Organized Crime: An Ethnographic study of the monitoring and disrupting of those designated as high-level ‘organized criminals’ within the Metropolitan Police

Thesis

How to cite:

For guidance on citations see FAQs.

© 2016 The Author

Version: Version of Record

Copyright and Moral Rights for the articles on this site are retained by the individual authors and/or other copyright owners. For more information on Open Research Online’s data policy on reuse of materials please consult the policies page.
Organized Crime:
An Ethnographic study of the monitoring and disrupting of those designated as high-level ‘organized criminals’ within the Metropolitan Police.
This is an ethnographic study conducted over an 18-month period by the researcher who is a serving detective constable, working as part of a project aimed at reducing ‘top tier’ organized criminal behaviour in the MPS. The research was an exploration of how organized criminals are defined, particularly during disruption panels aimed at measuring law enforcement successes. The study examines the process by which ancillary orders are obtained at court; tools designed to restrict organized criminal activity. The study aimed to critically assess the wider monitoring process, looking at whether disruptions to offenders’ activities can be seen as durable or effective; whether ‘Lifetime Offender Management’ is successful in implementing changes in their offending behaviour. This has been set against a backdrop of literature which provides a historical context of how organized crime has come to be defined in a hierarchical fashion, that is overly focused on individuals rather than activities. It discusses how unhelpful this is as a paradigm against which to compare British organized crime. The study highlights more appropriate ‘business models’ of organized criminal offending. Within this, comparisons are made with regard to different criminals’ varying ability to launder money, versus those that operate on a more hand to mouth level. A critical look is taken at the way the disruption panels fail to make any distinction between these behaviours, as well as the way police culture informs the process of labeling organized criminals. This is by virtue of its adherence to anachronistic and outmoded models of organized criminal offending, resulting in an undue focus on certain offences and a failure to appreciate the evolving nature of the field. A gap in the literature and research is highlighted when it comes to organized crime prevention, particularly where ‘disruptions’ are concerned, presenting increased opportunities for this type of research.
# Table of Contents

**LIST OF ACRONYMS**

## 1. INTRODUCTION

### 1.1 Research Aims and Rationale

1.2 Organized Crime: Definitional Problems and Performance Indicators

1.3 The LOMU and Ancillary Orders

1.4 Outline of the Project

## 2. LITERATURE REVIEW

### 2.1 The Characteristics of Contemporary Organized Crime

2.2 The Business Model: Organizational Theory in Relation to Organized Crime

2.3 Trends within Organized Crime and Decreasing Skill Sets

2.4 Global versus Local: The Transnational Organized Crime Debate

2.5 Money Laundering and Asset Recovery

2.6 The Concept of ‘Harm(s)’ Associated with Organized Crime

2.7 Organized Crime Prevention

## 3. METHODS

### 3.1 Context of the Study

3.2 Access and the Dual Role of Professional / Researcher

3.3 The Three Areas of Research

3.4 Ethical Issues

## 4. INTRODUCTION TO THE DATA AND THEORETICAL APPROACHES

### 4.1 MPS Disruption Panels as the Context for Defining Organized Crime within Groups

4.2 The Disruption Panel Process

4.3 A Theoretical Approach to Disruption

4.4 Court Case Observations

4.5 The Day-to-Day Monitoring of the LOMU Cohort and Implications for Recidivism

4.6 The Impact of Police Culture

4.7 The Role of Class in Informing the Policing of Organized Crime

## 5. DATA PART I

### 5.1 Introduction to the Disruption Panels: Access, Ethos & Culture

5.2 Approaching the Cases & Observations of Professional Hierarchies

5.3 Lifetime Offender Management: Input and Background

5.4 The Researcher’s Professional Role within the LOMU

5.5 Introduction to the Case Studies

5.6 Court Observations
6. DATA PART II

6.1 INTRODUCTION

6.2 Categorization of Offenders 122
6.3 Armed robbery, Cash in Transit or ‘smash and grab’ burglars 123
6.4 Drug traffickers 130
6.5 Fraudsters and Skill Factors 135
6.6 Cyber criminals and lone wolves 142
6.7 Transnational organized criminals 149

7. DATA ANALYSIS

7.1 Disruption Panel Frameworks

7.2 Armed robbery referrals 152
7.3 Firearms and organized criminals 157
7.4 The elusive nature of networks & inflated claims of disruption 163
7.5 Mythological godfathers and absent hierarchies 166
7.6 Degrees of organization, skills loss & Lynchpins 168
7.7 Intellectual assets and the evolution of cyber crime 172
7.8 Spectrums of Legitimacy 176
7.9 Cross-border concerns 177

8. CONCLUSION

8.1 Introduction

8.2 Initial Research Questions Revisited 179
8.3 Finding one: outdated, stereotypical notions of organized criminality in the MPS 180
8.4 Finding two: prevailing police ‘cultural conceptions impacting on the policing of organized crime 181
8.5 Disruption assessment main observations 184
8.6 Court observations 186
8.7 Finding three: ill-informed and applied disruption tactics 189
8.8 General recommendations 196

REFERENCES 211

Tables

Table 1 – Disruption Grading 155
Table 2 – Breakdown of case studies 161
Table 3 – Scpo prosecutions 199
Table 4 – Minor disruptions 202
ACRONYMS:

ACPO: Association of Chief Police Officers
CID: Criminal Investigation Department
CIT: Cash in Transit Robbery
CPS: Crown Prosecution Service
DOS: Denial of Service (Attack)
DPP: Director of Public Prosecutions
FATF: Financial Action Task Force
FRO: Financial Reporting Order
LOMU: Lifetime Offender Management Unit
KPI: Key Performance Indicator
KVM: Keyboard, Video, Mouse (Device)
OCG: Organized Criminal Group
OCN: Organized Criminal Network
OCTA: Organized Crime Threat Assessment
MAPPA: Multi-Agency Public Protection Arrangement
MPS: Metropolitan Police Service
NCA: National Crime Agency
NCIS: National Criminal Intelligence Service
NSY: New Scotland Yard
POCA: Proceeds of Crime Act
SCO: Specialist Crime and Operations
SCP: Situation Crime Prevention
SCPO: Serious Crime Prevention Order
SOCA: Serious Organized Crime Agency
TOC: Transnational Organized Crime
Organized Crime: An Ethnographic study of the monitoring and disrupting of those designated as high-level ‘organized criminals’ within the Metropolitan Police.

1. INTRODUCTION

1.1 Research Aims and Rationale

This study has set out to provide a critical criminological approach, to attempt to narrow the conceptual gap between criminological study of crime and punishments and modes practitioners use in ‘controlling’ crime (Garland and Sparks, 2000). The overall purpose has been to investigate the defining of organized criminals or those who have been designated as such within the Metropolitan Police Service (MPS). It has set out to assess the initial referral process for individual offenders, to see whether it is sufficiently credible, reliable and objective; how harm is quantified. The types of offender selected for monitoring have been considered, looking at how they are located in relation to internal assessments of organized criminal offending and whether this reflects wider academic concerns about types of organized crime being observed nationally.

There is a critical evaluation of the use of ancillary orders obtained by police through a courtroom process, which are implemented in a bid to tackle reoffending rates in this jurisdiction. The researcher has looked at how the legislation is interpreted; the processes by which orders are drafted, once offenders have become designated as ‘organized criminals.’ In addition, research has been carried out on how orders are applied for in court and their reception amongst the legal community. The aim of the researcher as a whole has been to examine the wider process of monitoring these types of offenders within organized criminal law enforcement; to examine what disruptions have
been implemented, whether they have been durable and whether they can be described or measured. The process of prosecuting offenders for further, similar offences has been scrutinized, as to how breaches are dealt with, the impact of performance culture and whether the law enforcement approach is proportionate in accordance with ‘results’ achieved.

The above proposals to investigate the process of defining and monitoring organized criminals are considered within the framework of an insider perspective of a police officer working in the Specialist Crime Directorate at New Scotland Yard. The researcher has examined whether a small group of what have been called ‘top tier offenders’ by the MPS, can be ‘disrupted’ as a result of being monitored by a The MPS’ recently formed ‘Lifetime Offender Management Unit,’ (LOMU) a pilot project aimed at reducing organized crime and recidivism through the close monitoring of offenders and their ‘organized crime groups’ (OCGs). The research critically assesses this pilot study by providing a detailed insider view, as the applicant is a serving officer within the unit.

There are gaps in the criminological knowledge on organized crime that have sought to be addressed; a fundamental lack of law enforcement data exists in this area. Data that does exist is largely mistrusted by the academic community due to entrenched police performance indicators, which necessarily skew official findings. There is up until now, very little data at all on monitoring these types of offenders or on the ancillary orders that have begun to be liberally used by police officers or on resulting criminal behaviour or potential rehabilitation. The researcher has sought to bridge the practitioner /academic divide, providing data with a certain immediacy to it, illuminating organized criminal cases as they were unfolding and playing out in the judicial sphere. Through an in depth investigation on subjective law enforcement concepts of organized crime (both offenders and types of offending) he study also makes a contribution to broader criminological thinking and understandings about organized crime as a theoretical construct, but also the way its conceptualization and policing practices are influenced by current socio-political trends.
1.2 Organized Crime: Definitional Problems and Performance Indicators

Organized crime has come to be defined as a recent and contemporary phenomenon, a ‘malady of modernity;' presented as a major threat in law enforcement discourse (Hobbs, 2013). Approximately 6% of UK policing activity is directed against organized crime (Levi and Maguire, 2004). To appreciate the scale of Home Office concern, in *Extending Our Reach* (2009:3) the Cabinet Office Strategy Unit states:

'A large element of all crime in the UK is caused either directly or indirectly by serious Organized criminal activity [...] we estimate that the economic and social costs in the UK are at least £20 billion and potentially as high as £40 billion per year.'

A more recent estimate has attempted to make this figure less vague, estimating it to be in the region of £24 billion per year (HM Government, 2013). The study is of value as it provides an original contribution to knowledge in the field of organized crime, where a considerable gap in the research exists with regard to law enforcement data and studies are only just beginning to be published on attempts at prevention by monitoring and particularly disruption. The research provides an opportunity to collect data on recent organized crime cases for the purpose of scholarly analysis, systematically comparing the effectiveness of measures introduced, initiatives launched and the every-day containment of targeted offenders (Paoli and Fijnaut, 2004). The findings have value for academic, policy and practitioner audiences.

The study is concerned with the extent to which so-called organized criminals under MPS jurisdiction are defined. Currently an organizational method called an ‘intelligence led tracker’ is used to quantify ‘harm’ imposed by organized crime through a variety of measures. Officers complete a questionnaire nominating offenders to the tracker, generating a ‘harm score,’ which is debated during the course of what are called ‘disruption panels.’ The focus is on particular features of crime: violence, substantial financial gain,
crime conducted by large numbers in pursuit of common purpose, crimes for which an offender could expect three or more years of imprisonment. The size of the organized criminal group (OCG) is also taken into account, the amount of criminal proceeds they have accumulated, their influence and potential to corrupt officials and people who may not have been known to the criminal justice system in the past (so called ‘innocents’) (Metropolitan Police, 2012).

This work sheds light on the constantly shifting nature of criminal organizations but also investigates problems with processes surrounding the assessment of OCGs, which are manifold. The tracker, which is designed to collate information on these groups, is dependent on up to date and reliable intelligence, the provenance of which is often difficult to determine. There are broad qualifying characteristics, low reporting thresholds and no quality assurance procedures to back up claims made regarding outcomes. In order to qualify, potential organized criminal offenders are presented to the 'disruption panel' that decide whether they should be monitored. Very little attention has been paid to on how subjectivity of the investigating staff on the disruption panel plays a role in the decision to include individual criminals. It remains heavily dependent on qualitative knowledge about the impact of target groups. Most importantly, OCGs organized in a way that pose a credible threat to national security are often conflated with less serious criminals who happen to work in groups. The reliability and validity of the data submitted and the conclusions drawn from that data must be approached tentatively, with a lack of data cross matching in place (Gregory, 2003). It is questionable as to whether the designated top-tier cohort of organized criminals monitored by the LOMU can be classed as a homogenous group at all; the nature of those included within this group is to be assessed within the study. One aspect of the work will involve an attempt to establish whether in fact they have any traits in common, taking into account a rather arbitrary system of initial nomination.

‘Specialist Crime and Operations’ (previously ‘Specialist Crime Directorates’) have imposed performance indicators, whereby the quantity of successful nominations to the tracker alone is deemed an indication of success. Recording practices have become a problem where police and other law
enforcement agencies have adopted a 'performance culture' (Burrows et al., 2000). This creates an incentive for cases or individuals to be ‘adapted’ to fit the terms of the OCG allowing them to qualify. It also creates an incentive for higher scores to be artificially produced for individuals often little more than peripheral within an OCG. Individual criminals’ importance within an OCG or even their affiliation per se, may fluctuate. Academic debate in this field has consistently highlighted taken for granted notions of ‘mafia-like’ attributes, questioning the extent of OCGs’ formal hierarchies in the more contemporary climate (Gregory, 2003). The study examines the hypothesis that many individuals put forward as organized criminals by MPS specialist operations are not ‘serious’ organized criminals in the traditional sense, but find themselves branded or created as such. Their appearance on the OCG is used to justify their subsequent management within judicial system, to produce tangible and measurable results at a time of decreased government funding. This approach to organized crime exposes the politics behind police work; when the data is examined, there appears to be noticeable gaps between the rhetoric and the reality of the organized crime ‘problem’ (Hamilton-Smith and Mackenzie, 2010).

Disruption to criminal groups or networks with the highest harm scores has until recently been one of the current foci of the police in company with wider law enforcement priorities. The definition of the term ‘disruption’ when used by the MPS is fairly all encompassing: “A disruption may be achieved by various means and does not have to be within the context of the operation” (Metropolitan Police, 2013). It has been defined more specifically by Kirby and Penna (2010:205) as a: “flexible, transitory, and dynamic tactic, which can be used more generally to make the environment hostile for the organized crime group [...] this approach focuses on disrupting the offender’s networks, lifestyles and routines.”

Since March 2014 there was a tailing off of the disruption panel process due to staff shortages and referrals have mainly come through live presentations from individual officers. Once LOMU was aligned to the ‘Serious and Economic Crime Command’ in November 2013, there was a push from
senior managers within that command to refer cases to LOMU. The departments within the command from which referrals are taken from are made are overwhelmingly from the ‘Flying Squad;’ armed robberies, mainly comprising of ‘cash in transit’ robberies and so called ‘smash and grab’ robberies, larger drugs cases from ‘Central Task Force’ and one or two criminal finance cases. This focus has placed a significant restriction on the type of criminal being selected. Managers in units such as ‘cyber-crime’ have been less forthcoming, particularly as the MPS are currently reforming its cyber-crime departments after much of its capacity was transferred to the NCA. The process has become far less objective. Although live presentations of work from officers has de-formalized the process, often more information is obtained about the cases from these meetings, than from a series of ‘snap shot’ presentations at a disruption panel that follows it’s own particular agenda, related purely to the quantification of harm disruption of OCGs.

1.3 The LOMU and Ancillary Orders

Initially the ‘Lifetime offender Management Unit’ was set up as a pilot project, but it has now become part of the ‘Specialised, Organized and Economic Crime Command’ within the MPS; aimed at reducing organized crime and recidivism through the close monitoring of offenders and their ‘networks.’ The researcher’s professional role at the time of the research being conducted, revolved around the daily monitoring of these individuals, as well as attending court and applying for ancillary orders on organized criminal candidates that have been deemed suitable. Where there was intelligence that subjects who are being monitored (both covertly and overtly) have breached the terms of these orders, they were dealt with in terms of prosecution or other ‘disruption’ oriented measures.

Although there has been a move away from the disruption panels per se, there is still an emphasis within LOMU on ‘achieving disruptions’ as part of its role. The project will deal primarily with how disruptions can be measured and whether they correspond to any demonstrable reduction in organized criminal
activity. There has been minimal focus on the quality of the disruption (Gregory, 2003). Current academic debate revolves around methods of assessing performance, which often fails to reflect what is being achieved. The question of whether disruption constitutes a valuable performance indicator will be explored.

The study will specifically analyze new bespoke approaches to top-tier OCG members; a range of tools that include increased surveillance, ancillary orders and the influencing of license conditions. Though currently hailed as one of the main tools in the fight against organized crime, ancillary orders were until recently rarely imposed. The purpose of ancillary orders is to tackle root causes of offending but they can become generic by design.

SCPOs are the main bulk of orders obtained under the ‘Serious Crime Act,’ 2007, and they are considered where offenders are being sentenced for: Drugs offences, people and arms trafficking, prostitution and child sex, armed robbery, money laundering, fraud, offences in relation to public revenue, corruption and bribery, counterfeiting and blackmail, as well as other offences deemed ‘sufficiently serious’ (The Serious Crime Act, 2007). They allow prohibitions or regulations to be directed at individuals’ financial, property or business, working arrangements, means of communication and associates, premises to which they have access and travel. FROs form part of the ‘Serious & Organized Crime Prevention Act,’ 2005, and are considered in circumstances of serious fraud or theft offences. Although they are not a new tool, they have not been employed frequently and form part of the portfolio of ‘soft law’ enforcement tools requiring only a civil burden of proof in their implementation.

‘Serious Crime Prevention Orders’ (SCPOs) were originally designed to restrict the harm and capability of those convicted of a ‘serious’ offence, a concept widely open to interpretation (Sproat, 2012). Legal implementation requires only a civil burden of proof. These orders are being used to prosecute a wide range of criminals in a so called ‘Al Capone’ approach; prosecutions resulting from for minor breaches are deemed an indication of performance,
but crucially, for the purpose of this work, no known studies to date have focused on resulting criminal behaviour or rehabilitative trends.

1.4 Outline of the Project

Chapter one outlines the research questions and rationale behind the study, looking at definitional problems and gaps in criminological knowledge when it comes to law enforcement data within the field of organized crime. Chapter two provides a context in which contemporary organized crime has come to be studied, looking at varied definitions of the phenomenon and how it has come to be shaped by American influences. It outlines some of the key areas of the academic debate, providing a backdrop against which this study has been posed. These include the presentation of the alternative business or enterprise model of organized crime, trends within the field, transnational contexts and a discussion of money laundering as a concept. There is a presentation of the literature around organized crime prevention, with a detailed examination of ‘Situational Crime Prevention’ as a concept.

Chapter Three outlines the methodology and methods of the study for each section. It begins with a critical criminological approach to the process of defining ‘organized criminals’ within the MPS as a model of deviance, with a focus on who is doing the defining. It puts forward the idea of social phenomena and categories as a dynamic ‘activities.’ There is a description of the interactionist approach that has been taken, showing police culture actively at work. It details the challenges of insider research and representation. The increased use of ancillary orders is questioned, particularly in a section presenting constructionist approaches to court observations of organized criminal cases. The individual case studies are considered qualitatively and in depth, looking at the process of law enforcement monitoring within an interpretivist framework. Finally, there is a discussion of the ethical implications of ethnographic studies of this kind and the author’s particular approach in this area.
Chapter Four attempts to introduce the data but within a theoretical framework, particularly with regard to police cultures and theories behind ‘disruption’ as a concept. It also looks at the role of the detective in police work and is critical with regard to the impact of gender and the cult of masculinity within policing, particularly on how this informs decision-making processes. There is a nod to Reiner’s (2000) theory on police being influential in choosing what crimes they pay attention to and there is an examination of the impact of class.

Chapters five and six deal with the data itself. Chapter five begins by setting the scene; the environment in which the ethnographic research was conducted is described including the physical layout and space. This chapter includes observations on hierarchical structures within the police, the researcher’s place within that hierarchy and their role. It details elements of the managerial style witnessed by the researcher whilst working within the organized crime directorate. The chapter goes on to introduce the case studies in detail, describing in turn the traffickers, fraudsters, cyber oriented criminals, robbers and ‘others.’ It also covers court observations and access.

