

Organizational crime: its nature, its causes and the way to handle it

Summary

This report contains the results of a study into organizational crime. We define organizational crime as the criminal behaviour within a lawful organization of which the offender is not the initial victim and in the course of which the offender makes use of the features or the resources of the organization.

To prevent and combat organizational crime knowledge of the nature and causes of this phenomenon is essential. Recently the Dutch government came to the conclusion that in The Netherlands there is a need for more empirical knowledge of organizational crime. As a result of this conclusion we started a research project on organizational crime to construct a basis for tailor-made enforcement strategies.

In the first chapter of this report we examine the research questions and methods. We explore the background, the objectives and the implications of this study. In behalf of this study we collected data on 41 cases of organizational crime and interviewed lawyers as well as representatives of the criminal justice system. A study of literature on the subject of corporate, governmental, organizational and other forms of white-collar crime completed this research.

The second chapter defines more closely the problem of organizational crime and presents a theoretical model on the basis of which we collected and analysed the research data. This model explains organizational crime by means of three closely related factors: drives, neutralizations and opportunities to commit criminal behaviour.

Chapter three deals with the first research question: what is the nature of organizational crime? We confront our data on features of offenders and crimes with stereotype images of offenders and their deeds. Among other things we conclude that our offenders rarely resemble the typical image of a calculated person. Contrary to the image of organizational crime as a non-violent crime we conclude that organizational crime and violence are not always incompatible.

The second research question is dealt with in chapter four: what are causes of organizational crime? Here we describe the drives (thoughts and feelings) of our offenders, their use of typical neutralizations and the opportunities they seize to commit their crimes. An important conclusion is that there are differences between private and public organizations when it comes to the causes of organizational crime.

The way to handle organizational crime is the subject of chapter five. Here we explore the implications of the research results for public policy (the third research question). The first part of this chapter gives an overview of enforcement strategies suggested by others (authors/researchers, lawyers and representatives of the criminal justice system). The second part abstracts our research findings and highlights eight partly connected typical aspects of organizational crime: massiveness, collectivity, multiplicity, dynamics, moral ambivalence, multileveled criminal opportunities, the offender as a legal entity and the offender as a public organization.

Based on these aspects we formulate eight characteristics of a tailor-made enforcement strategy. We recommend a selective, flexible, hybrid and consequent enforcement, which differentiates between target groups and focuses on the prevention and minimalizing of criminal opportunities. We impose a government that won't be trifled with. At the same time that government should recognize that enforcement is compulsory selective and that the empowerment of all those concerned - especially the empowerment of public interest groups - is vital to prevent and combat organizational crime.

Chapter six summarizes the most important findings of this study. We deal in depth with some of our recommendations. Among other items we discuss the pros and cons of publicity as an instrument to promote compliance with the law by organizations. We also emphasize the importance of criminal enforcement strategies (deterrence) in the case of public organizations in breach of the law. This last chapter stresses the impact of international aspects of organizational crime, and as a result, the importance of an international oriented public policy to prevent and combat organizational crime.

Organisatiecriminaliteit

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The Hague, WODC, 2002

Onderzoeksnotities, no. 2002/8