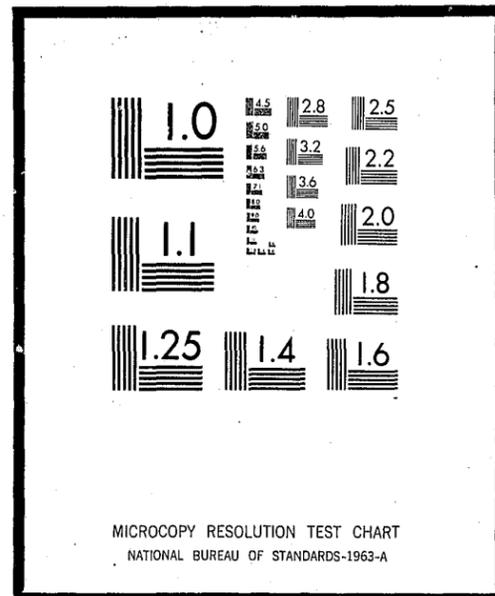


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ANNOTATION:

CRIME IS NOT A CRAFT, BUT A SEMI-SKILLED PROFESSION.

ABSTRACT:

THE TRADITIONAL CONCEPT OF THE PROFESSIONAL CRIMINAL DOES NOT FIT THE VAST MAJORITY OF PERSONS WHO ENGAGE IN ILLEGAL PURSUITS AS A WAY OF MAKING A LIVING. FOR PROFESSIONAL CRIMINALS TODAY, CRIME IS NOT SO MUCH A CRAFT AS IT IS A SEMI-SKILLED OCCUPATION. MOST PROFESSIONAL CRIMINALS KNOW A BIT ABOUT STEALING, ROBBING AND SWINDLING, BUT THEY ARE NOT REALLY EXPERTS IN ANY OF THESE ACTIVITIES. NOR DO THEY ORGANIZE THEIR CRIMINAL ACTIVITIES AROUND ONE OF THESE PURSUITS TO THE EXCLUSION OF OTHERS. INSTEAD OF RESOLUTELY AND CAREFULLY PLANNING AHEAD, THEY TEND TO BE IN CONSTANT SEARCH OF OPPORTUNITIES TO MAKE A BUCK IN WHATEVER WAY POSSIBLE. THE LACK OF WELL-DEVELOPED SKILLS, THE RELATIVE ABSENCE OF SPECIALIZATION AND OF MEDIUM TO LONG RANGE PLANNING DOES NOT MEAN THAT MODERN PROFESSIONAL CRIMINALS ARE WHOLLY WITHOUT ORGANIZATION. A NETWORK OF RELATIONS DOES EXIST AND IS KEPT ALIVE IN THE BARS AND SIMILAR ESTABLISHMENTS, WHICH PERMITS PROFESSIONAL CRIMINALS TO LEARN ABOUT RECENT AND IMPENDING ACTION, TO CHECK EACH OTHER'S REPS, TO RECRUIT ACCOMPLICES, AND TO HATCH THEIR SOMETIMES LUCRATIVE SCHEMES. THIS IS A LOOSE ORGANIZATION BUT IT APPEARS TO OFFER SUFFICIENT SUPPORT AND ORIENTATION FOR PROFESSIONAL CRIMINALS TO FLOURISH. WITHOUT THIS NETWORK MOST PROFESSIONAL CRIMINALS WOULD BE SEVERELY HANDICAPPED.

NY-0003

CRIME AS A PROFESSION

A Report on Professional Criminals in Four American Cities

Final Report to
Office of Law Enforcement Assistance
U. S. Department of Justice

and
President's Commission on Law Enforcement
and Administration of Justice

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INTRODUCTION

The concept of the "professional criminal" has been very useful for criminologists, but, despite this usefulness, the concept contains a great deal of ambiguity. On the one hand, the concept unifies a number of recurrent themes in the study of crime and law enforcement, but on the other hand, the concept presents difficulties in determining the scope of its applicability. Therefore, before we begin a new approach to the concept, it is in order to review the background of the idea.

The Traditional View of the Professional Criminal: A Critique

Origins of the Concept, "Professional Criminal": Edwin Sutherland was the first scholar to use the adjective "professional" to describe a criminal when he published the edited notes of a long-time thief under the title, The Professional Thief.¹ It is important to note that Sutherland's account is of the "professional thief," not of the "professional criminal." The concept of the "professional criminal" is more inclusive than that of the "professional thief" and developed during the years following Sutherland's original publication. The thieves that Sutherland talked about included such people as confidence men, sneak thieves, and pickpockets (criminals who the police today sometimes refer to as "lights"). The term "professional criminal," as it is often used today, applies also to criminals who engage in such

¹Chicago: University of Chicago Press, 1937.

crimes as armed robbery, cartage theft, and protection rackets, just as long as the criminals engaged in these crimes exhibit a certain amount of skill, planning, and sophistication in their work. (The criminals who are engaged in crimes which involve violence or the threat of violence are sometimes called "heavies" by the police.) In fact, we often found in our interviewing that the police today prefer to use the term "professional" for criminals who are engaged in the crime syndicates and for those "biggies," "wise guys," or "classy" criminals who are involved in other large but non-syndicated operations. Some of the lesser professionals that Sutherland described, like the pickpocket or the shoplifter, would be excluded from the "professional" ranks by some policemen today because their operation involves only "nickel and dime stuff."

The original concept "professional thief," then, has evolved into the broader concept of the "professional criminal," and in doing so has become reified in the minds of many people. This may be unfortunate, as the notion of the "professional thief," when it was initially conceived by Sutherland, contained a heavy dose of irony. Sutherland probably never really intended to be taken literally when he called thieves "professionals," but there were certain qualities of criminal life that he wanted to emphasize and the term "professional" highlighted these qualities. What Sutherland noted was that the activities of thieves, which up to then had been thought of as mainly opportunistic, adventitious, immoral, and disorganized, in fact contained properties of other,

more legitimate work routines, most particularly the work routines of professionals (as opposed to, for example, the work routines of industrial workers). The professional thief was committed to his work. In addition, he knew what he was doing and where he was going. The professional thief also knew other people who were engaged in similar illegal pursuits, and he maintained relations with these people. Most important, the criminal Sutherland described was deliberate, rather than impulsive, in his activities.

It is on these grounds that Sutherland spoke of thieves as being professionals. On other grounds, the thieves were not professionals and Sutherland certainly must have been aware of this. The most important thing that the professional thief lacked was a position of fiduciary trust in society. When we speak of a person being a professional, we usually mean, among other things, that if we trust our affairs to that person, then he will work in our favor even though we have no direct control over what he is doing.¹

While Sutherland may not have intended his description of the professional thief to be taken completely literally, it is

¹ It is here that we can note that the term "professional thief" has even a double irony. While it was ironical at one time for Sutherland to liken thieves to professionals, who hold positions of trust in society, once the association was made some people began to wonder just how trustworthy the professionals in our society are. Upon closer scrutiny, some of our trusted professionals came to look somewhat like the criminals to whom they had originally been compared. Sutherland shows his awareness of this double irony in a later work that he published under the title White Collar Criminal. In this work, Sutherland shows that many of our trusted white collar workers are in fact crooks.

probably fair to say that many, if not most, criminologists have read Sutherland literally and have developed a quite literal stereotype of the "professional criminal." The term professional criminal has become a relatively standard category in recent criminological literature, and the very fact that the Task Force on the Assessment of the Crime Problem included a section on the professional criminal indicates that the category has currency.

The Traditional Stereotype of the Professional Criminal:

While the idea of the "professional criminal" has developed much beyond Sutherland's original work, and while there are many variations of this stereotype to be heard today (especially among law enforcement officials), it is important to describe the recurrent elements in these variations. It is important, first of all, because we find that many of the alleged characteristics of professional criminals are nowhere to be found, or only infrequently found, among the professional criminals we talked to in our study. This means that either the professional criminal has changed considerably in the past twenty or thirty years or that the traditional view of the professional criminal was never correct. We suspect that the truth is somewhere in between, but our suspicions could never be substantiated with data as we cannot go back and reinterview the professional criminals of twenty or thirty years ago. All we know with any degree of assurance is that there exists today a stereotype of the "professional criminal" that is in many ways incorrect. It is part of our purpose to bring the view of the "professional criminal" up to date.

The characteristic of the "professional criminal" that has been suggested most often is that the professional criminal devotes full time to his occupation. Crime is a way of life to the professional criminal, and it is criminal activity that provides him with most, if not all, of his income. As Sutherland observed: "The professional thief is one who steals professionally. This means, first, that he makes a regular business of stealing. He devotes his entire working time and energy to larceny and may steal three hundred and sixty-five days a year."¹

It has also generally been conceded that the professional criminal is a specialist and a craftsman. He is a craftsman in that he has gained, usually from other professional criminals, the many skills necessary to successfully carry out his particular criminal trade. He is a specialist in that he sticks almost exclusively to the one line of work for which he is trained. A "box man" (i.e. safecracker) will always be a "box man," and he will be proud of it. A pickpocket, so long as he is on the streets, will be a pickpocket, and the chances of his engaging in other kinds of crime such as burglary or armed robbery are negligible.

This conception of the professional criminal as a specialist is reflected in the traditional police practice of paying special attention to a criminal's M.O., or modus operandi. Many policemen still claim that they can identify the work of many

¹Op. cit., p. 1.

particular criminals just from the way in which the crime was committed. One is led to wonder if, in fact, this emphasis on learning a criminal's M.O. has not been responsible in part for the organization of police departments into special details that deal exclusively with particular kinds of crime.

Another common conception of the "professional criminal" is that he works within a rather well defined criminal sub-culture. This sub-culture is not as strongly organized or as cohesive as that which governs the "rackets," but it is thought to be quite pervasive and deviations from its norms rare. As Sutherland describes it, ". . . professional thieves have many things in common. They have acquaintances, congeniality, sympathy, understandings, agreements, rules, codes of behavior, and language in common."¹

Professional criminals, it is thought, will never knowingly invade the territory where someone else is working. They also will not endanger another gang that they know to be operating. In times of danger they will warn fellow professionals, and in time of need they do whatever they can to "spring" a comrade. But most important, they will never inform on a fellow criminal. As Sutherland comments:

It is understood that no thief must squawk (inform) on another. The instances where professional thieves have squawked are so rare that no serious consideration of this angle is necessary. Prisoners squawk for one purpose only - to relieve themselves of punishment. Professional thieves have no thought of receiving punishment while in the hands of the fix, and they have no incentive to squawk.²

¹Op. cit., p. 4.

²Op. cit., pp. 10-11.

This account points out another common aspect of the stereotype of the professional criminal; he is a master of the "fix." The idea of the "fix" includes a number of components that begin with the professional criminal's relationship with his victims. First of all, he tries to choose victims who have "larceny in their hearts," and to maneuver these people into compromising positions that will lessen the chance of their ever reporting the professional criminal's crime. (This is especially true with the con man and the extortionist). Where this fails, the professional criminal will try to either frighten the victim into not testifying or will try to buy him off. When these techniques fail, the professional criminal will attempt to bribe the police. This failing, he will try to bribe the prosecuting attorney or the judge. Somewhere along the line, the professional criminal is almost certain to get off.

There are a few other characteristics that are somewhat less well agreed upon, but which are included in some stereotypes of the "professional criminal." The professional criminal is often thought not to come from the slums and more likely to come from a more or less middle class background.¹ It is also thought that he is likely to be white, of either Jewish or Italian background.

Irrespective of whether or not this common conception of

¹Op. cit., pp. 21-24.

the "professional criminal" is correct (and in many cases it is not correct today) it is worth noting some peculiar characteristics of the stereotype. First of all, the stereotype is of the professional criminal not of professional crime. This is an important distinction because it focuses attention on the criminal rather than on the crime, or on the society which supports the crime. Such a focus is not peculiar to professional crime but is probably the general conception of crime in our society. As Donald Cressey observes:

At present, by far the most popular notion . . . is that delinquency and criminality are personal traits, "owned" by the individual deviant. The traits are usually viewed as "symptoms," to be sure, but as symptoms of something belonging to the actor's person, not to his group.¹

This emphasis on the criminal rather than on the crime may have had important consequences. First of all, it has probably led the police to be more interested in catching criminals than in such things as helping potential victims protect themselves or in removing situations that are likely to be conducive to crime. (It also has probably led to the heavy emphasis on the M.O. mentioned earlier). This emphasis can also be seen in current theories of crime, as invariably these theories are addressed to the question, what causes people to become criminals (or occasionally, what causes people to commit criminal acts)? These theories never address themselves to such other

¹ Donald Cressey, The Prison, New York: Holt, Rinehart and Winston, 1961, pp. 9-10.

equally important questions as: why are some people or corporations the victims of crimes? Under what conditions will a society be tolerant of crime and under what conditions will it not be tolerant of crime? Or what kinds of social conditions foster certain kinds of criminal activity?

Professional Crime and Professional Criminals

Early in our discussions about this project we came to the realization that if we accepted the conventional definition of "professional criminal," we would place ourselves under severe limitations. First of all, there existed the distinct possibility that there are no criminals in existence today who possess all the characteristics inherent in the conventional definition. Secondly, we knew that we were likely to find that this definition was not always accepted by law enforcement agencies, and we wanted to use these agencies as our initial entree to the world of professional crime. Finally, we realized that the definition of the professional criminal that was currently to be found in the literature made numerous empirical assumptions; assumptions that we would just as soon not make at the beginning of a study.

It was also advisable for us to exclude syndicated crime and white collar crime from our study, as these two areas of crime were being investigated by other study groups for the Task Force on the Assessment of the Crime Problem. Therefore, after considerable discussion, we agreed upon the following

definitions of "professional crime" and "professional criminal:"

For purposes of this study, professional crime will be defined as crimes committed for personal economic gain by individuals whose major source of income is from criminal pursuits and who spend a majority of their working time in illegal enterprises (at least at the time the crime was committed). In addition, since other studies are exploring organized crime and white collar crime, it seems advisable to exclude from this study crimes committed by regular members of crime syndicates or by people who engage in illegal activities as part of an otherwise legal profession (e.g. physicians who perform illegal abortions, lawyers who serve as go-betweens for bribes, or accountants who aid clients in tax evasion).

This definition left a big field to cover, so we further agreed that within this definition we would concentrate on the following categories: first, we would spend most of our time investigating those kinds of crimes that were presenting the greatest difficulty to law enforcement agencies in the particular city being studied. We broke this down in two ways: first, we would consider those crimes that had been perennial problems, and then we would examine those problems that were relatively new to law enforcement agencies.¹ In addition, we agreed that each field consultant would examine one kind of professional criminal activity that was common to all four cities being studied (the common crime turned out to be auto theft and related

¹It turned out that there was a considerable amount of disagreement among different law enforcement officials about what kinds of crimes posed the greatest problems as different agencies, and different policemen in different details, tended to see the problem from their own particular point of view.

crimes, such as stripping automobiles of spare parts). To round out the picture, we all agreed to try to include interviews with at least one female professional thief, one Negro professional thief, and one professional thief who had left the profession.

