to fathom, is duplicated” (Associated Press, 1999, p. 1). John “Junior” Gotti and his wife have four children, and his wife was pregnant with a fifth.

Do criminals organize around available opportunities for crime, as it appears in the case of the Gotti family, or do criminal opportunities create new offenders? It appears that examples of each of these types can be found, but it is important to know which is most common and under what circumstances they occur. Such knowledge would go a long way in plotting law enforcement strategy and public policy designed to control organized crime.

Six of the world’s largest manufacturers of vitamins agreed to pay more than $1 billion in 1999 to settle a class-action lawsuit claiming that the companies artificially raised the prices of vitamins by forming an international cartel that met in hotel rooms, sometimes under fictitious names. These meetings were designed to divide up the global vitamin market and keep the prices of vitamins artificially high. Two foreign executives were expected to serve jail sentences in the United States as part of the settlement in this case (Barboza, 1999; O’Donnell, 1999).

Is this a case of criminals searching for an opportunity or a criminal opportunity that was exploited by unscrupulous people? To make sense of these apparently disparate cases of crimes, criminals, and opportunities, it is necessary to be clear about three precursors: what constitutes organized crime, what constitutes an organized crime group, and what is a criminal opportunity.

**DEFINITION OF ORGANIZED CRIME**

Definitions of organized crime are numerous but often vague. The U.S. General Accounting Office, the investigative arm of Congress, concluded years ago that the absence of a consensus in the U.S. Justice Department about the fundamental definition of organized crime has hampered the potential success of crime control programs designed to combat it (U.S. Comptroller General, 1977). The President’s Commission on Organized Crime (1987), appointed by Ronald Reagan, also did not offer any clear definition of organized crime. Rather, it described a series of characteristics of “criminal groups,” “protectors,” and “specialist support” necessary for organized crime (President’s Commission on Organized Crime, 1987). This apparent confusion over what constitutes organized crime is puzzling, given the long history of interest in the subject. Key words such as *mafia, mob, syndicate, gang*, and *outfit* are often used to characterize it, but the precise meaning of these terms is often lost in discussions of the appearances and earmarks of organized crime.

There appear to be as many descriptions of organized crime as there are authors. An analysis by Frank Hagan (1983) attempted to elicit common elements of the various descriptions of organized crime. After discovering that
many books failed to provide explicit definitions of organized crime, he found that definitions had been offered by 13 different authors in books and government reports about organized crime written during the previous 15 years (Hagan, 1983). I have updated Hagan’s analysis with several authors who have attempted to define organized crime more recently. This is summarized in Table 1.

The good news is that there is an emerging consensus about what actually constitutes organized crime. The bad news is that 11 different aspects of organized crime have been included in the definitions by the various authors, but few were mentioned often.

The consensus of investigators focuses on four primary elements: a continuing organization, an organization that operates rationally for profit, the use of force or threats, and the need for corruption to maintain immunity from law enforcement. There is considerably less consensus about public demand for the service, monopoly control, restrictions on membership, ideology, specialization, secrecy, and the extent of planning (Maltz, 1985).

It appears that a definition of organized crime, based on a consensus of writers over the course of the past three decades, would read as follows: Organized crime is a continuing criminal enterprise that rationally works to profit from illicit activities; its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials.

There are, of course, some confounding factors to be addressed. That is, how does an otherwise legitimate corporation, such as the vitamin makers in the example noted above, fit into this definition? What about a licensed massage parlor that also offers sex for money to some customers? As many investigators have recognized, perhaps organized crime does not exist as an ideal type, but rather as a degree of criminal activity or as a point on the spectrum of legitimacy (Albanese, 1982; Martin, 1981; Sacco, 1986; Smith, 1980). That is to say, is not the fundamental difference between loan-sharking and a legitimate loan, the interest rate charged (within or in excess of the legal limit)? Is not the important difference between criminal and noncriminal distribution of narcotics whether or not the distributor is licensed (i.e., doctor or pharmacist) or unlicensed by the state? Organized crime, therefore, is actually a type of a larger category of behavior that may be called organizational crime.

