

The Application of the Framework of Situational Crime Prevention to ‘Organized Crime’

by Klaus von Lampe

[published in *Criminology & Criminal Justice* 11(2), 2011, 145-163]

Abstract: This essay and review examines to what extent the conceptual framework of Situational Crime Prevention can be meaningfully applied to the phenomena variously labelled ‘organized crime’. Several approaches are identified which in different respects imply modifications to the situational framework in order to accommodate assumed specificities of ‘organized crime’, including ‘organized’ criminal activities transcending space and time, and ‘organized’ criminals being capable of selecting and shaping crime settings. It is argued that while a situational approach to the study of ‘organized crime’ is useful in some respects, in other respects the conceptual framework of Situational Crime Prevention needs to be modified to a point where its universal applicability is called into question.

The Application of the Framework of Situational Crime Prevention to ‘Organized Crime’

Introduction

Much of the public debate on ‘organized crime’ has been focused on reactive measures (Fijnaut & Paoli, 2004), making repression the hallmark of what has been called the “politicization of organized crime” (Hobbs, 2001: 549). However, there is also a strong current in the organized crime discourse advocating proactive measures as adequate tools, similar to the broad and growing criminal policy movement which seeks to prevent rather than combat crime wherever possible. In the European Union, at least on the rhetorical level, the prevention of organized crime has even moved to the top of the political agenda since the Tampere summit meeting in 1999 (Elvins, 2003). In the academic literature, as well, there is a growing concern with preventing ‘organized crime’. Two lines of thought have become discernible, one dealing with early warning mechanisms and risk assessment (see e.g. Black, Vander Beken & De Ruyver, 2000), the other with transferring the ideas of Situational Crime Prevention to the area of ‘organized crime’ (see e.g. Van de Bunt & Van der Schoot, 2003). However, it has proven difficult to apply frameworks either developed for tackling military and business problems, as in the case of risk and threat assessments, or for addressing everyday property and violent crimes, as in the case of Situational Crime Prevention, to the phenomena variously labelled ‘organized crime’. Often enough, the applicability of these frameworks is achieved only in rhetoric and only at the expense of conceptual clarity, leaving

crucial questions unanswered. This paper deals with one such question, one relating not to risk and threat assessments, but to the situational prevention of organized crime: What is the 'situation', the situational context of 'organized crime'? It would seem that for efforts to apply the conceptual framework of Situational Crime Prevention to 'organized crime', this question is the natural starting point.

The purpose of this paper is to systematize existing notions about the situational prevention of 'organized crime' and to examine to what extent the framework of Situational Crime Prevention needs to be adjusted and modified. While most notably an extension and re-formulation of the frame of reference of Situational Crime Prevention has been advocated to include political-economic and cultural contingencies of the crime situation (Edwards & Levi, 2008), this paper is primarily concerned with modifications within the traditional situational framework.

The underlying assumption is that looking at the situational opportunity structure of crime generally provides a meaningful perspective for analysis and prevention but that it is an open question to what degree this is true for 'organized crime'. Notwithstanding the fact that 'organized crime' is an elusive concept which is "notoriously resistant to definition" (Naylor, 2003: 82), it points to manifestations of crime that may well differ from 'traditional crime' or 'non-organized crime' in certain respects that affect the applicability of situational prevention measures. The modest ambition behind this paper does not go much beyond pointing out these differences in a systematic fashion. What cannot be expected from this discussion is a consistent framework for the situational prevention of 'organized crime'. The underlying phenomena that need to be considered are simply too diverse and distinct so that it would be impossible to comply with the imperative of situational prevention to be crime specific (Cornish & Clarke, 1986; Clarke & Brown, 2003).

This paper is divided into three main parts. First, it briefly summarizes the conceptual and theoretical framework of Situational Crime Prevention. Second, against the background of the

confusion surrounding the concept of 'organized crime', it reviews existing approaches to the situational analysis of 'organized crime'. And third, it outlines deficiencies in the conceptual and theoretical framework of the situational context of 'organized crime'. It is argued that a situational approach to the study of 'organized crime' is useful in some respects, while in other respects the conceptual framework of Situational Crime Prevention needs to be modified to a point where its applicability is called into question.

The Conceptual Framework of Situational Crime Prevention

The original concept of the crime 'situation'

Situational Crime Prevention is often understood more as a perspective, a pragmatic approach to dealing with crime problems, rather than a criminological theory. Still, there are certain assumptions and propositions defining this perspective which provide a coherent conceptual and theoretical frame of reference for the analysis of criminal behaviour. Drawing on Routine Activity Theory and Rational Choice Theory, crime is seen as the result of the convergence in time and space of three factors: a motivated offender, a suitable target and the absence of persons in a position to intervene, directly or indirectly, with a criminal event (Cohen & Felson, 1979; Clarke & Eck, 2005). The motivated offender in this 'crime triangle' is assumed to be a "reasoning criminal" (Cornish & Clarke, 1986) who, while encountering crime opportunities in the course of day-to-day activities, takes into account the specifics of a given situation, and makes decisions on whether or not to actually commit a crime based on a cost-benefit analysis. By changing the situational circumstances in a way that the costs of crime increase, and the benefits from crime decrease, it is possible, the assumption goes, to influence the criminal decision-making process and to prevent crime (Cornish & Clarke, 1986; Clarke, 1997).

Recent emphasis on the social dimension of crime “situations”

Over time this basic framework has been developed further with respect to both the physical and the social dimension of crime settings. One of the elements added to the model are so-called facilitators supporting the motivated offender in overcoming obstacles. “Crime facilitators”, as originally understood by Ronald Clarke, are physical components of a crime situation which from a functional perspective are “the essential tools for particular forms of crime”, comprising, for example, automobiles, credit cards and weapons, but also “disinhibitors” such as alcohol or other drugs (Clarke, 1997: 12). Later, the concept of facilitators has been broadened beyond the physical setting to also include persons in various roles (see e.g. Clarke & Eck, 2005), in line with a general trend in the Situational Crime Prevention literature towards paying more attention to the social dimension of crime settings. In the latest version, “social facilitators” are described as persons who “stimulate crime or disorder by enhancing rewards from crime, legitimating excuses to offend, or by encouraging offending” (Clarke & Eck, 2005: 66). These persons, while not necessarily associated with the offender, tend to take the side of the offender in a crime setting. One example Clarke and Eck give is that of groups of young men who provide the social atmosphere for encouraging rowdy behaviour at sporting events (Clarke & Eck, 2005, 66).