Our subsequent experience showed that the decision to use a rather broad definition of "professional crime" was wise. Many law enforcement officials in fact would not have been able to lead us to criminals who met the classical definitions, and in fact there is some doubt whether such people still exist (certainly not very many do). Using the broader definition, police and district attorneys were able to fit their own definitions into ours and were thus able to provide us with a rich description of a rather broad spectrum of American criminal activity. In addition, the police were able to lead us to many criminals, some in jail or prison and some not, who are in fact engaged in a full-time career of crime. Some of the people we interviewed were not very skillful or successful in their professions, but others whom we talked to were amazingly successful. The one thing they all had in common is that they all (with the possible exception of a few who claimed to have gotten out of crime) spent the bulk of their free time either engaged in or in between criminal acts. Crime was their major source of income -- it was their way of life.

THE STUDY

On June 1 of this year our study group met for the first time.¹ This means that this report, and the many hours of interviewing upon which it is based, have been completed in a little over three months time.² This is a very short time in which to conduct research, digest the findings, and write a report.

In addition to the short period of time in which we had to work, we were faced with the problem of exploring a field that has been essentially uncharted. Except for Edwin Sutherland's The Professional Thief, which is now very much out of date,³ very little has been written about professional crime.⁴ This meant that we had few guides for our research and thus we had to proceed very much by hunch and by guess.

In some cases we guessed correctly; in other cases we might

¹Egon Bittner joined the group after this date to help Sheldon Messinger with his study of professional crime and criminals in San Francisco.

²Some months before this date the Task Force on the Assessment of the Crime Problem first conceived the idea of the study and in the subsequent months before June roughed out the major outlines of the study, secured staff, and arranged for financial support.

³Op. cit. Sutherland's book was published in 1937 and is based on the experiences of one professional thief who worked at crime between 1905 and 1925.

⁴David Maurer, The Big Con, New York: Bobbs-Merrill, 1940 and David Maurer, Whiz Mob, New Haven: College and University Press, 1964 (first published in 1955) also describe some aspects of professional crime.

have proceeded differently knowing what we now know. In general, however, we all agree that our approach was basically sound, and that what we have found out is important. Our problem has not been so much with what we were able to find out, but with what we have not had time or resources to find out and explore thoroughly.

Had we had more time and resources, we would certainly have been able to delve more deeply into our subject matter. We would have liked especially to have been able to follow out the multitude of leads that came up during the course of our research. But even if we had had more time and resources, it is unlikely that we would have proceeded, basically, any differently than we did. We might have gone into some subjects more thoroughly, but our approach would have been essentially the same. If we were to begin the study right now we might do some things differently, but we know things now that we did not know three or four months ago.

Where We Did the Study

We chose four cities for our study: New York, Chicago, San Francisco and Atlanta. Initially, we had hoped to study eight or ten cities of various sizes, from various geographical regions, but we soon found that these plans were too ambitious. Consequently, we restricted ourselves to four cities which promised to give us a varied picture of professional crime and professional criminals.

It turns out that our choice of cities was good, as there

are differences between the four cities as well as factors that are common to all. Of the four cities, New York and Chicago are much more alike (although there are some differences between them) than either one is like San Francisco or Atlanta. Atlanta and San Francisco, on the other hand, appear to have more in common with each other than with the two larger cities. These two groupings are especially apparent with respect to the magnitude of criminal operations; the magnitude is much greater in the larger cities. In addition, professional criminals (at least the more successful ones) seem to be better organized in Chicago and New York than in Atlanta and San Francisco, they also seem to be somewhat more immune to legal actions being brought against them successfully, and they report that they make more money from their profession

There are some other characteristics of professional criminals that seem to be different in each city. There are differences, for example, in the degree to which Negroes, Puerto Ricans, and other minority groups have been able to work their way into professional criminal careers. We find differences in the patterns of recruitment into professional crime that seem to be somewhat regional. We also find that the manner in which professional criminals relate to agencies of law enforcement is somewhat different in the different cities and reflects the differences in law enforcement practices.

In the remainder of the report we concentrate more on those characteristics of professional crime and professional criminals

that are similar, in the four cities we studied, than on those characteristics that are different. We do this for two reasons: First, since we address our recommendations to the National Crime Commission, it is important that these recommendations reflect those aspects of the problem that are national, rather than regional, in scope.¹ Secondly, however, we are not sure, in all cases, whether the differences we found between the cities are true differences or reflect differences between the points of view of our field consultants or differences in the particular sample of law enforcement officials and criminals that each field consultant interviewed. While the study group has discussed these problems at considerable length and feels fairly confident that those differences we report are probably true differences, it is only fair to say that we are somewhat less sure about this body of material than we are about those aspects of the problem that appear to be common to all four cities.

How We Did the Study

A single field consultant (in the case of San Francisco, two) was assigned to each city. Sol Chaneles did the work in New York, Kriss Novak interviewed in Chicago, Fred Powledge covered Atlanta, and Sheldon Messinger and Egon Bittner teamed up to investigate professional crime and professional criminals in San

¹While we can in no way guarantee that what we found to be true in four cities is true of the nation, it seems to us that we must proceed on the assumption that what is true of four geographically separated cities is likely, although not necessarily, true nationally.

Francisco. Each consultant began his field work (which lasted between twenty and thirty days) by contacting the police and the district attorneys in their city. The consultants talked extensively with these law enforcement officials about professional criminals, concentrating on those aspects of the professional crime problem that the law enforcement officials said were of greatest concern in their cities. In addition, some of the field consultants went out with the police as they did their daily work; they observed interrogations, entries and searches of private dwellings, conversations with complainants, and arrests. They talked with police informants, observed the work of those in the crime labs, and, in some cases, examined the materials of intelligence units. Throughout their talks, they solicited leads that would put them in touch with professional criminals. Some of these leads led the consultants to professional criminals who were in jail or prison; some to professional criminals who are still free. The criminals in turn led the consultants to other criminals, both in prison and free, and the process continued until the consultants had talked to a total of 128 policemen; 7 district attorneys, and 23 members of district attorneys' offices, one fire marshall, two criminal lawyers, two police informants, and 50 professional criminals. Table I summarizes the types of people interviewed in each city.

In each interview, the respondents were treated as much as informants as subjects or individual cases. While the field consultants asked questions about the interviewees' own activities,

TABLE I: People Interviewed in the Study

	<u>New York</u>	<u>Chicago</u>	<u>Atlanta</u>	<u>San Francisco</u>	<u>Total</u>
Police:					
Commissioners	2	0	0	0	2
Chiefs	1	0	1	1	3
Heads of Departments	3	6	8	9	26
Detectives	37	9	14	20	80
Uniformed Officers	4	2	8	3	17
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	47	17	31	33	128
District Attorneys:					
District Attorneys	5	0	1	1	7
Staff	15	1	3	4	23
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	20	1	4	5	30
Professional Criminals:					
In Jail or Prison	9	5	7	10	31
Free	4	3	3	9	19
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	13	8	10	19	50
Other:*					
Fire Marshals	1	0	0	0	1
Criminal Lawyers	0	1	0	1	2
Police Informants	0	0	1	1	2
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Total	1	1	1	2	5

* In addition, our field consultants talked with a number of officials from Federal law enforcement agencies, but were asked not to identify the sources of these interviews.

they also asked the interviewees to discuss what they knew about the broader picture of professional crime. The police were queried about how other policemen or other units operated and about the activities of other law enforcement agencies. In addition, they were asked to describe, as best they could, how professional criminals operated and, if they would, why they thought people became professional criminals. The professional criminals, in turn, were asked to describe the activities of other professional criminals whom they might know, and they were asked to discuss the operations of law enforcement agencies. In total, then, we have information about the particular behaviors of 159 law enforcement officials, and 50 professional criminals. In addition, however, we have these people's descriptions of countless other criminal and law enforcement personnel.

How Trustworthy Are Our Data?

The problems are several in inquiring about professional crime and professional criminals. This is an area of inquiry which, like many others, calls for first-hand observation, but it is not obvious how one goes about observing the commission of crimes. A second-best procedure (itself too little followed) would be detailed interviews with persons engaged in criminal activities during the course of their "on-street" careers, rather than in jail or prison. Although we interviewed some criminals under these circumstances, the numbers who were free at the time of our interviews were very few. We found that such an enterprise

is not impossible, but it takes considerable time and, moreover, raises thorny legal questions about the status of the information gathered. For some researchers ethical questions may also be raised.

Nor are the problems of access and trust confined to the study of criminals. Accurate and insightful study of the police also requires first-hand observation. The police engage in many practices that are quasi-legal, and some policemen, some of the time, in illegal practices. The informer system, the common basis of police work as we have seen it (and as the literature on the police suggests), leads to many extra-legal and sometimes illegal practices. It requires much closer study than it has received to date but this in turn requires access and, above all, trust.

In general, however, we feel that our data, as far as they go, are reasonably reliable. Even so, we have been aware of the fact that most of our data consist of the impressions of other people about the nature of professional crime and professional criminals. Our data can only be as accurate as the impressions of these people. But, the people we talked to, law enforcement officials and professional criminals themselves, should know more about the subject than anyone else, and save for direct observations by ourselves, these people probably provided us with the best available source of information about professional criminals.

To be sure, we talked with some people, both criminals and

law enforcement officials, who probably gave us distorted or incomplete accounts. If we had any evidence to suggest that an informant was deliberately trying to "con" us, we appropriately discounted material we got from him. Our biggest problem, however, was not with deliberate attempts to distort material (most informants who wanted to hide something from us simply did not tell us about it), but with honestly stated differences in how different people saw the situation. This was especially true when we compared the statements of law enforcement officials and professional criminals. While most of the people in both of these groups saw some aspects of professional crime in common terms, they differed considerably in how they saw other aspects of the problem. These differences seemed to come not so much from inaccurate reporting as from the different perspectives from which these two groups view professional crime. We have not in any way tried to decide which is the "true" account; in a certain sense they are both true. They are both true accounts of how law enforcement officials, on the one hand, and professional criminals, on the other hand, view professional crime and professional criminals.

PROFESSIONAL CRIME AND PROFESSIONAL CRIMINALS TODAY

The Size and Nature of the Problem

The proportion of crime, whether in terms of number of crimes committed or value of stolen goods, that is "professional," is quite impossible to estimate given our data or any data available today. Much depends, of course, on what is intended by the term "professional." But whatever definition is selected, there is no information that will supply an answer. There are many reasons for this.

The most important reason is the fact that there are no really good estimates of the total amount of crime: only a small and unknown proportion of criminals are ever apprehended, not all crimes are reported to official agencies (in fact victims of crimes are not always aware that a crime has been committed against them), and estimates of property losses from crimes that are reported are quite variable, being subject to such factors as the tendency of some complainants to overestimate the value of stolen goods and of criminals, insurance companies, and at times even the police to underestimate their value.

Discounting the "dark" areas of unknown crime, difficulties still remain in gathering accurate data about the known crimes. We found the record-keeping functions of most law enforcement agencies to be quite poor. In one city we studied, for example, reports to the Intelligence Unit are as much as a year late in being filed. In some cities, crime statistics are still kept by

hand and it would have taken the statistical divisions months to compile even the crudest breakdown of criminal activity for purposes of our study. Although all of our field consultants tried to get information from law enforcement agencies about the extent of the professional crime problem, not one consultant could gather anything definitive.

Many law enforcement agents gave us their "impressions" of the problem, however. These impressions covered a wide range. At one extreme, we heard that the professional crime problem is "overwhelming," or "the problem is greater than at any time in my twenty years in the department." Other law enforcement officials offered more precise estimates: "Five per cent of the annual homicides are professional 'hit' jobs." "Ten per cent of all our burglaries are perpetrated by the 'pros'." "Maybe five per cent of all our fires are the work of professional arsonists." "The really professional criminals account for ten per cent of all crimes such as burglary, robbery, and cartage theft but fifty per cent of the dollar loss through these crimes."

All of these estimates are guesses; they can be little else in light of current record-keeping procedures. And, not all of the guesses agree. Nor should we expect them to, as each law enforcement agency, and detail within the police department, tends to see the problem from its own perspective. The particular problems of each of these agencies no doubt loom very large to the people in that agency. They are of less concern to other agencies and may be even completely unknown. Just what kind of

an overall picture these problems add up to is hard to say with any degree of accuracy.

Our general impression, however, is that professional criminals account for a fairly large percentage of the crimes against property,¹ and probably a significant amount of the crimes against persons, (especially if one considers lay abortionists as professional criminals and abortion as a crime against persons).² We would expect this to be true, if for no other reason than the fact that professional criminals spend full time at criminal pursuits and some professional criminals report very large annual incomes (exceeding \$100,000 in some cases). Only a few criminals working full time can account for as many crimes annually, and as much monetary loss, as a very large number of "occasional" criminals.

It is also our impression that the size of the professional crime problem is greater in New York and Chicago than in San Francisco or Atlanta (although there is no indication that the problem is proportionately any larger in these two cities than their relative sizes would indicate). We come to this conclusion on a number of grounds. First, the individual burglaries reported

¹It is the opinion of some of the district attorneys to whom we spoke, however, that the professional criminals on whom the police focus most attention -- those who commit such crimes as burglary, robbery, and auto theft -- do not account for the largest percentage of monetary loss. This distinction, they say, goes to business-related criminals involved in such things as consumer fraud, investment fraud, and price fixing.

²New York police estimate that about 50,000 lay abortion rings of two or three persons each are operating in New York City.

in New York and Chicago run to much larger amounts than in San Francisco or Atlanta. (Single hijacking jobs or warehouse thefts involving hundreds of thousands of dollars are not uncommon in New York or Chicago but are very rare in San Francisco or Atlanta.) Secondly, some of our professional criminal informants from New York and Chicago report annual incomes that are much higher than those reported by the informants from San Francisco and Atlanta. But finally, the law enforcement officials in New York and Chicago reported much greater problems with, and concern about, professional crime than did the law enforcement personnel we talked with in the other two cities. The problem has been of such concern in Chicago, for example, that the police department has set up a separate intelligence unit to deal exclusively with big-time professional criminals.

Our only conclusion about the size of the problem is that it is extensive, although probably not the largest or most pressing problem facing law enforcement agencies today. The magnitude of the problem is greater in the larger cities (and possibly greater in the Midwest and East than in the South and Far West). And, the problem is one that is relatively difficult for law enforcement agencies to cope with since professional criminals are sophisticated in the arts of thwarting the enforcement efforts of the police and other law enforcement agencies.