It is apparent that crimes by corporations during the course of business, or crimes by politicians or government agencies, can also be considered part of organized crime. For example, official misconduct by government officials, obstruction of justice, and commercial bribery are all types of organized criminal behavior. If they fulfill the requirements of the definition above, they constitute a part of what is known as organized crime. As the U.S. National Advisory Committee on Criminal Justice Standards and Goals (1976) has recognized, there are more similarities than differences between organized
and the so-called white-collar crimes: "Accordingly, the perpetrators of organized crime may include corrupt business executives, members of the professions, public officials, or members of any other occupational group, in addition to the conventional racketeer element" (p. 213). Therefore, any distinction between organized and white-collar crime may be artificial inasmuch as both involve the important elements of organization (i.e., multiple participants), rational criminal motive, and the use of corruption and/or violence to maintain immunity.

**DEFINITION OF ORGANIZED CRIME GROUP**

An organized crime group need not be large to achieve this status. Two or more participants suffice, and it is not necessary for these participants to be part of a preexisting organized crime group. Therefore, a conspiracy within or by a corporation is part of organized crime when it fulfills the other elements of the definition explained above. Likewise, crime can be organized (such as instances of illegal immigrant smuggling into other countries) without being part of a larger criminal group enterprise (Chin, 1996).

Organized crime groups are not necessarily culturally driven, as was the case with the traditional Mafia, in which associations existed that performed both legal and illegal functions. Organized crime groups may also be product driven, as has been seen in the case of some illegal narcotics distributors, such as Jamaican posses, who appear to organize simply to commit the crimes and have little or no group loyalty (Albanese, 1996, chap. 7).
The President's Commission on Organized Crime (1987) described organized crime as 11 different groups:

- La Cosa Nostra (Italian),
- outlaw motorcycle gangs,
- prison gangs,
- Triads and Tongs (Chinese),
- Vietnamese gangs,
- Yakuza (Japanese),
- Marielitos (Cuban),
- Colombian cocaine rings,
- Irish organized crime,
- Russian organized crime, and
- Canadian organized crime.

This curious mixture includes groups defined in terms of ethnic or national origin, those defined by the nature of their activity (i.e., cocaine rings), those defined by their geographic origin (i.e., prison gangs), and those defined by their means of transportation (i.e., motorcycle gangs). Such a haphazard approach to defining and describing organized crime does little to help make sense of its causes, current events, or how policies against organized crime should be directed.

There is even evidence, as both the President's Commission and independent researchers have pointed out, that these groups and others (such as Jewish gangs) have worked with each other in the past and continue to do so in the present. As a consequence, ethnicity is not a very powerful explanation for the existence of organized crime due to the large number of ethnic groups involved, their interaction with each other in criminal undertakings, and the fact that ethnicity is probably no more a causal factor than are motorcycles. This has been called "the ethnicity trap" (Albanese, 1996). Biographical attributes, like methods of transportation, may help to describe a particular person or group, but they do little to explain that person's or group's behavior (especially when compared to other members of that ethnic group who do not engage in organized crime activity).

A look at several investigations of ethnically based organized crime reveals why it is a weak descriptor. In addition to the fact that no single or multiple ethnic combination accounts for organized crime, ethnicity also has been found to be secondary to local criminal opportunities in explaining organized crime. A study of the early 20th-century illicit cocaine trade in New York by historian Alan Block (1979) found major players with Jewish backgrounds, but also "notable is the evidence of interethnic cooperation" between New York's criminals. He found evidence in Italian, Greek, Irish, and Black in-
volvement of people who did not always work within their own ethnic group. Instead, he found these criminals to be “in reality criminal justice entrepre-
neurs” whose criminal careers were not within a particular organization but were involved in a “web of small but efficient organizations” (Block, 1979, p. 95).

An ethnography of the underground drug market by Patricia Adler (1985) in “Southwest County” found the market to be “largely competitive” rather than “visibly structured.” She found that participants “entered the market, transacted their deals, [and] shifted from one type of activity to another,” responding to the demands of the market rather than through ethnic structures or concerns (Adler, 1985, p. 80).

Similarly, a study of illegal gambling and loan-sharking by Peter Reuter (1983) in New York found that economic considerations dictated entry and exit from the illicit marketplace. He found that the criminal enterprises he studied in three areas to be “not monopolies in the classic sense or subject to control by some external organization” (Reuter, 1983, pp. 175-176). Like the other investigations of organized crime groups, Reuter found that local mar-
ket forces shaped the criminal behavior more so than ethnic ties or other char-
acteristics of the criminal groups.

