

## Partnerships: A solution to the illicit trafficking of art (Conclusion of the 2004-2007 Sûreté du Québec pilot project)

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For over two decades, several countries have been reviewing the subject of the increasing scope of the illicit trafficking of art works. Crimes related to works of art (theft, possession of stolen goods, fraud, and others) are increasing at an exponential rate, whereas the percentage of stolen art work that are recovered and the rate of crime-solving have been stagnant for years now. Searching for solutions on a province-wide level, Quebec's provincial police force (Sûreté du Québec) implemented a pilot project in May 2003, consisting primarily of the integration of the resources of the two main Quebec police forces which have an expertise in the art field, composing a team of investigators serving the province of Quebec. Subsequently, a consultation process with the different stakeholders in the art world, nationally and internationally, as well as the development of a strategic plan, were set up to meet the expectations of the police and the art milieu. Several tools (data banks, Internet service) are already in place and a few are in the implementation stage.

Keywords: art alert, art trafficking, partnership, investigation

### 1. INTRODUCTION

At the beginning of 2003, the Sûreté du Québec (the provincial police) and the City of Montreal Police Service initiated discussions on investigations of crimes related to works of art.

Acknowledging the fact that various organized crime groups were becoming increasingly involved in this type of crime, a team of investigators, comprised of members of these two police forces, joined together to find solutions to this ever-widening scourge. With the advantage of 15 years of experience in this field, possible solutions were quickly itemized and analyzed with the purpose of elaborating the most effective action strategy possible.

### 2. PARTNERSHIPS - THE SOLUTION

For several years now, many police operations have brought out the fact that numerous works of art belonged to organized crime groups. It has become obvious that these art works are being used as currency for the purchase of drugs, or for the laundering of money coming from the sale of said drugs.

Indeed, the transporting of art works from one country to another is much easier than trying to bring in bank notes or bank drafts. Negligence, laxness, or ignorance on the part of several countries are blamed for this. Crimes concerning art works, whether theft or fraud, are consequently on the rise, whereas the rate of solving these crimes and the

rate of recovery of stolen art works are, on the contrary, declining. Internationally, the problem is similar, and is very explicitly analyzed in the book, *Art et Crime: La criminalité du monde artistique, sa répression* [1].

Made aware of these observations, a team of investigators was created in May 2003 within the Quebec provincial police force (Sûreté du Québec), with the mandate of discovering the reasons for this increasing phenomenon and to find solutions for it.

The team of investigators therefore opted for the so-called scientific approach, stating the following starting hypothesis: The downward trend in the exchange of information between the police milieu and that of the art market, and between the police forces, is the major cause of the lack of effectiveness with respect to this crime.

In effect, over the last ten years or so, we have observed that art dealers and galleries are consulting us less and less often, as seen in the decrease of 15% to 20% annually in the number of requests we receive from them.

Consultation was carried out among the different parties involved and an obvious and recurrent conclusion was reached. For the past several years, art dealers have unanimously declared that they have no interest in transmitting only one-way information. None of them sees the benefit of collaborating with the police, nor do they see which services the police could offer. The various dealers complain of a lack of understanding on the part of the police in investigations or seizures of art works. They claim that the police offer no explanation or information allowing them to

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avoid outright losses. The dealers say that they give information without police investigators being able to inform them of follow-up in the cases, hiding behind the screen of so-called confidentiality. The dealers also say that they are without the resources necessary to carry out research on art works or to find out the identity of a forger. These are all irritants which have contributed to the decline in interest on the part of art dealers.

Another example of the low level of the exchange of information occurs in the museum milieu. Indeed, the museums are reticent to declare thefts and other offences committed within their walls. Inadequate security measures, false modesty, and negligence are all unjustifiable reasons for this. In agreement with the museum directors, the insurance companies have determined that disclosing offences committed in the museums could only harm their reputations or encourage other criminals to pay them a visit. Furthermore, due to the sometimes very high deductibles which must be paid before benefitting from the insurance coverage, several museums do not see the need, the urgency, or the pertinence of reporting minor thefts, and consider that the negative publicity resulting from such a disclosure could damage their image. However, statistics show that the faster the disappearance of an object is reported and publicized, the higher the chances of recovery are. On January 17, 2004, the theft of five ivory sculptures was immediately publicized and a reward was offered. Art investigators throughout the world contacted sources and informants, and the sculptures were found a few days later. Some people might think that the average criminal would see an opportunity to make a quick buck by collecting a reward instead of selling the stolen objects; but no statistic in the world shows that an increase in these crimes can be attributed to this situation.