The counterparts to “social facilitators” are individuals who by their mere presence or by intervening directly or indirectly in a situation, function as “discouragers” or “preventers” of crime (Felson, 1995; Ekblom, 2003). Marcus Felson (1995) has categorized “those who discourage crime” with respect to the reference point of their responsibility to oppose criminal behaviour. Discouragers of crime, according to Felson, bear some degree of responsibility for either the location of the target, the target itself or the potential offender. Accordingly, he identifies three distinct roles: 1.) “place managers” with responsibility for the premises on which a crime may occur, 2.) “guardians” who are responsible for a potential crime target,

and 3.) “handlers” of an individual who may be motivated to offend. Discouragers of crime, in Felson’s classification, also vary in the effectiveness of their crime-preventive role, depending on the closeness of their respective link to places, targets and offenders. In general, Felson argues, crime is most readily discouraged when people have personal or assigned responsibility and a clear focus on places or settings. In modern society, Felson observes, this is the exception rather than the rule. He sees crime prevention depending primarily on diffuse and general responsibility of bystanders (Felson, 1995). However, despite the limited confidence he appears to have in the effectiveness of the general public as discouragers of crime, it seems that to Felson the ideal-typical crime setting remains the ‘dark alley’ where the motivated offender encounters a suitable target in an otherwise unpopulated location (Felson, 2002: 32).

Transferring the Situational Perspective to ‘Organized Crime’

The concept of ‘organized crime’

Various attempts have been made to transfer the conceptual framework of Situational Crime Prevention to ‘organized crime’, partly with a view to developing strategies for preventing ‘organized crime’, partly with a view to adjusting the conceptual framework to the peculiarities of ‘organized crime’. This literature, unsurprisingly, lacks common grounds given the lack of a common understanding of ‘organized crime’.

The term ‘organized crime’ refers to “a diverse and analytically distinct range of actors, activities and harmful consequences” (Edwards & Levi, 2008: 364). Different schools of thought have emerged over the past 40-50 years on how to conceptualize these phenomena. One key question has been whether to take “structures of activity or structures of association” as the focal concern (Cohen, 1977: 98). Against the framing of “organized crime” in terms of

criminal organizations, Joe Albin has advocated an approach which takes criminal groups as dynamic entities. He suggested “that the description of a criminal group be based upon the nature of a specific criminal act which it has committed at any given time, not on the basis of its possession of certain traits” (Albin, 1971: 49). The emphasis on “organizing crime” (Block & Chambliss, 1981) rather than ‘organized crime’ has found a strong following in the academic literature (see e.g. Van Duyne, 1996; Cornish & Clarke, 2002; Levi, 2007; Edwards & Levi, 2008). However, there also remains an empirical and theoretical justification for a focus centred on criminal organization in terms of distinct entities where ‘organized crime’ refers to forms of governance within criminal milieus, marginalized neighbourhoods or larger territories where government institutions for various reasons fail to provide regulatory functions (Gambetta, 1993; Hobbs, 2001; Skaperdas, 2001). In this thematic context, durability and the resulting “capacity for credible threats of violence over a long period of time,” appear to be defining characteristics of criminal groups (Reuter, 1994: 96); characteristics which do not necessarily only develop along with the emergence of a particular criminal organization, but one which may also come as an opportunity for organizations that have come into existence for other reasons (Hartmann & von Lampe, 2008; Skaperdas, 2001). In fact, it seems to be an oversimplification to assume that criminal organization is merely a response to the specific logistical needs of particular criminal endeavours. Other needs such as those for solidarity, status and ideology may also play a role (Best & Luckenbill, 1994). Because of the difficulties in capturing these diverse aspects within one analytical framework, and also because of the cliché imagery associated with it, there has long been a tendency to dismiss the concept of ‘organized crime’ (Van Duyne, 1996: 53). Still, the term has shown remarkable resilience and continues to serve as a sort of ‘rallying point’ for scholarly debates, including the debate on the expansion of the frame of reference of Situational Crime Prevention to a broader range of crime phenomena. It is in reference to this latter literature

that this paper discusses the situational prevention of ‘organized crime’, not on the basis of a particular notion of ‘organized crime’ as an analytical category.

Existing approaches to the situational prevention of ‘organized crime’

There is a growing body of literature connecting Situational Crime Prevention and ‘organized crime’. From the rational choice perspective, it has been argued, this connection is obvious as “organized crime ... is rational crime par excellence” (Cornish & Clarke, 2002: 41).

Transferring the framework of Situational Crime Prevention with its conceptual centrepiece, the ‘crime triangle’, however, has proven to be more difficult, with conceptual adjustments being suggested in one or the other direction.

One simple and straightforward approach is to draw a connection between ‘normal crime’ - where Situational Crime Prevention has successfully been tried and tested - and ‘organized crime’, by emphasizing a partial overlap of both spheres. Along these lines, Hicks (1998) has argued that there is an “instrumental fusion between organized and traditional criminal activity” (Hicks, 1998: 331), and that “organized criminal associations... evolve and are supported through a process of individual or group engagement in less serious forms of crime before engaging in (directly or indirectly), or being recruited into, more serious forms of organized criminal activity” (Hicks, 1998: 332). Accordingly, looking at the ‘normal’ crime element through the ‘situational lens’ is all that is required to effectively apply the framework of Situational Crime Prevention to ‘organized crime’. In a similar vein, Bouloukos, Farrell and Laycock (2003: 187) have pointed to possible spill-over effects of general crime prevention measures that help reduce opportunities for ‘organized crime’. They have argued that Situational Crime Prevention “from one perspective (...) already operates as an approach to the prevention of transnational organised crime, and has already demonstrated its efficacy”. However, they caution “that it might be more effective if applied more formally and systematically” (Bouloukos et al., 2003: 185).