Chapter six further scrutinizes the types of offenders being categorized and the impact of police culture on the selection of organized criminals. It describes how harm in this area is measured and quantified and how the ‘influence,’ skill sets or capability within organized criminal networks is measured, including a discussion of the difference between ‘kingpins’ and ‘lynchpins.’ There is a consideration of the profits and proceeds of organized crime, set against a critical examination of how confiscation processes pan out. Spectrums of legitimacy are referenced, in terms of crime interacting with the legitimate market place and law enforcement’s timidity around tackling these boundaries. It also critically examines the cyber crime problem within policing.

Chapters seven and eight analyze the data critically and draw conclusions from it. Chapter seven begins by assessing the frameworks designed by the MPS to tackle their own disruption data, followed by critical observations of how this is broken down, in particular with reference to the number of robbery and drug trafficking referrals. The unwarranted focus on
firearms is highlighted, as well as the inclusion of gang members within organized crime cohorts and the superficial inclusion generally of easy targets. The fluid nature of networks is discussed as well as inflated claims, badly outmoded tropes and lack of consensus within departments on degrees of organization or skill sets. The chapter contains an analysis of the chaotic approaches to criminal finances and police inability to understand intangible losses, the online threat and where legitimate business overlaps with criminality. It also shows the ill-conceived use of ancillary orders for the purpose of artificially booting performance statistics.

Chapter eight outlines the three main findings of the study, showing that organized crime has evolved and there is a fundamental failure of law enforcement to keep pace. There is a lack of understanding of the way networks function and ill-informed and applied application of disruption tactics, especially in cases where proportionality has been abandoned. Confiscation processes are demonstrated as drawn out and ineffective. The findings show how policing organized crime is being detrimentally shaped by toxic cultural influences, resulting in a focus on outmoded types of crime, poor selection of criminal targets and unimaginative monitoring processes as well as ultimately underwhelming results.
2. Literature Review

2.1 The Characteristics of Contemporary Organized Crime

A starting point for this study has been borne out of the logistical premise that there are definitional problems when it comes to the concept of organized crime for both practitioners and academics alike. A consensus on the term has never been reached and this is something that becomes clear from the outset in the literature review. It exists as both an objective, measurable phenomenon but also as a subjective construction; the relationship between the subjective and objective reality create problems when it comes to defining or analysing organized crime from the outset (Allum and Kostakos, 2010). Van Duyne (1996b) questions the usefulness of such a concept at all and Paoli (2008) suggests it is merely a new label attached to pre-existing illegal activities and actors that have remained substantially unchanged. Levi (1998:335) describes it as “generally applied to describe a group of people who act together on a long-term basis to commit crimes for gain” and emphasises Cohen’s (1977) argument for the importance of distinguishing between structures of association and structures of activity.

Focusing initially on ‘association,’ early definitions involve Maltz’s (1976, in Wright, 2006) insistence on the presence of corruption and functional violence, sophistication, continuity and discipline, as well as structure. Levi (1998) finds the inclusion of violence in the definition to be problematic, as certain highly organized criminal groups avoid using violence and trade competently and profitably in one product, which would not satisfy the Maltz definition per se. Levi (1998) suggests a set of people whom police or other State agencies regard as ‘really dangerous’ is more essential to its integrity. The idea of organized crime as a continuing criminal enterprise forms part of the popular European definition employed by practitioners within the German Federal police, the BundesKriminalAmt as a:
“planned violation of the law for profit or to acquire power, which offences are each, or
together, of a major significance, and are carried out by more than two participants who co-
operate within a division of labour for a long or undetermined time span using a) commercial
or commercial-like structures, or b) violence or other means of intimidation, or c) influence on
politics, media, public administration, justice and the legitimate economy” (Levi, 1998).

However, this fails to take into account the complex ‘spectrum of legitimacy’
organized crime can often encompass (Albanese, 2004). Also, as Levi
(1998:336) suggests, the definition does not delineate what counts as ‘major
significance,’ nor differentiate between various categories of organized crime.
He illustrates how this can therefore denote anything from “major Italian
syndicates to three very menacing burglars and a window cleaning business”
and suggests the alternative term of ‘enterprise crime.’

There is a need for the International community to frame a definition to
enhance cooperation between states, facilitate treaties, legislation and
procedure (Wright, 2006). Wright (2006) provides examples of the United
Nations Convention (2000) definition which involves a structured group, made
up of three or more, existing for a period of time in concert, with the aim of
committing more than one serious crimes or offences to obtain financial or
material benefit. Serious crimes are those that warrant a prison sentence of
four years or more, though no one national legal system’s framework is
specified. A ‘structured group’ is deemed as one not randomly formed, which
would however still cover Levi’s (1998) enterprising team of window
cleaner/burglars. Wright’s (2006) search for a ‘clear definition’ to effectively
target resources, deal clearly with objectives and justify actions smacks of
idealism. As Kleemans and Van der Bunt (1999, cited in Allum and Kostakos,
2010) have suggested, organized crime does not exist in a social vacuum. Nor
does it exist in a political or ahistorical one.

There is a clear difference in heritage when it comes to European
notions of what ‘organized crime’ represents (Van Duyne, 1996a); still
dominated by an American perspective, which has become embedded through
popular culture. There has been a failure to examine European organized crime
from its own set of economic and social landscapes, its diversity of economic
regulations, loosely controlled borders and relatively small jurisdictions. The original ‘hierarchical’ paradigm of organized crime inherited from the US-Italian model can be traced back to Donald Cressey, a criminologist and key US government advisor in the late 1960s and early 1970s, instrumental in national investigations into organized criminal activity. Cressey saw organized crime as a parallel ‘government-like structure,’ a centrally controlled, highly organized entity (Albanese, 2004). Cressey worked on the 1967 President’s Commission, to issue the following conclusion:

‘The core of organized crime in the United States consists of 24 groups operating as criminal cartels across the Nation. Their membership is exclusively men of Italian decent, they are in frequent contact with each other, and their smooth functioning is insured by a national body of overseers.’ (Task Force Report, 1967 in Smith, 1975:122)

It is worth noting the tendency to demonise ethnic and cultural groups, reinforcing belief in an ‘alien’ conspiracy, rather than acknowledge organized crime to be an integral part of US culture (Woodiwiss, 2003). Smith (1975) also points to the convenience of the ‘Mafia’ label, which has come to be synonymous with the hierarchical model and quotes Ianni (1972, cited in Smith, 1975:7), an early ethnographer on organized crime groups, in questioning whether “the spectre of the Mafia – the image of a nationwide conspiracy to control all organized crime and to subvert legitimate business and professional life, will die out.” Smith (1975) sees the willingness to adopt the ‘Mafia mystique’ as a US government tool; one of convenience, initiated in the twin issues of gambling and corruption, translated later into narcotics investigation, providing a convenient opportunity for mobilising public opinion and budgets.

The 1963-4 ‘Valachi’ hearings were instrumental in rousing publicity and raising support for the notion of the US Mafia as a criminal organization descended from its Sicilian counterpart; a national crime syndicate, with murder as its organizational policy and principal activities as gambling and narcotics (Smith, 1975). In a trial televised to thousands, a murderer turned informant, Valachi, claimed to have been betrayed by an organisation he termed
the ‘Cosa Nostra.’ This was the first open admission of belonging to a mafia, let alone a willingness to systematically discuss processes by which it engaged in crime. Valachi described it as a family based structure with military style ranks (Albanese, 2004), though the value of his testimony was met with mixed sentiment and he failed to capture public imagination as a credible witness (Smith, 1975). Though unanimously criticised for its imprecision, the legacy left by Valachi’s testimony firmly ingrained cultural preconceptions of organized crime in the US. Albanese (2004) cites the ‘mob’ trials a decade later as evidence of a hierarchical model characterising at least some part of organized crime in the US. However, there is no evidence of a connection between organized groups across cities, or beyond the Cosa Nostra.

Albini’s study *The American Mafia* (1971, cited in Albanese, 2004) purports ‘organized’ crime to be comprised of loosely structured relationships, linked by cultural ties rather than hierarchy, with common heritage forming the basis of working relationships. He denies the existence of a ‘Mafia’ organisation; instead the term ‘mafioso’ represented a historical position within the patron-client relationship of Sicilian society post-Feudalism, providing landowners with protection in a time of weak central government (Albanese, 2004). This opinion has been replicated in further historical studies of the Sicilian mafia. Hess (1973, cited in Albanese, 2004) similarly describes it as a form of self-help within the context of a power vacuum: “mafia is neither an organisation nor a secret society, but a method.” Controversially Varese (2005:4-5) cites this to be evidence of a ‘genus,’ comparing it to a modern day Russian ‘Mafia,’ somewhat unproblematically translating the concept: “a particular type of organized crime that specialises in one particular commodity [...a] set of mafia groups in a given context.” In an overly simplified definition of organized crime, and its conflation with the concept of ‘Mafia’ he traces the existence of a Mafia as something offering protection the state refuses to supply and deems illegal.

Many academics have moved towards a definition encompassing the *structured activities* (Cohen, 1977) aspect of organized crime, emphasising *crimes* rather than criminals. Van Duyne (1996, cited in Wright, 2006:53)
critiques the use of the term as a clear and well-defined phenomenon, despite an absence of existing empirical evidence, when:

“economic activities of these organising criminals can better be described from a viewpoint of crime enterprises than from a conceptually unclear framework such as ‘organized crime.’

Traditionally this approach has been ignored because it has been easier for law enforcement to focus on the criminals themselves, perpetuating the notion that most crimes are being committed by a minority of professional criminals (Harfield, 2010). Targeting individuals is more tangible in terms of detections and prosecutions, more cost effective and removes territorial constraints as well as justifying the creation of specialist squads. It also relieves government and law enforcement of the responsibility of having to define organized crime. Albanese (2004) advocates a typology of specific types of illegal enterprises being referred to under the organized crime umbrella: the provision of illicit services, the provision of illicit goods and the infiltration of legitimate business. However, the methods of organizing crime are much more complex; McIntosh (1975) makes a useful distinction in terms of the technological and policing barriers the particular activity confronts: where prevention precautions are high, organisation shifts from routinis ed craft groups of pickpockets, even safecrackers, to looser, even one-off, alliances between project criminals.

When it comes to how organized crime is ‘measured’ and reported by law enforcement in the UK, any data collection or crime reporting figures are always problematic (Burrows et al., 2000) and gaps always exist between ‘British Crime Survey’ report figures and recorded figures provided by police. The issue is compounded by definitional problems when it comes to organized crime (Gregory, 2003). Sheptycki (2000) describes how the concept, when officially applied in the UK incorporates two strands of meaning: the denotative and connotative. On the one hand it encompasses the ‘physical’ crimes associated with the ‘illicit economy,’ drugs market but on a more qualitative level it has become associated with a kind of ‘contagion,’ promoting a powerful control response. Gregory (2003) examines the methodology behind Home Office ‘Organized Criminal Network’ data collection established in 1999 (now
more commonly referred to as the OCG tracker). Broad criteria and low reporting thresholds for those nominated as Organized Criminal Groups (OCGs) results in huge numbers being recorded, and a subsequent data overload. There are also data collection gaps between different forces. The questionnaire process used to obtain the data has its limitations; though there have been some qualitative analyses and the mainly tick box data format improvements suggested by Gregory (2003) have been somewhat improved, there is still a want of detail.

In addition to this, frameworks used by law enforcement tend to be based on hierarchical models of organized crime, making accurate captures of membership parameters or numbers of criminals unlikely. For example, the OCG tracker suggests 59.2% of groups demonstrating business-like structures, yet the lack of data cross matching in place means no indication of the volume or value of activities of particular subsets of OCGs can be given. Subjectivity of investigating staff must significantly affect the data being collated and there is no guarantee as to the quality of the knowledge being documented (Gregory, 2003). ‘Performance culture’ has a significant effect on reporting practices; there is an endemic failure to implement adequate quality assurance procedures to back up claims being made in terms of outcomes. This is inevitably compounded by the constantly shifting nature of criminal organizations evidenced earlier. Any conclusions drawn must therefore be tentative (Gregory, 2003). Despite law enforcement claims, the validity or accuracy of disruption measurement makes any reductions in OCG activity difficult to determine. It is not possible to show from data collected, whether prosecution resulted in conviction and arrests cannot be used as a reliable measure. The study seeks to collect this information in a more qualitative way, evaluating the nature of those disruption claims, in order to reflect more broadly on any law enforcement progress in this area.

2.2 The ‘Business Model’: Organizational Theory in relation to Organized Crime
These are helpful ways of demonstrating an alternative to the hierarchical model, drawing attention away from stereotypes towards the concept of organized crime as an illicit business enterprise operating in parallel to licit markets, with the same assumptions that govern entrepreneurship within the legitimate market place; the difference is solely one of legality. Smith (1975) sees illicit enterprise as an extension of legitimate market activities into areas normally proscribed beyond the existing legal, to pursue profits and respond entrepreneurially to latent illicit demand. Similarly Hobbs (2001) has demonstrated that tendencies found in the organization of legitimate labour are reflected within criminal networks. Wright (2006:55) argues that when comparing organized crime to legitimate business, there are a number of qualities that criminal groups seem exclusively to possess; their ‘adaptability and responsiveness to change,’ their willingness to use violence in order to achieve ends, their use of ‘terminal sanctions to remove inefficiency,’ and their use of secrecy or ‘covert methods.’ However, Cohen (1977) argues that although the importance of secrecy is obvious, a degree of visibility is required in order to conduct trade. It is possible to see the difference between licit and illicit as more of a sliding scale or continuum (Wright, 2006).

The concept of organized crime has been over-formalised and may fall short of the kind of relations associated with formal or rational organizations (Wright, 2006). The key issue here is that there has been a shift in the theoretical understanding of organizations since the 1980s:

“The word, organization, is a noun and it is also a myth. If one looks for an organization, one will not find it. What will be found is that there are events, linked together, that transpire within concrete walls and these sequences, their pathways, their timing are forms we erroneously make into substances when we talk about an organization.” (Weick, 1974, cited in Wright 2006:20)

As Cohen (1977) has advocated, a broader, more open-minded social analysis is required, to map relations within and outside organizations in a more holistic way. Scott’s (1992) model of rational, natural and open systems is presented as an alternative means of comprehending organizations as social systems (Scott, 1992, cited in Wright, 2006). ‘Rational’ systems are highly formalised,
bureaucratic structures, with specific goals, ‘natural’ systems involve more complex goals and are characterised by highly personalised informality, are people-centred rather than profit driven and ‘open’ systems have even more contingency within structures and relations, remaining adaptable within the environment in which they operate. Reuter’s (1983) perspective on the relative ‘disorganization’ of organized criminals is a little too restrictive in this sense, because he bases his ideas about what constitutes an ‘organization’ on those of industrial, rational models. Organized criminal groups may exhibit more features of natural and open systems and there may be difficulty in reducing many OCGs to a particular organisational model.

Small, flexible and efficient organized crime groups are the product of market forces (Paoli, 2002) and ‘labyrinthine clusters of networks’ (Lippens, 2001) have become the norm. Hobbs (2001) describes how the traditional family, neighbourhood firm has evolved, and far from limiting itself to rigid hierarchies of local, familial and highly specialised loyalties associated with the ‘Cressey,’ model, it embodies transient characteristics underpinning the essential instrumentality of the illegal marketplace. He describes how criminal networks operate as fluid, flexible marauders on an ever-changing terrain, forming coalitions of loosely structured informal collectives of ad hoc groupings. In the Pearson and Hobbs (2001) Home Office study on ‘middle market’ drugs networks, they show on the one hand that one does find well-embedded criminal networks organized along the lines of the traditional ‘family firm.’ However, though increasingly less typical, relationships within the drugs trade often involve small, tightly bonded groups of individuals who cultivate long term relationships.

Coles (2001) has used social network analysis to study the makeup of criminal organizations, but its potential is still underdeveloped and is by his own admission, hampered significantly by empirical studies having involved only very small groups, relying on law enforcement databases whose data may be limited in scope or problematic in terms of its reliability, and that most networks available for study have been partial or incomplete. Also, it seems an impossibly realist assumption that knowledge of ‘a total network containing the
sum of all possible ties’ (Coles, 2001:583) can be achieved, even for a static period. Coles (2001) himself highlights Milgram’s (1967, in Coles, 2001) ‘small world problem;’ the likelihood of a connection being able to be made between any two people through no more than two other immediate acquaintances. Though these may not be randomly generated they may be infinite in nature. Trying to assess or encompass the limits of these ties seems too large a task. However, Dujin et al. (2014) have highlighted that over the past decade there has been a growing emergence of studies which have provided some empirical evidence to suggest that social network analyses are helpful when it comes to getting a better understanding of organized crime; demonstrating that criminal groups should be treated as social networks or collectives rather than concrete and unique organizations. There is still further research to be done in this area, which may begin to give us a better picture of how criminals actually organize themselves.

Kleemans and Van de Bunt (1999) have described how crucial the socially embedded nature of organized crime is to its success, but also its formation; that the relationship between organized crime and its environment is one that constantly adapts and changes. Criminal networks operate in hostile and uncertain environments and have to counteract problems of trust, meaning that they are often ‘embedded’ in personal relationships. Social relations follow laws of social and geographical distance; where people have things in common, there is an increased likelihood of ties emerging (Kleemans and Van de Bunt, 2008). These ‘social opportunity structures’ have been defined by Kleemans and de Poot (2008:71) as “social ties providing access to profitable criminal opportunities,” explaining why certain offenders are able to progress to the level of organized criminal activities. Kleemans (2012) makes a compelling case for organized crime being the preserve of older offenders due to social opportunity structures that are not made available to those in lower age ranges; it is the preserve of those in their 30s – 60s. Before this age, he argues that offenders lack the necessary contacts, access to supplies or customer base.

Kleemans and de Poot (2008:73) cite Moffitt’s 2003 study highlighting ‘life-course persistent’ offenders as being broadly ‘deficient’ in some capacity;
either of low intelligence, highly impulsive or lacking self control, which has limited applicability when compared with the careers of nodal organized criminal offenders, which they describe as a ‘highly specific group’ where there is an almost complete absence of juvenile offenders. Organized criminals tend to be more routed in their communities. This is demonstrably the case even in transnational organized crime, particularly with smuggling type offences which are often facilitated through contacts, requiring co-offenders due to their complexity. Contacts with the legal world are also crucial when it comes to the provision of transport, financial transactions and preventing discovery by law enforcement.

Social opportunity structures explain the phenomenon of ‘late starters’ in organized crime. In the study by Kleemans and de Poot (2008) 28% had no previous offending history. Large-scale police operations revealed a sizeable number of offenders whom were previously unknown, in inverse proportion to levels of activity being revealed, even discounting those raised or living abroad, for which the intelligence picture was incomplete. Indeed ethnicity in organized crime is often a misleading categorization (Kleemans and Van de Bunt, 1999) as ethnic heterogeneity across organized criminal networks shows them to be far more open than generally assumed. The study showed that there was an average age of 27 for first offending, with an age of 37 for the index case; ages far beyond when most criminal careers usually come to a natural end (Kleemans and de Poot, 2008).

Certain life events sometimes present illegal opportunities or incentives; illness and financial hardship for example, are often things that manifest themselves later in life. Those that had a long history of lifetime offending tended to belong to a group Kleemans and de Poot (2008) term ‘local heroes’ who remain constrained geographically within a certain region, a form of local entrepreneur who either lack the ability or desire to extend beyond their immediate environment and whose limited skillset make them unattractive to those who might recruit from outside it. Sometimes those with a long history of offending in volume crime, might invest assets into organized crime, a change of tack that can be seen on their records. However, ‘crime-specific bottlenecks’ in
this group were common (Kleemans and de Poot, 2008:90) as their lack of skill in areas like document forgery or narcotics, necessitated the formation of a network they were unable to achieve.

Organized crime is shown by Kleemans and Van de Bunt (2008) to be increasingly socially embedded within legitimate sectors. It was particularly embedded in work relations through contacts, with relations and settings being influential when it came to analyzing pathways into certain offending. Work relationships involve key elements of trust and can be fertile ground for recruiting co-offenders. Kleemans and Van de Bunt (2008) show people becoming involved through their daily work, for example airline staff smuggling drugs, or advisors becoming involved in fraud. There was a noticeable trend of people changing careers later in life to follow a criminal trajectory, particularly those who have a particular expertise or ability to provide services, notably those from legal backgrounds. An especially vulnerable sector is ‘transit’ occupations, which easily facilitate smuggling operations, for example fruit transportation being adapted for the smuggling of narcotics.