DEFINITION OF CRIMINAL OPPORTUNITY

Criminal opportunities are of two types: those that provide easy access to illicit funds without incurring high risk and those that are created by moti-
vated offenders. The easy-access type includes the traditional provision of illicit goods and services that are in high public demand: gambling, pornog-
raphy, and narcotics. Added to these are new criminal opportunities that are made possible by social or technological change. These would include misuse of the Internet, cell phones, and companies or banks for money launder-
ing, among others. The precise type of crime or product is not as important as the use of illegal means for its use, acquisition, or exploitation.

Those criminal opportunities that are created by offenders often involve bribery or extortion. Examples would include protection rackets and schemes to defraud that involve the manufacture of a criminal opportunity in an other-
wise legitimate business enterprise.

MODEL AND METHOD

To examine the relationship between organized crimes, groups, and oppor-
tunities, a model is proposed here that will be applied against several case studies of organized crime to assess its power. It is hypothesized that three major elements are important to predicting the incidence of organized crime:
opportunity factors, the criminal environment, and the skills or access required to carry out the criminal activity. The model builds on earlier work in this area by further specifying the circumstances under which organized crime thrives (Albanese, 1995). Figure 1 summarizes this relationship.

As Figure 1 illustrates, opportunity factors consist of five major types. These include economic conditions, government regulation, enforcement effectiveness, demand for a product or service, and new product or service opportunities that are created by social or technological changes or by the criminal group itself. The criminal environment is assessed by the extent to which individual offenders and preexisting crime groups are available to exploit these opportunities. Third, technical, language, special access skills, or connections (with other criminals or crime groups) are needed to accomplish certain types of organized crime activity (e.g., narcotics importation requires a manufacturing and distribution capability). This three-factor model (composed of eight different variables) is designed to quantify the relationships among opportunity, criminals, and skills to predict the incidence of organized crime in various markets. It is assumed that a separate version of this model will be needed for each type of criminal activity. This is because the opportunity, criminal environment, and skills required are likely to be different for various types of organized crime, such as narcotics distribution, human smuggling, money laundering, stolen cars, and so on.

Due to the lack of systematic data on the nature and incidence of organized crime, researchers must be resourceful in obtaining means to test models and hypotheses (Reuter & Petrie, 1999). The use of detailed case studies is one way to learn about how past cases of organized crime activity reflected factors in a proposed model. There are, of course, limitations of such a method. These include representativeness (past cases may not reflect what occurs in undetected activity), generalizability (organization of human smuggling in one location may be different in another location), and measurement (the factors above are not easily measured or quantified). Although these limitations are significant, the use of case studies to predict important factors in the genesis of organized crime may form the basis for future validation efforts. In addition, even a model with relatively low predictive efficiency can be useful in case screening for police and in estimating the true extent of organized crime in various markets (Albanese, 1995).

**TESTING THE MODEL**

Five recent case studies of organized crime were selected for application to the proposed model. They were selected because they are recent, focus on different kinds of offenses, and were conducted in different locations. Each
Opportunity Factors

1. Economic conditions  
2. Government regulation  
3. Enforcement effectiveness  
4. Demand for a product/service  
5. Creation of new product/service market via technological or social change.

Criminal Environment

6. Pre-existing criminals in product/service market?  
7. Pre-existing criminal groups in product/service market?

Special Skills or Access Needed to Carry Out Activity

8. Technical or language skills, connections with other criminals or groups, or special opportunity access.

Prediction of Organized Crime Activity

a. Separate estimation for each specific product or service (based on the extent to which each factor above is present).  
b. Estimate of harm.

Figure 1: Model of Criminal Opportunity—Organized Crime Group Interaction
case study was reviewed and the presence or absence of each variable in the model was evaluated, based on the observations of the authors of the studies. A summary of this analysis is presented in Table 2.

As Table 2 indicates, Gary Potter (1994) conducted a study in an unidentified U.S. city he called “Morrisburg.” Illegal gambling was identified as the central organized crime activity, followed by drug sales and prostitution. Morrisburg is an economically depressed area with high unemployment. The laws are in place to prohibit the illicit activities, but authorities were found to be indifferent toward enforcement. The high demand for this vice activity remains high, and there have been no major changes to this market. Potter found that there is a tradition of organized vice and corruption in Morrisburg and that this activity was operated primarily by three separate organized crime groups. The groups endured over the years due to the need for an organization to operate the illegal gambling activity and provide lay-off and banking services for bookies taking bets. The Gianellis (the largest of the three organized crime groups) were “able to provide their associates with a full range of banking and money-laundering services plus political protection through a highly structured payoff system that, over the years, has simply become part of the normal way of doing business in ‘Morrisburg’” (Potter, 1994, pp. 74-75). Six of the eight factors of the prediction model (see Table 2) are present in Morrisburg, suggesting a high probability of widespread illegal gambling in this market.