"Hustling" as a Way of Life

The professional criminal of thirty or forty years ago

was described as a craftsman who was well trained in his line of work, who generally specialized in only one kind of criminal activity, and who planned his "capers" well. Today, we find a different portrait of the professional criminal. Over and over, when we asked professional criminals what they did, they would answer, "I hustle."¹

To "hustle" is to be persistently on the lookout for an opportunity to make an illegal buck. A criminal "on the hustle" will do pretty much whatever is required; he will consider whatever comes up. This is especially true of the less successful professional criminals; the more successful professionals can afford to be more choosy and may in fact turn down opportunities that are exceptionally risky, distasteful, or promise little reward. But, in a sense, they "hustle" too, in that they will at least consider all opportunities. And, when the successful criminal's fortunes begin to wane, or when his legal costs go up, he will also begin to accept almost anything.

"Hustling" is not a passive activity; it is an active one. For the small-time professional criminal, for example, it means moving around the bars and being seen; it means finding out what's up. It means "connecting" in the morning with other individuals who have a burglary set up for the evening, calling

¹The term, "to hustle," is not universal. We heard it only in San Francisco and Atlanta and there it seems to be a term that is more likely to be used to describe the activities of the run of the mill professional criminal than the really successful ones. Since the term captures a quality of activity that applies to almost all professional criminals we will use the term in a more general sense that we actually heard it used.

a man to see if he wants to buy ten stolen alpaca sweaters at five bucks each, scouting the street for a "mark" who can be "paddy hustled," and maybe all of these things in a single day. Tomorrow it means more of the same. It means being versatile: passing checks, rolling a drunk, driving for a stick-up, boosting a car, "hitting" a store window. It is a planless kind of existence, but with a purpose -- to make as much money as can be made each day, whatever way can be found, no holds barred.

"You can't pass up money; it just isn't right." We heard this phrase or one like it many times. Professional criminals, we were assured, rarely pass up a good "touch."

Even the more successful professional criminals hustle to some extent, although the cycle of their hustling is likely to be in terms of weeks or months rather than days. The more successful a criminal is, the longer he can afford to lay off between jobs, and the more planning he can afford to give to his next job. But even the successful criminal is on the lookout for opportunities most of the time, and when he is not engaging actively in a crime he is likely to be at work setting up a new opportunity or planning a new job. Occasionally, he may even hire himself out to another group for something they have going. Seldom will he pass up a good buck.

Only among the really big-time operators in New York city did we find the term "hustling" somewhat inadequate. Some of these professional criminals are so successful that they can well afford to be much more purposeful and choosy in their

criminal activities than the average professional criminal. In addition, the "wise guys," as the big-time operators in New York are sometimes called, are much better organized than most professional criminals and thus all the big-time professional criminals do not have to be on the lookout for criminal opportunities; there are specialists among them who take care of this task. But the predatory character of "hustling" is not lost even among New York's "wise guys." It is just better organized and more selective.

"Hustling" for most professional criminals necessitates versatility. If one specializes too narrowly, he is likely to miss too many opportunities. While we talked with a few professional criminals who would limit the scope of their activities (for example, some said that they would not do anything that involved violence), we found none who were specialists in the sense described by Sutherland. One professional stick-up man is typical. In addition to armed robbery, he indicated that he had been party to con games, both long and short, and he had "tried" safe burglary. He had passed checks, and he had acted as armed guard (for a fee -- \$150) for others engaged in burglary. He implied, but did not recount, numerous other "scams" in which he had participated, saying: "You get up at eight in the morning, and you start hustling."

This is not to suggest that the professional criminal never specializes, or at least does not wish to, for most criminals we talked to had preferences for the kinds of crimes they would commit or the kinds of roles they would play in a group

operation. But the professional criminal apparently is not always free to follow his preferences for his preferred line of work at times does not present sufficient opportunity. When it is necessary, most professional criminals will do things that they do not particularly like to do or for which they are not specially skilled.

Changing Criminal Careers

Again and again, especially in Atlanta and San Francisco, we heard law enforcement officials say that the really "classy" professional criminal who is an expert in one line of work is a thing of the past. This suggests that either the career patterns of professional criminals have been changing or that the old stereotypes were inaccurate.

The demise of the "box man," or safecracker, is often used as an example of these changing times. When asked why good safecrackers are dying out, the police will often point to such factors as increased law enforcement surveillance and mobility, and to the work of safe manufacturers which has made modern safes harder to "beat." While these factors are doubtless important, good "box men" still claim that there is no safe made that they can't beat. But it is probably harder to beat them than it used to be, and it is also probably more risky to try.

But perhaps more important than either of these factors, people do not keep as much money in safes these days as they used to; modern economic transactions involve the transfer of

credits much more than the transfer of cash. Thus, while it has become harder and riskier to rob safes, at the same time it has become less profitable. In addition, other less risky opportunities for crime have arisen, such as check passing.

The passing of the professional "box man" illustrates an important point: as conditions in society change, the nature of professional crime changes to meet them. Historically, for example, when aspirin was a "wonder drug," professional criminals heisted loads of aspirin, whereas today the merchandise is more likely to be the newer "wonder drugs," cosmetics, or television sets. As certain criminal occupations become relatively unprofitable, other opportunities develop. The crimes committed by professional criminals reflect these changes.

Thus, it is said frequently that every burglar nowadays is also in the check business. Formerly burglars might not even have looked for checks to steal. If they did steal checks (and other check-cashing materials such as check protectors or identification papers), they would pass them on to others who specialized in check passing. Now, it is said, a professional criminal will move back and forth between burglary and check passing. One professional burglar said that in one several week period between burglaries, he passed over \$20,000 of stolen checks.

While the "box man" has been disappearing (and along with him such other specialists as professional bank robbers and, probably, pickpockets and con men), other professional criminals

have found new opportunities. One of the most important of these opportunities is auto theft and other crimes related to the automobile, such as auto stripping and auto "boosting" (stealing goods such as cameras or furs from parked cars). Although the vast majority of stolen automobiles are recovered unharmed¹ (90 per cent are recovered in San Francisco), a vast number of automobiles are stolen each year (an estimated \$6,000,000 worth in San Francisco alone). This means that the small percentage of cars that are stolen for resale, or for stripping of the parts for resale, represents a sizeable business. This business involves many professional criminals and requires a fairly high degree of specialization.

An auto theft operation was described by the police in New York which involved not only professional criminals, but used car dealers who would "order" specific makes and models of cars for their clients. Professional criminals would then steal the cars to fill these "orders," and they would provide the necessary forged papers to complete the transaction with the often, but not necessarily always, naive customer. Stripping cars of their parts (often right down to the frame) is also a big business in New York and a drive through back streets and deserted construction areas will almost always reveal the hulks of a number of stripped automobiles.

¹Not all of the recovered cars have been used simply for "joy riding." In many cases professional criminals steal the cars they need to use for other crimes, such as robbery.

Auto stripping is also a thriving business in San Francisco where it is said that strippers have a ready market for their wares among stock car racers and hot-rodgers. In fact, much of this business is said to be "made to order." An informal contact is made between the customer and the stripper. The deal is negotiated, the proper car is stolen and stripped, and the merchandise is delivered. The market for auto parts is so lucrative in San Francisco that even the junk yards are not safe from theft and the only used parts dealer who claimed to have never been robbed was one who slept on his premises with a loaded gun (which he reported that he had used to drive off would-be burglars).¹

The auto business is reported to be equally good in Atlanta and Chicago. The police claim that many former bootleggers have now gone into the stolen car racket. Chicago professional criminals report a thriving business in auto stripping and in stolen cars which are shipped and resold as far away as the Deep South.

One could go on for a long time describing the changing nature of criminal opportunities. We heard a great deal, for example, about the increased incidence of home improvement and related frauds. (Some law enforcement officials say that these may now account for the largest professional criminal profits in many cities.) To continue this list is not important,

¹The San Francisco police noted that auto junk yards are, because of their location and layout, notoriously difficult to keep under surveillance.

however, as we probably have not heard of nearly all the new angles, and if we have, the angles will probably soon change anyway. What is to be learned from these examples, however, is how exploitative the professional criminal is.

The Professional Criminal's Relations with Other Professional Criminals

While "hustling" means that the professional criminal has to be versatile, both in terms of the kinds of crimes he engages in and in terms of whom he works with, it is not true to say that the professional criminal's activities are completely without pattern or that his associations with other criminals are completely without structure. It is true to say, however, that the kinds of relationships that most professional criminals have with other criminals are somewhat different than the relationships that one encounters in most professions.

Sutherland, in describing the professional thief of forty years ago, stressed the idea that professional thieves enjoy a sense of identity and solidarity and work within a set of relatively well defined professional norms.¹ This conception does not describe accurately the social relationships of most professional criminals today.² The most striking thing about

¹The Professional Thief, op. cit. It should be noted that Sutherland may have overdrawn his description of the sub-culture of professional thieves in order to emphasize the professional character of their activities.

²It is a somewhat more accurate description of very successful professional criminals, especially in New York city,

present day relationships between professional criminals is that these relationships are not structured by strong ongoing group relationships, but are structured primarily by the crimes that professional criminals commit. Since different crimes, or the same kind of crime committed under different circumstances, require different kinds and numbers of personnel, the groupings of professional criminals tend to change from crime to crime. In addition, since different crimes require different amounts of financial backing and different kinds of fencing operations, the professional criminal's relations with loan sharks and fences are likely to change from operation to operation.

This is not to suggest that friendship ties and professional obligations play no part in the organization of professional criminals. It is also not to suggest that a group of professional criminals will not operate over a relatively long period of time with fairly stable arrangements being worked out with one fence. It is to suggest, however, that these kinds of stable relationships are the exception rather than the rule and are more likely to be found among the more successful professional criminals. Even the few relatively stable groups we heard about bring in other professional criminals for certain jobs and some members of the group may hire out from time to time on other jobs.

but these very successful criminals make up only a small part of all the kinds of professional criminals we interviewed. The discussion following is most typical of middle and low range professionals, but it also describes the big-time professional criminals in Chicago, to some extent.

The important point to be made is that the structure of opportunities open for most professional criminals limits the kinds of professional relationships into which they can enter. The professional criminal, for example, cannot plan to work from day to day with the same people, but must be prepared to work with many different people as the occasion calls for it. To be sure, there are limits to the number of people with whom he will work, and his choice of accomplices is somewhat structured by the circle of criminals he knows, but the particular people with whom he works on any one job are likely to be different than those with whom he works on any other job.

It is also not true today that the adage "honor among thieves" holds universally. In talking about the "criminal code" hardly anyone mentioned the "no ratting" rule (except insofar as we heard that it was more often honored in prison than elsewhere). Indeed, most of the criminals with whom we spoke appeared to take it for granted that other criminals would do whatever necessary to protect themselves (i.e. to avoid imprisonment or reduce a sentence), and that he, therefore, should do likewise. As one professional criminal commented: "The one who gets his story told first gets the lightest sentence."

We heard little resentment expressed about ratting. It was treated like the weather -- a fact of life. Further, criminals expected to be cheated by their colleagues, or by most colleagues. (Some appeared to know and work with a few

persons whom they trusted completely.) Tales of being "burnt," by fences particularly, were frequently heard, as well as tales of other thieves "skimming" a part of a joint "take." Hijacking the "take" of other thieves is apparently also fairly common, limited only by fear of reprisal.

The notable exception to this generalization is to be found among the really successful professional criminals in New York and Chicago. In Chicago, for example, it is reported that there is a group of between fifty and two hundred "heavy" professional thieves who concentrate on such criminal activities as burglary, robbery, and cartage theft. It is said that this group, or at least the core members of the group, are quite stable and quite highly organized, and apparently they exert a considerable amount of control over their own members and over the more peripheral members who work with them on occasional jobs. Their ability to control errant members results, evidently, from three peculiar characteristics of this group. First, this group is reputed to come primarily from one neighborhood and thus to have many familial and friendship ties that go back to the criminal's childhood. Secondly, however, this group does not seem to be afraid to "execute" someone who gets really out of line. While this is done for only the most serious violations, possibly for "ratting" or "skimming" the fear of being so dealt with evidently keeps most of the members of the group in line. And, finally, this group of professional criminals seems to have the services of organized crime backing them up in serious cases. An

arbitrator from the syndicate, known locally as the "mustache" may be called in, so the criminals say, to settle serious disputes between professional criminals, and the word of the "mustache" is final.

The overall picture is that of a profound distrust of one another. This is especially the case for the less successful and small time operators. (As one of our informants in San Francisco said about his crime partner of several months, "it is not so much that I am not sure whether I can trust him or not; I know that I can't trust him.") This picture of distrust fades as one looks at the more successful professional criminals, but even among this group we suspect that honor is more a product of the fear of retaliation than a matter of personal loyalty or a commitment to a strong sub-cultural value system.

The Professional Criminal's Relationship with Syndicated Crime

This situation in Chicago leads to a consideration of the professional criminal's relationship with another category of criminals: the syndicates. The nature and extent of this kind of relationship has been hard to discover with any degree of confidence. Aside from calling in someone from the syndicate to arbitrate disputes, there seem to be few other direct contacts with syndicated crime in Chicago. It is said that big-time "juice men," or loan sharks, in Chicago are members of crime syndicates, and the professional criminal certainly has need to do business with "juice men" from time to time, either to finance an expensive job or to get money for bail bond

or legal fees. There was also some indication that the big-time fences in Chicago are either members of the "outfit" or work under its authorization. One professional criminal burglary in particular shows that there must have been syndicate connections. This burglary from a drug company netted \$240,000 worth of narcotics and there would seem little chance of disposing of this kind of merchandise except through the syndicate.

The police in Atlanta and San Francisco claim that syndicated crime does not operate in their cities, and we gained no information from the professional criminals in these two cities to contradict this information. (The police in both of these cities expressed fears, however, that syndicates are moving into their cities and cited recent syndicate purchases of legitimate businesses as grounds to support their fears.) There are organized criminal activities in New York and there is evidence to suggest that the more successful professional criminals may have relations with organized crime. The nature of these relationships is not altogether clear, however, but there is some evidence that the syndicate will hire professional criminals from time to time to do particular jobs. One of these activities seems to be homicide. Rather than have a syndicate member get rid of someone, the syndicate evidently hires professional criminals to do the dirty work.

The Professional Criminal's Relationship with Receivers of Stolen Goods

The fence is a necessary element in much professional crime,

and it is felt by many to be the most important factor contributing to the existence of professional crime. Without outlets for his goods, the criminal would be severely, if not totally, restricted in the volume and type of crime he could carry out. Granted, one would be able to locate enough buyers for a truckload of television sets or electrical appliances, given enough time and nerve, but the risk is high and the net profit would likely be low. The professional criminal can dispose of a load of television sets almost overnight, and in fact, in cases where he has stolen perishable goods he does dispose of them overnight.