Types of occupations that involve international contacts, certain privileges and levels of autonomy can allow for organized crime to go unnoticed and for illegal components to be easily introduced into legal business (Kleemans and de Poot, 2008). Social cohesion within certain professions makes for strong group loyalty, which can either discourage or encourage deviant behaviour: “In certain ‘closed’ social worlds, different norms may also emerge on what is right and wrong and rationalizations and justifications may promote and maintain illegal behaviour” (Kleemans and Van de Bunt, 2008:195).

Crime can be seen in terms of an ‘occupational role’ (Ruggiero, 2000) with comparative concepts such as specialisation, professionalism, apprenticeship, and job satisfaction assisting an understanding of the dynamics of illegal behaviour, mirroring aspects of artisan work, where skills are learned slowly through apprenticeship; transmitted within social networks. He shows how changes in industrial working, particularly in relation to the ‘Fordist’ factory model, have involved a ‘segmentation of tasks,’ a “displacement of
knowledge from labour to management, repetitive and alienating acts and a consequently high degree of job disaffection" (Ruggiero, 2000:16). This model may be of particular assistance when considering the current status quo with regard to the structure of illicit drugs markets; there has been a parallel move away from craftsmanship in the criminal 'industry,' a de-skilling from 1960s-1970s “Wholesale operations” (Ruggiero, 2000:23) resulting in ‘assembly-line delinquents’ devoid of training and lacking knowledge about the wider work in which they are employed. Drug related activities have now certainly assumed a Fordist-type model, predicted by Ruggiero in 2000, particularly in the lower ranks, where criminal skill has visibly declined.

Crimes are becoming less organized and more networked reflecting wider characteristics of society where long-term relationships are becoming increasingly rare (Wright, 2006). The criminal entrepreneur aims to structure a relationship with employees to reduce information available to them (Reuter, 1983, cited in Ruggiero, 2000). The drugs economy, in particular, does not lend itself to centralised control (even in the case of the Italian Mafia); the capacity to monitor suitability and skills of dealers is very limited and very often they are users themselves (Pearson and Hobbs, 2001). Hobbs (2001) supports the concept of a highly segmented drug market, best understood as a flat or shallow pyramid, featuring employment that is negotiated within networks of small flexible firms characterised by short-term contracts and lack of tenure. Similarly Pearson and Hobbs (2001) suggest that criminal networks in the middle market were typically small networks or partnerships of independent traders or brokers.

Levi (1998) advocates that we are now facing the age of the fraudster as the apotheosis of British organized crime, involving high profits, short prison sentences and low police interest. Annual reports on organized crime by Europol suggest a growing involvement in financial fraud, from elite crime to credit card fraud, though our awareness can reflect intelligence methodology or simply luck as much as underlying trends (Levi and Maguire, 2004). However, Ruggiero (2000) disputes the notion that most criminal activities are only performed by extremely skilled criminals and that they are undertaken as part
of an exclusive career. Many criminals have been shown to undertake one-off operations, make temporary alliances with legal or illegal entrepreneurs and recruit part-timers (Hobbs, 1988). It is too simplistic to define criminals in terms of concrete full time trades and activities, as it is to focus solely on the criminals themselves.

As previously discussed, caution should be applied to the use of the structural term ‘organization’ (Wright, 2006). Organized crime has become a synonym of illegal enterprise and commentators intermittently refer to both sets of actors and sets of activities. The analogy between illegal and legal firms cannot be pushed too far. Some lasting large-scale criminal organisations do exist and these are often presented as archetypes of organized crime, but they are not exclusively involved in illegal market activities and their development and internal configuration is not the result of illegal market dynamics. The Ndragheta, Triads, Yakuza, US Cosa Nostra cannot be reduced to their involvement in primarily illegal enterprises. The culture, structure and actions of these organisations follow a different, multi-faceted logic; they have a plurality of operative goals and even these are not single, all-encompassing bureaucracies. They often constitute segmentary societies, lacking central political organs and their role has been sharply reduced by the rise of more risk-prone, inventive entrepreneurs with better contacts. In most cases they pre-existed the formation and expansion of contemporary illegal markets, which have grown parallel to the development of economic regulation, protection and social support initiated by the modern Welfare State and to the development of international law in the beginning of last century. Although Paoli (2008) has previously stated that ‘organized crime’ is a new label attached to pre-existing illegal activities, she has argued persuasively that there are some groups, though labelled ‘Mafias’ across the globe, that transcend such one-dimensional definition.

However, it is clear that the constraints imposed by product illegality mean that no immanent tendency towards the development of large-scale criminal enterprises exists within illegal markets (Paoli, 2002). As Ruggiero (2000) has suggested, using the example of ‘Fordism,’ substantial salary
incentives were given to workforces enabled by the establishment of a relative monopoly. This is where we depart from the metaphor, because although the drug economy has conversely appeared to adopt a Fordist model of labour, constraints created by illegality of products have been so far so powerful as to prevent the development of contemporary capitalist companies similar to those that populate the legal sphere (Paoli, 2002). There has been no monopolistic formation by comparison. This is for a number of reasons; illegal status of products necessarily affects production and distribution and criminal entrepreneurs are prevented from marketing their wares overtly, negating any economies of scale associated with advertising. They cannot rely on state institutions to enforce property rights or contracts, appeal for redress of injury and are essentially volatile constructions.

2.3 Trends within Organized Crime and Decreasing Skill Sets

There is a sense here of the possibility of different types of criminal markets being structured and having evolved in different ways. There has been a noticeable shift in professional crime within the last forty years, exemplified in Levi’s (1998:339) description of the transformation of the ‘Great Train Robbers’: “from teams of organized criminals in overalls grabbing large bundles of Bank of England notes to quiet, besuit ed drug-dealers selling white powders from Latin America.” Although this presents a somewhat nostalgic view of the ‘age of the gangster’ our understanding of the way criminals organise themselves has extreme limitations. Levi (1998) argues that we should not be seduced by too neat a periodisation, but there is some evidence to show that trends have been dictated by relative profits, police interest and sentencing, the phenomenon of ‘supergrasses’ and reduction in corruption. He suggests that the age of gangster loosely gave way to that of the 1970s skilled armed robber (Levi, 1998) to the 1980s-90s drugs trafficker:

Armed robbery ...has not disappeared [...] it has become dangerous and unfashionable. The profits from the drugs trade dwarf the proceeds of all but the very biggest robberies. Such
It is clear that certain types of offending have evolved over time. Levi’s (1998) insistence that there were double as many robberies in mid-90s as in the mid-80s can be accounted for by the move towards less skilled varieties of robbery. As Gill (2001) has stated, robbery is no longer thought of as being a particularly ‘skilled’ type of offending, though it is a risky one for the offender. He goes on to state rather conflictingly, in his study of cash in transit robbers through prison interviews, that they have developed their skills over many years, graduating through lesser crimes and other robberies; that many have honed their craft in prison where they are able to learn from others so that by the time they approach cash-in-transit vans they are skilled and experienced. Hobbs (1997) similarly argues that these days robbers are typically amateurs, but states that there are some ‘professionals’ who he differentiates by those that work some sort of rational risk assessment into their methodology. Matthews’ (2002: 22–30) study of armed commercial robbers draws a distinction between ‘amateurs,’ often those using drugs or in debt, ‘intermediates’ which he subdivides into ‘diversifiers’ and ‘developers’ and ‘professional and persistent’ armed robbers, who are the type more likely to utilise firearms in the course of the robbery.

The reasons behind some ambivalence when it comes to skill sets involved in robbery, particularly when it comes to cash in transit robberies or what one might consider to be more organized levels of offending are two fold. Firstly, Gill (2001) has obtained his data by asking CIT robbers about how they perceive their own level of professionalism; such methods are unlikely to elicit a response from those involved that they believe themselves to be cavalier or disorganized in their methodology. Secondly and perhaps more obviously, more recent studies on instances of Cash in Transit robberies across London show that they have been significantly on the rise. Hepenstal and Jonson (2010) show that there were 236 incidents in 2005–6, with 479 occurrences in 2007-8 and have been cumulative losses of £1.2 million experienced in 2007-8 alone. However, where in the past (Gill, 2001, Hobbs, 1997) these robberies may have
been carried out by ‘professionals,’ they are becoming increasingly opportunistic. They also tend to involve the decreased use of weapons, falling from being used in 40% of instances in 2005-6 to 10% in 2007-8 (Hepenstal and Jonson, 2010).

There is a danger of conflating provision of illegal goods and services, often carried out in a relatively ‘disorganized’ fashion, with the nature of criminal ‘organizations’ (Paoli, 2002). Criminal gangs are worth mentioning here as an example of how the concept has been distorted by the dominance of the view that gangs are well organized and tightly structured (Decker, 2001). What perhaps characterizes gang members as different from their organized criminal counterparts is their involvement in a very wide range of offence types, typically encompassing both serious violent offences and property offences (Bullock and Tilley, 2002) beyond the level of most offenders designated as ‘organized’ in some capacity. They have a strong identity and individually members’ criminal behaviour is often amplified over time. Bullock and Tilley (2002) have shown that on average, gang members in a Manchester study had 12 prior arrests and 2.1 convictions, a large majority were black and male, they had a core group of members and weapon carrying was common. There are high instances of black-on-black gun crime noted by NCIS (2002) and an emerging trend where guns are used by gangs to enforce drug debts but also to punish perceived disrespect. Hales et al. (2006) have suggested that at this lower level, firearms are representative of both protection and empowerment and are used in a more complicatedly symbolic way at street level than they are in an organized crime capacity. The differentiation between gang members and other more serious offenders is an area of interest that the study seeks to touch on with regard to those offenders that come to be defined as organized criminals.

2.4 Global versus Local: The Transnational Organized Crime Debate
The changes affecting organized crime, both actors and activities, cannot be properly understood without locating them within the wider context of social processes and events (Paoli, 2008). Since the 1990s the concept of ‘Transnational Organized Crime’ (TOC) has become a term that has preoccupied both academic and popular discourse (Sheptycki, 2003). Reichel (2005) suggests ‘transnational crime’ to be an appropriately descriptive term because ‘global’ crime relates to its distribution rather than typology. ‘Transnational’ crime by contrast affects the interests of more than one state and is less about where it is completed. He defines ‘international’ crime as acts threatening world order and security. Hobbs (1998) denotes ‘transnational’ to be an especially problematic term when referring to organized crime, as it normally relates to cross border activity involving the explicit exclusion of the State. The relationship between the State and serious crime is often highly varied and ambiguous. Woodiwiss (2003) argues that TOC has a history as old as national governments and international trade, with piracy, smuggling, trading in stolen and forbidden goods all being ancient occupations that have simply increased in significance as nation states have taken shape. It is that in the last twenty years, the concept has become used as a synonym for an international version of gangsterism or hierarchical mafia type associations previously discussed (Woodiwiss, 2003, Paoli, 2008):

"...tightly knit, highly organized networks of operatives that pursue common goals and objectives, within a hierarchical power structure that spans across countries and regions to cover the entire world" (United Nations, 1993, in Woodiwiss, 2003:23)

The US has successfully exported its hierarchical model of mafia mythology to the transnational sphere despite evidence of its inadequacy and it has become integral to the vocabulary of criminal justice policy makers. Woodiwiss (2003) points to problems with the global pluralist theory of TOC; Mafia-type groups only participate in illegal markets, and evidence has shown that they rarely, if ever control them. Sterling (1994) argues rather tenuously that a ‘pax mafiosa’ has developed, based on a cooperation serving the interests of crime groups so that a global network or ‘Mafia international’ has emerged post 1989, even
claiming that a summit took place between leaders in Prague 1992. In a similar vein, Jamieson (1995, in Wright, 2006) claims the Italian mafia have shifted away from localised protection, taken up residence outside Italy and spread their tentacles globally. Van Duyne (1996) expresses doubts about the merger thesis, though he concedes that there is some collaboration between groups. He describes it more in terms of networks of separate crime enterprises that in some cases have grown into trading communities. Care must be taken that the transnational organisational structures of criminal groups are not over-rationalised; if they are able to cooperate in some arenas, it does not follow that a transnational organisational structure has enabled them to do so and in most instances they have continued to work independently.

Rather than being a transnational phenomenon, for which there is little empirical evidence, a better understanding of organized crime can be gained from interrogating its local manifestation. Hobbs (1998) highlights the complementary conceptual trend of localisation. He cites the work of Robertson (1992, 1995), demonstrating that globalisation has in fact “intensified the distinctiveness and viability of locality as a context for a distinct social order” (Hobbs, 1998:408); the global does not exclude the local or lie beyond localities. The earlier discussion of networks of small flexible firms (Hobbs, 2001) has merely been translated to the transnational arena, where trading relationships have expanded to meet popular demand, particularly where drugs trafficking is concerned. Pre-existing criminal organisations and thousands of individuals or groups without previous expertise have entered the business, so that it has been purported by some to be the largest illegal market worldwide, with an annual turnover of over 320 billion dollars (Paoli, 2008). The drug market necessitates transnational involvement as most drugs cannot be home grown in the British climate, but continuous paths lead from the local to the global:

“It is a co-operative, a series of temporary social arrangements that enables a constantly changing group of actors to make money from predominantly criminal opportunities” (Hobbs, 1998:413).
Trade is simply carried out between networks of small flexible firms, mirroring the disorganized nature of capitalism; arrangements are often temporary and anonymous (Hobbs, 1998). It is at the local level that organized crime takes place and is experienced.

The term ‘Transnational Organized Crime’ (TOC) emerged at a specific historical juncture involving a combination of salient factors; the conclusion of the Cold War, and the emergence of a fragile ‘new world order,’ which has given rise to a new security-oriented discourse (Sheptycki, 2003). Others have suggested it was a simple broadening of the US agenda after the failure of the 1980s ‘war on drugs’ that initiated the new fight against TOC as a means of justifying expansion (Scherrer, 2010). Language is an engine of action in its own right, with social realities being constructed out of language, linked to state control. Although the significance of cross-border organized crime should not be diminished, we need to see in depth studies that simultaneously take a step back and deconstruct the phenomenon (Allum, 2010). The UN Naples conference formalised the concept of TOC for the first time in 1994, defining it as: organization of groups for criminal purposes, hierarchical or personal links, laundering of illicit proceeds, potential to expand beyond national borders and cooperation with other transnational groups (Woodiwiss and Hobbs, 2009). However, this is simply a new operational element of traditional organized crime, tacked on to the existing, domestic organized crime debate.

In order to present it as a true transnational problem, ‘organisational’ requirements have been lowered in the EU interpretation, so that even fluid and dynamic networks are equated to organisations (EU council, 1998, in Paoli, 2002). As Paoli (2002) demonstrates, if no more than two people are required to form a criminal organisation, it fails to represent a major innovation in terms of threat level. Definitions of TOC adopted by institutions consider the ‘transnationality’ aspect not a defining character ontologically, but a specific modality of acting. At the same time they herald the ‘organizational structure’ as the ontological defining feature of organized crime (Longo, 2010). As previously contended, an important distinction between actors and actions in the organized crime debate must be maintained. Edwards and Gill (2003)
emphasise how little consensus there is over the issue. On the one hand there is the conception that TOC is about local groups operating across national boundaries. Organized crime, already demonstrated to be a dynamic and flexible phenomenon, has itself not become ‘globalised,’ it is simply the interests of criminals that have (Hobbs, 1998). The level, duration and intensity of cooperative relationships between criminals changes over time and can range from long term strategic alliances to short term, temporary coincidence of interests or tactical needs (Longo, 2010). On the other hand, some ‘data’ has been produced to advocate an increase in the spread of TOC (Sterling, 1994).

Worldwide processes of globalization have accelerated interconnection between previously separate domestic illegal markets and increased the mobility of criminals across national borders. It has facilitated the moving of products and money on an international scale, making it increasingly difficult for governments to regulate market forces (Albanese, 2012). In some countries, particularly in Eastern Europe, the distinction between organized crime, business crime and the legitimate economy have become blurred with organized criminal groups becoming heavily involved in key legitimate economic sectors. Galeotti (1998) has demonstrated how Russian organized crime has been able to weaken central authority, dilute the state’s monopoly of coercion and discredit the market economy, ultimately usurping and distorting state functions. In some cases it has been able to act in symbiosis with the state. Although more than twenty years since the Cold War, most East European countries are well advanced in closing the legal and institutional gaps separating them from Western standards and organized crime in these areas has begun to assume the more disorganized, network like traits it has in Western Europe, there are still large and violence prone criminal groups in countries where governments have been unable to control parts of their territory (Varese, 2005).

Very little is known about how criminals successfully integrate themselves within and across national borders (Glenny, 2008). The same applies when considering to what degree this has been accomplished or the mechanisms whereby this has been changing over time (Matrix, 2007). In the Matrix (2007)
study of imprisoned drugs traffickers, it shows that they are less subtle and complex in internationalisation and money laundering behaviour than statements about increasing sophistication law enforcement insists on; an crucial area for exploration within this study. Edwards and Levi (2008) suggest this is also reflected in European and American studies of laundering by convicted drugs traffickers (though not that by serious fraudsters). The movement of people and commodities are interrelated in a complex manner and contradictions exist in the way some illicit market practices attract a disproportionate amount of control by governments and law enforcement (Sheptycki, 2003). It is these practices that define the real parameters of the TOC debate. Levi’s (2002:887) metaphor of the psychiatrist’s Rorschach blot is helpful; the: “attraction as well as [...] weakness is that one can read almost anything into it.” Organized crime and its transnational version has become a veritable ‘folk devil’ (Cohen, 1972); a threat coming from outside, an ‘alien conspiracy’ expressing rising insecurity and fear of obscure menaces coming from the East (Paoli, 2008, Woodiwiss and Hobbs, 2009). There is a notable gap between the reality and the rhetoric of the functionalist threat, which often reiterates the content of official discourses (Scherrer, 2010).

Sheptycki (2003) describes how governance is the ‘development and implementation of policy for the management of populations and territory,’ and how democratic governance implies this process is undertaken with regard to general interests of society; global governance with regard to worldwide issues. However, the extent to which these are undertaken with an appreciation for democratic frameworks and rule of law is often debatable, giving rise to criminological speculation about the crisis of insecurity and high crime societies (Garland, 2000). Tilly’s (1985:171) essay about historical state formation in Western Europe discusses war making and in particular ‘state-making’ as analogous to a ‘protection racket’:

“Which image the word ‘protection’ brings to mind depends mainly on our assessment of the reality and externality of the threat. Someone who produces both the danger and, at a price, the shield against it is a racketeer.”
Tilly's argument can be seen within the context of governmental institution building, particularly where approaches to organized crime have begun to be controlled on a supranational level; issues of transparency, legitimacy, and accountability of police activities that have managed to elevate themselves beyond the bounds of democratic accountability. This can be seen in the privatization that has occurred within transition economies such as Russia (Varese, 2005) and to a lesser extent the 2013 selling of the Royal Mail in Britain (Kollewe and Perraudin, 2014). There has been a focus on the securitisation of borders and ways in which alleged criminals’ room for manoeuvre can have limitations imposed upon it. Governments have been allowed to give legitimacy to procedures that previously would have encountered obstacles where infringement of civil liberties and individual privacy are involved. Increased powers and capabilities, particularly where surveillance and intelligence are concerned, have been heavily promoted.

There has been a ‘cooperation imperative’ that has utilized hegemonic discourse surrounding ‘new transnational threats,’ affecting how roles and responsibilities of police have been defined (Edwards and Gill, 2003). A concern with the all powerful role given to the police, their purported ability to comprehend and tackle the threat has been combined with scholarly insistence that available knowledge is inaccurate or biased in favour of certain professional interests (Scherrer, 2010). Carrapico (2010) argues that this necessitates a real consideration of the relationship between security and freedom, and points to the irony behind the comprehensive security culture deemed necessary to protect it. A balance between freedom and security slips easily towards the abuse of that freedom. Some illicit activities have been disproportionately prioritized. There has been a particular concern with infringement of civil liberties in the internal regulation of finances, with increased amount of investigation into money laundering (Levi, 2003).