Other approaches likewise apply to criminal activities, the ‘organization of crime’, rather than to any other dimension of ‘organized crime’, yet in contrast to the perspective provided by Hicks and Bouloukos et al., they are based on the notion that there are inherent differences between ‘non-organized crimes’ and ‘organized crimes’ which needed to be taken into consideration when applying the conceptual framework of Situational Crime Prevention. A cautious departure from the original situational model is to conceptualize ‘organized’ criminal activity in terms of sets of criminal events. One problem that has become apparent in the past is that certain crime events, including those connected with ‘organized crime’, such as the trafficking in stolen motor vehicles or the distribution of contraband cigarettes, cannot be reduced, analytically, to one particular point in time and space. To capture the complexity of criminal activities of that nature, Derek Cornish has added the concept of “crime-commission scripts” to the conceptual tool kit of Situational Crime Prevention (Cornish, 1994; Cornish & Clarke, 2002). Scripts are “hypothesized knowledge structures” by which individuals are guided in routinized, yet inherently flexible goal-oriented behaviour through a sequence of steps or sub-goals (Cornish, 1994: 157, 176). It is a heuristic device for breaking down a criminal endeavour into functionally, spatially and temporally defined events which may or may not follow a strict sequential order (Levi, 2008: 390). In fact, complex crimes can be understood as webs of interconnected criminal events (Cornish & Clarke, 2002: 51). While the script concept proposed by Derek Cornish provides a framework for capturing some of the operational complexities of the ‘organization of crime’, there is another approach which focuses on the associational dimension of ‘organized crime’. Marcus Felson, who prefers the concept of ‘criminal cooperation and organization’ over the concept of ‘organized crime’ (Felson, 2006b: 7, Fn. 4), has argued that with regard to criminal activities involving more than one offender it is important not only to consider the opportunity structure of these activities but also the opportunity structure of underlying processes of offender networking. He has coined the term “offender convergence settings” for locations where offenders can

find accomplices and which “allow criminal cooperation to persist even when the particular persons vary” (Felson, 2006b: 9). Felson implies that because of the instability of criminal collectives, convergence settings may be more important for the structure and continuity of crime than any group or network (Felson, 2006b: 10).

In yet another variation of the situational model, Felson (2006a) has added power and territorial control to the equation. It is commonly assumed that the availability of others prevent crime by their presence alone or through offering assistance to ward off an attack (Miethe & Meier, 1994: 90). As Felson points out, however, this is not true where offenders exercise control over a location. Under these circumstances the mechanisms of supervision work against “crime’s adversaries”. Individuals witnessing criminal conduct are discouraged from intervening (Felson, 2006a: 91).

Perhaps the most profound extension of the Situational Crime Prevention model with reference to ‘organized crime’ has been made by Paul Ekblom (2003; but see also Levi & Maguire, 2004; Felson, 2006a, 2006b). In an attempt to comprehensively chart the points of intervention for the prevention of ‘organized crime’, he implicitly outlines a revised situational framework that is centred on ecological niches rather than particular localized crime settings. Borrowing from ecology, Ekblom defines a “niche for offending” as “an identifiable concentration or flow of wealth from which offenders can make a living, using the resources at their disposal to exploit it whilst maintaining acceptable levels of effort and risk” (Ekblom, 2003: 252). A ‘niche’ can encompass numerous settings (or “scenes” in Ekblom’s terminology) which are connected by various means, including scripts, logistical structures and enterprise structures. The situational component in this model is given relatively little importance because Ekblom assumes that in the context of ‘organized crime’ resourceful offenders do not simply encounter crime situations, they are able to seek or engineer opportunities and circumvent obstacles (Ekblom, 2003: 248, 251, 252, 257). This means that he also takes the possibility into account that ‘organized criminals’ may neutralize crime-

mitigating factors, for example by corrupting officials (Ekblom, 2003: 252). Closely related is the notion that the roles of offender, preventer and promoter are not necessarily fixed. Instead, as Ekblom's discussion suggests, they may be negotiable in situational interaction processes involving "offender, preventer and promoter" (Ekblom, 2003: 251), just like crime prevention efforts may aim at "boosting preventers" and "discouraging and deterring crime promoters" (Ekblom, 2003: 255).

Implied Modifications of the Situational Model

The approaches reviewed above imply a modification of the situational model in various respects in order to accommodate perceived differences between 'organized crime' and 'non-organized crime'. For the most part, these are differences in degree and pertain to four dimensions: the spatio-temporal definition of 'organized' criminal activities, the individual and collective capacities of 'organized' offenders, the mechanisms of offender networking, and the mechanisms of social interaction within a given 'crime situation'.

Convergence in space and time

A central element of the conceptual framework of Situational Crime Prevention is the convergence in space and time of all factors that directly define a crime opportunity. The notions of multiple 'scenes' (Ekblom, 2003) and 'crime scripts' (Cornish, 1994) tend to undermine this basic assumption because they suggest a dispersal of 'organized' criminal events across space and time. While a fundamental revision of the situational model would not be necessary as long as every step within a 'crime script' can be understood, respectively, as a criminal event defined in time in space, this is not always the case. In fact, there may be important variations in how well each step in a 'crime script' resembles the abstract concept

of a 'crime situation'. The element of the 'crime triangle' which appears to be most critical in this respect is the 'target'.

'Target'

The 'target' is "the central object of the crime (through attack, theft, counterfeiting, illegal transaction, possession or trafficking)" (Ekblom, 2003: 248). It defines to a large extent what kinds of skills and resources offenders need for successfully committing a crime, and it determines who the stakeholders are that have the awareness and incentives to intervene in a criminal event as 'guardians'.

In a complex criminal endeavour, going from one step to the next in a 'crime script', the 'target' may be more or less clearly definable, more or less clearly discernible for outsiders, the proximity of the 'target' to the actual criminal activity may change, and so may the 'target' itself. Overall it seems that the more a criminal event transcends time and space, especially in the case of transnational crime, the fuzzier the 'target' becomes.

In some cases the 'target' may be remote, for example when in a transnational crime script parts of the criminal event take place in one country but are primarily directed at a 'target' located in another country. This is true, for example, where certain countries serve as trade hubs for smuggled goods going elsewhere, such as Belgium or Switzerland in the case of cigarette smuggling (Joossens & Raw, 1998). Those present in a situation within such a context may not be aware of the criminal nature of the activities they observe, or at least they may have no sense of responsibility for interfering because they hold no stake in the unfolding event, namely because they have no legal repercussions to fear. In any case it seems plausible to assume that the levels of responsibility and awareness will be substantially lower compared to a situation where a tangible 'target' is present and readily discernible. In turn, the more remote the 'target' is from the situation in which criminal activities are carried out the less likely it is that offenders encounter 'guardians'.