As one policeman described it, in New York within one month after the tax was raised on cigarettes, professional criminals were bootlegging whole truckloads of cigarettes into the city. This obviously involved a tremendous organization including suppliers, truckers, distribution centers, and eventually retailers. This whole operation was set up within a month's time. For the average person to bring in one trunk load of cigarettes illegally and dispose of them in a month's time would be difficult, if not impossible.

We have plenty of evidence that fences operate in all four of the cities that we studied, but the extent of these fencing operations varies considerably. In New York and Chicago there are evidently some really big-time fences who can handle rather large quantities of sometimes rather specialized goods. This is indicated by the types of thefts recorded in these cities.

In addition to the \$240,000 worth of narcotics stolen in Chicago that was described earlier, for example, Chicago has also recently witnessed a cartage theft of \$250,000 worth of merchandise and Green Stamps from a Sperry and Hutchinson warehouse, and a cartage theft of copper metal valued at over \$400,000. To dispose of these quantities of specialized goods obviously demands complicated connections with buyers, and it is highly unlikely that the professional criminals themselves had these connections. Most likely a highly accomplished fence served as middleman between the professional criminals and the eventual buyers.

Atlanta and San Francisco have not witnessed burglaries or robberies of the magnitude described above. (In San Francisco, for example, the field consultants heard about one hijacking of \$30,000 worth of clothing from so many policemen that they concluded that this was probably one of the biggest jobs pulled off all year.) Consequently, they probably do not have fences who would handle these volumes of specialized merchandise. But they do have fences who operate on a lesser scale. Typically, these fences are of two kinds: those who are clearly criminal, and those who hide their fencing operations behind legitimate businesses and who, in fact, may engage in fencing only sporadically as a supplement to their normal business.

Those fences who deal in nothing but stolen goods are by our definition professional criminals themselves, and they have a rather interesting relationship to the other professional criminals who provide the goods. In a real sense these fences

are entrepreneurs. They work as hard trying to find bargains from burglars or car boosters as they do in trying to get a good price for the goods that they handle. This means that the fences "hustle" the other professional criminals; they bargain, they dicker, they offer a better price than another fence. But their business is an active one and they do not hesitate to seek out the criminals who provide them with goods. Some fences may work out quasi-stable relationships with a whole group of burglars who deal only with him, but if ever the burglar or auto booster thinks that his fence is not giving him a good price for his goods he is always free to bargain with someone else. There are plenty of other fences to deal with.

Some fences will also deal in narcotics, or maybe we should say that some narcotics pushers will take stolen goods, instead of cash, for narcotics. While dealing with addicts is generally thought to be more dangerous than dealing with non-addicts (and in fact it probably is as addicts are often used as police informers) it is also more profitable. The addict in need of a "fix" does not bargain well and he will often take much less for merchandise that he has stolen than he could get if he bargained with other fences, or even if he sold the goods himself. But the addict seldom is in a position to wait and he will often take whatever heroin he can get at the moment for what he has.

But some "legitimate" businessmen will also act as fences on a more or less regular basis. We have reports of clothing

and appliance dealers who regularly augment their inventories with stolen goods. The major outlet for stolen jewels in one of the cities studied is said to be legitimate jewelry merchants. We also have heard of incidents where "legitimate" businessmen use stolen goods as "extras" for those who buy their regular line of goods. (For example, an automobile merchant will offer a new television set, which has been stolen, to everyone who buys a new car from him.)

But fences, either clearly criminal or quasi-legitimate businessmen, do not account for the disposal of all stolen goods. Many professional criminals, especially the less successful ones who deal with small quantities of merchandise, will sell directly to the public. They make their contacts in various ways and usually they sell to those in the poorer areas of town. While most professional criminals claim that everyone has "some larceny in his heart," and that practically no one, rich or poor, will turn down a really good bargain, there still seem to be some good reasons for making contacts primarily among the poor. First of all, the poor are less likely to have luxury items and thus they are more likely to be in the market for them. But since they do not have the means to buy such goods on the legitimate market, they are more willing to buy from the illegal market, especially when they can get such luxuries for half what they would have to pay in the store. But there is one additional reason: the poor, and especially the Negro poor, are more likely to be alienated from the agencies of law

enforcement, and thus they will be less likely to ask questions, or even if they do suspect illegality, to report the activities to the police.¹

The Professional Criminal's Relationships with Loan Sharks

The loan shark, sometimes referred to as a "juice man," has already been mentioned, and to some extent he too might be thought of as a special type of professional criminal. Loan sharking is not always a professional criminal activity, however. We have already mentioned that there is some evidence that organized crime is involved in this kind of activity (which is understandable, as it is a lucrative business), and there are

¹While we do not have really strong evidence on the following, and thus are excluding it from the body of the report, we would like to make one further speculation on the nature of one of the markets for stolen goods. The fact that a large volume of stolen goods can be sold easily in areas inhabited by the poor may well be taken as an indication of a transitional state in this sector of the consumer market. The resources of this population have now risen above the subsistence level, or so one may assume, but have not reached a level that would allow the acquisition of all desired goods through legal channels of distribution. But goods are accessible to buyers from this population if they are drastically discounted through the mechanism of theft. Thus, theft may be seen as a mechanism of price discounting. When viewed in this light, theft has the economic significance of meeting the consumer aspirations and capabilities of a substantial segment of the community. Consider, for example, that one half of what is now estimated to be "normal" inventory shrinkage of retail merchandising may be disposed of in this way. The denial of this method of disposal would undoubtedly make price reductions possible, but those who buy the stolen merchandise would still probably not meet the reduced price. This could thus easily result in inventory surplus and increases in real poverty (e.g. those who now buy stolen clothes at half price would have to get along on fewer clothes).

"legitimate" businessmen who will engage in the activity occasionally.

The professional criminal's dealings with loan sharks come about for two major reasons. The first is to finance crimes for which the professional criminal does not have the ready capital to buy the tools, rent the trucks or warehouses, or whatever may be needed for his operations. The professional criminal often is willing to pay usurious interest rates (sometimes reported to be as high as 100% per week for highly risky loans) if he expects to make a particularly good haul. But probably the biggest demand for "juice" comes from the professional criminal's bail and legal costs which at times may be large indeed.

Some professional criminals described the process as follows: it all begins with a first arrest (or first arrest after getting out of prison). In order to stay out of jail (the paramount task if he is going to keep on working), the professional criminal has to post bond. Since he usually cannot post bond himself, he turns to a bailbondsmen. While on the first offense the professional will likely be able to pay the bondsman's fees, at times he will not and will have to turn to the "juice man" for help. In addition, the professional criminal will have to retain a lawyer who also demands fees. In order to pay for these expensive legal costs, the criminal will have to work all the harder at his profession. This in turn means that he will have to engage in more frequent criminal activity

and in activities which are more risky. More often than not he will receive an additional arrest which will require new, and often larger, bond. In addition, his lawyer will now have more work to do and will thus charge more money. The criminal works all the harder and may get caught again. By this time he almost certainly has legal fees that are beyond his means and he will have had to turn to the "juice man" for help. But the process goes on. Now the professional criminal receives a conviction on the first offense for which he was arrested. This necessitates an appeal, which leads to a new bond and to even further fees for his lawyer. By the time the criminal is finally convicted on one of his pending offenses years have elapsed. The loan shark, during all this time, along with the bailbondsman and the lawyer, has extracted a tremendous amount of money from the work that the criminal has been able to continue while his cases were pending in court.

There is much more to be learned about the operation of loan sharking, much of which, of course, is involved with people completely outside professional crime. But even to the extent that we came into contact with it, we can see that it is a big business. Some professional criminals, especially the more successful ones, engage in it when they can. We heard, for example, that one of the typical career routes for a professional criminal in New York is to begin with burglary or robbery and work until some capital is accumulated, buy a quantity of narcotics with this capital and push the narcotics for a few

months (it is thought to be too risky to push for much longer than six months) and then take the now much inflated capital and move into loan sharking, one of the safest of all criminal activities, but one requiring large amounts of ready capital.

The Professional Criminal's Relationship with the Agents of Criminal Justice

The most characteristic aspect of our traditional concept of the professional criminal's relationship with agencies of law enforcement and the administration of criminal justice is the "fix." Just as the professional criminal was reputed to assume that there is "some larceny in everyone's heart," (and many of the professional criminals we talked with still expressed this belief) so they supposedly used to feel that the agents of criminal justice were all corruptible. It is not altogether evident that this assumption was ever completely true, as professional criminals have always done a certain amount of time in jail or prison, but the assumption certainly is not completely true today. We talked to no professional criminal who had not done at least some time in jail or in prison, although it was characteristic that they did less and less time as they became older and, presumably, more sophisticated.¹

But this description over-simplifies the case. While we

¹It should be noted that we may not have found any professional criminals who had never been in jail or prison simply because such criminals would not be known to the police who were our major source of contacts with criminals.

heard very little about outright bribes being accepted or out-and-out protection being granted, which was the way the "fix" supposedly used to operate, there are still many things that the professional criminals can do to intercede in the law enforcement process short of offering a bribe, and there are ways in which bribes can be paid that are more subtle and indirect than they used to be. Also, we find that such intercessions are not directed only toward preventing arrests, or even toward preventing convictions; they also are directed at getting light sentences or getting out of jail or prison as soon as possible.

Typically, what the professional criminal does today, if he gets arrested, is to contact his lawyer and find out what it will take to get out of the jam. Getting out of the jam may include anything from getting charges reduced or dropped to being placed on probation, but the criminal's lawyer will supposedly do whatever he can to keep the criminal free. What the lawyer does, however, often is a mystery to the professional criminal. All he knows, for example, is that his lawyer said it would cost, say, \$800 to take care of his problem. He pays the \$800 and finds that when he appears in court his case is dismissed.

The professional criminal will not always work through a lawyer (some of the less successful ones cannot afford it) and occasionally a professional criminal will work directly with the law enforcement officers. Professional criminals seem to have a fairly good idea of the alternative penalties for the

crimes they commit, and they speak of attempting to lighten their sentences almost from the moment of arrest by suggesting that they swap the detective some "information" in return for the policeman's unenergetic testimony at trial. A policeman, too, described this technique: "I can get on the stand and really lay the facts down, with all the colorful language you need, and the judge needs, and the jury needs, to put this man away for a long time. Or I can just recite the facts. If the suspect helps me, I help him."

Characteristically, then, the professional criminal's primary objective in his dealings with the "law" is to stay free, "on the streets," and working as much as he can. He will do this in almost any way he can, but evidently he finds it easier or more feasible to accomplish this goal by manipulating the processes of justice rather than by trying to buy off law enforcement officials directly. But part of most professional criminals' lives are spent in jail or prison. This the professional criminal seems to take for granted. It is part of his way of life; it is a part of his profession. As one professional criminal put it: "Everyone has to take a vacation now and then. Why not take a free vacation?"

Joining the Profession

What kinds of people become criminals and how they get recruited into a life of crime are questions that have engaged criminologists for some time. Sutherland commented on this point when he wrote:

The members of the profession generally started their occupational life in legitimate employment, although some of them entered other illegal occupations before becoming professional thieves. Few of these came from the amateur thieves who are reared in the slums, for these youngsters seldom have the social abilities or front required of professional thieves.¹

Sutherland's generalization cannot be confirmed by our evidence for today's professional criminals. Those professional criminals with whom we talked were as likely to have come from very poor beginnings as not, and maybe even a little more likely. In fact, the most striking thing to be gathered from our interview material is the complete lack of a single background pattern. Never did we hear that the criminal's parents had been a party to their career choice and most indicated that their criminal lives had been a disgrace to their families. Neither is it likely that the professional criminal came from a family where all the children "went bad." We made a point of asking our informants about the present status of their brothers and sisters, and much more often than not they indicated that their brothers and sisters are now leading respectable, law-abiding lives.

We found only one recruiting situation that had any degree of pattern. This was the situation that we referred to earlier that seems to exist in Chicago.² Here, it is said,

¹Op. Cit., p. 21.

²There is some evidence, as we indicated earlier, that there may still be a few neighborhoods in New York which contribute heavily to the ranks of professional crime.

probably sixty or seventy per cent of the "really good" professional criminals come from one twenty or thirty block area of the city. But even here there was no indication that siblings or parents had any particular role to play in the recruitment process and the parents evidently tried to keep their children out of crime. The first contact with professional crime usually came through friends who were in the profession. Many of the boys from this area began their careers working for trucking or warehouse firms, and some of them found that they could make extra money by selling "tips" to professional criminals. Having made initial contacts, some of these boys evidently decided that there was more to be made in crime than in the trucking or warehouse business (which was probably true). Just what leads some of these people to get involved in crime and not others, however, was never disclosed, if in fact anyone knew or had even thought about it.

We found evidence that ethnic factors operate in the selection and recruitment of professional criminals, especially in New York and Chicago. These factors are quite complex, however, and it has been beyond the scope of this study to examine them in any detail. We can offer only two general observations.

First of all, we noted, as has been pointed out by other authors,¹ that there seems to be an ethnic succession in professional crime. (This is most evident in Chicago and New York;

¹See Daniel Bell, "Crime as an American Way of Life," The Antioch Review, vol. 13 (June, 1953), pp. 131-154.

it may be completely absent in Atlanta.) We found, for example, that professional criminals today are sometimes defended by lawyers who are the sons or grandsons of professional criminals of a former generation, of different ethnic origin. Today's professional criminals in turn, as we have already noted, are generally very strong in their determination to keep their own children from becoming criminals.

Minority racial groups, up to the present time, have been generally excluded from the ranks of professional crime in New York and Chicago; there is no evidence that they have been excluded in Atlanta and little that they have been excluded in San Francisco. This may be due in part to the fact that professional crime is not as big time in Atlanta or San Francisco. Minority racial group members make up some part of the lower ranks of professional criminals even in Chicago and New York.

There is also some indication that Negroes, especially, are beginning to move into the higher echelons of professional criminals in New York and Chicago and some policemen in Chicago predict that they will dominate professional crime in another generation. The police predict that the Negro's first inroads will come through his connections in the narcotics field. Through these connections, Negroes will begin to have contacts with downwardly mobile professional criminals, they suggest, who have become narcotics users. Through these contacts, Negroes will begin to acquire the skills and contacts that are

necessary for successful careers in professional crime. In addition, as the educational and economic position of Negroes improves generally, more Negroes will acquire the kinds of technological specialties that will make them adaptable to professional crime, and the Negro community will provide a more stable and lucrative market for their stolen goods.