2.5 Money Laundering and Asset Recovery
Money laundering and organized crime are often taken to inextricable entities, as the scale of illicit enterprise is often thought to preclude the possibility of ‘truly’ organized crime being a cash business. Globalization of commerce has facilitated rapid transfers of funds across borders so that money laundering is now thought to be a global problem of vast proportions, amounting to between 500 billion and 1 trillion dollars annually, designating it according to UN estimates, the third largest business in the world (Wright, 2006). The statistics however, vary widely in their estimations. The Financial Action Task Force (FATF) estimated a yearly flow of laundered funds at US$122 billion (Van Duyne, 1998), though this accounts only for proceeds from the drug trade, not fraud or other crimes. Quantifying ‘dirty’ money is supremely difficult, as is quantifying its threat to the well being of the financial system. Both require extreme caution.

Personal observations that have prompted areas of research within this study, have pointed towards the existence of very different scales of illicit enterprise. The ability to launder money and to what extent criminals are able to ‘organize’ their money is something that sets successful criminals apart, rendering it integral to any analysis of the term ‘organized crime.’ It is insufficient for demarcation purposes to point to the principle of organized crime as one that simply involves a pursuit of ‘profit,’ being that roughly 70% of crime across the board is acquisitive (Levi, 2003). Arguably it is therefore what happens to profits once ‘earned’ that distinguishes between the different levels of criminality. Savona and De Feo (1997) provide a useful explanation of the process by which money laundering takes place in three stages. Initially the ‘Placement’ stage is where money is physically disposed of by moving funds directly associated with crime and putting them into the financial system. ‘Layering’ then disguises the trail to foil pursuit, before ‘Integration’ makes money available to criminals again with its occupational and geographical origins hidden from view. It is a sophisticated, complex, and multi-layered process (Mitsilegas, 2003) and not one that all so-called organized criminals are capable of instigating.
It is important to reflect that much of the attention to criminal income that has been generated from the 1990s onwards, has been partly influenced by the crime-terror nexus. Naturally the two have often been linked, with evidence to suggest that 9/11, was financed by laundered money from illegitimate sources (Sheptycki, 2003). Makarenko (2010) has argued that the two concepts have been too simplistically differentiated by motivation according to profit or politics. Academics have come to see the connection as one that has been exaggerated by governments in order to incite fear (Naylor, 2002), allowing themselves to be conditioned by the threat assessment industry (Makarenko, 2010). Makarenko (2010) suggests there has been ad hoc alliances formed between terrorist groups and organized criminal groups, particularly in post-conflict territory or environments displaying some degree of instability, but there is no doubt the relationship is a complex one and one requiring more extensive research as a topic in its own right.

Historically the fight against money laundering within the UK has been motivated by desire to tackle hierarchical-based models of organized criminal offending with claims such as:

“There are around 400 organized crime bosses in the UK with an amassed criminal wealth of approximately £440 million. So called “dirty money” – or assets derived from crime – represents around 2 per cent of the UK’s GDP, or £18 billion.” (Home Office, 2008:24)

It has resulted in a growth in legislation on the confiscation and forfeiture of the proceeds of crime, a growth in policing and involvement in financial investigation (Levi, 2003). The shift in enforcement strategy away from criminals towards proceeds of crime has been justified because it is thought to disrupt criminal enterprises by depriving them of necessary resources, undermine criminal opportunity structures and provide a deterrent with threats of asset seizure (Sheptycki, 2003). There are obvious benefits to attempting to influence bankers’ ‘liberal’ attitude about who they do business with, towards a more regulated model requiring enhanced diligence (Mitsilegas, 2003). It is about preserving the integrity of financial institutions customer identification and cooperation with law enforcement agencies, ultimately the financial system as a whole. It is that the resulting moral crusade
has brought about unprecedented changes in commercial relationships, with credit and financial authorities now obliged to keep detailed files, report suspicious transactions to state authorities and keep investigations secret from their clients.

However there are concerns that powers incorporated in ‘The Proceeds of Crime Act 2002’ (POCA) in particular, aimed at recovering proceeds from crime or ‘unlawful conduct’ (Crown Prosecution Service, 2016). POCA involves three main offences, that of the ‘acquisition, use or possession of,’ ‘concealing, disguising, converting or transferring’ proceeds of crime or ‘being concerned in arrangements’ to do any of the above. It has placed more emphasis on the duty to report suspicious transactions in the financial sector and given police enhanced asset recovery powers to tackle assets that go back up to six years (Sproat, 2009). Home Office strategy (2004: 35) has hailed its provision of “new opportunities to reduce the available capital that organized crime needs to finance its activities.” It is an example of the move towards circumventing criminal law by using the civil law to persecute those who have not had the benefit of a trial by jury (Dent, 2011). Cram (2013:121) suggests it has been: “susceptible to manipulation by officers wanting to secure broader social and disciplinary objectives.” There has been a considerable shift in the promulgation of ‘soft’ law instruments and a reduction in customers’ privacy in order to cooperate with the state (Mitsilegas, 2003). Levi (1997) cites this as an example of Garland’s (1996) ‘Responsibilization’ strategy; a displacement of the state's responsibility for preventing and controlling crime, requiring active cooperation of citizens and increased informal controls to change practices in a bid to reduce criminal opportunity.

There is a need for critical reflection when it comes to criminal judicial costs being offset by civil asset forfeiture as a budgetary supplement to law enforcement, transforming police work into a system of resource extraction (Sheptycki, 2003, Sproat, 2009). From a criminal justice perspective, seizing proceeds of crime are not necessarily beneficial as indebted entrepreneurs may feel forced to adopt alternative ways of raising funds, outweighing the benefits. Levi (2003) criticises the notion of criminal organisations being incapacitated
by confiscation, eliminating capacity to trade. There is no empirical evidence that it acts as a deterrent; calculating organized criminals will seek to compensate for losses incurred, compounding the miseries symptomatic of illicit markets. It becomes merely another cost of doing business. Asset confiscation tactics have amounted to a form of taxation, which serves to further spread the circulation of dirty money, (Sheptycki, 2003) becoming even more akin to legitimised racketeering (Tilly, 1985). It is no coincidence that there has been a recent legislative shift to incorporate ever more offences under the ‘proceeds of crime’ umbrella, extending it from an initial preoccupation with proceeds of drug trafficking to include the much more vague category of all ‘serious’ predicate offences, making the delimitation between illegality and legality much less discernable (Mitsilegas, 2003).

There is also a question of whether money laundering has any discernable impact on the legitimate economy. Relatively small amounts of profit from narcotics sales end up being laundered; most is spent on entertainment, home improvements and lifestyle symbols (Levi, 2003). Most money earned by criminal means has been shown to remain in the underground economy. Van Duyne (1998:367) has attempted a typology of launderers. Firstly, ‘Socio-economic nomads,’ predatory fraudsters that thrive on scams, have a limited lifespan as victims start to complain and remain homeless entrepreneurs with homeless money, irrespective of laundering techniques. ‘Sedentary market players’ are “smart business crime-entrepreneurs, offering real goods and services, made cheap by defrauding public finances.” They may have numerous front firms but also fail to integrate socially and their ability to move criminal surpluses freely around in the legitimate economy is limited; they are rarely granted more than a social and economic fringe status and their money remains restricted. Finally, the ‘legitimate but criminal firm’ mixes between 5-10% of fraudulent transactions with a flow of licit transactions to maintain a margin required to foil financial institutions.

Van Duyne (1998) also highlights the fallacy behind constantly stated aims of preserving the integrity of financial institutions. Despite expensive
efforts to counteract the ‘problem,’ a new underground economy designed to process dirty money has been created. Although handling criminal money has become technically more difficult, in the cash based underground economy this impediment is partly alleviated by professional criminal money management. Although the idea of ‘stealing’ back criminal savings is a popular one politically, it is an after-event policy targeting the financial end products (Van Duyne, 1998). As Levi (2003:224) advocates: “In general criminal justice only looks backwards at fixing blame, not forwards in strategic thinking.”

The reality is, that confiscation proceedings as well as prosecution for money laundering have been rather modest in terms of results and there has been a stark gap between vague estimates of money laundering volumes and confiscation orders made, let alone actual confiscation effected. Asset confiscation orders are made in an average of only 0.3% of cases and the amounts actually affected run at an average of 35% (Levi, 2003). Bullock (2014) has calculated that only 5% of criminal benefit initially assessed by Financial Investigators ever ends up being recovered. Only £150 million of criminal profits are recovered each year (HM Government, 2013), a tiny proportion of the flow of assets theoretically available for seizure, comprising of £2 billion a year with in the UK and £3.3 billion overseas (Levi, 2012). This again pales in comparison to the (untested and unpublished) government’s estimated cost of organized crime to the economy as being between £20-40 billion (The Cabinet Office Strategy Unit, 2009). Reconstructing the movement of criminal money after the event has obvious difficulties.

Asset recovery is an under researched area in terms of effective practice in maximizing harm reduction outcomes (McKenzie and Hamilton-Smith 2012). Either money laundering (and indeed, organized crime) estimates are hugely inflated or the asset recovery system is a gross failure, or most likely, both. As we have no real knowledge of how criminals spend, save and launder profits, the general consensus amongst practitioners is that estimates of criminals’ assets are too high, exaggerating underperformance when it comes to seizure (Bullock et al., 2009). Moderate investigative knowledge, inadequate coordination and intelligence exchange, inadequate use made of suspicious
transaction reports and powers to detain unexplained cash as well as judicial reluctance to rigorously apply the law are all part of the problem (Levi, 2003). If anti-laundering policies were properly applied, they may fulfil important preventive functions (Van Duyne, 1998). The extent to which money-laundering forms part of any tangible definition of organized crime and a critical exploration of the law enforcement process surrounding asset recovery procedures, have therefore formed part of the ‘court process’ ethnographic observation stage of this study.

2.6 The concept of ‘Harm(s)’ Associated with Organized Crime

There has been an increasing focus on ‘harm’ as a basis for crime control policies, yet both policy makers and academics have tended towards a perception of crime as a ‘harm’ in its own right. Harm has been broadly defined as violations of stakeholders’ legitimate interests (Ashworth, 2006). There has been very little in the way of attempts to distinguish between the consequences of different criminal activities (Greenfield and Paoli, 2013:864) or their ‘identification, evaluation and comparison’: “Harms can take many forms, including violations of functional integrity, material interests, reputation, and privacy, and are borne across society, by individuals, institutions, and the environment, both physical and social” (Paoli and Greenfield, 2013:360).

Harm is certainly central to crime and crime control as the rationale or link between criminalization and punitive sanctions. Hillyard and Tombs (2004) have even suggested that the concept of crime ought to be replaced by one of social harm, as the end goal of social policy as a whole. SOCA (2008:n.p.) have made a “tangible and lasting reduction in the harm caused to the UK by organised crime” their ‘overarching aim’. However, Paoli and Greenfield (2013:369) have pointed to the fact that what becomes labelled as harm in the first place is normative: “If harms are understood in terms of violations of legitimate interests, we must be aware of the moral, cultural, and socio-economic nature of the interests recognized in a particular system.” One must take into account, social norms and environment; harm is a highly subjective
concept that has been utilised to protect the rights and interests of the politically dominant class.

Any assessment of harm is presents difficulties due to the scope of those to be included. These can also be dependent on different victims’ situation. Harms can be remote and therefore problematic when it comes to attributing them to specific conduct (Ashworth, 2006). Paoli and Greenfield (2013) give the example of drug trafficking triggering events, which can filter down to the rest of society due to intervening choices of different actors. Harms can also be accumulative, when combined with actions of others. There has so far not been a means developed by which criminologists can systematically identify, evaluate, or compare the disparate consequences of criminal activities (Greenfield and Paoli, 2013:864). Ashworth (2006: 39) describes how the problem: “of assessing the seriousness of the offence is ... as complex and problematic as it is unavoidable and fundamental.”

Tusikov (2012) has further highlighted the problem when it comes to defining or measuring the harms associated with organized crime. Here we return to the problem of the poorly defined nature of organized crime as a heavily contested ‘harm’ (Tusikov, 2012, Vander Beken, 2004). Von Lampe (2005:227) has also criticised the lack of conceptual clarity: “A meaningful assessment requires linking the concept of organized crime to clearly defined empirical referents, having a thorough understanding of their dynamics and interrelations, and obtaining valid and reliable data.” Vander Beken (2004) has questioned whether the measurement of organized crime related harms is empirically possible and if so, whether it can be conducted in such a way that it assists policy makers or law enforcement in a time where resources are scarce. There is an increasing demand for a proper assessment of organized crime, in order to better determine the scale of the threat; to “provide a solid basis for devising and implementing counter-strategies” (Von Lampe, 2005:228) with minimal political interference (Tusikov, 2012).

Research analysing the harms associated with organised crime suffers the same methodological difficulties as much of the research in this field. There is a lack of data from law enforcement, due to a perceived overly secretive
culture in policing. There is a fundamental lack of transparency and accountability when it comes to divulging the input from law enforcement and the private sector, with data, operational definitions and research methods being withheld, which makes it impossible to determine the reliability of assessments, their processing or findings with regard to threat (Zoutendijk, 2010, Van Duyne, 2007).

The OCTAs (Organized Crime Threat Assessments), which are collated by international law enforcement agency as situation reports on organized crime have been heavily criticised for this reason (Van Duyne, 2007, Vander Beken, 2009 and Zoutendijk, 2010). Produced since the 1990s, they claim to provide insight into the problems and consequences. However, the OCTAs contain a complete absence of definitions of organized crime (Van Duyne, 2007), or those of ‘threat’ or ‘risk’ (Zoutendijk, 2010). Von Lampe (2005) takes issue with the ambiguous wording, automatically producing ‘multi-interpretable outcomes’ and the reluctance of policy makers and other agencies to enter into discussions about the issues involved. He advocates a more open, public and scientific debate. Klerks (2007:97) advocates the requirement for a “delicate balance between democratic transparency and the need to protect information.” Due to their lack of methodological rigour or operational definitions, (inter)national assessments necessarily differ when it comes to assessing consequences of organized crime and the outcomes and conclusions drawn cannot therefore be relied upon. Instead they have been reduced to political ‘incantations’ (Von Lampe, 2005, Van Duyne and Vander Beken, 2009).

Criminal offence scales are used frequently by MPS at criminal network-level, presume that organized crime can be reduced to lists of “integral offences” (Tusikov, 2012: 110) but they reinforce traditional law enforcement’s narrow preoccupation with more stereotypical drug or violence related offences. Offences such as fraud are often ignored. This increases the likelihood of over-emphasizing the seriousness of certain crime types and missing the emergence of new types of offences (Vander Beken, 2004). They depend on reliable intelligence in the first place, not to mention reliable analysis, but have been reduced to a highly subjective process (Hamilton-Smith, and Mackenzie,
They also rely on sentencing quotas reflecting levels of associated harm and seriousness, which is a circular means of backing up existing legislative and judicial priorities (Tusikov, 2010).

Risk has become a defining word of the 21st century (Tusikov, 2012); with society becoming characterised by feelings of insecurity and fear, there is a constant requirement for information regarding risks. Di Nicola and McCallister (2006:180) define risk as an “intrinsic hazard and the probability of that hazard causing harm,” and ‘risk assessment’ as the “measurement of the variables that produce that risk.” It is about trying to reduce probability and effect (Di Nicola and McCallister, 2006). It is essential to police management strategies which centre on preventative and crime-reduction tactics, such as intelligence-led policing, particularly when it comes to organized crime, which has come to be perceived as a risk that is easily differentiated and quantified when compared to other crime types. Intelligence-led policing has become widely adopted though it remains a critically under-theorised management strategy. Van Duyne and Vander Beken, (2009) critique the process whereby police as front-line responders have conducted weak methodological assessments of risk, which are not evidence based. There is a case to be made for transparency when it comes to how law enforcement defines, assesses and makes decisions about organised crime.

Vander Beken (2004:479) cites the lack of qualitative studies on organized crime associated harm. Clear, critical judgement is essential in order to structure and rationalise the approach, moving away from crime group attributes and towards an ‘enterprise spectrum’ in an appreciation of how organised crime interacts with the market place, in an analysis of their “independencies between these elements and the wider economic spectrum.” This is a ‘risk-based methodological process’. Vander Beken (2004:483) defines risk as: “the chance of something happening that will have an impact on objectives”; it is about ways of measuring likelihood and consequences as part of a holistic, iterative, transparent means of analysis. Harm is for Vander Beken (2004) about the level of damage that would occur, should a threat play out. Risk has been thoroughly quantified in corporate sectors that has supported
decision making processes and he argues that although not definitive, this could provide an analytical tool to assist in further studies of organized crime.

A legislative crime-risk assessment method has been implemented by Di Nicola and McCallister (2006:185), in an attempt to develop an efficient ranking system, advocating “the establishment of a qualitative procedure to identify risk probability and impact.” They however, cite problems in developing a definitional range in order to allow a comparison of results, which can become arbitrary if detail is not provided. Von Lampe (2005:229) has advocated looking at the provision of illegal goods and services and the characteristics and properties of these markets, rather than focusing on criminal structures and capacity for violence. He argues that traditional law enforcement focus has focused on size and composition of criminal groups, reducing the marketplace to a ’contextual variable.’ Context is key, as networks can work differently in different environments, for example violence could be a sign of strength in one context but display a lack of sophistication in another.

Greenfield and Paoli (2013) have developed a harm framework to help assess harms across a wide range of criminal activities in a systemic way. Their aim is to provide evidence to support more strategically selected priorities, but also to attempt to analyze the impact of different policy measures as well as to see whether specific activities should be given the criminal status they are imbued with. It is an empirical means of assessing harms, the seriousness of offences and reviewing sentencing measures. It attempts to provide accountability to law enforcement agencies and to educate the public on how much harm is really associated with certain types of crime. Klerks, (2007) on observing the Dutch assessment process, describes how it is difficult to represent the amalgamation of multiple reports on a range of issues whilst applying a single rigorous methodology. There are certain challenges in trying to assess risk and harm from organized crime, but the literature points towards a demand for more transparent and qualitative analysis, that is strategic, evidence-based and contextualized.

2.7 Organized Crime Prevention
The main gap in the literature exists with regard to organized crime prevention and disruption, which is central to what this study entails. Definitional problems of organized crime produce contradictory analysis and policy development (Edwards and Levi, 2008). Instead of asking if ‘it’ is organized in a certain way we should be asking: “what factors over time shape the ways in which crimes of certain types are organized and who gets involved in them?” (Levi, 2007:779). Too much focus is geared towards ‘actor-centred conceptions’ of organized crime (Edwards and Levi, 2008), when it comes to tactical and strategic intervention for crime reduction in law enforcement. There is a need for scrutiny regarding key criminals, networks, finances and communication capacity between one another, with an emphasis on what they are doing and how, rather than who they are. Within ‘actor-centred conceptions’ there is also too much focus on the ‘group’ rather than its activities. Rightly, the EU’s Organized Crime Threat Assessment (OCTA) has highlighted the lack of understanding of “conditions under which patterns of criminal association and co-offending emerge and exist” (Edwards and Levi, 2008:370).

An obvious reason for opacity surrounds intelligence limitations within law enforcement but of real interest are how intelligence comes together, its provenance and how it influences which criminals are subject to enforcement or defined as organized criminals in the first instance. The OCG tracker hailed a new opportunity for consistent data collection on organized criminal groups (Gregory, 2003) and provided the opportunity for monitoring disruptions but its focus was limited to output rather than outcome; arrests, convictions and ‘disruptions’ reflect dominant and enduring approaches to assessing performance, equating reduction in organized criminal offending to number of offenders imprisoned and value of commodities seized. In the context of the drugs market these assumptions seem particularly ludicrous. The international drugs market is sufficiently resilient that it is capable of absorbing the impact of law enforcement disruptions, to the extent that UK seizure rates would have to increase to between 60-80% to impact on drug trafficking (Strategy Unit, 2003) whereas current seizure rates of class A drugs are placed at approximately 10%
Studies show there has been little or no impact on price, purity or availability (Matrix, 2007). Although existing enforcement strategies are not without some value, research findings demonstrate that traditional and narrowly conceived ‘seizure’ disruptions have limited merit conducted in isolation from other available strategies.

