

Challenges to stopping organized crime in chicago



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Prosecution Memorandum: of Rico Act Crimes, in the case of Mr. Big's and Co-executors

In Chicago, there was a serious criminogenic situation, because of the growth of organized crime. Organized crime thrives in Chicago despite strong legislation and a political desire to combat this problem. This problem derives from the division of law enforcement responsibility between local, state and federal forces, and it's well exploited by criminal enterprises. Since the mid-1960s, the arsenal of means of combating organized crime has expanded substantially in the United States. The first law in this area was the General Law of 1968 on the fight against crime and the provision of security on the streets of cities. In 1970 a law was passed on the fight against organized crime. It included many new legal institutions. In particular, the law established special investigative bodies, provided a guarantee of immunity to witnesses ready to testify. Provided measures for their protection, introduced special criminal law rules on the punishment of participants in criminal organizations. For half a century, law enforcement agencies persecuted, imprisoned and even ruined the criminals. They have professionally organized, well-prepared services for investigating organized crimes and uncovering many intricate conspiracies involving dangerous criminals. They spent billions on the "closed" for drug trafficking borders, on the eradication of union extortionists and on checking taxes from scammers "gamblers". Yet organized crime continues to do business as always.

The most momentous factor (turning point) in the fight against organized crime was the adoption in the U. S in 1970 of the RICO Act (Racketeer Influenced and Corrupt Organizations). The law on a fight against organized

crime. However, it took a considerable time for the provisions of this law to be active and be used by law enforcement agencies, which began around 1982. The primary aim of the RICO law is defined as “ the destruction of organized crime in the United States by strengthening legal instruments in the process of collecting evidence. Establishing criminal law bans and introducing expanded sanctions and new means of judicial protection in the fight against unlawful acts of individuals involved in organized crime” (Albanese, Pg. 286). The RICO Act was designed to investigate, regulate and prosecute organized crime. Also, to determine the responsibility of members of criminal structures for both the commission of individual violations and the conspiracy. The organization, leadership and participation in an organized criminal structure (The Federal Bureau of Investigation). Criminal liability for conspiracy, to violate the law occurred even if the rules and regulation itself have not been committed. It states in the Rico Act Charges that all that must be shown is, that the individual agreed to commit the substantive violation offense through agreeing to take part in the two or more criminal acts. That the individual knew the general status of the conspiracy; and that the individual had knowledge about the conspiracy extended beyond their individual role (Witte, 109# RICO Charges). Which collusion is in itself a severe violation of the law and is subject to mandatory punishment. Under the RICO Act, it can hold an individual criminally liable only for the fact of participation in such a criminal enterprise (Witte, 109# RICO Charges).

In recent years, due to financial difficulties, it has led to large budget cuts to the police salary in Chicago. At the same time, the activity of gangs noticeably increased in the city. As a result, Chicago became well known for

homicide and violence. In 2012, the homicide rate in Chicago grew by 38% compared to 2011(Davey). And now Chicago is considered the “ most dangerous and deadliest city” and the main cause of all this violence in the city of Chicago is the criminal gangs (Brady). Most homicides and the use of firearms in the city of Chicago are linked to gangs, and these criminal groups continue to grow (Davey). Unlawful acts and chaos in the city of Chicago will increase.

The city of Illinois and the city of Chicago, in particular, are the mainstay of anti-weapon legislation. Where only in recent years, under the pressure of a federal court, have they been forced to make a slight softening of the laws. Illinois became the last U. S state to go under pressure from the federal court to mitigate the legal regime of weapons. At the same time, quite by chance, in 2013 the number of homicides in Chicago decreased by 18% to a level not seen since 2011 (Bernstein, Isackson). And despite this, the state and city remain extremely criminalized by the standards of the United States. This is not surprising, given that despite the decision of the court, the entire state system of municipalities and the state remain directed against the possession of civilian weapons (Everytown has a Gun Safety). To get a license for concealed carrying, you must go through a lot of filters and strict restrictions. Also, pay serious fees, and even after that, carrying these weapons in the vast majority of public places will be prohibited. Moreover, the sale of firearms is prohibited in Chicago in the city, in general. Only on January 6, 2014, this decision was recognized by the federal court as unlawful. But it's still far from being canceled, at least six months were given to contest it. The mayor of Chicago is categorically opposed to any loosening

of civilian weapons, while not clinically understanding the difference between her and illegal weapons. Thus, in recent terminology, employees of the judiciary and law enforcement agencies and in the scientific community have recently come across free use of the notion of “ ethnic groups” in the structure of organized crime. At the same time, from the ethnographic point of view, an ethnic group is a similarity in language and culture (Pires, et al.).