In the context of 'organized crime' it seems also fairly common for 'targets' of a crime to vary across space and time. For example, in a stolen motor vehicle scheme (see e.g. Clarke & Brown, 2003; Gounev & Bezlov, 2008; Tremblay, Talon & Hurley, 2001), the initial 'target' is the car that is being stolen. However, when the identity of the car is altered, that identity, manifested in the VIN and the vehicle documents, rather than the car itself, becomes the 'target'. When the car is smuggled to a market abroad, the integrity of the border is the primary 'target'. Finally, selling the car to an unsuspecting customer is a fraud directed against the customer as the 'target'. This means that along the sequence of such a criminal scheme, the situations change, the 'targets' change and along with it the persons potentially functioning as promoters and discouragers of crime.

Finally, certain settings may be characterized by the absence of a 'target' altogether, for example, when they set the scene for non-criminal preparatory activities. Under these circumstances persons potentially in the role of 'guardian' would have no legal justification for intervening. These constellations, however, have become rarer with the widening of the net of criminal law to encompass, for example, the acquisition of precursor chemicals for the production of drugs (O'Connor, Chriqui & McBride, 2006). Policies directed against 'organized crime' have also resulted in a broader range of people being legally empowered or even obliged to reduce crime opportunities, for example employees in financial institutions and lawyers charged with combating money laundering (Levi, 2002; Verhage, 2009) or administrative agencies put in a position to target the support infrastructure of underworld figures, as applied in the red-light district of Amsterdam (Huisman & Nelen, 2007).

Offender resourcefulness

An even more profound modification of the situational model is called for by the assumption that 'organized criminals' are more resourceful than 'traditional' offenders. Ekblom (2003:

250), for example, argues that “(t)hrough collaboration, organised criminals can deploy more, and more diverse, resources; or subcontract, recruit or train specialists”.

Another important resource attributed to ‘organized criminals’ more than to ‘non-organized criminals’ is time. ‘Organized crime’ is often associated with longer planning horizons (see e.g. Bouloukos et al., 2003). Indeed, ‘organized’ criminal endeavours may take weeks or months of preparation, involving strategic planning rather than opportunistic, short term decision making (see e.g. Decker & Townsend Chapman, 2008).

Following from the notion of a greater resourcefulness of ‘organized criminals’, they are believed to be capable of seeking and selecting opportunities (Ekblom, 2003). To the extent this is true, two key assumptions underlying the Situational Crime Prevention model are being challenged: the link between crime and routine activities, and the secondary importance ascribed to crime displacement.

Flexibility in choosing crime settings means that opportunities for ‘organized crimes’ are identified through planning and conscious searching rather than more or less accidentally in the course of routine activities. It also means that offenders are less dependent on a favourable cost-benefit ratio in any given situation, as they are capable of moving to a more favourable setting. Accordingly, displacement could be expected to be more common and more extensive in the area of ‘organized crime’ than in the area of ‘non-organized crime’. At the same time it seems safe to assume that offenders are not entirely free to select crime settings given the restraints inherent in any kind of criminal endeavour. As Ekblom’s concept of ‘niche for offending’ implies, opportunities for profitable crimes are contingent upon specific sets of circumstances which limit the options available to resourceful offenders.

Choosing and shaping crime settings

Related to the notion of offenders flexibly choosing the setting for their crimes is the notion of offenders being able to manipulate a given situation to their advantage. This goes beyond a

“careful and deliberate exploitation of opportunities” (Cornish & Clarke, 2002: 43). Rather than waiting for more favourable situations presenting themselves in the future, or moving to a more favourable setting elsewhere, ‘organized criminals’ are believed to be able to shape both the physical and the social elements defining a crime setting (Ekblom, 2003). The implications, however, are more far-reaching for the social dimension of a situation. With regard to the physical opportunity structure the assumed greater resourcefulness of ‘organized criminals’ simply suggests that they can afford higher costs and that in weighing the costs and benefits the scales are more likely to tip in favour of the commission of crime.

With regard to potential preventers of crime, the assumption that their roles in a given situation are flexible and subject to offender influence alters a basic element in the situational model as it is commonly presented in the Situational Crime Prevention literature: the deterrent effect of the presence of others.

The social dimension of crime settings

Some differentiations discussed above notwithstanding, Situational Crime Prevention seems to be based on the notion that motivated offenders will refrain from committing a crime in the presence of other persons: “In general, a crime is unlikely if a handler is supervising the likely offender, a guardian is watching the target, and a manager keeps track of the place” (Felson, 2006a: 81; see also Miethe & Meier, 1994). In contrast, ‘organized crime’ is often seen to be embedded in social networks and intertwined with legitimate social and business processes in various ways (see e.g. Edwards & Levi, 2008; Hobbs, 2001; Kleemans & Van de Bunt, 2002; Van Duyne, 1996; Zaitch, 2002). Accordingly, diverse and large sets of actors can populate a situation. These actors, it seems, are not by default detrimental to the success of ‘organized’ criminal ventures. On the one hand, of course, there are co-offenders, co-conspirators and willing participants in the form of customers of illicit goods and services. But on the other hand there are individuals who are potential discouragers of crime, including bystanders and

unwitting accomplices, yet they seem to fail to fulfil their crime discouraging role in many instances (von Lampe, 2007).

Edwards and Levi (2008) provide a number of explanations for the problem of “incapable guardianship”. Some have to do with the resourcefulness of offenders, some with the weakness of law enforcement, and yet others with a commonality of interests between criminals and potential discouragers of crime. While some factors are manifest, others take effect more on the perceptual level.

The failure of potential discouragers of crime to fulfil their role may be the result of direct influence by criminals in the form of corruption or intimidation of discouragers of crime, but “a diffuse, pervasive, atmosphere of fear of retaliation” may equally suffice (Edwards & Levi, 2008: 375, 377). This scenario is quite similar in its consequences to the one described by Felson (2006a) of a criminal group exerting control over a territory.

Since Situational Crime Prevention rests on the implicit assumption that discouragers of crime are in the last instance effective because of their ability to resort to institutions of formal social control, a failure of these institutions can also plausibly be linked to failures of ‘guardianship’. Along these lines, Edwards and Levi point to “overstretched police forces” (2008: 375) as well as to “corrupt state police” and “perceptions of state weakness” (2008: 380).