Implementing anything more than temporary disruption of organized crime requires high-level strategic action. Often there is little real understanding of the way particular nominal function within groups. Current focus relies on attempts to incapacitate or permanently reduce illegal enterprise by targeting lynchpins (Matrix, 2007), disrupting markets, designing out niches. However, the closely related assumption that arresting ‘leaders’ will reduce overall levels of criminal activity, is not only mistakenly realist in its assertion that these individuals are clearly identifiable, but it is also reminiscent of outdated hierarchical models of organized crime. There is no reason to believe the elimination of kingpins (if they exist) \textit{a priori} will have a knock on effect on availability of drugs, prostitution or on property crime. Key performance indicators (KPIs) reward shallow penetration of OCGs as opposed to more considered disruption tactics (Mackenzie and Hamilton-Smith, 2010). Whether this is possible is an appropriate avenue for further research.

Levi and Maguire (2004) advocate the consideration of a “basket” of organized crime indicators, incorporating a mixture of victimisation and self-report studies, “mystery shopping” (the offering of opportunities to test reporting mechanisms), data from customs and excise, vice, drug prices, fraud statistics, laundering costs, and car exports, to provide a more composite portrait and reflect the complexity of trends in ‘enterprise’ crime. We need to know the contexts in which OCGs operate in order to make sense of current targets or set different targets that make sense within the context of the knowledge we already possess, about the real incidence and impact of organized criminal offending (Mackenzie and Hamilton-Smith, 2010). Unfortunately such processes can be time consuming and expensive. When SOCA (Serious Organized Crime Agency) was launched in 2006, the idea was that they would be given the freedom to pursue more innovative and harm-
focussed approaches yet within the year there was growing criticism of their lack of tangible performance. This was especially with regard to their inability to specify their specific role in partnership working and quantify their success quantitatively:

“Parliament and the taxpayer need to know that they are getting value for money...unfortunately, some of the benchmarks are going to be on the amount of assets recovered from the criminals. Those assets are going to be put against your budget.” (Keith Vaz, Houses of Parliament, Home Affairs Committee, 2009, in Mackenzie and Hamilton-Smith, 2010:26)

Practitioners have to be empowered, to allocate resources to development or strategic intelligence free from abstraction to the prosecution cause to contribute to a wider understanding (Harfield, 2010). Threat assessments have become ‘self-referential,’ recycling prevailing priorities of law enforcement rather than subjecting them to analysis. They bear no relation to social impact and do nothing to address unknown threats (Sheptycki, 2007). However, based on limited available intelligence, there is a real question about how ‘knowable’ these actually are.

There has been a hasty embrace of new policing and regulatory strategies, particularly where disruption is concerned; it is a ‘punitive display’ (Garland, 1996) involving ‘wars against crime’ and ‘zero tolerance.’ Gill (2002) questions whether it is a way of retaining some semblance of sovereignty, whilst saving costs and being less susceptible to legal challenges. Disrupting OCGs has become an attractive option because gathering ‘intelligence’ is far cheaper than gathering ‘evidence’ and is also subject to far less scrutiny, transparency or accountability. There is not enough scrutiny of subsequent activity of those ‘disrupted’ rather than convicted (Gill, 2002). There is a conceptual difficulty in defining the disruption of networks (Edwards and Levi, 2008) despite the MPS confidently quantifying harm reduction scores. It relies on dynamic and up to date levels of intelligence that are not necessarily achievable; what Gill (2002:527) describes as a ‘knowledge problem’:
“Because of the impenetrability of social and economic subsystems in a complex and diverse world, the state cannot learn how they work.”

The very classification ‘OCG’ is sometimes misleading when it comes to targeting different types of criminality. Offenders can team up on such an ad hoc basis; it can be difficult to classify activities as organized crime. There are huge differences between types of OCG or gangs. One of the problems with the OCG trackers to be examined in this study is that once individuals are (often inaccurately) defined within the system, the intelligence remains static. KPIs and other crude numerical targets drive the policing of organized crime, which incentivise action prioritising formality over substance or encourage ‘gaming the system,’ dressing up token and unproductive activities to look constructive and encouraging officers to distort activities away from what could be effective and beneficial, towards practices that simply generate the required performance statistics (Mackenzie and Hamilton-Smith, 2010).

There is a current trend in importing ‘Situational Crime Prevention’ (SCP) tactics in dealing with organized crime. SCP has previously concerned itself primarily with street crime and burgeoning efforts are only just starting to be made to adapt it beyond this level to areas of ‘organized crime.’ SCP is chiefly concerned with opportunity reduction through making changes to social environments to deter potential and actual offenders and intervening in their causes (McLaughlin and Muncie, 2001). In particular, Felson’s (2006) ‘Routine Activities Theory’ advocates a focus on how specific criminal ‘events’ occur in specific settings, from which preventative measures can be developed, to achieve rapid, sustainable and substantial reductions. Edwards and Levi (2008) invoke Felson’s (2006) work to show how organized crime is too bound up with the requirements of prosecution rather than crime prevention opportunities, failing to estimate the diversity of criminal co-operation and underestimating the interdependence of criminal and legitimate activities. The utilisation of SCP techniques opens up a new toolbox, broadening the horizon beyond law enforcement’s usual strategy of detection and prosecution. This can involve for example, increasing perceived risk amongst organized criminals (Bullock et al., 2010). Insight into substantial relations of connection amongst
OCGs can assist in providing explanation for the causation of serious crime in terms of the environmental conditions or, as described by Felson (2006), the *ecosystem* that makes it possible.

The suggestion is that rather than pursuing drug control strategies that focus on 'Mr. Bigs,' there is a chance of altering the ecosystem of street-level drugs trade by reducing the size of particular markets, limiting their expansion and reducing ‘collateral damage’ (Edwards and Levi, 2008). The especially challenging and complex nature of organized crime, with its dispersed, loose networks, its adaptable, well resourced, entrepreneurial elements can all contribute to an arms race between preventers and organized offenders that involve moving targets and shifting ground (Ekblom 2003). As previously touched on in the ‘business models’ section of this thesis, offenders can be moulded by criminal opportunities that present themselves, in a ‘supply and demand’ sense (Albanese, 2000).

Ekblom (2003) has developed the application of SCP to organized crime even further. He argues that opportunities created by social and technological change mean successful crime control methods need to evolve to prevent offenders circumventing them; that all too often legislative solutions lag behind, fail to scan for emergent crime problems and make solutions durable. On one hand Ekblom (2003:247) appears to have an appreciation of the dynamic nature of organized crime; of “offenders successfully negotiating several scenes and employing appropriate scripts to attain a sequence of goals” as well as its macroeconomic influences, subcultural factors and market demand for illicit goods and services. However, there are perhaps issues at stake where the SCP approach relies on the problematic assumption that all-encompassing intelligence regarding OCGs can be obtained and categorised by law enforcement in a ‘systematic, scientific and professional, strategic, contextual, cumulative, current, communicative and collaborative’ way (Ekblom, 2003:242). It is where innovation becomes reduced to generic crime prevention principles, that usage of SCP tactics is undermined slightly and little is known about its operation in practice (Levi and Maguire, 2004). SCP has so far been confined to mainly theoretical spheres in the organized crime arena.
Practitioners are obviously faced with a choice of approach based on what works and also what is affordable but there is huge potential for causal precursors being able to be customised to the diverse range of activities encompassed under the banner of organized crime.

The 'Programme Logic Model' allows a contextual distinction between different inputs, taking into account resources allocated, activities leading up to them, which is more sophisticated than simply measuring output (Mackenzie and Hamilton-Smith, 2010). This particular model is useful to this type of study, because it encourages ongoing evaluation:

“to determine whether there is a logical alignment between inputs and the activities through which they are structured, outputs and the outcomes they cause in a given context, and whether this logical alignment actually plays out in reality ... thinking about how indicators are produced – and sit within – broader organisational processes.” (Mackenzie and Hamilton-Smith, 2010:20)

It is about attempting to capture the quality of operations and interventions. Mackenzie and Hamilton-Smith (2010) have hailed the ‘systematic’ nature of the ‘disruption panel’ process as a contrast to the harm quantification tools used by MPS’ Serious Crime Directorate, as an alternative to OCG assessments being done by officers involved in targeting the groups, inviting distortion through ‘subjectivity and self interest’ where OCG risks are downgraded to “evidence” the success of departmental actions. However, initial observations that have influenced the study is that disruption panels are not as accountable as the process would suggest; assessments are distorted by self-interest in the same way. The ‘organized’ nature of groups’ offending is often overemphasised by officers presenting them to the panel, so that nominations to the OCG tracker are more likely to be received. Often the required description is only a few lines long, with very little documentation required in support of claimed disruptions. Any contextual information provided is highly subjective and ‘impartial’ analysts overseeing the panel are unlikely to know enough about the operation to be able to discern any deliberate distortion or misrepresentation.

By superficially creating ‘organized’ criminal groups and consigning them to the tracker, it is a subtle bid to inflate numbers on the OCN tracker that
can be conveniently translated into ‘disruptions’ further down the line. Levi and Maguire (2004) suggest an obvious need to indicate the aims of interventions in terms of specifiable outcomes, such as disruption, in order to test operational impact, however, there is a need to further define ‘disruption’ as a concept. There is a demand for quality data in order to properly measure the impact of control measures, combining both qualitative and quantitative research methodology.
3. METHODS

3.1 Context of the Study

The context of the study is inherently bound up with the professional role of the researcher, a detective constable working within a department concerned with the ‘lifetime offender management unit’ (LOMU) of those nominated as high-level organized criminals within the MPS. The research will consider this process by providing a detailed insider view, in a critical observation of organized crime prevention tactics as they are carried out by law enforcement practitioners.

The methods in this project involve a variety of approaches, in an attempt to provide a better understanding of the concept that is ‘organized crime,’ presented ethnographically within a police setting. Walklate advocates the advantages of mixed methods in that more contextualization enables a better understanding of the ‘bigger picture’ (in Westmarland, 2011). Ethnographic studies often draw on a range of sources of data, to document and interpret social organization and culture (Hammersley and Atkinson, 1995). Young (1991) describes how police culture is particularly suited to investigation by anthropological and ethnographic methods, as an extended field study is required in order to reveal the unspoken agenda behind many aspects of police practice, which he deems ‘inherently bound to avoid scrutiny’ (Young, 1991).

Hobbs (1988:2) makes the point that “several excellent observational accounts of police work have emerged in Britain over the past few decades, but understandably these studies have tended to concentrate on uniform patrol work.”

Hobbs’ (1988) study on East End detectives is one of the first to step outside the mould of police work and Westmarland (2008) has emphasised a range of ‘cultures’ within police work, which are often conflated as one. Loftus (2010:1) however, makes the point that current understanding of police culture relies “heavily on ethnographies conducted several decades ago.” A central problem in ethnographic work is how to ‘establish and maintain ‘access’ and ‘rapport’
(Hobbs and May, 1993:ix), which points to the advantageousness of access from within law enforcement, and the requirement for contemporary ethnographic policing studies.

The ethnographic approach adopted in this study represents a move away from more positivist and anti-constructionist Home Office definitions of organized crime, disruption measures and recidivism. It is hoped that improved understanding will be gained through a more open, qualitative approach in this area. The study aimed to present a more exploratory, detailed picture, taking into account individual offenders and how they were monitored within the system. Ethnography was an appropriate research style for these purposes as the phenomena being studied were not necessarily directly observable (Hammersley and Atkinson, 1995). It involved producing explanations of phenomena rather than developing strict theories or testing numerical hypotheses. That said, socio-demographic variables of those in the study, such as offending history, formed part of the case studies, which were a rare and exceptional group.

There are therefore no claims towards these individuals being a representative sample (Westmarland, 2011). It is the very process of the sample being collated by law enforcement social processes that were here being scrutinized. For this reason, a ‘grab-sampling’ method has been necessary (Findlay, 2001) as the sample was dictated by access to cases presented in meetings and was not something the researcher was able to fully control. The epistemological perspective in this study was predominately constructionist and interpretivist. This was set against a backdrop of critical academic approaches to ‘organized crime’ and politicized constructions of the criminal, that debate as to whether such a phenomenon exists.

### 3.2 Access and the Dual Role of Professional / Researcher

As the researcher was already established within the LOMU department at the time of initiating the research project, permission was requested from the head of the MPS research unit in order to that access by fully sanctioned by
employers. They were provided with the research proposal and given details of the ethnographic methods that were proposed. The purpose of the thesis was made explicitly clear from the outset and was endorsed without conditions or impositions as a welcome contribution to the ‘in-house’ knowledge base. Arrangements were made to feedback findings at the end of the project and consequently the researcher was given the freedom to carry out ethnographic research within the unit. Permission was also requested from the LOMU department head as a matter of courtesy and he was established by the researcher early on as a neutral point of contact for any officers working within that ‘team’ who were anxious about the research.

The researcher was able to make it clear to the department early on, where boundaries between a researcher and professional role would lie. Much of the professional role required note taking at meetings, court cases and following interactions with the subjects for the case studies. It was feasible that notes be taken for both purposes. Some elements of the research involved extra notes being taken on nuances of meetings that perhaps would not normally have been included for professional purposes, but this did not detract from the professional purpose of these activities. The attempt to entirely distinguish the professional from researcher role was not without difficulty. Often elements of academic analysis would become littered with ‘police speak’ and it required a different approach in the analysis. This more open approach had some benefits to both roles. There was no attempt to rigidly enforce boundaries; it is impossible to divorce one role from the other in ethnographic research and the researcher attempted to embrace the position of reflexivity, rather than attempt to try and keep things separate; as described further later on in this chapter. The main differences in analysis professionally and from a research perspective, stemmed from improvements to the functioning of the department. There was some academic influence behind the approach, but separate papers were written for management on ways to improve the day to day functioning of the unit, from a performance perspective. These priorities were very different from that of the research, which was more about an
observation of the process and so in some areas more natural boundaries between roles arose.

3.3 The Three Areas of the Research

The research methods and aims were divided into three main areas of research:

3.3.1 Part A) The Initial Process of Definition

A) Observations around the process of how organized crime and organized criminals were being defined within the Metropolitan Police.

This was conducted in the following ways:

1) The referral process for individual offenders was assessed, to see whether it was sufficiently credible, reliable and objective, with a focus on how harm was being quantified.

2) Considering the types of offender being selected, a further look was taken at how they were located in relation to internal assessments of organized criminal offending and whether this reflected wider academic concerns about types of organized crime being observed nationally.

The first part of the study (Part A) involved an investigation into the preliminary ‘labelling’ of organized criminals. The researcher attended departmental meetings called ‘disruption panels’ held to discuss recent cases and to determine from within these cases, which of the more serious subjects should be designated and recorded as ‘organized criminals.’ Of interest here was particularly how disruptions were ‘scored’ and the subjective process whereby perceived harm levels were quantified, before they were referred to LOMU to be monitored as designated high-level organized criminals. Part of this
process of referral involved a critical examination of managerial decisions within the LOMU, where it was decided whether they were suitable for a ‘Serious Crime Prevention Order’ (SCPO) or a ‘Financial Reporting Order’ (FRO), or both.

The ‘disruption panel’ meetings also have the function that they are designed to consider whether orders should be applied for against certain subjects, where there is ‘sufficiently high risk’ of the person committing another offence, (in itself not defined). They can require a person to submit a report every six months outlining their income, assets and expenditure by submitting copies of bank statements, credit card accounts or other documentation detailing financial transactions (Crown Prosecution Service, 2014, Home Office, 2004). There are also less formal ‘referrals’ to the LOMU department, where a presentation is given directly to the researcher’s team. The lead case officer who has undertaken the initial prosecution of the particular offender(s) in question is responsible for conducting the presentation and it is often a fairly casual process of negotiation. It was these processes of recruitment that were being interpreted; the ‘meanings, functions, and consequences of human actions and institutional practices’ (Hammersley and Atkinson, 1995:3) were subject to interpretivist and constructionist analysis by the researcher, to determine how these were reflected in wider academic orientations of organized crime. The aim was to interpret contemporary conceptions of what encompasses organized crime within the MPS, by observing the process of initial nomination.

A series of these meetings was attended over an eighteen month period and data collection involved detailed note taking of events in the form of ‘field notes; the traditional means in ethnography for recording observational data (Hammersley & Atkinson, 1995). Although every opportunity was taken to attend these meetings, they were organised infrequently and on an ad hoc basis, so that only five in total were arranged. However, due to the distance in time between meetings, this meant some were scheduled to take place over five or more hours and included material that would previously have been spread across several meetings. Detailed notebooks were used for each of the panel
meetings, which were divided up according to the type of offending that was being addressed at each meeting. These fell into the categories of ‘Armed Robbery,’ ‘Drugs,’ of which there were two meetings on each and one meeting dedicated solely to ‘Cyber-crime.’ The data for each of these subjects was therefore analysed according to these dedicated typologies within organised crime, with observations made about the seriousness afforded to each type. This was an ethnographic study, which involved ‘carefully nuanced reportage’ (Bottoms, 2000), first-hand empirical investigation, the corresponding beliefs and values of those involved and the documentation of the rational dimensions of their decision making processes (Hammersley & Atkinson, 1995). The aim was to provide depth through specific, descriptive detail, through carefully recorded activities being documented throughout the research process. The data was be collated on a ‘case study’ basis as dictated by the format of the meetings, with some simultaneous analysis of referrals bound up within observations. Data was collected mainly from a ‘participant comprehension’ perspective, as Collins (1984, in Maguire, 2000) has termed it. It focused on evaluating and recording the main strengths and weaknesses of the procedure and the required nomination criteria in each individual case was documented.

3.3.2 Part A) Methodology

The theoretical approach adopted by the thesis design represented a nod to ‘labelling theory’ (Becker, 1963). This involved looking at how people come to be defined as ‘deviant’ but in a specifically ‘organized criminal’ capacity, examining the implications that these definitions had on the future of a small section of high-level offenders. Definitions of crime and the criminal were not taken at face value, as the constructionist nature of police theories on the subject was problematized and scrutinised. The focus was less about the ‘stigmatic’ elements of labelling theory, or social reactions, but an examination of law enforcement ‘control;’ a move away from the ‘why’ to critically evaluating who was doing the defining, for what purposes and with what
implications (McLaughlin & Muncie, 2006). Although Altheide (2009) is writing about labelling applied to terrorism subjects, his description of how audiences and officials implicated in definitions of crime and deviance are responsible for branding individuals and promoting self-fulfilling prophesies, is something that informed this study throughout.

The interest in constructionist elements of these exchanges reflects the overall critical criminological approach of the study. Critical criminologists have attempted to think differently about crime, legal practice, how the judicial system operates and concepts of (in)justice. A central problem is how to ‘explain crime’ in itself, which is a theory which fits well with the definitional problems of contemplating organized crime. Box (1983:4) outlines the problems when it comes to definitions of crime, as a ‘pre- and state defined phenomenon’ that is a social and ideological construction. He deconstructs the concept of ‘rule-breaking’ and particularly ‘deviance’ as a lay concept, locating its source within the individual and precluding the idea that the social judgement of deviance may be a crucial part of the phenomenon. Similarly Becker (1963) describes how ‘outsiders’ are created imposed definitions or labels, focusing particularly on the problem with the label of ‘deviance’ and how rules are imposed from above. Initial observations show that detectives’ discussions of organized criminal behaviour is positivist in its outlook, reflecting an institutional focus on notions of individual pathology, where there is preoccupation with facts, targets and a misplaced confidence in generalizations imposed on this type of criminal behaviour. Social phenomenon cannot be treated as simplistic and unproblematised epistemologically. It is heavily conservative; something that Loftus (2010:17) describes as a continuing and all-pervasive problem when it comes to attempting any innovation in policing:

“The imposition of performance indicators hindered the extent to which new modes of policing could be put in place... Timeless qualities of police culture endure because the basic pressures associated with the police have not been removed and because social transformations have exacerbated, rather than reduced, the basic definitions of inequality. Unless there is a marked
refashioning of that role stemming from wider social change, it would seem there is little hope of achieving any radical reconfiguration of police culture.”