Life Styles

Being devoted to crime as a full-time occupation makes certain demands on one's life. (One can get a flavor of these demands from our description of "hustling," which we considered earlier in this report.) First of all, professional crime demands a fair amount of work. While the really successful professional criminals speak of having a lot of leisure time, and in fact indicate that a desire for this leisure is an important reason for engaging in a criminal career, the less successful professional criminals have to devote a lot of time to their criminal activities in order to make a living. Even the really successful criminals spend much time between jobs setting up new jobs; and all professional criminals probably spend more time at their jobs than most people would suspect.

In addition to being demanding work (one burglar said that he got so tense during a robbery that he always broke out in a "terrible sweat"), professional crime is uncertain and unstructured work. While a few professional criminals work for extended periods of time with the same accomplices, most

work from day to day, or week to week, with whomever they can put together for a particular job. Each job requires different personnel, different plans, different resources, and even a different working schedule. As the professional moves from job to job, all of these aspects of his life change.

This kind of life does not stop some professionals from having a home and family, but the family life of the professional must usually be less than ideal. Not only does he have to try to hide his business activities from his children and his neighbors, but his pattern of activities is likely to keep him away from home for extended periods of time. (We talked with one professional criminal who had just bought a \$40,000 home in the suburbs for his family even though he faced an almost certain prison sentence of a number of years.) One professional criminal, who was at the time in jail, said that his profession had led to his divorce from a wife whom he really loved. His wife presented him with the ultimatum of quitting crime or leaving her. He left her.

In some ways, though, professional crime may not be too different from some legitimate professions in terms of the life style it demands or in terms of the hardships it places on a stable family life. The travelling salesman comes immediately to mind as a legitimate businessman with problems similar to those of the professional criminal. While the more successful salesmen may have a stable clientele, well routinized travelling schedules, and regular amounts of time to spend home with

his family, the less successful travelling salesman has to follow his opportunities wherever they are and when opportunities are not immediately present, he has to "hustle" up new ones. There are probably not a few travelling salesmen who have received ultimatums from their wives to either get a stable job or a divorce.

The one thing that did not seem to be part of the professional criminals' wives' objections to their work was the fact that they were doing things that were illegal or immoral. Evidently, wives of professional criminals are able to rationalize their husbands' behavior, or professional criminals marry people who don't care about the illegality of what they do. (We found no evidence that professional criminals are able to hide completely the criminal nature of their work from their wives.)

The professionals themselves, however, often did express their misgiving about what they did. These misgivings never took the form of outright expressions of guilt which the professional criminal seems easily to rationalize away, but rather took the form of "if I had it to do over again I would probably do something else." Few that we talked to expressed pride in being "criminals" which they all recognized they were, and some, perhaps many, betrayed a certain amount of shame about what they were. At the same time our informants betrayed feelings of shame in being criminals, they often expressed pride in being successful criminals. They accepted, it appeared, the old American adage that it doesn't matter so much what one

does just so long as he does it well.

Even though the professional criminal may have misgivings about his line of work, this is seldom sufficient to make him leave his profession. We talked with very few professionals who had given up crime or who indicated they would do so. There seem to be three main reasons for this. First, as many criminals noted, there are probably no occupations that they could enter (for a number of reasons, including lack of training, lack of contacts, and the possession of a criminal record) that would offer either the amount of income or, for some, the amount of leisure time that they are used to. Secondly, almost all of the professional criminals we talked to expressed the notion that society would not let them leave their profession. "No one will hire an ex-con," we heard again and again, "and if you lie about your record to get a job, your parole officer comes around checking up on how good a worker you are and there goes that job."¹ Finally, as we have noted elsewhere, the legal costs of some professional criminals become so large that these costs themselves tend to lock the criminal into an ever intensifying pattern of criminal activity.

¹We should note that it is not the case that all ex-convicts cannot get jobs, nor is it the case that professional criminals with prison records cannot get jobs. We do suggest, however, as the professional criminals told us, that they cannot get the kinds of jobs that will allow them to live in a style commensurate with what they were used to as professional criminals. In many cases, the professional criminal's training and education would probably exclude him from such jobs, with or without a prison record, so this argument in many ways is as much a description of one of the professional criminal's views of society and justice as a description of the professional criminal's employability in legitimate occupations.

CONTROLLING THE ACTIVITIES OF PROFESSIONAL CRIMINALS¹

In our study of professional criminals we obtained information on some of the social control activities of law enforcement agencies (especially police and district attorneys) that are designed to restrict the activities of professional criminals.² We wish to offer some observations in this section of our report about these agencies and the ways in which they are organized and function in order to combat professional crime. Before we do this, however, we must mention some aspects of our discussion that should be kept in mind in order to give our observations proper weight:

1) The picture of law enforcement agencies that we sketch is not comprehensive; we merely draw attention to certain features of the organization and activities of these agencies that are particularly relevant to professional crime. Controlling professional crime is but one of a number of duties that law enforcement agencies must perform. Many of the procedures used in this area are affected by needs arising from other elements of the mandate that society gives law enforcement agencies. In addition, no one law enforcement

¹Sol Chaneles takes exception to this section, feeling that it does not adequately describe the nature of law enforcement activities in New York City

²We should note that we talked much more with policemen than with district attorneys, or people from the offices of district attorneys, and that we talked directly with very few other types of law enforcement personnel. Therefore, our discussion of police practices is much more complete than our discussion of the practices of district attorneys, and we have very little to say about the practices of other law enforcement agents.

agency is fully free to organize its activities as it might wish, for each agency is but one of a related set of agencies composing the administration of criminal justice. Furthermore, the organization and activities of law enforcement agencies are influenced by limitations on resources and by rules of law.

2) We have found that law enforcement agencies do some things that appear to produce advantages for professional criminals. We shall discuss these activities, but we must note that it is not at all certain that doing things differently might not produce other advantages, perhaps even greater advantages, for professional criminals. The adaptability of the modern professional criminal, which this report has repeatedly emphasized, makes one hesitant to suggest reform. Only careful scrutiny and testing of alternatives can eventually resolve these issues.

3) We also trust that our criticisms of law enforcement practices will not be taken to imply that we hold either that law enforcement agencies are extremely ineffective in controlling the activities of professional criminals, or that they are ineffective in pursuing their many other responsibilities. As long as one does not take "effective" to mean the total eradication of crime, then in general we may conclude that law enforcement agencies are functioning reasonably well in controlling professional crime; at least they seem to be holding their own.

The Police

The Complaint Orientation: In general, the police first move into action on receipt of a complaint from a victim that

an offense has taken place (e.g. a robbery has been committed, a store burglarized, or a pocket picked). This would seem, at first glance, to be entirely reasonable, for the police do exist, after all, primarily because offenses take place. On closer examination, however, the concentration on complaints, one by one, is unrealistic given some of the ways in which professional criminals operate.

Typically, the complaint mechanism operates as follows: first, a reported offense is investigated by a uniformed patrolman who classifies the offense by type and who records a minimum description of the offense including time, place, and loss. The uniformed policeman's report then makes its way to one of the several specialized detective details (e.g., the burglary detail, the robbery detail, the fraud detail). There the report is routed to an individual detective or to a detective team. Detectives within details are assigned "cases" through such reports, each report constituting a "case." Some detectives or detective teams get all cases of a particular kind occurring in a specific geographic locale; some get all cases of a particular kind wherever they occur within the department's jurisdiction. In any event, the detective or detective team, upon receipt of the report, becomes responsible for "clearing" that case. This may mean -- and in a very large number of instances does mean -- little more than checking the facts with the complainant, usually the citizen-victim himself, and noting this fact for the record, plus the estimate that the case is likely to remain unsolved unless new facts develop.

The process of responding to reports of particular offenses, one by one, and of treating each as a case-to-be-solved, is what we mean by the "complaint orientation" of police departments.

To be sure, the complaint orientation, when effectively institutionalized,¹ has the merit of tending to assure individual citizen-victims, and perhaps the community at large, that the police are at work and are giving serious attention to law violations. A number of detectives we interviewed explicitly made this point; they understand that what some of them call "public relations" is an important aspect of police work. But another view was also heard, namely, that by using a limited detective force to listen to individual complaints, time and attention are taken from what might be more efficient ways of putting professional criminals out of business. In this view, the organizational constraints on the police, particularly detectives, to act as if they were principally engaged in solving individual cases impedes rational crime control efforts.

In practice, the police sometimes give expression to the fact that a focus on individual complaints is not a particularly efficient means of controlling crime, especially professional crime,

¹Our observations suggest that there is considerable variation between police departments in the regularity with which they attend to individual complaints. In some departments policy appears to be that every complaint should be answered, usually in person, and if not promptly then accompanied by excuses for delay. In other departments only some complaints are answered, and some of these over the telephone and neither promptly nor with excuses. It should be emphasized, however, that not answering individual complaints was not necessarily related to the employment of more rational means of control of crime, professional or otherwise.

and we have observed detectives concentrating on persons rather than cases, seeking, as is said, to "get something on them." But such activities generally lack structural support. By this we mean that police departments, by and large, have not developed systematic tactics and long-range strategies which take into account the fact that professional criminals are continuously, rather than episodically, engaged in criminal activities.¹ When we inquired about this, we were told by some police officials that recent Supreme Court decisions on search and seizure and the elimination of offenses related to vagrancy have reduced their powers to attack the problem. Earlier, it was said, it was possible to maintain close scrutiny over the professional criminal and, through harassment, to throw his designs into disarray. The new rules of police

¹We found one exception to this pattern of police organization. In 1963 the Chicago police Department established an intelligence unit, locally referred to as the CIU, which has the responsibility of gathering, and disseminating to other detectives, as much information as possible about criminals in the Chicago area who are known to be, or are highly suspected of being, regularly engaged in what we would call big-time professional crime (e.g. cartage theft, hijacking, jewelry theft, robbery). There is a different intelligence unit assigned to syndicated crime.

Up to the time the CIU was organized, the Detective Division operated in classical police fashion by following up on an offense after it was committed and attempting to solve the particular crime. The CIU follows a different approach: the members of this unit (now numbering seventeen men) concentrate not on crimes, but on criminals. They gather as much information as possible on these criminals and when a crime is committed that appears likely to have been committed by someone on whom they have a file, the CIU tries to link their suspects to the crime. Gathering intelligence from informants is an important way of making this link.

When the CIU was founded, members of the unit did not make arrests but channeled information to other detectives in the police force who made the final arrests. This practice has changed now, and the CIU will make its own arrests, but evidently there is still fairly close cooperation and communication between this unit and other divisions in the police department.

procedure make this more difficult. The perceived impasse is undoubtedly due, in part, to the fact that police forces have not had time to absorb the impact of changing laws and rules, and the situation is aggravated by widespread feelings of resentment against the newer laws and rules. (Many police officials interpret the new restraints as questioning their personal integrity and faithfulness and as having the sole consequence of protecting obvious enemies of society from deserved prosecution.)

Regardless of the cogency of the view of the police, and regardless of the fact that such feelings might be considered understandable, such a view and such feelings mitigate against the development of a dispassionate and purely technical attack upon the problem of controlling professional crime and criminals. The search for new approaches, we feel, has not received the attention it deserves -- although some departments seem to be more advanced than others on this score. Obviously it will not be easy to resolve the problem of conflict between the tasks of responding to the complaints of aggrieved citizen-victims and mounting some more effective means of controlling professional criminals, means that may be quite impersonal. Citizen complaints are best attended to promptly for a variety of reasons; and they must be assigned to personnel in a fashion that equitably distributes the department's work load. As a result of current procedures, however, much of the time of detectives is used up in activities that, according to detectives themselves, are essentially irrelevant to the control of crime. Further, several detectives may find themselves in pursuit of the same offender,

unbeknownst to one another. Indeed, given the information from which they are obliged to work, this is probably unavoidable.

As we have mentioned, some detectives from time to time do develop an interest in curtailing the activities of some particularly notorious or troublesome offender, but they do this on personal initiative, which hardly seems good policy in any bureaucratically organized structure, even if flawlessly staffed. Occasionally, interest in some prominent offender is determined from higher up in the police department, but even such campaigns tend to be contingently formulated, more in response to situational pressures than a matter of stable policy.

We might mention that the "case approach" to crime has an illustrious, if largely fictitious past. Its heroic prototypes, however, were not policemen but private sleuths. Still, the myth has found its way into public and professional conceptions of good law enforcement. We all tend to think of a detective as someone who, through assiduous and ingenious methods, solves individual crimes, like Sherlock Holmes did.

The real work involved in controlling crime, especially professional crime, is much less spectacular. It involves the tedium that is generally associated with petty matters and this fact is given scant recognition in the overall organization of law enforcement activities. But the matters are petty only when viewed as isolated cases. That someone's camera has been stolen from an automobile in which he has left it negligently, or that someone was swindled in a confidence game in which he became involved out of questionable motives, can readily deteriorate into a

tedious routine in the eyes of one who is supposed to solve such crimes. But the fact that these two offenses might be committed by the same person, who also committed many other such offenses, is a considerably more serious matter. Policemen know this and, within limits, orient themselves to this fact. In a more general sense, however, the pressures of case work make this an optional interest.

Specialization of Function: The organization of police departments pretends high specialization. Undoubtedly, such a segregation of duties is based on realistic considerations, but in some ways it constitutes a handicap. This is particularly so for those detective details that have occasion to be concerned with professional criminals.

An important difficulty with specialization (police work is by no means the sole offender) is that it usually follows insights that were gained and were applicable decades ago. Thus the present organization of detective bureaus in large police departments could be considered a delayed response to the type of offender that Sutherland described; this offender was a master of a particular kind of criminal offense. But following available evidence, these people no longer exist. Instead, the various detective details, robbery, burglary, auto theft, bunco, vice, etc., are often after the same persons. Policemen are not completely unaware of this fact and try to attune their activities to it as best they can, but they work against organizational structure. Thus, for example, it happens that the investigation of a

burglary report leads nowhere because the offender has shifted to auto-boosting, and the detective in charge of the case is not familiar with that domain of illegal activity. A grasp of the larger picture generally is left to informal working arrangements between members of various details. To be sure, there is exchange of information but these exchanges are often attenuated for reasons that we will discuss in the next section.

Specialization of function in current police organization is closely related to the complaint orientation of law enforcement. Since so much of the time of detectives is devoted to listening to citizen-victims, there is an obvious advantage, especially in large cities, in some geographical specialization; otherwise detectives might spend an inordinate amount of time travelling from complainant to complainant. A not unimportant problem, however, is that professional criminals feel no need to stay in one locale, and, indeed, knowing police practice, they become quite mobile.

Similarly, since offenses are of different kinds, (e.g., burglaries, robberies, or con games) it would seem only natural that they be assigned to law enforcement agents who are knowledgeable in these respective fields. But the persons who commit these offenses are not, as far as we can tell, specialists in burglary, robbery, or con games; rather, they are all this and more. Thus it appears that for all the immense gains brought about by advances in criminalistics and by gains in police communication and mobility, developments have not fully taken account of changing conditions (although, as in other matters, some departments appear to have adapted to changing conditions more readily than others).