Finally, drawing on a study of licit businesses in high crime areas, Edwards and Levi (2008: 376) argue that collusion with criminals reduces the number of potential discouragers of crime. Tilley and Hopkins conducted a survey of small independent businesses in three neighbourhoods in England “believed by the police to have been the site of significant organized criminal activity” (2008: 446). They found that offers of counterfeit, stolen or smuggled goods were frequently received but rarely reported, and concluded that businesses, and local residents in general, may see themselves as beneficiaries of crimes such as the sale of illicit goods (Tilley & Hopkins, 2008: 452).

The problem of “incapable guardianship” implies that understanding a situation requires not only an understanding of who is present but also of the nature of the relationships between those present. A further problematic aspect is the potentially dynamic nature of these relations within a ‘crime situation’ (Edwards & Levi, 2008: 366). As has been suggested by various authors, the roles of offender, promoter and preventer may be defined and redefined in complex interaction processes with unforeseeable outcomes (see e.g. Ekblom, 2003; Van de Bunt & Van der Schoot, 2003; Van der Schoot, 2006). These processes are little understood. What may be necessary is to link the criminological concept of ‘situation’ (in terms of Situational Crime Prevention) with the sociological concept of ‘situation’ in terms of a spatio-temporal process of social interaction (see e.g. Goffman, 1959). At any rate, the complexities of the social dimension of a crime situation are only imperfectly captured in the way this issue has been addressed so far, i.e. primarily by way of typologies of the persons present in a situation, and their levels of responsibility and awareness (Felson, 1995; Huisman & Klerks, 2003; Levi & Maguire, 2004; Van der Schoot, 2006).

‘Offender convergence settings’

While all of the aspects noted above point to a need for revising the situational model of crime, the distinction between crime settings and ‘offender convergence settings’ calls for a broadening of the application of the situational perspective to processes of offender networking. However, the mechanisms at work in ‘offender convergence settings’ have not yet been spelled out in great detail and in great clarity.

From what is known about offender networking (see e.g. Adler, 1985; Desroches, 2005; Zaitch, 2002) it appears that there is a wide range of constellations of how ‘organized’ criminals meet and form relationships that lead, directly or indirectly, to the commission of crime, respectively to the more effective, more widespread and more continuous commission of crime. First, the context within which individuals come together may be more or less

detached from illicit activities, ranging from embeddedness in purely legitimate contexts such as school or work place to embeddedness in deviant or criminal subcultures and outright congregations of criminals. Second, a particular contact may result from a chance encounter, or it may have been purposefully brought about by one or both parties searching for suitable co-offenders, facilitators or recruits to criminal fraternal associations. Third, a link may initially have no illicit connotation, for example when a childhood friendship or a legitimate business contact eventually transforms into a criminal partnership, or it may be of an illegal nature from the start, as in the case of the relationship between a street peddler of drugs and his customers.

The ideal typical ‘offender convergence setting’ as described by Felson (2003; 2006b) covers only some of these constellations. It is a place where potential co-offenders have a high likelihood of meeting even though the location itself, for example a restaurant, may serve exclusively legitimate purposes, and even though potential offenders may converge without the intent of finding a partner in crime. Yet, partnerships are assumed to form quickly, setting “the stage for criminal acts in nearby times and places” (Felson, 2003: 151).

The ‘convergence settings’ described in the organized crime literature go beyond, and partly deviate from, this picture. ‘Offender convergence settings’ do not only give rise to short-term but also to longer-term endeavours. One aspect to be considered is that the longer planning horizons assumed to be characteristic of ‘organized crime’ mean longer time spans between inception and execution of a plan, which is most obvious where prisons serve as ‘offender convergence settings’. Another aspect is the issue of trust that has been raised in discussions of offender networking. While trust may not be a ubiquitous characteristic of criminal networks, the more sophisticated criminals often associated with ‘organized crime’ seem to prefer relationships to grow over time (Tremblay, 1993; von Lampe & Johansen, 2004).

A second major difference to Felson’s understanding of ‘offender convergence settings’ is that such settings are not only relevant for co-offending networks. They appear to provide the

basis for the emergence and continued existence of criminal networks in general, including associational networks and illicit governance structures. In fact, places where criminals meet and interact seem to be an important factor for underworld structures and short-term co-offending networks alike. In her classical treatise on the organization of crime, Mary McIntosh, for example, emphasized the importance of “haunts” such as unlicensed drinking and gambling clubs or public houses as places where criminals “learn their trade, find colleagues to work with, and be warned of impending danger” (McIntosh, 1975: 23; see also Best & Luckenbill, 1994: 52).

Other permanent convergence settings are less secluded and less closely linked to illicit contexts. For example, businesses of logistical relevance for certain illicit activities, such as transport companies and banks, may set the stage for bringing together potential co-conspirators, typically across the divide between the licit and illicit spheres of society (Desroches, 2005; Kleemans & Van de Bunt, 2008; Tilley & Hopkins, 2008). Even the most public places can apparently function as meeting places for prospective partners in crime. The central railway station in Amsterdam, for example, is reported to be for drug dealers “one of the best places for new contacts” because suppliers of drugs and contact brokers already await incoming trains (Junninen, 2006: 157).

Not all convergence settings for ‘organized criminals’ are permanent in nature and attached to one specific location. Interprovincial meetings among Mafiosi, for example, have reportedly taken place during cattle fairs held periodically at various locations in southern Italy (Paoli, 2003: 41). Likewise in the subculture of upper-level drug dealers observed by Patricia Adler (1985), social interaction was centred not only on certain bars, stores, restaurants and recreational areas frequented by drug market insiders. An environment for maintaining and establishing contacts and exchanging criminally relevant information was also created at private gatherings such as weddings or parties, the larger ones being described as “dealers’ conventions” (Adler, 1985: 77). Similar leisure settings may also bring together underworld

and underworld, providing another arena for the forming of criminally exploitable ties between the illegal and legal spheres of society (Kleemans & de Poot, 2008: 82).

All of these examples highlight the situational contingencies of offender networking, suggesting the usefulness of adopting a situational perspective in the analysis of the associational dimension of 'organized crime'. At the same time, the great variation across 'offender convergence settings' described in the organized crime literature stands in the way of a simple conceptualization, underscoring the need for a further elaboration of the situational model. What needs to be clarified, specifically, is in what respect the model applies to particular kinds of convergence settings and to particular types of criminal structures emerging from these settings.