The processes of referral were simultaneously assessed from an interpretivist epistemological stance: “Social phenomena and categories are not only produced through social interaction...they are in a constant state of revision’ (Bryman, 2008:19). The subjectivity of detectives’ description, and the negotiated construction of the label ‘organized crime’ was a particular focus here. There was also an interactionist element to this aspect of the study where exchanges between those proposing the referral of offenders and those deciding whether they come under the ‘sufficiently serious’ remit, determining whether to take them on as subjects to monitor is observed. Interactionism is a theoretical approach that:

“focuses on interactions between individuals as symbolic linguistic exchanges and as means of creative action. It views the social world as a product of such interactions [...] (it) provides a basis for empirical enquiry, often using the methods and practices of ethnography” (McLaughlin & Muncie, 2006:221).

Ethnographic methods work well with interactionism because it is about capturing the actor’s point of view, and gave a flavour of the police culture actively at work in the meetings. Methods involving participant observation are often deemed to be particularly suited where social interaction is being researched (McLaughlin & Muncie, 2006). Ethnographic methods would be amongst other things, usefully employed by those concerned with the social relations of organising serious crimes, to connect interactions observed in specific situations to their broader political-economic and cultural conditions (Edwards & Levi, 2008); the assumption being that these conditions structure interaction in particular ways (Lea, 2002).

There was no pretence towards ‘naturalism’ in an ethnographic study of this type. There are two types of reflexivity, which must be owned by the researcher; the first is an academic one, the second comes from the position of a serving detective working within this field. Neither will allow for ‘value neutrality,’ neither is it being sought. Atkinson (1990:2) highlights the
importance of seeing the ethnographic written ‘product’ as not just one of a
“careful collection of data, and their arrangement into a factual report,” but as
an ‘artful’ and ‘highly contrived product,’ which exists “within a context of
persuasion.” The interpretation of phenomena here were necessarily co-created
within these two frames of reflexive reference:

“Once we come to see ethnographers as themselves constructing the social world through their
interpretations of it, thereby producing incommensurable accounts that reflect differences in
their background cultures, there is a conflict within the naturalistic realism built into older

Although the reflexive aspects of ‘insider’ research require examination,
“different roles within a setting can be exploited to get different kinds of data”
(Hammersley & Atkinson, 1995:86). Purely superficially in terms of access to
otherwise restricted information, deeper understanding of cultural difference
and shared experience, the researcher was well placed to investigate an often
elusive culture from this perspective. If subjects in question can be at all
considered as a ‘group,’ the study sought to enable some representation of the
policing and judicial treatment of an underrepresented body; presenting them
in a fresh light. In the case here, conflicting roles of academic and police officer
can mean simultaneously being positioned as ‘outsider’ and can even make
access sometimes difficult within political and power-play structures within
policing. The insider–outsider debate is a familiar one in qualitative research.

Labaree (2002) describes the assumption that being an insider in a
given research situation is an advantage, as something that is ‘situational’ and
not necessarily granting the researcher greater access. Access is informed by a
typology that superficially involves an insider on one end of the scale having
“exclusive knowledge of the community and its members” and an outsider as a
“professional stranger” (Labaree, 2002:100). However, the two are not
mutually exclusive; Mercer’s (2007) expansion of the conceptualization of
‘insiderness’ and ‘outsiderness’ treats them as points on a continuum which are
dynamic and continue to evolve throughout the research rather than mutually
exclusive. She argues that we are all multiple insiders and outsiders. In any flexible research process:

The positionality of insiderness commits researcher-participants to showing their place in the setting that they are investigating. This acknowledgment can take many forms and parallels a growing movement in qualitative inquiry to describe the participating self in a symbiotic relationship with the observed (Labaree, 2002: 107).

Certainly in the specialized setting of an organized crime directorate the researcher was in a position of minority when it came to her age and gender and less of a permitted participant in a pervasive culture of masculinity (more concentratedly so than even within more ‘mainstream’ areas of policing). However, this was in some ways mined for its potential; being a relative outsider-insider was believed to assist in negating dangers of over-rapport, going ‘observationalist’ (Labaree, 2002) or being intrinsically a native to the culture under scrutiny. It also made the carrying out research seem less threatening to participants in a culture that is often hostile to such activity (Young, 1991).

Young (1991) reported that his academic study and subsequent return to a police organization (in his case an actual severance followed by re-immersion) had the effect of making the familiar ‘strange.’ The very declaration of any intention towards further study is often enough to induce outsider status in an organisation that is often resistant to those putting their head above the parapet or seeking self-progression or promotion beyond their perceived desert. Inherent in a constructionist ontological perspective is the idea that insiderness does not bring with it any claim toward truth; that meaning is constructed through the group dynamics of which the researcher is too a part; the researcher’s need to make a contribution to improve community and practice plays a role in that interpretation.

Although there is a risk of inherent bias in the note taking of one researcher, and it was important to acknowledge this risk in the researcher’s approach, as Holdaway (1983:11) suggests, these problems of representativeness and reliability of the lone researcher can be mitigated by as much as possible being recorded on those occasions, even the seemingly routine and insignificant. He defends his own ethnography of the police on the basis that the two years spent
conducting research prevented a ‘smash and grab’ ethnography and enabled a comparison of ‘attitudes and actions’ amongst his own observations. The researcher’s presence always has implications for the plausibility or findings of the study as attention by observers has an effect on behaviour (part of the so-called Hawthorne effect) (Westmarland, 2010). However, this was owned throughout the methodology of the study, which was less an attempt to obtain ‘authentic voices’ in isolation, but more about the constructionist interactive process of negotiating organized criminality on different levels.

3.3.3 Part B) Court Observations

The second phase of the study involves the following:

B) To analyse the court process by which ancillary orders are obtained and negotiated.

This was be carried out using the following methods:

3) Evaluating how the legislation is interpreted, the processes by which orders are drafted, once offenders have become designated as ‘organized criminals.’

4) Looking at how orders are applied for in court and their reception amongst the legal community.

In addition to attendance at disruption panels, the researcher also made some observations during court appearances, where SCPOs, or FROs were being implemented or were under debate. Attention was paid to how these orders are justified and negotiated. How they were perceived and received by the legal community was of particular interest, within the wider context of definitions of organized crime in general.
Some of the cases that were attended were more relevant than others and though some cases stretched out over weeks or months; there were sometimes only a few minutes of discussion that were useful for the purposes of the research. This part of the study was formed of 20 cases that contained discussions of organized criminal offending. Notes were taken during the ‘sittings,’ but also documents from the original cases were assimilated to assist in the background information for each of the offenders. These were usually restricted and not often made available; they were sometimes provided by case officers but depended on the level of access the researcher was able to have. These cases tended to adhere to the same typologies as Part A) although there were a greater degree of fraud cases attended than those mentioned in the disruption panels.

Often these cases overlap with the case studies in the third part of the research, where certain offenders were taken on for monitoring purposes or where orders were enforced at later stages, so that the overall critical observation appeared to be an organic one. It was taken from the outset of their referral, seeing the way they were labelled during judicial proceedings and how this affected their monitoring and treatment through to the last part of the study. Due to the sometimes very short involvement of the researcher in these proceedings or the very long involvement in cases where material was often not so relevant for the purposes of the research (for example lengthy negotiation surmising the precise figures of assets and confiscation) this material came to be woven in to the analysis of the case studies or observations about the definitional aspects of organised criminal offending, rather than being a distinct source of data in its own right when it came to the analysis.

3.3.4. Part B) Methodology

Theories of labelling and categorization that informed the study from the start of the research process were intrinsically imbedded within this section of the study. It became integrated within the interpretation of court processes. Boyns & Ballard (2004) assert that moral panic is deliberately invoked to increase
government funding and justify increased restriction on civil liberties.
Recuber (2009) extends this theory to ‘folk devils,’ showing how labelling of
this kind feeds into the criminal justice system, allowing the introduction of
repressive legislation. Mythen and Walklate (2006:392) have shown how this
allows the increased use of surveillance powers and that “ulterior motives are
being camouflaged and hidden agendas executed” in the extension of
institutional methods of control. These twin concepts have been critically
applied to the study of organized criminal court negotiations and observations
on the MPS’ increasing use of ancillary orders.

The discussion of offending history and seriousness or harm presented
about these individuals was be critiqued in a similarly constructionist capacity,
with close attention paid to debates surrounding the relevance of some of the
restrictions placed on offenders. There was therefore an attempt to collect data
at various points of law enforcement intervention over the course of a person’s
contact with law enforcement: from initial investigation, through to
prosecution, through prison and after their release (which leads into the next
section of the study).

This is perhaps one limitation to the dataset, as a comparison of subjects
involved at both ends of the process would require a more longitudinal study
than is possible for the purpose of this research. ‘Lifetime offender
management’ is misleading as a term as the orders last a maximum of five years
from their release. However, many of those convicted serve long sentences
(even life sentences) and there is potential for a longitudinal study involving
the durability of these orders as time goes on, particularly where the ‘future
proofing’ of the orders is concerned. However, the method here allowed for a
comparison of those receiving orders at one end, an examination of the
negotiation of the terms of those orders and finally, in the next section, their
application during the monitoring stage.

3.3.5 Part C) Monitoring and Disruption

The third phase of the study involves the following:
B) To evaluate whether monitoring and disruption by the Lifetime Offender Management Unit impacts on reoffending behaviour, particularly with regards to ancillary orders and license conditions.

This was carried out using the following methods:

5) Examining what disruptions have been implemented, whether they have been durable and whether they can be described / measured.

6) Determining whether offenders have been prosecuted for further, similar offences since they have been monitored by police.

7) Examining how breaches are dealt with, the impact of performance culture and whether the law enforcement approach is proportionate in accordance with ‘results’ achieved.

The third stage of the research involved the observation of those who had been released from prison and were subject to monitoring. It was a sample of 35 offenders who form the ‘case-studies’ within the project, about whom data was collected in depth. This aspect of the study was an ethnographic perspective of the monitoring process of ‘organized criminals’ and an attempt to evaluate disruptions or interventions that were documented. The circumstances around breaches were explored, and any subsequent prosecutions. By carefully observing the implementation of ancillary orders on the subjects of this study and the judicial response to any reoffending behaviour, a detailed picture of ‘social constructions’ of organized crime was assembled in this sphere. This in turn was deconstructed to obtain a closer view of particular events and activities (Bottoms, 2000).

With regard to the ancillary orders, the research involved qualitatively documenting impact on subjects in some detail over an eighteen-month period, and whether it had any effect on (offending) behaviour. It was decided at the
outset by management that the target number of orders applied for each year
by the department would be set at 60. This figure was arrived at arbitrarily on
the basis that the LOMU lead would be the one to write these orders himself; as
it took relatively little time to draft the orders themselves, this target was
perhaps set as one that did not place too onerous a task on a pilot project
whose continuance was dependant on its ‘performance.’ It transpired that there
were approximately 30 offenders at any one time who were out of prison and
being actively monitored by two detective constables.

Aside from documenting ‘interventions’ that were implemented,
observations were collated with regard to these offenders’ behaviour or
correspondence, often comprising of everything from original case notes to
letters and emails. Interpretations were generated about how offenders place
their offending within their own context and opinions of their own about
ancillary orders. This was more about analysing their reflections on the
process, rather than focusing on the offender themselves as participants in the
study. Any correspondence and emails remained restricted from a professional
perspective. The methods here involved note taking of interactions with these
individuals, but also involved snapshots of non-restricted correspondence. It
entailed an inductive approach to the collection of qualitative data on the
interactive monitoring process, accompanied by contextualized description of
subjects throughout.

The aim here was more to observe offenders’ negotiation of the
restrictions that are placed on them, based on their own categorization as
organized criminals. Importantly, data that was collected about criminals and
presented as part of the study, was often data that had either been observed
during the court observation process or by the time the cases had been referred
to the LOMU, they had already been convicted. Information about their
offending was therefore already in the public realm; indeed much of it available
online. Despite this, their details were still anonymised and no specific
information was given on convictions other than a brief overview. The study
took into account recidivism, although critically, as a measure of identifying and
analysing the concept of the subjects as ‘career criminals.’ The research also
examined their fulfilment of reporting obligations and how the department deals with perceived breaches as well as the nature of these breaches.

The project also aimed to analyse the concept of ‘disruption’ as it is presented organisationally as a ‘performance indicator,’ so that its meaning had become virtually inseparable from its politics. The concept of ‘disruption’ was therefore not a neutral one. By producing a qualitative study of disruption measures employed by the unit, taking into account the individual circumstances of a small cohort of offenders, the study sought to explore how law enforcement justifies the resulting approaches and attempted to come to an iterative conclusion about meaning-making around the concept of disruption. It was also an analysis of law enforcement claims centring around an emphasis on ancillary orders as providing a framework for reduced offending.

The case study data was cross-referenced with previously documented criteria, which usually involved a summary of the original case against the individual or group in question, shedding light on the case for prosecution, and demographic detail that came from previous convictions. Due to the nature of the material in the original case documents, they were designed for restricted viewing within meetings. Criminal records were considered but in a certain context as they are not always a conclusive guide to current levels of criminality. The terms of their ‘nomination’ as ‘organized criminals’ were considered within the current context of individuals’ behaviour, as part of an attempt to retrace the process by which their criminality had come to be defined. This was not for the purpose of making quantitative statements about a group of offenders, but to take into account the history behind the sample; a rather exceptional group. Part of the MPS criteria for designating subjects as ‘organized criminals’ involves a pattern of ‘career’ type offending, yet some serious offenders have been shown manifest very few previous convictions. In a recent study Hopkins & Wickson (2012) cross-referenced prolific, priority offenders with criminal records on the Police National Computer (PNC), concluding “a variety of measures can be used as indicators of criminal activity, such as arrests, recorded offences and convictions” (Hopkins & Wickson, 2012: 597).
The presentation of further offending was closely examined, to see whether it was in the same vein and it was compared against conceptions within law enforcement of what is considered to be organized criminal activity. Critical conceptions of criminality were compared here to see where officers differentiate between organized and more opportunistic low-level crime. The types of disruption that were observed involved restriction on employment, restriction on access to vehicles, moving prisoners around to prevent 'harmful' association with co-defendants or members of the same OCG and prosecuting offenders for breaches of orders. Each one was weighed up in context and possible advantages and repercussions were documented. Initial observations indicated that the orders were not necessarily a deterrent but an additional punitive means of targeting a group of offenders that were somewhat arbitrarily designated as 'organized.'

3.3.6 Part C) Methodology

The methodology was not designed to lead to claims of representativeness in its conclusion about organized criminals. As it was a small sample of 35 offenders being monitored by the researcher during the 18 months of data collection, this would prevent any such claim. Rather, the aim was to look qualitatively and in depth, rather than at the 'horizon of the general picture' (Westmarland, 2010:13). ‘Organized criminals’ are taken from such a variety of criminal backgrounds and are too often presented as a homogenous group. This study constituted an attempt to comprehend social and official categorizations of these offenders from the outset.

The majority of encounters with offenders involved formal interviews with samples of convicted offenders from prisons or probation officers, eliciting quantifiable data about their backgrounds. Criminologists spend little time talking to criminals and that it is unusual for researchers to get to know their subjects (Maguire, 2000). There was no claim here towards full engagement where power relations made unencumbered interaction somewhat difficult; the focus was on observing social processes within an interpretivist framework.
However, the researcher’s role has permitted one on one interaction with a small section of offenders over a fairly protracted period.

Much of the literature describes the huge difficulties in accessing adult offenders in a ‘natural setting’ on their own ground, as they have little investment in advancing academic enterprise. Even in circumstances where the researcher has access, ethnographic explorations of serious offending yield epistemological difficulties when it comes to determining what a ‘natural’ setting could ever involve. The data came more from an overview of the law enforcement process, and moved away from the offenders themselves, for this reason. Researchers must exploit opportunities to glean data that become available and research in this area can only be successful if the aim is an understanding of detailed cultural mechanisms of a segment of the market (Hobbs, 2000).

### 3.4 Ethical Issues

The aim behind the research as a whole was that it be conducted with integrity and quality, so that it was accountable, with a good design and that it delivered its objectives. The “Research Ethics Framework,” (Westmarland, 2011) emphasizes researchers’ responsibilities the their research subjects and in the context of this project it is important that it was the process of monitoring and categorizing that was focused on rather than the offenders themselves. There are two strands when it comes to dealing with the issue of participants of the study. Those designated as organized criminals during the research and who comprised the case studies, were not strictly dealt with as ‘participants.’ The environment in which meetings were held with offenders was a legal imposition under the terms of their orders and subjects were monitored as part of the researcher’s professional role. However, the focus was not specifically on the offenders themselves, but the process by which they are dealt with, so they were not required to give their consent to the research.

There are often anxieties in research about unequal power relationships. The crux of the ethical issues in this study revolved around how far these subjects
were afforded anonymity and confidentiality. Often the information was second hand and comprised of presentations about them in the panels, or was a description of their behaviour in a public courtroom. Nevertheless, the researcher has ensured that respect for their privacy was afforded to them when documenting their dealings with the MPS. Many of the documents that were assimilated in a professional capacity were restricted and details could not be included directly in the research. Some of them contained more personal information and so care has been taken that this content in particular has not made its way into the research.

Although Fetterman (1989) has sometimes been criticised for being purist, he argues that ethnographers must be particularly “candid about their task, explaining what they plan to study and how they plan to study it” (in Rowe, 2007:42). This was done with colleagues in the department whose comments were directly included in the research. The opportunity was taken to provide details as to the methods and intended possible uses, the nature of the research being undertaken and what issues are of particular interest. As much information as possible was given in order that participants were able make an informed decision and no deception is intended.

Research subjects were advised of the potential uses of data and that the findings may be made public. Anonymity for subjects was ensured by the data protection agreements that the researcher is already subject to as a professional police officer. No personal details were divulged, and research notes were kept in a secure environment. It was also important that minimal details of individuals were recorded in the study, with no full names or precise locations included (Rowe, 2007). Colleagues participating were provided a contact should they wish to withdraw from the study or make a complaint with a nominated person within the LOMU to approach. They were given adequate time to consider their options so the process was not oppressive. There is no suggestion that there were any vulnerable subjects involved in the research, but discretion was maintained on this issue. There is a responsibility to ensure the physical, social and psychological wellbeing of individuals participating in research, so they are not adversely affected.
There will also be the issue of informed consent when it comes to the inclusion of data where colleagues or members of the disruption panel are involved. Due to the high turnover of the disruption panel meetings it was not always possible to fully inform each member of the panel about the purpose of the research due to limitations of time, but the opportunity to be provided with further information was made available should those present during note taking wish it. There was no need to name disruption panel members or members of staff individually; they were afforded anonymity and confidentiality, often differentiated by ‘officer 1’ or ‘officer 2’ in notes. At the beginning of any disruption panel meeting or referral meeting, those participating were asked for their consent for the researcher to be present and take notes.

Colleagues’ contributions were always acknowledged where appropriate. They were able to opt out if they preferred not to take part in the study and were made fully aware of the risks, though all were happy to be included. The pursuit of the deliberate avoidance of research subjects or colleagues coming to any ‘harm’ extended to the wider unit and organisation, appreciating that harm potentially extends to business and personal reputations and that results can sometimes be misconstrued or used by third parties. The same courtesy of anonymity and confidentiality was extended to subjects in courtrooms, though it is a public arena, and the names of those involved in court cases are able to be made public. However, the researcher acknowledged, that much of what goes on inside the courtroom in the absence of the judge or an official trial taking place, needed to be dealt with in a sensitive way.

The purpose of the research was not to elicit any admissions but to discuss the monitoring/disruption element. From the point of view of the researcher, with any study involving criminality there is a risk that researchers may be drawn into or bear witness to criminal activity and the implications of this are not to be underestimated. In any research project participants are usually assured of confidentiality and researchers are not expected to pass on information, confidentiality can sometimes be overridden by law where there is
a responsibility to pass on information. Although this issue is particularly pertinent with the dual role of practitioner/researcher in the project, any criminology researcher is faced with the problem where any information picked up about a serious crime would have to be reviewed. As Norris (1993) discusses, these decisions will always remain a matter of judgment; ethics are inevitably situational.