Ko-lin Chin (1996) conducted a study of Chinese gangs in New York City’s Chinatown. A significant focus of his study was on the extortion of Chinese-owned businesses. He found this to be a common and long-standing practice—nearly 70% of businesses in Chinatown had been approached by gangs for money, goods, or services (Chin, 1996, p. 40). He found that most victims were extorted three or four times per year. The businesses received a benefit from paying off gangs because this protected them from being shaken down by other individuals and gangs. Chin (1996) found that “most Chinese business owners comply with gang extortion demands because such practices are considered consistent with Chinese customs and not worth resisting. Businesspeople are generally willing to pay the gangs some money to avoid further, more significant problems” (p. 97). The gangs were exclusively Chinese (they spoke Cantonese 89% of the time), and their common heritage was central to the extortion efforts. For example, gangs often exploited the Chinese custom of lucky money, in which money is given away on holidays such as the Chinese New Year. These circumstances result in five of the eight factors in the organized crime prediction model (see Table 2) being present. This suggests a high probability of continued organized crime activity in New York City’s Chinatown.
<table>
<thead>
<tr>
<th>Focus of Study</th>
<th>Local, Indigenous</th>
<th>Indigenous and Immigrant</th>
<th>Societal Emigres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Morrisburg, United States</td>
<td>New York City (Brooklyn)</td>
<td>The Netherlands</td>
</tr>
<tr>
<td>Nature of primary crime</td>
<td>Illegal gambling (drugs, prostitution)</td>
<td>High unemployment</td>
<td>Economic hardship in former USSR</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Reporting to police unlikely</td>
<td>Authorities indifferent</td>
<td>Long paper trail making enforcement difficult</td>
</tr>
<tr>
<td>Government regulation of law</td>
<td>Laws in place</td>
<td>Laws in place</td>
<td>Officer ownership in red-light areas</td>
</tr>
<tr>
<td>Security of materials</td>
<td>Weak</td>
<td>Weak</td>
<td>Security of materials</td>
</tr>
<tr>
<td>Reporting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demand</td>
<td>New opportunities</td>
<td>Individual offenders</td>
<td>Organized crime groups</td>
</tr>
<tr>
<td>--------</td>
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<td>----------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Demand for vices high(^a)</td>
<td>Unchanged market</td>
<td>Local tradition of organized vice activity(^a)</td>
<td>Three primary organized crime groups in control(^a)</td>
</tr>
<tr>
<td>Long tradition of business extortion(^a)</td>
<td>Unchanged market</td>
<td>Gangs dominate over individual extortion</td>
<td>Preexisting gangs(^a)</td>
</tr>
<tr>
<td>Demand for nuclear materials not high</td>
<td>Lax oversight due to political upheaval(^a)</td>
<td>Insiders are likely offenders(^a)</td>
<td>Fluid networks not organized crime groups</td>
</tr>
<tr>
<td>Demand for vices high(^a)</td>
<td>Traditional market</td>
<td>Individual entrepreneurs</td>
<td>No sign of organized crime group control</td>
</tr>
<tr>
<td>Crimes against government tax laws</td>
<td>Market expands by state law changes(^a)</td>
<td>Expectation of government corruption, smuggling(^a)</td>
<td>As competitors only</td>
</tr>
</tbody>
</table>

\(^a\) The superscripts indicate positive factors of the prediction model.
Rensselaer Lee (1997) studied the incidence of smuggling of nuclear materials out of Russia after the collapse of the Soviet Union. Severe economic hardship, insiders in both government and the nuclear industry, and few international smuggling agreements between the new republics combine to make nuclear smuggling a potential threat. This is counteracted by an uncertain international market for this material (most of it possesses little military significance) and the need for special access to obtain it. Although there have been a number of thefts of nuclear materials, the author found “only one case of an organized crime connection to radioactive smuggling” (p. 111). The continued lax oversight of this market, however, could produce significant organized crime activity in the future (six of eight prediction factors in the model are indicated, suggesting that it is at high risk for organized crime activity).