The Applicability of the Situational Framework in the Area of 'Organized Crime'

The scope for applying the situational model

While no clear conception of 'organized crime' emerges from the literature reviewed here, it seems sufficiently obvious that there are significant variations in the organization of crimes and criminals that have a bearing on the theoretical framework of Situational Crime Prevention and its applicability, and that justify, for lack of a better term, a rough distinction between 'organized crime' and 'non-organized crime'. However, the differences cannot be conceptualized in a simple, one-dimensional way. Rather, at least three dimensions can be identified along which 'organized crime' and 'non-organized crime' may vary: the complexities of criminal activities, the complexities of offender structures, and the complexities of (licit and illicit) governance. Accordingly, there are different directions in which 'organized crime' scenarios may deviate from the scenarios originally addressed by Situational Crime Prevention, characterized by individual offenders encountering

opportunities for violent and property crimes in the course of routine activities. Therefore, the applicability of the framework of Situational Crime Prevention to phenomena variously labelled 'organized crime' cannot be determined per se. In some respects, the situational model appears well suited for analysis and policy purposes, while in other respects needs for modifications to the model arise to the point where it is questionable whether the framework of Situational Crime Prevention can be meaningfully applied at all.

A situational approach appears useful where the focus is on 'organized' criminal activities and where these crimes reveal situational contingencies similar to 'non-organized crimes', which may be the case at least for certain elements of complex criminal endeavours (see the examples provided in Bullock, Clarke & Tilley, 2010).

To the extent the commission of crime depends on offender networking and the networking is contingent on certain settings, even a two-pronged approach is possible against crime settings as well as offender convergence settings.

Limits to the application of the situational model

Yet in most cases discussed under the heading 'organized crime', the situational model does not seem to fit properly. Offenders are different from the offenders envisioned in the traditional model of Situational Crime Prevention in that they tend to be more resourceful in a way that makes them less dependent on any given opportunity structure defined in time and space. The crime situations tend to be different in that the elements of the 'crime triangle', most notably the 'target', may not always be present or clearly discernible in the locations where offenders operate. Finally, the mechanisms assumed to generate crime preventive effects within a situation, most notably the discouraging effects of the presence of others, do not seem to work under all circumstances.

Accounting for the broader societal context

To the extent ‘organized crime’ deviates from the crime scenarios envisioned by the traditional framework of Situational Crime Prevention, another basic assumption underlying the situational model is undermined: the assumption of its universal applicability irrespective of the broader social context. There are two components to this assumption of universality. First, Situational Crime Prevention rests on the notion that for understanding a criminal event it is sufficient to understand its situational contingencies, at least for the purpose of preventing crime. Second, Situational Crime Prevention assumes that essentially the same situational factors, the elements of the ‘crime triangle’, take effect in essentially the same way under more or less all circumstances, without denying, however, variations in these patterns and the existence of antecedental factors (Cornish & Clarke, 1986).

The narrow focus on crime settings has provoked criticism from sociologically oriented criminologists who argue that not least in the area of ‘serious’ or ‘organized’ crime, such an analytical approach is “incomplete without a qualitative understanding of the contingencies that form the elements of the ‘crime triangle’” (Edwards & Levi, 2008: 368). Indeed, the factors that have been identified in this paper as altering the anatomy and inner functioning of crime situations do not seem to vary randomly. Instead, they may well be contingent upon distinct social, economic and political conditions. In post-modern societies, situational contingencies will tend to shape crime opportunities to the extent they are not offset by the individual and collective resources of offenders and the geographical scope as well as technical sophistication of criminal activities, whereas the mechanisms of informal and formal social control will only rarely be undermined by locally based hegemonic criminal groups (Hobbs, 2001; Tilley & Hopkins, 2008). In contrast, in societies in transition and in developing countries, weak, corrupted and contested state authority will most likely have a defining influence on crime opportunities (Williams & Godson, 2002). In these countries, the perceived prevalence of ‘organized crime’ activities tends to be high, and also the perceived

level of corruption, while the effectiveness of policing tends to be low (Van Dijk, 2007).

Under these conditions it is unlikely that potential discouragers of crime will fulfil the task the situational model assigns to them. These considerations suggest that the situational model in its traditional form cannot be universally applied and that the broader societal context of crime events needs to be incorporated into the framework of Situational Crime Prevention.

Summary and Conclusion

This paper discusses the applicability of the conceptual and theoretical framework of Situational Crime Prevention to 'organized crime'. In the existing literature on the prevention of 'organized crime' and the organized crime literature in general a number of differences in degree between 'organized crime' and 'non-organized crime' have been suggested with implications for the usefulness of the situational model. These differences pertain to

- the assumed broader time horizon and geographical scope of 'organized' criminal ventures which tend to transcend any one spatio-temporal setting;
- the assumed greater resourcefulness of 'organized' criminals, for example, in terms of expertise, manpower and time;
- the importance of 'offender convergence settings' as situations of offender networking not commonly addressed within the framework of Situational Crime Prevention; and
- the issue of territorial control by criminal groups whereby the mechanisms of situational prevention, namely supervision, may be reversed to protect rather than prevent criminal activities.

Another important issue can be added to this list regarding the absence, remoteness and variation of the 'target' defining a criminal event, especially in cases of complex and transnational crimes.

These assumed differences between 'organized crime' and 'non-organized crime' imply modifications to the original situational model of crime in various respects. First, a situational model of 'organized crime' would need to take into account that 'organized criminals' may be less dependent on any one situation and more capable of changing initially unfavourable circumstances in their favour. Shifting to a higher level of observation, from the concept of 'situation' to the concept of 'niche for offending' as proposed by Paul Ekblom (2003: 252), may be the right direction to take.

Second, the presence of others in a crime setting seems to take on another meaning for criminal activities associated with 'organized crime'. 'Organized crime' situations appear to be more populated than conventional crime settings while for various reasons this does not necessarily translate into the presence of capable discouragers of crime. The situational model would need to take into account the specific interaction processes within these situations that influence the role which potential discouragers of crime play.

Third, the concept of 'offender convergence settings' as it has been proposed by Marcus Felson (2003; 2006b) only addresses some constellations of offender networking. Situational contingencies of offender networking are potentially relevant for a broad range of criminal structures, including entrepreneurial, associational and governance structures.

Finally, the set of factors that influence the anatomy and inner functioning of crime situations do not vary randomly but appear to be contingent on particular social, economic and political configurations. Therefore, the situational model would need to incorporate this broader societal context in order to adequately capture 'organized crime' settings.