The nature of ethnographic research means that dynamic situations will be encountered and researchers must be prepared to be reflexive when it comes to ethical dilemmas and methodological difficulties that may be experienced (Rowe, 2007). Hancock and Gilling (2004, cited in Westmarland, 2011) describe a similar difficulty when dealing with jurors, where the risk of them discussing actual court cases could have resulted in researchers breaking the law. Their research was successful due to participants being explicitly reminded of topics prohibited from discussion at the start of interviews. This was considered within this study and though it was considered to be one of the main ethical challenges that might arise, there were no concerns regarding admissions of criminality that arose due to the focus being on the process of law enforcement around organized crime, rather than on individual offending habits.
4. INTRODUCTION TO THE DATA & THEORETICAL APPROACHES

4.1 MPS Disruption Panels as the Context for Defining Organized Crime within Groups

The first strand of enquiry that is explored within the data is an examination of how organized crime and organized criminals are defined within the MPS. This was looked at from the outset, in the disruption panels. One of the problems when approaching the definitional dilemma, which has been touched on in the literature review, is how organized crime is simultaneously portrayed as an objective, measurable phenomenon but also as a subjective construction. There is also difficulty in distinguishing between structures of association and those of activity (Cohen, 1977), or rather, where organized criminals end and where organized crime begins.

Within a context of an appreciation of the more ‘macro’ debates on organized crime, the study has attempted to assess where the MPS definition falls within this scope. The MPS focus is more on defining organized criminals as a plural entity, or what have become known as ‘Organized Crime Groups’ (OCGs) than tackling organized crime as a phenomenon. To place this within context, there are an estimated 6,000 OCGs existing within the UK, thought to comprise of 38,000 active offenders (Home Office 2011). Notification schemes from the 1990s onwards, have allowed for the collection of official data on these groups, which include their identity, characteristics and status, as well as arrest data, convictions and what are termed ‘disruptions’ (Gregory, 2003) of their activity. The disruption panels are often a source where this data is collected before being collated on an OCG tracker. OCGs are described by the MPS in the disruption panel assessment forms (2013) as:
"a group of individuals involved in persistent criminality for some form of personal gain (this includes profit and / or gain or demonstrates status) which is causing significant harm to the community and / or is of cross border concern."

The Association of Chief Police Officers (ACPO) have gone on to outline within this definition, what is encompassed by the concept of ‘serious harm.’ It is described as a harm that involves ‘significant profit or loss, significant impact on community safety, serious violence, corruption and exercise of control’ (Metropolitan Police, 2013).

McKenzie and Hamilton-Smith (2011:10) have criticised UK policing for its vague approach to the problem; the overall “lack of clarity as to what best defines organized crime and organized criminals.” Within the context of the disruption panels and the subsequent monitoring of offenders, this has impeded the ability of law enforcement to collate any degree of “reliable police or criminal justice data with which to monitor official performance” (McKenzie and Hamilton-Smith, 2011:10). The aim of this study is not necessarily to monitor MPS performance levels in this respect, but to take a more in depth look at the referral process of organized crime cases and their counterparts; to examine how groups of organized criminals are singled out within the so called ‘disruption panels’ in a bid to show what sort of cases are being dealt with in terms of organized criminal offending. The disruption panels are also an extremely illuminating source of data as they are an internal bid by the Serious Organized Crime command to appraise of their own performance and to quantify the harm caused by these types of offenders. They also provide rich data with regard to how organized crime is culturally perceived by detectives in the command. The subjectivity and indeed the feasibility of that process have been examined in a qualitative capacity. The data from this study provides a rare insight into the problematic nature of organized crime and organized criminals, which is dependent on that qualitative knowledge about the impact of those groups under observation.

4.2 The Disruption Panel Process
There is an ongoing qualification process within the Serious Organized Crime command where by groups of criminals become designated formally as organized Crime Groups. It follows a fairly structured format, where potential organized criminal offenders are presented to the 'disruption panel,' which in theory decides whether they should go forward to be monitored as organized criminals. However, they have arrived at this stage from a position where the MPS has already claimed ‘detections’ for organized criminal activity within the groups. In addition to this, the groups have already been investigated for some length of time by detectives from within different areas of the Serious Organized Crime Command. Therefore, their status as OCGs is taken more or less as a foregone conclusion by the panel, to not only justify time and resources already devoted to the task, but also as an internal PR mechanism highlighting achievements internally across the command. The only subject on the table that is genuinely up for debate is qualifying the level of disruption in terms of how ‘serious’ a ‘harm’ has been prevented from occurring or continuing. Making these decisions is a panel comprised of usually ranking detectives or senior analysts from within the Serious Organized Crime command. They often come from different disciplines, investigative backgrounds and specialties. Whereas there was some continuity as to whom would perform these assessments in the past, the panel now shifts in its makeup, dictated largely by staff availability.

More recently, the panels have gained an additional member of a detective inspector or sergeant from the Lifetime Offender Management Unit, who use the panels as a way of ‘recruiting’ so called ‘top tier’ organized criminal offenders. Out of the range of offenders presented during the panel, the LOMU officers will decide which individuals to take on and monitor, in theory so that disruption to their activities can be continually monitored even whilst in prison. Implicit in their selection is that those recruited are the more serious of even the top tier contingent. The decision as to which individuals to include in this quota is a completely subjective decision making process on the part of the LOMU staff making up part of the panel. There are no set guidelines or commitments to what criteria for ‘seriousness’ are being assessed. The OCGs
being considered are brought forward at the point of ‘disruption,’ which is deemed to have occurred once law enforcement measures have prevented a group from operating at its ‘usual level of activity’ for a significant amount of time. Disruptions can include interaction with OCGs that has gone beyond the stage of conviction that can include asset seizure or financial confiscation as well as the selection of candidates and implementation of Serious Crime Prevention Orders. However, they can also be referred pre-conviction where legal proceedings are anticipated or ongoing, sometimes on the proviso that cases are returned to the panel once court cases have concluded.

Despite law enforcement claims, the validity or accuracy of these self-determined disruption assessments makes any real reductions in OCG activity difficult to determine. It is not possible to show from data collected, whether arrests resulting in prosecution and conviction can be used as a reliable measure for overall reduction in harm from the threat of organized crime, or what this threat even constitutes in the first place. This study has sought to collect information about disruption in a more qualitative way, critically assessing the nature of those disruptions. Without any rigorous common criteria for assessing and determining outcomes in this sphere, it is difficult to reflect on any achievements by the Serious Crime Command.

4.3 A Theoretical approach to Disruption

One of the reasons that it is difficult to measure the impact of disruption is its ambiguity as a concept and the lack of clarity around its methods. Kirby and Snow (2016) have highlighted the scant amount of academic research that is available to support a ‘disruption’ oriented approach in the fight against organized crime. Against a backdrop of ‘Situational Crime Prevention’ tactics, previously discussed in the literature review, and the possibility of their usage within organized crime, Kirby and Penna (2010) suggest that whereas SCP focuses on a potential crime event in the future, disruption and enforcement is offender oriented. It is about reducing the present threat, whereas enforcement is about facilitating justice for events that have already occurred.
Kirby and Snow (2016:113) examine the concept of disruption in the light of positivist Rational Choice Theory, which suggests:

“offenders are rational actors who balance the cost of committing the crime with its potential rewards. Therefore by: increasing the effort needed to commit the crime; increasing the risk of detection; reducing the rewards obtained; removing the provocation; or the excuses associated with its commission - the offender can be disrupted.”

Theories of how crime is able to flourish are discussed in work by Felson (2006) who has made a case for specific contexts involving places and people as being necessary to its existence. However, Kirby and Snow (2016) have argued that this is where disruption tactics in organized crime become problematic. It is more difficult to predict when it comes to factors that reduce the likelihood of criminal activity. The ‘praxis’ of disruption varies according to the type of organized crime, how sophisticated it is, the type of disruption intervention implemented and how it is used. In a study of 15 OCGs over 15 months, which had been ‘archived’ by law enforcement following implemented disruption tactics (i.e. deemed no longer in existence or a credible threat), Kirby and Snow (2016) discovered that 66% had not gone on to reoffend. However, they acknowledge that this data is not without its limitations. There was a lack of evidence to show whether they were actually offending, rather than not having been apprehended. It was impossible to decipher whether or not interventions had been successful, or whether the perceived threat had simply been exaggerated in the first place (Kirby and Snow, 2016). As the process of threat assessment in the disruption panels is so subjective, it is difficult to measure any fluctuation in harm throughout the process of law enforcement on any given OCG.

As demonstrated by Dujin et al. (2014), the dynamics of criminal networks, particularly in the case of Dutch cannabis cultivation chains, means that due to their flexibility and adaptive nature, not only were disruption tactics questionable in terms of their efficacy but in some cases they either had no effect or actually made networks ‘stronger’ after law enforcement intervention. Morselli and Petit (2007) demonstrate that criminal networks are in a constant
state of balance between efficiency and security. They use a strategic drug trafficking case in Canada to show how in response to law enforcement disruption tactics, a network was able to decentralize and reorganize itself, with new central players emerging to take their place. This is similar to the findings of Dujin et al. (2014) who showed that even with multiple removals of those within the network, their efficiency actually increased over time as the network recovered its efficiency and new illegal opportunities for expansion were created each time. However, the long-term cost of this expansion to the networks over time was ‘higher visibility’ or exposure, which eventually had a decreased effect on efficiency. Ultimately Dujin et al. (2014:14) highlight the necessity for playing the long game when it comes to the disruption of organized crime; the:

“importance of considering these criminal network structures within their complex adaptive dynamics, instead of focusing on a snapshot of a group at a certain point in time. In practice this means that disrupting a criminal network demands a long-term consistent intervening effort.”

These combined theories of disruption, the test of durability and also measurements in terms of disruption quality as well as crime reduction have significant implications when it comes to assessing the data from the disruption panels in the first strand of this project but also in terms of future research and policy implications in this arena.

4.4 Court Case Observations

Once offenders had been singled out through the disruption panel process, the second wave of the data collection involved the use of court observations, to assess how ancillary orders were obtained and negotiated. This was predominantly where the Lifetime Offender Management Unit had applied for Serious Crime Prevention Orders and other ancillary orders. This part of the research was usually prompted by disruption panel nominations of potential subjects for orders. These offenders were often ‘recruited’ by LOMU detectives directly at meetings. The research focused on which of these individuals were
designated to be ‘top tier’ offenders from the meeting and during the court cases, to see how they were portrayed within the wider judicial process. Casual observations were often made during the context of the trial by parties involved in that court process, about where offenders sat within the context of organized criminal offending, what role they played within a case and how serious this was deemed to be. What was also being observed was the reception of the SCPO orders amongst the legal community as a relatively new law enforcement tool in the fight against crime. The negotiation of the terms of these orders was interesting from a serious organized crime prevention point of view.

This part of the project was about attempting to unearth how offenders become labeled in certain ways and was an examination of their treatment within the judicial system once this had occurred. This involved observing the process of definition as these individuals became confirmed as organized criminals and embedded within judicial processes accordingly. Box (1983:4) asserts that crime is a “pre- and state defined phenomenon, a social and ideological construction.” He deconstructs the concept of ‘rule-breaking’ and particularly deviance as a lay concept, locating its source within the individual and precluding the idea that the social judgment of deviance may be a crucial part of the phenomenon. Crime and criminalization are therefore exposed as social control strategies. Becker’s (1963) also highlights problems with the label ‘deviance’ and how rules are imposed from above. There is a division between social constructionist approaches to the discussion of criminality, and those of left realist perspective. Lea (1998), for example, in his emphasis on meaningful social change, argues that it is not brought about by deconstructing what is labeled or considered to constitute ‘crime’ and creating endless new categories in infinite regress. All categories can be deconstructed and represented in alternative ways. Instead it is important to consider how certain actions have become crimes, within a historical and social context, and the powers that are responsible for these categories. Within the context of SCPOs it is also pertinent in looking at what aspects of offenders’ behaviour are deemed
to be *facilitating* crime and what limitations the orders place on them; how these limitations affect their everyday life.

Altheide (2009) describes how audiences and officials who are implicated in definitions of crime and deviance are responsible for branding individuals, promoting self-fulfilling prophesies where resultant social stigma limits the social interaction of those groups and promotes their self-identification with a deviant lifestyle. The media play a major role in highlighting what are perceived as problematic social types, which allows law enforcement authorities the opportunity to provide often heavy-handed solutions involving social control. This heightened concern of a moral panic leads to increased hostility, a consensus that the threat is real and imposed by the ‘offending’ group, disproportionately and in a volatile capacity. Vulnerable subcultures are classified as delinquent in a ‘moral panic’ that outlines them as a perceived threat to social values or interests and defines them in a stereotypical manner as ‘folk devils’ (Recuber, 2009).

Labeling theory’s failures are in large part seen to be due to it’s idealism and failure to locate it within social and political structures, where the labels themselves are upheld (McLaughlin and Muncie, 2006) A contemporary take on labeling theory is attempted in this instance, where on the one hand, the traditional elements of labeling theory’s criticism of the self-fulfilling prophesy of deviance is evoked, of how ‘delinquent’ careers become established through the role of social reaction and law enforcement in particular (McLaughlin and Muncie, 2006). However, since the 1960s there has been attempt to move away from a defence of the authenticity of deviance, especially where social or personal pathology is referenced, examining alternative realities of deviant action (Taylor et al, 2012). Here, solutions for criminal offending are examined within their context, in terms of their proportionality, relevance and effectiveness.

The researcher aims through a critical criminological approach, to attempt to narrow the conceptual gap between criminological study of crime and punishments and modes practitioners use in ‘controlling’ crime (Garland and Sparks, 2000). The aim here is to critically analyse the court process, where
Serious Crime Prevention Orders are obtained supposedly specifically to cover the nature of the offender’s particular type of offending, but are in actuality informed by socially constructed and contestable notions when it comes to the problematic concept that is organized crime. The author’s aim is to show how the subjective process of the disruption panel often feeds this process, so that a person’s deviance becomes defined from the outset. There is no pretence here to showing whether this provides a direct link in informing all future deviant activity, but it does fit in with the third strand of the research, which goes further in evaluating and monitoring disruption by the Lifetime Offender Management Unit, once the SCPOs are in place. It shows attempts to curtail reoffending behaviour, with regards to ancillary orders and license conditions. In effect, the author has attempted to trace the full circle of the law enforcement process in these three stages.

4.5 The Day-to-Day Monitoring of the LOMU cohort and Implications for Recidivism

This strand of the data was focused on the treatment of those towards the end of the process, once they have been designated and referred, orders are in place or they are simply flagged up as suitable for monitoring. Some of these offenders did not have SCPOs in place, but were released from prison on license and had been inherited by the LOMU, or selected by its management as those of particular interest. SCPOs can only be obtained under particular circumstances. The criminal proceedings against an individual must be still taking place, unless under very serious circumstances whereupon they can be applied for in the High Court, though this has so far been unprecedented. They must be authorised by the Director of Public Prosecutions (or their deputy) and the person for whom the order being obtained must be involved in serious crime and be being convicted of a serious offence. The court:

"must have reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales.” (Crown Prosecution Service, 2016) [online].
In practice these orders are applied for at the end of a person’s trial, for which they have been convicted of a serious offence and the application for the order (conducted by a member of LOMU) often coincides with sentencing or confiscation proceedings. As there is a particular window in which these orders can be obtained, those believed to be organized criminals that were recruited after the event of their trial and who were coming out of prison following lengthy sentences, were often referred to the LOM as part of the ‘license’ cohort. There were only five of these type of offenders out of the 35 offenders that form part of this study and whose situation is described in more detail in the following chapter.

Many of the tenets of contemporary takes on labeling and subcultural theories have been additionally brought into this last strand of the project, but in addition to this is the observation by Kirby & Snow (2014) that disruption measures in general are by definition ‘intrusive and coercive,’ but that when it comes to applying the orders, they become particularly focused on the individual. The SCPOs are emerging as a tool that is becoming popular within the Criminal Justice System. Although the legislation was passed in 2007, Sproat (2012) has demonstrated that they have been little used up to this point. Between 2006-11, the Serious Organized Crime Agency (SOCA) used ancillary orders of this kind on approximately 15 % of those they prosecuted for organized criminal offences. Organized criminal offences have been deemed as ones that warrant a prison sentence of four years or more (Metropolitan Police, 2013) and involve OCGs (again, a vague definition). With tools of this kind, a great deal is left up to the discretion of officers involved, in this case the managers within the Lifetime Offender Management Unit. Kirby & Snow (2014) have suggested that there is a point where this becomes ‘lawful harassment’ and it is up to individual judgment as to how far this is taken. Concerns about civil liberties of individuals are here balanced against police support for a process, which has become extremely popular with officers. In practice it was found to be rare that judges were opposed to granting orders and there were no known instances where CPS did not approve an order going forward. The civil burden of proof means that even where there is insufficient evidence to
convict on certain fronts, that if intelligence is produced to link subjects with organized crime, then constraints can still be imposed within the orders. The impact of both police and performance culture appears to compound this phenomenon and will be explored when it comes to examining proportionality in the effectiveness of the law enforcement response.

4.6 The Impact of Police Culture

Finally, an intuitive place to begin in an ethnographic study of policing organized crime is with a discussion of how police culture or ‘cultures,’ as it is now more common practice to refer to them (Westmarland, 2008) impact on law enforcement in practice. The occupational culture of the police has received longstanding attention from the social sciences because of how pervasive it has been considered, but also in light of its more problematic elements (Loftus, 2009). There has been a central understanding that the police have a set of ‘accepted practices, rules and principles of conduct that are situationally applied, and generalised rationales and beliefs’ (Manning, 1989, in Loftus, 2009). Chan (1997, in Cockcroft, 2013) describes it as: ‘A layer of informal occupational norms and values operating under the apparently rigid hierarchical structure of police organisations.’ However, it is generally accepted that police culture can no longer be viewed as ‘monolithic, universal, nor unchanging’ (Reiner, 2010, in Cockcroft, 2013) and Westmarland (2008) has highlighted the ubiquity of the term ‘police culture’ and the erroneous application of an all-encompassing ‘one size fits all’ reference. It is crucial that a consideration of the impact of police culture(s) is brought into this study, as it informs every part of the process of law enforcement within the field of organized crime.

Definitions of the occupational culture are predictably broad and represent a failure to articulate the diverse nature of roles, incorporating a wide range of skills across varied geographical contexts (Cockcroft, 2013). There is a good reason for treating the term, which appears under a variety of aliases; canteen culture, patrol culture, street culture and police subculture,
with caution (Westmarland, 2008). The rationale behind a usage of ethnographic methodology to study police cultures in the late 20th Century, traditionally proven integral to research into policing culture is apparent, as it generates ‘thick’ description (Cockcroft, 2013), represented in the ‘case study’ approach employed in this study, applied to detective work around organized crime. It has by some scholars been perceived as rather representative of a ‘bygone era’ (Westmarland, 2008), now diminished in relevance when it comes to explaining contemporary police work (Loftus, 2010). However, Westmarland (2008) rightly advocates the need for a return to ethnographic approaches, premised on the assumption that each culture is unique; that an attempt to represent ‘cultural universals’ is superfluous (Cockcroft, 2013).

4.6.1 The Role of the Detective

The focus of this study is on detective work, which in traditional ethnographies by Hobbs (1988) and Young (1991) has been seen as representing a distinct cultural environment, with both authors presenting a strong case that that the role of a CID officer be distinguished culturally from that of uniformed police (Cockcroft, 2013). CID work or the ‘Criminal Investigation Department,’ was originally a separate investigative force, made up of plain-clothes detectives, set up in the 1850s. The MPS incorporated a regional CID into the police force in 1978 and it now runs in parallel to uniform police departments, but is responsible for investigating cases both reactively (where police have come across more serious offences) and proactively (based on intelligence that has been generated). The serious crime command is one of the more specialized, select areas of CID work that mainly focuses on organized crime. Hobbs (1988: 205) places CID and uniform policing at almost opposite ends of the spectrum, with detective work being portrayed as ‘entrepreneurial’ and ‘autonomous’ rather than the more ‘militarist’ environment of patrol officers. He distinguishes the CID culture by the necessity of their submersion within the local East End community although this element of submersion has become less common in recent years in a bid to reduce corruption. Young (1991) portrays
his time within the drugs squad as operating without the constraint of normative police culture, where he claims he and his CID colleagues became ‘aberrant policemen,’ operating outside the sphere of institutional influence and enabling themselves to view the world differently for the first time (Cockcroft, 2013). However, more modern scholars have rightly insisted that no culture exists in a vacuum (Chan, 1999) and it is the culture or cultures within drugs squads and contemporary ‘specialist’ detective units that is of interest within this study, not as something ‘aberrant’ or external to policing culture, but another facet or manifestation of police organizational culture; a sociological phenomenon in its own right.