Fijnaut, Bovenkerk, Bruinsma, and van de Bunt (1998) conducted a comprehensive study of organized crime in the Netherlands. The purpose of the study was to provide an assessment of the nature, seriousness, and scale of organized crime in the country and the effectiveness of investigative methods. It was found that organized crime in the Netherlands was “mainly confined to the traditional illegal supply of certain goods and services—the list being headed by drugs followed by arms and women—and financial and economic fraud” (Fijnaut et al., 1998, p. 203). Although no criminal groups were found to have gained control by infiltrating legitimate business, they found that a significant amount of property is owned by criminal groups in the Red Light District in Amsterdam, which is “cause for great concern” (Fijnaut et al., 1998, p. 204). The continued high demand for the vices is reason for caution, but the strong economy in the Netherlands and the lack of an existing significant presence of organized crime groups make the risk low (three of eight possible factors) according to the prediction model (Table 2).

A study by Finckenauer and Waring (1998) of Soviet émigré crime in New York City found fraud to be the most common offense (especially fuel tax evasion). The opportunity factors for this offense are few. Economic conditions for these recent immigrants are generally good, laws are in place to prohibit the behavior in question, the demand for fuel tax evasion is low (because this is a crime against government tax laws), and it does not represent a particularly new opportunity. On the other hand, the complicated paper trail from wholesaler to retail outlet makes enforcement of existing tax laws difficult. With regard to the criminal environment, there was found to be an expectation of government corruption with long-standing practices of smuggling activity in the former Soviet Union by many Soviet émigrés to the United States. Finckenauer and Waring did not find preexisting Soviet organized crime groups in their study, however. Few technical skills are needed to carry out the activity, many of the Soviet émigrés could speak English, and connec-
tions with other criminal groups were incidental rather than part of the fuel tax conspiracy. In sum, Soviet émigré organized crime in New York City fulfilled only three of the eight variables in the model, suggesting that its incidence is low. In a survey that was part of their study, Finckenauer and Waring found little first-hand experience with Soviet organized crime of any sort. More importantly, they found that the fuel frauds “do not demonstrate that the involved individuals had a sophisticated criminal organization with dominating harm capacity.” They found there to be a significant difference between “the repeated involvement of specific individuals and the repeated involvement of a single criminal organization or network in a range of criminal enterprises” (p. 241). They concluded that “the facts do not support the proposition that Soviet émigrés currently constitute an organized crime threat to the United States” (p. 254). This conclusion concurs with the prediction of the proposed model in Table 2, which indicates that there are relatively few opportunity, criminal, and skills factors present in the case of fuel fraud.

CONCLUSIONS

This study is a preliminary effort to develop a prediction model that specifies the relationship between criminal opportunities, the criminal (offender) environment, and the skills required to carry out organized crime activity. An effort was made to assess this model through the application of five recent case studies of organized crime in different geographic areas and focusing on different crimes. A few conclusions can be drawn:

- The model shows some ability to distinguish between high-incidence and low-incidence forms of organized crime (by jurisdiction). It will be necessary to develop better indicators to more accurately measure the presence or absence of the variables in the model in order to make more sophisticated predictions.
- The unit of analysis in organized crime studies varies considerably. Some focus on the type of crime activity, others on particular organized crime groups, and still others on a geographic area. Such differences in unit of analysis may obscure facts due to the perspective taken by the researcher.
- Additional case studies of organized crime will be needed that aim to measure its nature and environment with greater precision in order to develop further the model proposed here.
- It is likely that the model would have to be applied to each specific type of crime in each specific geographic area to be useful. This is because the opportunities, offenders, and skills required will likely vary for each kind of offense and in each jurisdiction. Economic conditions, government regulation, enforcement capabilities, demand for products and services, new opportunities for crime,
and the available skills and motivated offenders will be different for every offense and between jurisdictions.

- There is a need to be sensitive to changes over time in both the type of illicit activity and the areas where it occurs because of changes in social conditions, technology, and government policies.
- The model may have utility as a screening device to assess which jurisdictions and potential criminal markets (e.g., drugs, tax fraud, gambling, etc.) are most prone to exploitation. This may be useful in the future in allocating police and other government resources toward areas that are identified to be at greatest risk of organized crime infiltration.

REFERENCES


Jay S. Albanese is a professor and chair of the Department of Criminal Justice at Virginia Commonwealth University. He holds a Ph.D. from Rutgers University. He is the author of Criminal Justice (2000), Organized Crime in America (3rd ed., 1996), and White Collar Crime in America (1995). He served as the interim research director to the National White Collar Crime Center from 1998 to 1999, and he is the author of articles on the interrelationship between casino gambling, law enforcement, and crime. He is a past president of the Academy of Criminal Justice Sciences.