The deficiencies of the existing situational model when it comes to the realm of 'organized crime' have been discussed in this paper primarily on the conceptual level, with little reference to empirical research. This is no coincidence as there is little research which directly addresses the questions that have been raised on the situational contingencies of 'organized crime'.

While crime prevention measures could be applied on the basis of plausibility assumptions alone (see Van der Schoot, 2006), it appears preferable to strive for an empirically grounded theoretical underpinning. What seems necessary is to revisit the key dimensions of ‘organized crime’ with a view to situational factors in a systematic course of research. Some of the research questions to be addressed (for a partly overlapping list see Edwards & Levi, 2008: 366-367) would include the following:

- What types of ‘organized’ criminal activities require what types of situational settings?
- What types of situational setting enable or facilitate the emergence and continued existence of what type of collective criminal structure?
- What kind of offender resources, structures and conduct permit the reshaping of situational opportunities, respectively shifts between situational settings?
- What situational and contextual factors influence the roles of those present in a ‘situation’ and the likelihood of involvement or intervention in a criminal event?
- Under what circumstances can offender groups exercise control over a ‘situation’, and what consequences does this entail for the mechanisms of Situational Crime Prevention?

Answering these questions requires pursuing new avenues of research and theorizing on the contingencies of the organization of crimes and criminals.

Acknowledgements

I would like to thank the editors and two anonymous reviewers for helpful comments and suggestions.

References

Adler, Patricia (1985) *Wheeling and Dealing: An Ethnography of an Upper-Level Drug Dealing and Smuggling Community*, New York: Columbia University Press.

- Albini, Joseph L. (1971) *The American Mafia: Genesis of a Legend*, New York: Meredith Corporation.
- Best, Joel and David F. Luckenbill (1994) *Organizing Deviance*, 2nd ed., Englewood Cliffs, NJ: Prentice Hall.
- Black, Christopher, Tom Vander Beken and Brice De Ruyver (2000) *Measuring Organised Crime in Belgium: A Risk-based Methodology*, Antwerpes: Maklu.
- Block, Alan A. and William J. Chambliss (1981) *Organizing crime*, New York: Elsevier.
- Bouloukos, Adam, Graham Farrell and Gloria Laycock (2003) Transnational Organised Crime in Europe and North America: Towards a Framework for Prevention, pp. 176-192 in K. Aromaa et al. (eds.), *Crime and Criminal Justice in Europe and North America 1995-1997: Report on the Sixth United Nations Survey on Crime Trends and Criminal Justice Systems*, Helsinki: HEUNI.
- Bullock, Karen, Ronald V. Clarke and Nick Tilley (eds.) (2010) *Situational Prevention of Organised Crime*, Cullompton, UK: Willan.
- Clarke, Ronald V. (1997) Introduction, pp. 1-43 in R.V. Clarke (ed.), *Situational Crime Prevention: Successful Case Studies*, 2nd ed., Guilderland, NY: Harrow and Heston.
- Clarke, Ronald V. and Rick Brown (2003) International Trafficking in Stolen Vehicles, pp. 197-227 in: M. Tonry (ed.), *Crime and Justice: A Review of Research*, Chicago: The University of Chicago Press.
- Clarke, Ronald V. and John E. Eck (2005) *Crime Analysis for Problem Solvers: In 60 Small Steps*, Washington DC: U.S. Department of Justice.
- Cohen, A. K. (1977) The Concept of Criminal Organisation, *British Journal of Criminology* 17(2): 97-111.
- Cohen, Lawrence E. and Marcus Felson (1979) Social Change and Crime Rate Trends: A Routine Activity Approach, *American Sociological Review*, 44. 588-608.

- Cornish, Derek B. (1994) The Procedural Analysis of Offending and Its Relevance for Situational Prevention, pp. 151-196 in R.V. Clarke (ed.), *Crime Prevention Studies*, Vol. 3, Monsey, NY: Criminal Justice Press.
- Cornish, Derek B. and Ronald V. Clarke (1986), Introduction, pp. 2-16 in D.B. Cornish & Ronald V. Clarke (eds.), *The Reasoning Criminal*, New York: Springer.
- Cornish, Derek B. and Ronald V. Clarke (2002) Analyzing Organized Crimes, pp. 41–62 in: A.R. Piquero and S.G. Tibbetts (eds.) *Rational Choice and Criminal Behavior: Recent Research and Future Challenges*, New York: Routledge.
- Decker, Scott H. and Margaret Townsend Chapman (2008) *Drug Smugglers on Drug Smuggling: Lessons from the Inside*, Philadelphia, PA: Temple University Press.
- Desroches, Frederick J. (2005) *The Crime That Pays: Drug Trafficking and Organized Crime in Canada*, Toronto: Canadian Scholars' Press.
- Edwards, Adam and Michael Levi (2008) Researching the organization of serious crimes, *Criminology and Criminal Justice* 8(4): 363-388.
- Eklom, Paul (2003) Organised crime and the Conjunction of Criminal Opportunity framework, pp. 241-263 in A. Edwards, P. Gill (eds.), *Transnational Organised Crime*, London: Routledge.
- Elvins, Martin (2003) Europe's response to transnational organised crime, pp. 28-41 in A. Edwards, P. Gill (eds.), *Transnational Organised Crime*, London: Routledge.
- Felson, Marcus (1995) Those Who Discourage Crime, pp. 53-66 in J.E. Eck and D. Weisburd, *Crime Prevention Studies*, Vol. 4, Monsey, NY: Criminal Justice Press.
- Felson, Marcus (2002) *Crime and Everyday Life*, 3rd ed., Thousand Oaks, CA: Sage.
- Felson, Marcus (2003) The Process of Co-Offending, pp. 149-167 in M.J. Smith and D.B. Cornish (eds.), *Theory for Practice in Situational Crime Prevention*, Monsey, NY: Criminal Justice Press.
- Felson, Marcus (2006a) *Crime and Nature*, Thousand Oaks, CA.