We are well aware that large police departments must have some internal differentiation, and specialization by geographic area and by offense appears to be a sensible way of satisfying this requirement, especially insofar as the complaint orientation holds sway. We propose, however, that these bases of differentiation, especially where they provide the sole or principal bases for assigning detective work, offer an advantage to the professional criminal. He knows, for example, that when he burgles in one place he will be in the hands of one detective team; when he burgles in another place, a different team will be after him; and when he swindles, yet another team will be called into play. Further, he knows that the teams may never coordinate their activities. As one detective said to us at the conclusion of a story intended to illustrate the vagaries of interdepartmental communication, "I swear I'm sometimes startled that we ever put any criminals away."

If matters are not as serious as this remark implies -- and, as we have said, we do not believe they are -- there is still little reason for inattention to the problem of finding the proper bases for police specialization under modern conditions. We feel that present concepts should be re-examined in the light of what the police already know about the nature of the activities of professional criminals. This may suggest the abandonment of some forms of specialization or the addition of new ones; only careful consideration and some experimentation can tell.

The State of Law Enforcement Intelligence: Although police

departments differ on this score,¹ our observations suggest that in most cases the following generalization would hold: if all personnel, from Chief to the last rookie, were to disappear, most of the department's information would disappear with them. In other words, most of the things worth knowing about crime and criminals in any jurisdiction are in the heads of its law enforcement officials, not in written records. Moreover, to the extent that such information is in written records, these are likely to be the private notes of individual detectives or detective teams. If such records are decipherable by others, they are not generally accessible.

Now this has probably always been true. What is troubling is that it remains true even though most large police departments have developed special units ostensibly devoted to the centralized gathering, processing, evaluation, and dissemination of "intelligence." Such units are, to be sure, a late development on the municipal police scene,² and few if any have the facilities that would allow them to collect, assess, retrieve, and distribute

¹What we say in this section does not hold completely in Chicago and our discussion does not apply to that city.

²We have not attempted to conduct an historical inquiry. The intelligence units in the departments studied were all of relatively recent vintage. One police official suggested that such units have been a response to an increased need for "undercover work," a need which he related to recent court decisions limiting police powers to get information through harassment and interrogation. We would suggest another hypothesis: that intelligence units are, in part, a response to increased specialization within police departments; such units ideally compensate for specialization by creating positions from which "the big picture" may be surveyed.

information in a manner now generally taken for granted in industry, banks, and universities. It is generally recognized in police departments that this is a problem of high priority, and it is quite clear to responsible officials that solving it will call for a great deal of money, hardware, software, and technically skilled staff that are not now available.

While it is well known that police intelligence units are undermanned and underequipped, our interest is only indirectly with the shortage of men, skills, and equipment. Instead we wish to consider briefly the relation between the character of intelligence work, as it is currently carried on in police departments, and the conditions under which police work is ordinarily done. More specifically, we will comment on some aspects of detective work as a career and the facts that police intelligence units generally appear, 1) to receive little information from personnel outside the unit, 2) to be organizationally isolated and unable to gear intelligence activities with the current concerns of detective details, and 3) to move in the direction of becoming specialized law enforcement squads rather than maintaining their character as general information collection, storage, and retrieval facilities.

Denial of Information: A first-rate detective is one who solves many cases through arrests. To accomplish this, he must develop information on who "did it" and, particularly for crimes of stealth, must learn when, where, and how the culprit can be connected with the criminal act itself or, more likely, the stolen property. To accomplish this, the detective develops a

network of communications, and he develops this network, under current conditions, largely on his own. The network is composed of informers and informants, and it typically requires the cultivation of personal ties with persons active in, or around the fringes of, professional crime. Most such ties are precarious and are based on reciprocal favors and personal trust. (It should be noted here that we are talking about good detective work, that is, performance that passes in police departments as being of high caliber and that would probably be so perceived by outsiders.)

Detectives tend to be protective of the information sources they develop; indeed, they tend to jealously guard these sources. This is due, in part, to the detectives' wariness of the possibility that sharing information may result in "burning" an informant (i.e. revealing his identity) with the consequence that the informant in the future will be unable or unwilling to supply further information. It also appears to be due, however, to a reluctance to let others on the force get credit, through making an arrest, for the considerable amount of legwork that has gone into cultivating the original contacts. Indeed, we would suggest, although we were unable to explore the matter fully enough to be certain of our ground, that information will most likely be shared in those departments which give full credit for such information, especially when promotions are being considered. It is our experience that police departments generally give much less credit for gathering important intelligence information than they do for making "important" arrests, and as long as these conditions prevail, we suggest, there is likely to be little sharing of information.

We have heard it said that this situation should not be so -- that it should not matter who makes the arrest so long as the arrest is made, the community protected. This strikes us as, at best, wishful thinking and, at worst, as pious cant that interferes with the analysis of the facts and with the proposing of changes that might remedy a serious problem. Detectives, like others, want to "get ahead." As matters now stand, an important way to get ahead in police departments is by making good arrests, which requires the development of reliable sources of information.

One consequence of this fact, as matters now stand, is that intelligence units live on arid informational ground. It is rare for any policeman, from the uniformed patrolman to the commanding officer of a detail, to report more than he is absolutely required to report. Official information, in general, is so impoverished that it bears scarcely any resemblance to what is actually known to policemen. Even when it does not consist of case records, as it mostly does, official information is typically inadequate. It is quite a startling experience to hear a seasoned detective read and interpret the "rap sheet" (official arrest record) of an offender he knows well; most of what is worth knowing is not contained in the record.

It seems to us, then, that ways must be found to make the supplying of information to a centralized intelligence unit relevant to the career concerns of police personnel. That policemen, including detectives, are involved in "bettering themselves" is not a situation to be deplored, and we doubt it can be eradicated; nor do we believe that policemen should be called

upon to sacrifice their careers for the benefit of the department as a whole. Instead, means should be developed for motivating policemen to contribute information to a general pool, and these means should take account of the value to individual policemen of having their contributions made visible when and where it counts.¹

Organizational Isolation: We have noted that personnel tend to withhold information from the intelligence unit, and we have interpreted this as a consequence of a need felt by many policemen to keep their own sources of information private -- a need engendered, in part, by the relation between information, arrests, and promotion.² The other side of this coin is worth considering, too: intelligence unit personnel do not, by and large, seek information from policemen, uniformed or in plain clothes. Instead, our observations suggest that intelligence unit personnel, like members of detective details, attempt to develop their own information networks and are in some degree reluctant to make information gathered from this network available to line detectives.

The development of their own sources of information is illustrated by some of the activities of the Chicago Central Intelligence Unit. As part of their duties, the members of this

¹The problem is not entirely one of motivation, of course; means must be found to make possible contributions by personnel outside the intelligence units. This may require reconceiving how personnel use their time -- much more of the time of both uniformed and detective personnel may need to be spent "in conference," for example.

²We have noted also that the present state of information technology in most police departments would not permit intelligence units to handle such volumes of information even if they did receive it.

unit try to get to know the professional criminals under their surveillance "socially" as well as professionally. While the relationship is probably far from what most people would call "social" the police do "fraternize" with the criminals under conditions that are described as being of mutual respect. As the police put it, "you can't learn about criminals, you can't learn how they think, without talking to them."

There are several reasons why intelligence units have to develop their own sources of information. One is the tendency of intelligence units to become specialized law enforcement squads. Another reason involves the fact that intelligence unit personnel are apparently largely drawn from police ranks, and few have any special training for their work. The police tradition places a high value on the development of a private network of information; many intelligence unit personnel apparently follow tradition in this matter, without seriously considering its appropriateness to their newly developed specialty. Further, and more important, if other policemen make promotion-points, so to speak, through arrests, intelligence personnel tend to make them through the development of information for which they can take credit. In other words, the career pressures which move some policemen to withhold information from the intelligence unit may move policemen within the intelligence unit to develop their own sources of information and to keep the information private.

Another way of putting this is to say that for a variety of reasons, only some of which have been mentioned here, police intelligence units tend to be isolated from the rest of the

department. Detectives do not actively seek the help of the intelligence unit and do not contribute in any important way to its work. Intelligence unit staffs, often enwrapped in a self-cultivated cloak of secrecy and mystery,¹ do not maintain close contact with the day-to-day work of the detective details. Most exchanges between intelligence units and working details are occasional, adventitious, and the result of personal, rather than official, contacts between particular officers.² Among the results of this situation appear to be a low estimate of the work of intelligence unit personnel among other police personnel, and some sense of futility and irrelevance among intelligence unit staffs; paucity of information in intelligence unit files; and a general inability to gear the generation and distribution of collected information, however impoverished or rich, into the current activities of those personnel responsible for arrests.

One further comment should be made. Individual policemen, uniformed and plain clothed, are, as we have repeatedly noted,

¹This topic deserves extended treatment which we cannot give it here. It should be said, however, that the cloak of secrecy apparently prized by some intelligence unit personnel serves to alienate many detectives who feel that they are under suspicion. It appeared to us that some part of the suspicion was deserved, namely, suspicion that line detectives might not give the intelligence unit full, visible credit for its role in "breaking" cases. As we note below, structural arrangements for making credit visible are not well developed and this exacerbates the problem.

²As we have implied, much the same might be said about information exchanges between detectives on the same or different details.

privity to potentially important information. Often the information cannot be evaluated by the individual policeman: it is a piece of a puzzle -- this he knows -- but his duties prevent him from seeking out the other pieces. Other policemen may have other pieces, but neither they, nor anyone else under current circumstances, are in a position to act upon it. This state of affairs is, we think, one of the reasons why intelligence units have been created, and a part of their proper function would seem to be to collect and put together the pieces of puzzles now distributed here and thereamong personnel. This implies that the first information resource for intelligence units might well be police-men; rather than cultivating private informants, intelligence officers might better develop the resources in their midst. We have not heard, for example, of any departments that routinely (or for that matter, on occasion) provide for "de-briefing," a procedure apparently used to good advantage by other agencies.

In suggesting this kind of reorientation -- and it would be nothing less than this in many cases -- we are not oblivious to the intractability of professional jealousies among detectives, insofar as they exist. But we propose that under present conditions there are no structural arrangements or facilities for detectives to share information even if they want to. If a detective wants to know something, and if he has reason to believe that someone in the department could help him, he has to make special arrangements for a face-to-face contact with the source. By the same token, only when he has reason to think that someone is particularly interested in something he knows will he tell him

about it, and to do this, he must make special arrangements. Needless to say, under these circumstances a vast amount of potentially important intelligence moves straight into oblivion.

Organizational Change: It must be understood that the members of police intelligence units are not passive in the face of adversity. Those policemen attempt, with varying success, to overcome the conditions which hamper their work. Indeed, the development of sources of information outside of the department and outside the networks available to other department personnel, should be understood, in part, as such an attempt. On occasion, sometimes on important occasions, intelligence units appear to be able to supply information to detective details that can be used to good effect in the control of crime, including professional crime.

But there is another possible development, and it is one that we have observed even in departments that are most advanced in manning and equipping their intelligence units: the intelligence unit may tend to develop into a special law enforcement squad, the men assigned to it putting together their own cases from investigation through arrest, rather than remaining a facility for general information storage and retrieval, and the furnishing of leads to others.

There appears to be a variety of pressures that contribute to this development, some of which we have already discussed. Additionally, however, intelligence units are often expected (or come to expect themselves) to develop information about special areas (like political subversion, syndicated crime, or, for that matter, professional crime and criminals) for which no

line detective detail bears particular responsibility. This initiates a move from a staff to a line function on the part of intelligence units. Under these conditions, intelligence personnel may ask, to whom is information to be given, to which detective detail? Further, they may wonder why such information should be passed on. Why should unit personnel not receive all the credit they deserve by completing the circuit, by putting together whole cases from investigation to arrest?

When this kind of change occurs two important consequences would appear to follow. First, what might be called the "reactive reluctance" of intelligence unit personnel to share information with line detectives will be reinforced; indeed, it may turn into a definite unwillingness to make hard-won information available. Second, the unit will probably neglect to collect, process, and disseminate information on areas outside of its new specialty. When, and to the extent that, these changes take place, the intelligence unit will be unfitted to perform its potentially important role of centralizing information in a specialized system -- of putting together bits and pieces of data, now distributed haphazardly, into meaningful patterns that can be brought to bear on the understanding of the diverse control problems confronted by modern police departments, including the control of professional crime and criminals.

It is not clear to us that this kind of change must take place in police intelligence units, although those we have observed seem subject to the kinds of pressures we have outlined and have changed in the directions indicated, to greater or lesser

degree. On the other hand, it is clear to us that police departments must take such pressures seriously, and they must consider more carefully than has apparently been done to date how they are going to deal with them. It may be, for example, that intelligence units are partly moved to become specialized enforcement squads because such additional squads are needed (e.g. to deal with subversion, syndicates, and professional crime and criminals). If such specialized details are created, then, perhaps, one of the pressures inviting intelligence unit personnel to redefine their missions might be removed and the unit might be better able to develop its original mandate. It may be, too, that reconceiving the role of primary and secondary sources of information for the intelligence unit, putting more stress on the latter, will permit better integration of such units with departmental operations. Clearly these matters, like so much else, need study.

District Attorneys

District attorneys, and staff members in district attorneys' offices, like the police, engage in some practices that seem to work to the advantage of professional criminals. While it is not altogether clear that these practices could easily be changed, or that they should be changed in all cases, we feel that they should be mentioned as they play a part in the overall picture of professional crime. The professional criminals we talked to generally seemed quite aware of the practices and attempt to take full advantage of them.

One of the most striking features of district attorneys' offices is that they do not press charges in all cases that come

to their attention; in fact, they press charges in only a small percentage of such cases. This fact has led some observers to charge that district attorneys are politically expedient (i.e. they try only those cases which will get headlines) or even downright corrupt (i.e. they take bribes). We even heard policemen make these accusations, especially when a district attorney had not pressed charges in a case of theirs that was particularly important to them.

These charges against district attorneys and their staffs, while no doubt occasionally true, do not, it seems to us from what we have been able to find out, fully or primarily account for the judgment that district attorneys exercise in which cases they try. First of all, many cases do not meet the technical requirements that are necessary for them to be brought to court or that make convictions reasonably certain enough to bother with the case. District attorneys, it should be noted, do not have unlimited resources and if they were to press charges in all cases brought to their attention, their limited resources would be exhausted very rapidly.