Art works of great value remain the privilege of an elitist world, a microcosm where speculators are perhaps more numerous than aesthetes [1]. Hence, museum thefts are either the result of an order issued in advance or an opportunity for a substantial monetary gain. Some museums prefer to conceal the occasional loss so as not to scare away future donors. Still, today, some museum curators or directors will see the return of their object on the resale market, an object that was part of their collection. They ask the authorities to recover it, but, given that the theft was never reported and the object was not listed in the files as having been stolen, its recovery is legally impossible if, in addition, the owner "acquired it in good faith" a few years before, since a three-year acquisition limitation applies according to the Civil Code of Quebec. As for the other provinces, jurisprudence tends to show, as it does in Quebec, that the owner of an item in good faith, whatever it may be, is its legal owner.

Crimes related to works of art are on the rise. Theft, fraud or money laundering, these crimes are committed by specialists identified in the art world. Museum pieces are not exempt from theft. The non-disclosure of the disappearance of an art object is not the solution to eliminating this crime, but the analysis of the shortcomings in museum

security is increasingly used and the results are convincing. Not even the great museums are shielded from this kind of loss. The Louvre, following a relaxing of security measures, saw a significant increase in thefts in 1995 and 1996. A systematic analysis of security measures and their rectification quickly put a stop to this increase. Furthermore, several stolen objects have been recovered since this time, due to the Louvre's rigorous and immediate declarations to the authorities and the rapid spread of this information.

As for the exchange of information between police forces, the statistics speak for themselves. Interpol (the international police force) registered the non-participation of several countries, including France, the United States, Canada, and Italy, for the year 2002. This confirms that the usefulness of this vector of information should be reconsidered. *For the police forces, crimes related to works of art come after traffic accidents* [2]. Requests for information for a verification of stolen art works, or to obtain any information whatsoever, must go through a multitude of individuals and precisely because of this, take weeks instead of hours. On the other hand, it is possible to obtain the Interpol CD-ROM listing the works of art considered stolen, or to purchase France's CD-ROM (Tréma) and soon, the Italian equivalent as well. The nature of an effective international police force is outdated and urgently requires review.

### **3. A SOLUTION THAT SEEMS TO WORK**

Since 2004, in partnership with galleries, museums, and art dealers, an exploratory solution was tried out. A vast "chat" type of information network was established, allowing everyone concerned to receive information on recently stolen works or on suspects in possession of forged art objects. The results of the most recent police investigations, as well as the sentences received in trials, were also made known with the purpose of initiating an exchange between the people involved and to encourage discussion. The choice of the "chat" or e-mail format is justified by the sense of responsibility intrinsic to it. The mailing is addressed directly to the person or the head of the establishment and requires an acknowledgement of receipt. Hence, the individual is considered to have been informed, both legally and legislatively. Intermediaries must be eliminated as much as possible to increase the speed of the action.

The primary goal is to transmit information to all parties, but also to allow them to ask questions, offer comments, raise concerns and, especially, indicate facts that could be of interest to the police. In particular, they can check to see if an acquisition is listed in a data bank of stolen or other works, know the name of the different international experts in various fields and be able to contact them to find out the names of the appraisal laboratories and their specialties.

### **4. CONCLUSION**

After more than two years of application, the results are

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conclusive. The exchange of information on one side and the other and the rate of recovery of missing works are increasing and we have even observed a decrease in the theft of works of art over the course of approximately one year.

Another important observation is the rapidity of action allowed in this system and the increase in the interest level of the different individuals involved.

An implementation involving several countries is planned and will be explored in the next phase of the project, which includes the setting up of an Internet site which

will show, in particular, stolen works and security instructions.

**REFERENCES**

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