- Felson, Marcus (2006b) *The Ecosystem for Organized Crime*, Helsinki: HEUNI, HEUNI Paper No. 26.
- Fijnaut, Cyrille and Letizia Paoli (eds.) (2004) *Organised Crime in Europe: concepts patterns and policies in the European Union and beyond*, Dordrecht: Kluwer Academic Publishers.
- Gambetta, Diego (1993) *The Sicilian Mafia: The Business of Private Protection*, Cambridge, MA: Harvard University Press.
- Goffman, Erving (1959) *The Presentation of Self in Everyday Life*, Garden City, NY: Doubleday.
- Gounev, Philip and Tihomir Bezlov (2008) From the economy of deficit to the black-market: car theft and trafficking in Bulgaria, *Trends in Organized Crime* 11(4): 410-429.
- Hartmann, Arthur and Klaus von Lampe (2008) The German underworld and the Ringvereine from the 1890s through the 1950s, *Global Crime* 9(1&2): 108-135.
- Hicks, David C. (1998) Thinking About Organized Crime Prevention, *Journal of Contemporary Criminal Justice* 14(4): 325-350.
- Hobbs, Dick (2001) The Firm: Organizational Logic and Criminal Culture on a Shifting Terrain, *British Journal of Criminology* 41(4): 549-560.
- Huisman, Wim and Peter Klerks (2003) The role of public administration and local businesses, pp. 33-44 in H. van de Bunt and C. van der Schoot (eds.), *Prevention of Organised Crime: A situational approach*, The Hague: WODC.
- Huisman, Wim and Hans Nelen (2007) Gotham unbound Dutch style: The administrative approach to organized crime in Amsterdam, *Crime, Law and Social Change* 48(3-5): 87-103.
- Joossens, Luk and Martin Raw (1998) Cigarette Smuggling in Europe: who really benefits?, *Tobacco Control* 7(1): 66-71.
- Junninen, Mika (2006) *Adventurers and risk-takers: Finnish professional criminals and their organisations in the 1990s cross-border criminality*, Helsinki: HEUNI.

- Kleemans, Edward R. and Henk G. Van de Bunt (2002) The social embeddedness of organized crime, *Transnational Organized Crime* 5(1): 19-36.
- Kleemans, Edward R. and Henk G. Van de Bunt (2008) Organised crime, occupations and opportunity, *Global Crime* 9(3): 185-197.
- Kleemans, Edward R. and Christianne J. de Poot (2008) Criminal Careers in Organized Crime and Social Opportunity Structure, *European Journal of Criminology* 5(1): 69-98.
- Levi, Michael (2002) Money Laundering and Its Regulation, *Annals of the American Academy of Political and Social Science* 582 (1): 181-194.
- Levi, Michael (2007) Organized Crime and Terrorism, in M. Maguire et al. (eds) *The Oxford Handbook of Criminology*, 4th ed. Oxford: Oxford University Press.
- Levi, Michael (2008) Organized fraud and organizing frauds: Unpacking research on networks and organization, *Criminology and Criminal Justice* 8(4): 389-419.
- Levi, Michael and Mike Maguire (2004) Reducing and preventing organised crime: An evidence-based critique, *Crime, Law and Social Change* 41: 397-469.
- McIntosh, Mary (1975) *The Organisation of Crime*, London: MacMillan.
- Miethe, Terance D. and Robert F. Meier (1994) *Crime and Its Social Context: Toward an Integrated Theory of Offenders, Victims, and Situations*, Albany, NY: State University of New York Press.
- Naylor, R.T. (2003) Towards a General Theory of Profit-Driven Crimes, *British Journal of Criminology* 43(1): 81-101.
- O'Connor, Jean C., Jamie F. Chriqui and Duane C. McBride (2006) Developing Lasting Legal Solutions to the Dual Epidemics of Methamphetamine Production and Use, *North Dakota Law Review* 82(4): 1165-1194.
- Paoli, Letizia (2003) *Mafia Brotherhoods: Organized Crime, Italian Style*, New York: Oxford University Press.

- Reuter, Peter (1994) Research on American Organized Crime, pp. 91-120 in R.J. Kelly, K.-L. Chin, R. Schatzberg (eds.), *Handbook of Organized Crime in the United States*, Westport, CT: Greenwood.
- Skaperdas, Stergios (2001) The political economy of organized crime: providing protection when the state does not, *Economics of Governance* 2(3): 173-202.
- Tilley, Nick and Matt Hopkins (2008) Organized crime and local businesses, *Criminology and Criminal Justice* 8(4): 443-459.
- Tremblay, Pierre (1993) Searching for Suitable Co-offenders, pp. 17-36 in R.V. Clarke, M. Felson (eds.), *Routine Activity and Rational Choice: Advances in Criminological Theory*, New Brunswick, NJ: Transaction.
- Tremblay, Pierre, Bernard Talon and Doug Hurley (2001) Body Switching and Related Adaptations in the Resale of Stolen Vehicles: Script Elaborations and Aggregate Crime Learning Curves, *British Journal of Criminology* 41(4): 561-579.
- Van de Bunt, Henk and Cathelijne van der Schoot (2003) *Prevention of Organised Crime: A situational approach*, The Hague: WODC.
- Van der Schoot, Cathelijne R.A. (2006) *Organised Crime Prevention in the Netherlands: Exposing the Effectiveness of Preventive Measures*, doctoral dissertation, Erasmus Universiteit Rotterdam.
- Van Dijk, Jan (2007) Mafia markers: assessing organized crime and its impact upon societies, *Trends in Organized Crime* 10(4): 39-56.
- Van Duyne, Petrus C. (1996) The phantom and threat of organized crime, *Crime, Law and Social Change* 24(4): 341-377.
- Verhage, Antoinette (2009) The beauty of grey? AML as a risk factor for compliance officers, pp. 205-242 in P.C. Van Duyne, S. Donati, J. Harvey, A. Maljevic, K. von Lampe (eds.), *Crime, money and criminal mobility in Europe*, Nijmegen: Wolf Legal Publishers.

von Lampe, Klaus (2007) Criminals are not alone: Some observations on the social microcosm of illegal entrepreneurs, pp. 131-155 in P.C. van Duyne, A. Maljevic, M. van Dijck, K. von Lampe, J. Harvey (eds.), *Crime Business and Crime Money in Europe: The Dirty Linen of Illicit Enterprise*, Nijmegen: Wolf Legal Publishers.

von Lampe, Klaus and Per Ole Johansen (2004) Organized Crime and Trust: On the conceptualization and empirical relevance of trust in the context of criminal networks, *Global Crime* 6(2): 159-184.

Williams, Phil and Roy Godson (2002) Anticipating organized and transnational crime, *Crime, Law & Social Change* 37(4): 311-355.

Zaitch, Damián (2002) *Trafficking Cocaine: Colombian Drug Entrepreneurs in the Netherlands*, The Hague: Kluwer Law International.