It should be noted that the analysis of this type of organized crime, despite a large amount of empirical evidence accumulated by the law enforcement, is significantly hampered, on the one hand, by insufficient theoretical

elaboration of the problem. And on the other hand, by a significant level of latency of crimes committed by these organized criminal structures. Almost all researchers have noted a high level of latency of organized ethnic crime.

Ethnic organized criminal groups are formed, as a rule, according to clan, generic characteristics, i. e. belonging to certain clans. The problem of ethnic groups in the structure of organized crime is poorly understood for a number of reasons. The judicial practice has a few cases with sentences imposed on organized criminal groups and criminal organizations formed by

representatives of one ethnic community or one ethnic group. Such cases, as a rule, do not abound with information about interpersonal relations and differentiation in a criminal group. The criminal activity itself is

conspiratorial. In addition to the Russian mafia and Asian organized crime, the Colombian drug cartels are a serious problem. Unlike the Russians and the Chinese, the Colombian magnates do not intend to settle in the United States. They prefer to remain in their homeland, where they collect millions of dollars from the production and trafficking of drugs. In addition, Colombian

drug dealers formed an alliance with criminal organizations in Mexico, which brought benefits to both parties. Traditionally, traffickers from Mexico smuggled marijuana, heroin, cocaine into the U. S and established strong trade routes across the border. Since Colombian organizations were concerned about the security of their cargo, they made a commercial deal with Mexican traders who reduced their potential losses.

Transnational organized crime has extended considerably over the past decades. Enriched at the expense of the substantial profits from the traffic in narcotics, weapons and human smuggling, she needs to launder her income. Organized criminal groups beyond the reach of the tax authorities have accumulated substantial wealth. The main cause of this is the division of law enforcement responsibility as I stated before is between local, state and federal government, and criminal organization groups take greatest advantage of it. Transnational organized crime manifests itself at the state, local and national levels in many ways. Most agree that the most lucrative forms of trafficking is in prohibited goods in the United States are drug trafficking, followed by weapons and human trafficking.

Mr. Big's enterprise is organized crime, although minimizing the commission of robberies, thefts and other common crimes. Such traditional syndicates now prefer to engage in fraud on the stock exchanges, theft by computer, profitable "white-collar" crimes, the acquisition of legal enterprises.

Traditional organized crime is increasingly turning in a variety of big business, and not so much in terms of huge amounts of recoverable income. But rather in terms of methods spine, typical for the mayor in recent years. By switching to a more secure and profitable criminal activity, it is thereby

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freed formerly occupied by the scope of it. The main means of proving participation in organized criminal groups are personal evidence (evidence of exposed members of the gang). Also, tracking financial flows from criminal activities with the criminalization of their use. The two components of the construction of a “ conspiracy” are an agreement between two or more individuals and a common criminal goal or task – a common criminal intent, within which roles are distributed among the accomplices. The distribution of roles is the responsibility of the organizer, so individual participants may not be informed about the role of other Co-performers. The Rico Statute resolved the problem of weak probability of individual participants in the organization of criminal conspiracy. In conditions where Co-executors, except the organizer, are not aware of the roles of other Co-executors. This was realized through the concept of “ organizational collusion.”

The concept of “ collusion” in the law has nothing in common, which is extremely important with the commission of a single “ signal” crime. Which shows an accord to participate in the acts of a criminal enterprise by committing two or more acts of racketeering to achieve the goals of the enterprise. From the standpoint of the statute of Rico, it does not matter whether each member of a group or criminal community was aware of the criminal activity of its other members. And how many varieties of criminal activity the enterprise was involved. The prosecutor is only required to prove before the court that the accused was associated with a criminal enterprise by the commission of two acts of racketeering. From the position of the American legislator, the concept of the statute of Rico has a number of advantages over other legal anti-criminal structures used by states in the

criminal prosecution of members of organized criminal groups. Since it provides that all its members should be held accountable for the crimes of the organization as a whole. In this case, the cases of all members of a criminal organization on the principle of communication through collusion should be consolidated into a single proceeding. Thanks to the introduction by Rico of the statute of the concept of organizational collusion.

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