But even if district attorneys had unlimited resources, there are reasons quite beyond the district attorney's control that mitigate against trying all cases. A large proportion of offenses involving property loss, for example, cannot be prosecuted because the victims prefer to accept compensation rather than pursue prosecution (which, as district attorneys point out, often makes compensation harder to get). While district attorneys sometimes complain about this and the more general unwillingness

of victims to press charges, they seem to treat it as a fact of life. To make the best of what can be done, prosecutors usually make their offices available to secure as favorable a settlement as possible for victims, even though they know the criminals, often professional criminals, are going to go free.

In one city the district attorney's office formalized this general procedure by holding what are called "citation hearings" in which an attorney arbitrates cases between the offenders and the victims. Specifically, the "citation hearing" works as follows. First, a notice is sent to, for example, a person who has passed a bad check, "ordering" him to appear and show cause why a warrant should not be issued for his arrest. If the culprit appears, he is seen with the complainant and if some form of restitution is worked out no prosecution ensues. (Complainants, by the way, are usually informed that if they sign a complaint, i.e., if they encourage criminal action, chances for recovery are reduced.) The victims of bad checks and fraud especially are reputed primarily to be interested in recovery. Professional criminals engaged in forgery and fraud are aware of these circumstances and, if they know they have been "found out" attempt to "cool out" particular victims by restoring their lost funds.

It is worth noting that the "citation hearing," although extensively used in one city, (and there are informal counterparts in all the cities we studied), has no legal force and could even be considered as an intriguing type of the archaic form of adjudication of trial by wits. Those cited for a "citation hearing" can refuse to appear and suffer no legal consequences. Those

who do appear can refuse to compose a matter with no legal consequences. That is, it is not a violation of law to fail to appear at a citation hearing or to fail to comply with whatever solution is reached in such a hearing. On the other hand, the district attorney's office can, and sometimes does, threaten to bring criminal action.

The "citation hearing," and similar practices employed by the other district attorneys' offices in our study, highlights another consideration that often seems to go into choosing which cases to prosecute. Choices, it seems, often have to do with fundamental estimates of the gravity of the case. Generally, it seems that offenses that violate a victim's safety, freedom, or dignity are perceived to have precedence over violations involving only financial losses. To be sure, a relatively large financial loss will be treated as considerably more important than a relatively minor loss of dignity. In general, however, the entire administration of justice seems to be permeated by a strong primacy of concern for violence. Professional criminals, at least those we talked to, know this and proceed accordingly. Of course, violence deserves all the attention it receives, but we find it remarkable that professional criminals can plead "non-violence" to indicate that they are not as bad as they might be and receive consideration on this account.

Professional criminals, as we have noted earlier, take advantage of the limited resources of district attorneys in another way. By employing every legal means at their disposal (primarily continuances and appeals), professional criminals render

convictions against them very costly in terms of the time and energy that district attorneys must deploy. Rather than tie up their limited resources on such cases (cases, by the way, which involve only property losses) district attorneys are sometimes willing to "make deals" for a plea of guilty. These "deals" involve, typically, the reduction of charges or an agreement to drop some of a number of charges that are pending at the same time.

Before leaving the discussion of district attorneys, we should mention one important area of professional crime that comes more often to the attention of district attorneys than police. This is the area of professional crime involved with industrial and commercial fraud and which has lacked an amount of attention that is commensurate with its volume and importance. District attorneys are well aware of this, but point out that the main difficulty lies in the fact that the public suffers such offenses, one might almost say, willingly. Whatever little indignation there is seems to subside quickly at the prospect of restitution. We heard it said that this is probably the result of widespread beliefs that certain legal business practices are morally no less questionable than their illegal counterparts.

While it is somewhat difficult for us to summarize this point, brought up by district attorneys, it leads us to the conclusion that proprieties in business are probably ambiguous and poorly defined and thus invite illegal exploitation. This suggests that one way to control some of the activities of professional criminals would be to provide less ambiguous limits

to what are "legitimate" business activities. This could be done, we are told, without additional legislation and probably without greater surveillance on the part of the police. Instead, district attorneys told us, these control functions could be assigned to regulatory agencies whose powers could be strengthened and whose jurisdictions could be broadened.

Other Law Enforcement Agencies

There are a number of law enforcement agencies, which share the responsibility of controlling the activities of professional criminals, with which we had little direct or systematic contact during our interviewing: the courts, federal law enforcement agencies, regulatory agencies, and correction institutions. There is, therefore, very little that we can say with great confidence about these agencies, but we will relate the few things we were able to learn from the few persons from these agencies we did talk to and from our more extensive contacts with policemen, district attorneys, and professional criminals.

The Courts: We have, in other contexts, already alluded to ways in which some court procedures add to the problem of controlling the activities of professional criminals. One of the simplest of these is allowing "plea bargaining" or granting concurrent sentences in return for pleas of guilty. While such procedures are no doubt motivated by desires to unclog choked court dockets, professional criminals, as we have noted, are quick to take advantage of these procedures in order to reduce the amount of time they have to spend in jail or prison.

Three other aspects of the operations of many courts serve both to help the professional criminal remain free and to increase the pressures for him to engage in crime while free. As we noted earlier, it is fairly easy for professional criminals to obtain releases on bond while their cases are pending court action. (This is true even when a professional criminal has a whole series of indictments pending.) Add to this the ease with which a professional criminal can get continuances of his case, the ease with which he can get convictions appealed to higher courts, and the long waiting periods necessitated by overloaded court calendars, and the professional criminal can often maintain his freedom for several years after an initial arrest.

The typical professional criminal is not idle during these years: in addition to maintaining his normal level of criminal activity he now has to pay for his legal costs, which may far exceed his normal living expenses (which for free-spending professional criminals may run very high). These legal costs, like his normal living expenses, are met through crime.¹

There are many ways in which this cycle could conceivably be broken, such as reducing the ease with which one can be freed on bond (especially for repeated indictments), reducing the amount of bail required, making continuances and appeals harder to secure, and unclogging court calendars. Each of these alternatives has limitations, however, and may overemphasize the role of the courts in controlling the activities of professional criminals.

¹We even heard of instances in which professional criminals pay their lawyer's fees directly with stolen goods.

We are not suggesting that these changes necessarily all be considered; to change some of these court procedures would have consequences that might be undesirable. All we are suggesting is that present court practices are both susceptible to manipulation by the sophisticated professional criminal and tend to increase, rather than decrease, the overall amount of crime that professional criminals commit.¹

Federal Law Enforcement Agencies: While Federal law enforcement agencies are less directly concerned with the activities of professional criminals than local authorities, they do occasionally become involved. The Federal Bureau of Investigation, for example, is concerned with such professional criminal activities as bank robbery (although bank robbery is much less likely to be the work of professional criminals today than it once was) and the transportation of stolen goods across a state line. The Narcotics Bureau, through its contacts with narcotics users, gains valuable information about the activities of this class of professional criminals.

Local law enforcement officials fairly uniformly agree that cooperation from the F.B.I. is poor. The F.B.I., according to many policemen, takes (some policemen would say, demands) information from local authorities, but seldom gives information in return. In addition, some policemen told us, the F.B.I. is noted

¹Herman Goldstein, Proceedings and Interim Report of the National Conference on Bail and Criminal Justice, Washington, D.C.; U.S. Department of Justice and the Vera Foundation, 1965, pp. 151-160, discusses these problems in some detail, especially those concerned with high costs of bail.

for waiting until local authorities build up a case against the criminal and then stepping in to make the final arrest themselves. This practice is especially galling to local policemen who depend on making "good arrests" for promotion and for enhancing their own prestige. Local policemen are generally powerless in these situations and usually can do little except "grumble" when the F.B.I. steps in and "steals their case." Local policemen can, however, refrain from offering information willingly to the F.B.I. and from what we heard this is the general posture of most local law enforcement agencies toward this Federal law enforcement agency.

Relations with the Narcotics Bureau are evidently much better than with the F.B.I. Many policemen told us that they much prefer working with this agency to working with the F.B.I., and we heard of many close relationships between local law enforcement officers and personnel from the Narcotics Bureau. This agency, so policemen told us, is very willing to send along tips to local policemen and does not seem to be overly eager to make its own arrests.

Regulatory Agencies: We had no direct contact with these agencies, either local or Federal, but their role in controlling professional crime intrigues us. Unlike other law enforcement agencies who concentrate on catching and convicting criminals, regulatory agencies are concerned with controlling such things as the transportation of goods, the flow of capital, and the stabilization of employment. Each of these activities and many others that fall under the jurisdiction of regulatory agencies have implications for controlling the activities of

professional criminals. We will discuss some of these implications in the next section of our report.

Corrections: The last category of people charged with the administration of criminal justice with whom professional criminals are likely to come in contact are those who work in correctional institutions. Interestingly, the professional criminals we talked to had little to say about their jail or prison experiences except that they had no "rehabilitative" impact. (This is obvious from the records of the professional criminals with whom we talked.) There were occasional mentions of certain prisons which the professional would try to avoid, but in general a prison experience is evidently viewed as an unfortunate, but probably inevitable, part of the criminal's profession. The professional will try to do "good time" when he has to do time, and evidently professional criminals do all they can to maximize their chances of early parole. The records of professional criminals which we reviewed indicate that they probably did do "good time," as few of our informants ever spent more than a few years in prison at any one time.

Cooperation Between Law Enforcement Agencies

The cooperation between various law enforcement agencies, like the cooperation between different branches of police departments, has been described to us as being less than ideal. As one law enforcement official commented to us: "If law enforcement agencies were as well organized as the criminals, we might have a chance. As it stands, however, we are losing the battle."

While we do not agree that professional criminals are necessarily as well organized as this official suggests or that law enforcement agencies are losing the battle against professional criminals, this comment does illustrate what seems to us to be a rather general lack of coordination between different law enforcement agencies. While we heard of instances where close relations were maintained between agencies, these instances usually involved only personal relations between certain members of two agencies and were thus only as strong as the personal friendship bonds between these individuals. We found very few formal working arrangements between agencies except for those necessitated by the total process of justice, such as policemen turning prisoners over to the courts and information over to the district attorneys' offices. Beyond these routine relationships between agencies, we found no coordinated attack on professional criminals or professional crime (or on any category of crime, for that matter).

There are evidently many reasons for this and these reasons are probably much the same as those that mitigate against close cooperation between different units in police forces. This state of affairs, as in the case of police departments, suggests to us that there may have developed an overspecialization of functions between different agencies of crime control without the concurrent development of an agency, like the intelligence unit in police departments, which is charged with the task of providing an overview of the total crime picture. Just as there have been pressures within police departments to create units with these kinds of functions, we suspect that pressures will also arise at the

community level to establish similar agencies that serve to establish priorities, reduce duplication of effort, and enhance cooperation between various local, state, and Federal law enforcement agencies. At least one city in our study moved in this direction by establishing a local crime commission, and the establishment of the National Crime Commission might be viewed, it seems to us, as resulting from similar concerns.

Whether or not we are correct in predicting the emergence of such coordinating agencies in the face of specialization by different law enforcement agencies, we do contend that this kind of specialization leads to the necessity for such agencies. We do not find fault with specialization, and in fact we have argued in favor of it in suggesting special police units to deal with professional criminals, but we do argue that specialization of law enforcement agencies leads to a situation in which an overall coordinating agency is needed. At present there appear to be no permanent agencies of this kind.

CONCLUSIONS AND RECOMMENDATIONS

Our study of professional criminals has not been as extensive as we would have liked. We have lacked the time and resources to cover the subject matter with the thoroughness that it deserves and we have been unable to pursue all of the observations, hunches, and hypotheses that have come to us during the course of our activities. In addition, we have found that the problem varies somewhat from city to city, both in detail and in seriousness. Our conclusions and recommendations, therefore, are somewhat general in nature and are not as complete or detailed as we might wish. While we feel reasonably sure that we have gathered enough information to make some recommendations that would have an impact in reducing professional crime, if implemented, we are not sure that these recommendations in all cases would be worth the cost, both in terms of the allocation of resources that would be required and in terms of the restrictions that would have to be placed on the activities of the law-abiding public. It seems to us that professional crime is a serious problem. It also seems to us, however, that the problem is not getting out of hand. We share the feelings of many others in that we would like to see the activities of professional criminals reduced, if not eliminated, but we do not think that the latter can be done at the present time; there is neither the knowledge nor the resources for the task.

We do not, therefore, address ourselves to the task of eliminating professional crime, nor do we suggest radical revision of the present mechanisms of law enforcement. Instead, we address

ourselves to the task of exercising greater control over the activities of professional criminals and of strengthening those aspects of the conventional agencies of law enforcement that could lead to this end. This section will divide our conclusions and recommendations into two major parts: the prevention of professional crime and the control of professional crime. Since we see more possibility of control than of prevention, the bulk of our recommendations will come in the second section.

Prevention

In past decades scholars of various backgrounds have attempted to account for crime in general and for professional crime in particular. We shall not recite their theories, for they are readily accessible in the literature, nor do we have anything really new to add to them. But there are two aspects of the picture that have not received all of the emphasis that they deserve, and we should like to mention them briefly as they must be taken into account if we are to understand the present condition of professional criminals.

The first observation, which we made earlier in this report, is that conventional criminological theory places a very heavy emphasis on the criminal and little emphasis on the social situations that surround criminal activity. That is, these theories have generally been more person-oriented than condition-oriented. We, too, have been somewhat person-oriented in that we spent a good deal of time talking to professional criminals, but in doing so, we have reached the general conclusion that a knowledge of the personal characteristics of professional criminals does

not give us any particularly useful leads as to how to prevent people from becoming professional criminals. Therefore, it seems to us that the most fruitful approach to prevention will come through exploring some of the conditions of our society that allow professional crime to occur, rather than through exploring the personal characteristics of professional criminals.

One of the conditional factors that has received inadequate emphasis is that we are an immensely wealthy society. Where most people have nothing or very little, there is little stealing, robbing, or swindling; as wealth increases, there is more of these activities. Moreover, the rapid and general increase in wealth in this country has occurred without a concomitant development in the mechanisms of ownership. That is, under present conditions people cannot avoid leaving many things unguarded, while at the same time most people do not even attempt to understand the subtleties involved in buying, owning, or selling many of the things that they call their own. The movement of money, goods, and services is organized along paths of such low visibility that description and analysis defy any but the most careful scrutiny. Therefore, opportunities for criminal exploitation are numerous. Under such conditions it must be expected that many people will often find it difficult to be honest, and that some people will make a career out of dishonesty.

These two points should not be construed to mean that we think individual motivations play no part in criminal activity and that all professional crime is due to social situational factors. On the contrary, we feel that individual motivations

are important and that a radical solution to the crime problem will eventually have to go to this root of the problem. It is no secret, however, that no one has yet approached this kind of solution, and it is because we are aware that we have not reached this level of knowledge either that we have turned our attention to more immediate, and we think more attainable, goals. It is with this view in mind that we make our first two recommendations.

The Role of Regulatory Agencies: One way to prevent some professional crime, it seems to us, would be to revise the mandate to regulatory agencies, both federal and local, so that these agencies would assume a greater role in removing situations that are now exploited by professional criminals. This would seem especially appropriate with respect to those types of criminal offenses that are so deeply embedded in ordinary business practice that they go almost unnoticed both by law enforcement agencies and by victims, either because the crimes have involved the manipulation of credit resources in ways that make the violation of trust appear to be ordinary losses or because the crimes have misrepresented the nature of contractual obligations in such a way that the blame is shifted to naive victims. While robbery and theft are distinctly at variance with the normal and socially sanctioned ways of acquiring what one wishes to have, the practices to which we now direct attention are perpetrated in a manner that makes them appear as if what has happened might have happened for reasons other than criminal intent. That is, they are very much like ordinary business practice.

Two examples might clarify what we are talking about.

(1) A used-car dealer acquires an inventory. He obtains loans on his purchases from a lending institution. The amount of the lent money is based on an estimated standard value of used automobiles. The assumption is that the actual purchase prices will cluster around the standard estimates. Now, the purveyor buys only cars that are far below the estimate without much concern for whether they are marketable. His indebtedness to the lender grows to be far in excess of the value of his inventory and after some time he settles with the lender, after realizing a sizeable profit himself, and the whole thing has the appearance of merely bad business. (2) A contractor offers to do some work on a home. The price for the services will be paid off on an installment plan. The buyer is generally not aware that the indebtedness will be transferred to a lending institution and that it involves a deed of trust on the property. The contractor, after he obtains the money from the lender, does a job that is by far inferior to what was promised and the borrower is stuck with the mortgage. Again, it may appear to be merely a matter of poor craftsmanship on the part of the contractor and improvidence on the part of the victim.¹

Clearly such schemes admit the possibility of endless variations and they present a virtually intractable problem for the police. Even the district attorney, when such practices come to

¹We must make it clear that in these cases we are not talking about "sharp" business practices but about deliberately conspired fraud that eludes control. As we have noted, however, the two often blend almost imperceptibly into each other.

his attention, is more often than not powerless and can usually do little more than use informal pressures in arbitrating between the exploiter and the victim in the interest of affording the latter some hope for reduction of his loss. We have been told by police officials and prosecutors, some of whom we have found to be very knowledgeable in the area, that a much greater measure of control could be exercised in these areas by regulatory agencies and boards. We concur with this judgment and suggest that the role of regulatory agencies in preventing this kind of professional crime be explored in much greater depth with a view toward extending the mandate of these agencies.

There are other areas in the relationship of professional criminals to commerce that also deserve scrutiny and could be managed by regulatory agencies so as to reduce the sphere of criminal opportunities. One of these is the use of legitimate business to dispose of stolen goods or to serve as fronts for "legitimizing" illegally gained capital. The role of legitimate businesses as outlets for stolen goods is fairly obvious and, it seems to us, might be curtailed through more carefully designed and stringently enforced regulatory practices. The second practice is not so obvious but might be illustrated by the following account that we heard: A successful professional criminal desires to "legitimate" his illegal earnings by funneling them into a legitimate business. Since the books of any one business might be subjected to close scrutiny and his practice discovered, the criminal buys up a number of businesses that have different reporting procedures and times of the year when

reports must be filed. By complex transfers of funds from one business to another, the infusion of illegally acquired capital is successfully disguised.

We would also like to see, with a view to how regulatory agencies might be of service, a closer examination of the relationship between modern merchandising practices and such often professional offenses as shoplifting and till-tapping. Another obvious area of interest is check-passing and the illegal use of credit cards. Our view is not that self-service, the cash register, checks, and credit cards should be eliminated because they lend themselves to criminal exploitation, but that we should learn something from the ways they are exploited to make them less vulnerable. (The precedent for this approach is given in the lessons manufacturers of safes have learned from the operations of safecrackers.) At present, business seems to have settled pretty much for absorbing losses and employs only the most conventional policing methods, with very little interest being paid to how to make illegal exploitation difficult.

Professional criminals always remind everyone who talks to them of the great ease of stealing and swindling. In this they point in part to the gullibility of individuals and to the fact that many of their victims have larceny in their own hearts. We are not addressing our present comments to the ability of individuals to protect their interests from criminal exploitation, but we direct attention to the possibility that rationally organized systems of activities are unwittingly structured in favor of criminal exploitation. While we recognize that a

search for incorruptible business methods is a vain undertaking, we do propose that banks, credit card firms, and retail establishments have certain duties to perform in preventing crime. They should make it more difficult for fraud to impersonate the appearances of real service, they should avoid being victimized themselves, and they should not serve as outlets for stolen goods.

The weaknesses in business practices, like the ones we have been describing, are evidently almost beyond the powers of present law enforcement agencies to prevent. Not only are such practices outside the usual "case" approach of the police and district attorneys that we talked about, but these agencies have neither the scope nor the manpower to successfully move into these areas of crime prevention. It is for these reasons that we suggest that this area of control be delegated to regulatory agencies which, because of their greater specialization and more technically trained staffs, have already developed a sound basis for this kind of law enforcement function.

If such agencies were to take on these activities, it is obvious that they would need increased financial support. In some cases their mandate and powers might also have to be broadened, but it should be pointed out that no radical departures from present practices would be required, and in many cases additional legislation would probably not be necessary. Essentially, what we are asking for is a more rigorous and systematic application of means that are already available to these agencies, but which have not been used, for one reason or another, to their full potential.

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Control

Police Organization. Our first recommendation in the area of control relates to law enforcement in the narrowest sense, that is, to the police. As we have noted, police departments have evolved a form of organization which, with respect to the activities of professional criminals, is, curiously, both overspecialized and underspecialized. The organization is overspecialized in the sense that police departments are divided into special details by type of crime and geographical area, and they are underspecialized to the extent that they have not evolved special units to deal specifically with professional criminals. We do not urge that police departments become less specialized. Instead, we urge that they modify their present form of organization so as to take better advantage of specialization. To do this, it seems to us, two things are required.

First, police departments should establish special details to handle professional criminals that are person-, rather than "case"-oriented and which have no geographic restrictions other than the overall jurisdiction of the department. Since professional criminals do not tend to specialize in one kind of crime, nor, necessarily do they commit their crimes in only one part of the city, this kind of detail could keep much better track of professional criminals than any one detail in the police departments as they are now constituted.¹

¹Chicago has organized a special unit to handle professional criminals which, at present, seems to be doing an effective job. It should be watched carefully.

Secondly, we would like to see police departments establish effective intelligence mechanisms that can take advantage of the wealth of information that specialized details gather but which never gets communicated from detail to detail, or even from detective to detective. Without the development of such coordinating mechanisms, many of the advantages gained by specialization are lost. Not only are the various specialized units denied information from other units, but there is no unit in the organization that can effectively discern and evaluate the overall picture and establish law enforcement priorities. We recommend that local police departments be encouraged to develop such coordinating units, at least on an experimental basis.

There are some problems inherent in our recommendations about revisions in police organization, and it is for this reason that we suggest that they be approached on a trial basis. Our first suggestion, the establishment of special details that could follow the careers of professional criminals, runs the risk of establishing an agency within the police department that could tend to perpetuate professional crime simply by identifying certain people as professional criminals and thus making it more difficult than it already is for them to lead legitimate lives should they choose to. We see this as a distinct problem, but we must note that it is already hard for these criminals to leave the profession should they choose to. Therefore, what this kind of a unit might lose in terms of making it difficult for professional criminals to reform would probably be offset by making professional crime less attractive in the first place.

The greater the risks of capture and imprisonment, we suggest, the less appealing crime will be as a profession for many people.

Crime Commissions: One type of organization that might serve as the nexus for the professionalization of police, and which could play other positive roles in the control of professional criminals, would be permanent national and regional crime commissions. In much the same way that the national institutes of health have aided in the professionalization of doctors, a permanent national crime commission would foster the professionalization of law enforcement agents. In addition, such an agency could provide a measure of coordination among and between federal and local law enforcement agencies which is generally lacking at present.

A permanent national crime commission could not do the entire job, however, as certain law enforcement problems are regional in character. Therefore, it seems to us, there also should be regional crime commissions that could serve to establish local law enforcement priorities, facilitate cooperation between local law enforcement agencies and governmental jurisdictions, and review local law enforcement procedures.

The exact form that these national and regional crime commissions should take is very difficult to foresee at this time, and a great amount of experimentation would undoubtedly have to ensue before the most workable procedures could be arrived at. A number of temporary crime commissions, including the one for which this report is being prepared, have already come into existence. We heard very much, for example, of a local crime

commission that was set up in Atlanta shortly before we conducted our study there, and from all reports it was viewed locally as having served an important function in redirecting law enforcement priorities in that city. We have not, however, heard of any permanent crime commissions, and it is the permanence of these agencies that we feel would be most important.

Such permanent agencies would be very important in combatting professional crime. This is true for two reasons. First of all, professional criminals are an extremely adaptable group and are very quick to take advantage of new criminal opportunities. Since criminal opportunities seem to change rather rapidly in our society, professional criminals often seem to be about two jumps ahead of law enforcement. A permanent crime commission, it seems to us, which has the responsibility of surveying these criminal opportunities, (something that is generally not within the mandate of present law enforcement agencies) could spot the changes as they are emerging and could redirect the efforts of law enforcement agencies to counteract the emerging situation. Permanent crime commissions could also serve to control the activities of professional criminals by bridging the gap that now exists between different law enforcement agencies operating in different legal jurisdictions. As things now stand, we find that professional criminals take full advantage of any lack of communication between these agencies.

The Administration of Justice: Since our study did not encompass the operations of the courts or of corrections we will refrain from commenting on their deterrent effectiveness. Aside,

however, from the question of whether they deter or not, they do produce certain side effects that we wish to discuss. In our interviews with professional criminals, we have learned that it is a moot question whether having been caught and punished had the effect of teaching them a lesson, but they almost invariably say that having been caught and punished leaves them with a criminal record that in itself serves to keep them from going straight. Of course, it is not impossible for an ex-convict to lead an honest life, and we realize this, but the point to be made is that most professional criminals think it is impossible.

Therefore, we feel that serious attention should be given not only to the negative measures that make crime unattractive but also to the development of positive measures that would make law-abiding pursuits available and attractive to ex-convicts. Since this would most certainly involve changes in public attitudes, it would seem reasonable to suggest that government should take the lead in hiring those with criminal records. While this would entail risks, it would also furnish society with an opportunity to restore its faith in a man, and maybe more importantly, give the man an opportunity to recover his faith in society.

There is one more side-effect of the present administration of justice that particularly affects the control of professional criminals. The present-day structure of litigation in our courts encourages offenders to incur debts that they can discharge only by committing more crimes. (We refer to the costs of bail and defense.) Though it would be going too far to say that lawyers and bailbondsmen obtain postponements and releases for their

clients to afford their clients opportunity to continue their illegal affairs (although we did hear of some cases in which this did occur and even of some lawyers who accepted stolen goods in payment of legal fees), the fact remains that this is the way in which professional criminals in fact cover their fees. All this is no secret, but it seems incongruous that our principal mechanism for controlling crime should allow the creation of pressures toward more crime.

In sum, we propose a very particular argument about the administration of justice. While it is obviously oriented toward deterrence, it creates, in the course of its operations, certain situations that enhance the likelihood that crimes will be committed. The first step in any preventive program, however, must consist of eliminating all of those situations that favor the chances of the thing that is to be prevented from occurring. Since both of the problems that we have noted occur incidentally, or as an unintended consequence of the pursuit of the larger objectives of crime control, we can recommend their eradication without having to deal with the administration of justice as such. They are simply suggestions of how the administration of justice could better meet its stated objectives.

We realize that these problems are somewhat beyond the scope of our report and have serious implications for the total processes of justice. Therefore, we make no specific suggestions as to how the problems should be eliminated. Since the problems do bear directly, and maybe even particularly, on the control of professional criminals, however, we feel compelled to argue in favor of giving the problems serious attention.

In Conclusion

As a final note, we would like to summarize some of our general findings about professional criminals today. We have found that the traditional concept of the "professional criminal" does not fit the vast majority of persons who engage in illegal pursuits as a way of making a living. For professional criminals today, crime is not so much a craft as it is, at best, a semi-skilled occupation. Most professional criminals know a bit about stealing, robbing, and swindling, but they are not really experts in any of these activities. Nor, generally, do they organize their criminal activities around one of these pursuits to the exclusion of others. And, instead of resolutely and carefully planning ahead, they tend to be in constant search of opportunities to "make a buck" in whatever way possible.

The lack of well-developed skills, the relative absence of specialization and of medium to long range planning does not mean, however, that modern professional criminals are wholly without organization. A network of relations does exist, and is kept alive in the bars and similar establishments, which permits professional criminals to learn about recent and impending "action," to check each other's "reps," to recruit accomplices, and to hatch their sometimes lucrative schemes. To be sure, this is a loose organization, but it appears to offer sufficient support and orientation for professional criminals to flourish. Without this network most professional criminals would be severely handicapped.

Contrary to the often encountered suggestion about the

internal ethic of the collective of professional criminals, we have found that the relations between the members are, more often than not, reciprocally predatory. Our materials indicate that thieves do steal from thieves whenever possible and that professional criminals are inclined to pass up no opportunities even if it means exploiting one of their fellows.

We must add an important qualification to this description. Though we maintain that it renders a faithful picture of the vast majority of what we have called professional criminals, there are in the large metropolitan centers of our country elite cadres of operators to whom the description does not fully apply. These elite professional criminals are not numerous, but undoubtedly they are more important than their small numbers suggest. They too, however, do not commit crimes in a strictly "professional" manner but rather as a business enterprise. In a sense, they are the big-time, all-purpose crime brokers. They differ from syndicated crime mainly in that they do not have a strong, ongoing corporate structure. At times some of them are directly involved in the same kinds of activities that characterize the professional criminals we just described, only they do it on a much larger scale. At other times, however, some of these big-time operators, the "wise-guys," are involved in exploiting the lesser professional criminals (to whom they sometimes refer as "meat-balls"). They often have legitimate fronts and ties with legitimate enterprises which afford them further criminal opportunities.

In sum, we have found professional crime to be a problem that warrants serious attention but not a problem that warrants

a crash program. We have found that professional criminals are an industrious and versatile group, but not a group that possesses techniques that should be beyond the means of law enforcement agencies to handle. While we see no immediate means for completely eliminating the problem, we see a number of ways in which the problem could be mitigated. first, by eliminating, wherever possible, those elements in our social structure which are most easily exploited by professional criminals, and second, by reorganizing existing law enforcement practices so they can exert a unified attack on professional criminals.

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