There is a lack of transparency and a mystery surrounding the occupational role of the detective, reinforced by fictional representations of detective work (Tong, 2006). Hallenberg et al (2016: 101) describe the perspective of the seasoned detective, which highlights the concept of detective work as ‘craft’ or an ‘art’ that concerns “intuition and instinctive feelings and hunches toward problem solving in an investigative capacity.” CID work often represents a more considered and careful analysis, with the need for competence and status to be verified by results (Westmarland, 2008). Increasingly, an emphasis on police ‘professionalism’ has encouraged a more scientific approach, with detectives having to master technology and forensics, engage with other branches and agencies and engage with new crime prevention goals. Now that detective work has become less ‘suspect-centered’ and more ‘evidence based’ the more modern professional detective work is considered more routine; having to rely on witnesses, intelligence and DNA matches, and less on insight or skill, removing some of the ‘mythical and cultural barriers’ (Tong, 2006). However, lack of access has made research into detectives as a sub-cultural group difficult and the lack of transparency on the part of the police service on investigative techniques and decision-making has fostered a belief that only detectives have the ability to discern brilliant intuition within their own hierarchy, ultimately resulting in crimes being ‘solved’ (Tong, 2006, Hobbs, 1988).
Hallenberg et al (2016) critique Hobbs' (1988) ethnography of East End detectives on the basis of its depiction of only partial reality or an exaggerated, superficial portrayal of the role. However, Hobbs' vivid depiction of a snapshot of 70s-80s detective culture, within a specific geographic setting is more a celebration of a culture where detectives' overt bravado in wanting to play up their role to an outsider, in all their 'entrepreneurial’ posturing and Hobbs’ frequent late night participation within the 'boys club’ setting stands more as a fictional achievement. The portrayal of the detective has gone beyond the stage of the ‘interpretive over-reach’ (Waddington, 1999) or ‘cognitive burn-in’ (Sklansky, 2007, in Cockcroft, 2013: 109) “where ideas become collectively imprinted and continue to resonate long after the original stimulus has subsided.” The cultural depictions of the detective role have become so ingrained that it is difficult even for those inhabiting the role to separate fact from fiction and get beneath the veneer of what is perceived by many as an elite or exclusive club (Cockcroft, 2013).

4.6.2 Gender & the Cult of Masculinity within Detective Work

There is a need within any discussion of police cultures and particularly detective cultures to comprehend the role of ‘masculinity’ and how dominant masculine values and macho culture are (Young, 1991, Westmarland, 2008). Smith and Grey (1985, in Loftus, 2009) describe police occupational culture as a ‘cult of masculinity’ and there is very little evidence of female occupational culture within the British police (Fielding, 1994, in Cockcroft, 2013). In England and Wales, Home Office data (2010, in Cockcroft, 2013) indicates the number of women at 25.7%, representing an 8.7% increase in numbers of female officers between 2000-2010. In detective work the difference is more marked, with much more restricted female representation in detective work and female officers often “relegated to ‘low status’ departments dealing with women and children” (Westmarland, 2001: 17). Cockcroft (2013) describes how women in CID still report being less accepted by their colleagues, treated less fairly by
supervisors, and are more subject to sexual harassment. This phenomenon is magnified still further within specialist organized crime departments.

Reiner (2000) has previously highlighted that police officers are influential in choosing which crimes to pay attention to. Simultaneously, Loftus (2009:9) describes them as seeking out work that is considered “thrilling and action-packed” and describes the ‘sense of decline and loss in the policing climate’ as well as “nostalgia about values that were previously the mainstays of the dominant white, male, culture” (Loftus, 2009:82). Waddington (1999) has likened police canteen culture to the repair shop, where police go to make sense of their working lives in front of an understanding audience, where they imbue status into their work and skills; that Cockcroft (2013) calls a ‘nuanced and intricate process.’ Here is an example of an element of a common occupational culture that transcends police departments in that the use of this oral tradition is extended to the disruption panels, where it determines approaches to internal analysis of organized crime even at relatively senior levels. McKenzie and Hamilton-Smith (2011: 10) have discussed how:

“Though the notification scheme was rapidly modified, and ultimately superseded by other data collection arrangements, the focus on arrests, convictions and disruptions reflected the pre-existing, enduring, and dominant approach to assessing "good performance" in this area, which equates success against organized crime to a simple quantification of the volume of offenders behind bars, or the volume or value of illicit commodities seized.”

Chan (1996, in Westmarland, 2008) argues that too persistent a focus on ‘canteen culture,’ which has in the past been poorly defined and holds ‘little analytic value.’ There is also the sense that ‘an all powerful, homogeneous and deterministic conception of the police culture insulated from the external environment leaves little scope for cultural change (Chan, 1997, in Westmarland, 2008). However, it is important to bear aspects of police organizational culture(s) in mind when examining how organized crime is discussed and defined within the police as the rationale behind the growth in interest in organization research stems mainly from the acknowledgement that an organization’s culture is inextricably intertwined with it’s effectiveness.
What became apparent during disruption panels and amongst LOMU managerial decision making from the start of the study, is that the types of organized criminal being documented as OCGs or being assigned for further law enforcement work are selected within a process that is informed throughout by macho culture. Evidence within the data shows that this feeds all the way through to the types of organized crime being labeled as more ‘serious,’ the types of disruption being categorized as major and the types of criminal selected for further monitoring are those that epitomize the ‘masculine ethos.’ Regardless of academic research and overwhelming evidence to suggest that trends have evolved away from offending such as bank robberies and become more cyber or fraud oriented, this has simply been ignored in favour of a fast cars and blazing guns approach to policing organized crime. The impact of police culture on policing in this area has led to intellectual stagnancy and overwhelming inefficiency.

4.7 The Role of Class in Informing the Policing of Organized Crime

One area that stands out particularly in an examination of the data is the complete absence of any crime committed by those of relatively high ‘social status.’ Whyte (2009:1-2) has criticised the way criminology’s ‘gaze is overwhelmingly directed downwards at the relatively powerless, an enterprise that it shares with it’s criminal justice agencies.’ Perhaps it is the ‘harms and illegalities’ that remain a lack of priority for the state; or white collar offending, as it is sometimes known, which will be glaringly absent from the data to come. Law enforcement’s reluctance to take on certain forms of organized criminal offending has long been a source of personal frustration to the researcher. One theory behind this is police preoccupation with class, though not in the way purported by Loftus (2009) who suggests it is about those within policing seeking to assert authority over those of lower social status. There is an anecdotal concept within the police that if certain members of the service were not fighting crime would be committing it themselves; police officers are
overwhelmingly from white, male, working-class backgrounds. It is their relative membership of the same sphere of those they are policing that confines their focus to one particular group, an anxiety about looking up beyond their comfort zone or social and educational reach. A focus on representation of communities and policing by consent has not permeated this world view, when the very people the force is designed to protect and serve are subject to scorn and derision.

Tilly (1985) has described how state making is analogous to organized crime and that its organizing principles are similar to those employed by racketeers or extortionists, with a continuum that ‘banditry, piracy, gangland rivalry, policing and war making all belong to.’ Agamben (2005, in Whyte, 2009:23) describes how the police:

“are not merely an administrative function of law enforcement; rather the police are perhaps the place where the proximity and the almost constitutive exchange between violence and right that characterizes the figure of the sovereign is shown more nakedly and clearly than anywhere else.”

Woodiwiss (2005, in Whyte, 2009) has described how the US government has enabled the creation of a ‘crime friendly world;’ a network of powerful, organized and state criminals have come together to create: “an international financial and legal architecture, that enables business transactions to remain relatively secret and anonymous, thus ensuring criminal activities go unhindered” (White, 2009: 31). He warns that “as long as corporate and financial criminality is seen as being secondary to Mafia-type organized crime and as long as political criminality throughout the world is defended in terms of realpolitik, the global political economy is endlessly vulnerable to criminal activity” (2005, in Whyte, 2009:49). This phenomenon is similarly described by Chambliss (1989) as state-organized crime or alternatively, ‘state-facilitated crime,’ involving ‘passive complicity rather than active collusion’ (Whyte, 2009).

Given the context, it is clear that it is perhaps not in the state’s interest to police certain types of organized crime and it is therefore no wonder that fraud is not
treated as a major criminal concern by most police forces in the UK. Brooks and Button (2011) argue that there is an exception where has been linked to organized crime and terrorism, but that the police have limited resources when tackling the complexity of fraud. There are approximately 524 officers in fraud squads throughout the country, (Button et al., 2008, in Brooks and Button, 2011). The shortage in these numbers demonstrates a considerable lack of interest across the board in investigating fraud, which may well come down to police not having the requisite skills or resources.
5. DATA PART 1

5.1 Introduction to the Disruption Panels: Access, Ethos & Culture

In examining how organized criminals are defined within the MPS, the first place to begin in describing how data was sourced is a description of the disruption panels attended by the researcher. Disruption panels are effectively a meeting between a mixture of ranking detectives and senior analysts within the Serious Organized Crime command. The panels used to be held about every six weeks and were an established process with a continuity of members. At the time the research was conducted, between 2013-2015, they came to be held on a more ad hoc basis and had become less formal in nature. They had previously involved a physical panel, where three or four members would sit in a line at a long desk, while those presenting their cases came forward with referrals of organized criminal groups that had been disrupted in some capacity, or suggestions of those that should be put forward for monitoring purposes. However, during the course of the research they appeared to become a more circular discussion forum in their make up. There was still the emphasis on cases or ‘jobs’ being presented but a more interactive capacity and a discussion would ensue, based around the presentation of each case.

The ‘panel’ comprises of three or four members minimum and the membership was subject to constant turnover, based loosely around staff availability. Often these panels were a very last minute affair, with those partaking sometimes being given only a few hours notice of their requirement to attend. This may be due in part to the less senior position of the researcher within the organized crime command, with them being publicised more exclusively to those of higher rank and the researcher relying on a last minute invitation (or more often than not, having to push for inclusion). However, often those partaking were unaware of meetings taking place and often there would be latecomers, unexpected guests or ‘no shows’ as the meetings progressed. Often the gap of three or four months between panels meant the number of
cases assigned for discussion necessitated meetings being scheduled for as long as five hours at a time. The length of the panel was largely dependent on the number of nominations put forward. Over an eighteen-month period the researcher was able to attend 5 of these lengthy panels, which were the entirety of the panels held during that period. However, prior to the research having been formally carried out, two panels were attended as part of the researcher's day-to-day role and because they had begun to suggest a potential avenue for research on organized crime. This meant that there was an existing familiarity when it came to the format and culture of these events.

Throughout the disruption panel meetings, those forming part of the panel remained a constant presence, whereas groups will turn up throughout the course of the panel to present their cases. The general atmosphere at these meetings at all those attended by the researcher, appeared to be one of good natured bemusement as to the task ahead matched by a degree of cynicism with regard to the process. They were also strongly characterised by which particular faction of organized crime was being discussed, or whether the panel members were familiar with those officers who were attending. One thing that stands out in particular is that the formal process is often regarded with some light-heartedness, though the cases themselves are taken with the utmost seriousness. There is an emphasis on the ‘experience’ of officers and it is a reverence for ranking officers’ service and the reputation of the particular squads that they come from which means that the subjective judgment of particular officers is taken to be factual rather than opinion.

5.2 Approaching the Cases & Observations of Professional Hierarchies

Cases are presented with pride in the work that has been done; pre-planned strike phrases are as much a boast of tradecraft and skill as they are an application to the panel. Arrests of principal nominals or seizures of large commodities are declarations of expertise, which are designed to impress as much as they are about quantification and assessment. Interestingly the new
Association of Chief of Police Officers’ Guidelines (2014) acknowledges some subjectivity in the process, though it states with rather misplaced confidence that any bias is mitigated by intelligence and numerical scoring:

“The assessment, quite properly, is reliant upon a balance between an objective analysis of available intelligence and the personal judgment of the Lead Responsible Officer and there is, to that extent, an element of subjectivity in the process. For some operations and projects, the intelligence picture and perhaps changes in OCGM scores will provide objectivity. Moderation will add a layer of consistency” (ACPO, 2014: 7)

What is not considered, is that the intelligence and the scoring done by officers is subjective in itself; the moderation aspect is far from empirical. The emphasis on ‘objectivity’ and ‘consistency’ is misplaced on the one hand in terms of the faith awarded towards those in the business of remaining entirely objective about their own achievements. Perhaps where the consistency comes in, is the frequency with which the disruptions are declared to be ‘major;’ a reflection of this mutual respect with which ranking officers in the world of organized crime regard each other’s work. This is obviously not the intention when it comes to ‘consistency,’ but it became clear from the very outset of attending the panels that they had become a theatre of all round congratulation, particularly with regard to certain crimes or specialties.

In addition to this, a clear hierarchy was observed, within which the departments are regarded, with those disruptions pertaining to armed robbery or drugs, particularly where large seizures are concerned, being perceived to be at the high end of an imaginary ‘offending scale’ in terms of offending seriousness. At the other end, those types of offenders that were given less credence were those in financial or cyber disruption cases. These cases were regarded with a heavy dose of suspicion and cynicism (often appearing to mask a lack of understanding of these types of modus operandi amongst peers). Across the board, the way the cases are presented often seemed deadpan and factual, appearing to superficially play down the personal achievements of the teams’ work, though underneath this veneer of false-modesty was a barely concealed sense of self-importance. Another ‘cultural’ observation was that amongst the members of the team, there was a vying for recognition, with those
in mainly ‘office’ jobs wanting to appear to have been ‘round the block’ a few times. They were overwhelmingly from a white, male, middle-aged demographic, comprised of life-long police officers. Those with little pro-active policing experience are often in awe of the more ‘sexy’ specialisms that require gadgets and surveillance, covert working and firepower. The type of impression management used places an emphasis on the savvy, gritty type of detective that Hobbs (1988) describes so articulately in his study of East End detectives; traits of a culture that has remained static across generations.

5.3 Lifetime Offender Management: Input & Background

The presence of a ranking officer from the ‘Lifetime Offender Management Unit,’ which has been the focus of this research, was only implemented from 2012 onwards, since the unit’s initial conception. The desire for self-justification is particularly strong in the case of this unit, which in a time of many specialist posts of this type being dissolved requires a special kind of self-assertion. There is an expression used widely in the MPS to refer to a ‘non-job;’ used to denote those departments that are mainly office based and do not involve ‘front line’ action, regarded with contempt by those purporting to be ‘in the know.’ There is a sense that small departments of this kind are perpetually seeking to carve themselves out an established niche, so as not to be relegated to the realms of ‘non-job’ status, not just for the purpose of recognition in the eyes of their peers, but to instinctually ensure their survival in times of decreased funding. Observations by the researcher as a professional member of this unit have involved the LOMU ranking officer(s) hustling to take centre stage at these events, in a bid to show all round expertise across the disciplines; the presence of genuine expertise or competence becoming in any way actualised is irrelevant, it is a necessary contribution to the display.

The researcher’s position at the table was made easier in terms of access, by being an officer of low rank and female in an almost exclusively male dominated environment. The unofficial position awarded the researcher was one of ‘secretarial’ status, allowing for a blending in or degree of anonymity, in
a way that other (outsider) researchers have often found difficult. Where someone was required to take minutes of the proceedings, this role therefore fell naturally to the researcher, making it easier to take down field notes as part of the process. Although the research project was given approval by the MPS research council at the outset, the environment of the disruption panels (and the organized crime command as a whole) is not a forum in which academic credentials or research of any kind are highly regarded or afforded much interest. ‘Experience’ and (ranking) status take centre stage. For example, at the start of one disruption panel, an extensive ‘Price Waterhouse Cooper’ flow-chart model commissioned at great expense was presented to the panel as a suggested guide to decision making. It was cast aside within seconds, with a mixture of mirth and defensiveness as to its merit when pitched against a forum containing so much collective insider knowledge.

It is of relevance here to mention the physical element of how these various departments come together. The disruption panels are held at New Scotland Yard, in many ways symbolic of the ‘old’ ways of working, itself on the verge of demolition having been the latest of a long line of national institutions to be cashed in and sold off to foreign investors to become luxury flats (The Evening Standard, 2014). NSY is an old 1960s police building, characterised by its rabbit warren-like spread of corridors full of tiny offices, often with hatches and spy-holes. In over 50 years it has escaped not only physical renovation but more symbolically, has remained somewhat immune to any type of cultural revolution in terms of attitudes. This type of working is now being abandoned in favour of more open plan offices to attempt to facilitate a more fluid uptake of professional ideas and integrated working. The culture of the NSY ‘broom cupboard’ style offices is however pervasive in the way officers regard each other across disciplines, often characterised by suspicion and mysticism, factioned off by the physical space.

The Lifetime Offender Management Unit is one of these many ‘broom cupboard’ type environments. The office itself is considered large by comparison with some of the offices at NSY; approximately 15’ by 12’ and comprising of five or so desks and computers, with a small ‘break out area’ of
two easy chairs and a coffee table, positioned directly next to the inspector’s desk, though the notion of any sort of recreational use of this space was a constant source of amusement to its lower ranking officers. Even the procurement of these three pieces of furniture, on being ‘liberated’ from another office during the department’s gestational stage, was alluded to with pride by its inspector as a confirmation of a certain status, despite there being so little room for it to fit, that the furniture remained pushed right up against his desk. In the tiny offices in NSY it is rare to receive visits from other departments, let alone ‘outsiders’ except where case referrals are brought to the departmental chief.

The personnel makeup of the office is comprised of one detective inspector, one detective sergeant, two detective constables and one police staff researcher. The hierarchy of rank in the police is still firmly enforced and in such a microcosmic environment can go one of two ways; it either becomes more relaxed and informal, or in this case, more concentratedly hierarchical. Highmore’s (1993) survey of three UK police forces points to the unequal treatment of police staff or ‘civillians’ as they are known, as second class citizens, who are often mistrusted by sworn police officers when it comes to them being loyal members of the service. In the case of the police researcher within the LOMU office, this distinction was often made abundantly clear. Engel (2001) has called into question the effectiveness of the traditional, authoritarian model, still adopted by law enforcement organisations on an international level. The blind acceptance of old fashioned leadership bureaucracy is now becoming increasingly less palatable to those of the lower ranks, where pay and conditions are becoming less favourable and when morale is at an all time low, with only 9% officers claiming to feel valued in their work (The Police Federation, 2016). This is especially true where constables’ immediate day-to-day goals appear to be at odds with those of managers, who often have key performance indicators in mind, rather than the day to day realities of common sense police work.

In a department the size of the LOMU, where those higher ranking than inspector level are frequently subject to change and seldom seen, the tone is
often set by the inspector. There has become an increasing demand for senior officers to accept more contemporary managerial styles (Engel, 2001). Bureaucratic styles of police leadership are deemed to produce ‘unproductive,’ ‘unmotivated’ and ‘undynamic’ work practices involving divisive and self-interested work place relations (Cockcroft, 2013). Police leadership styles tend to “occupy a limited spectrum somewhere between ‘Machiavellian’ (based on unscrupulous manipulation to achieve favoured results) to ‘participatory’ (based on inclusive management practices),” with the majority of police leaders adopting the former (Cockcroft, 2013:133). An unspoken insistence in the MPS (though this varies to a degree across departments) still demands that every worker know their place within the hierarchical structure and this attitude was firmly imbedded in the managerial approach to the LOMU despite repeated challenges.

5.4 The Researcher's Professional Role within the LOMU

The second aspect focused on in this research revolves around the day-to-day role of the author’s professional occupation within the Lifetime Offender Management unit as one of the two detective constables. Over the course of a three year period of March 2012 – April 2015, the researcher’s role as part of this unit involved the monitoring of around 15 top tier organized criminal offenders at any one time, all with Serious Crime Prevention Orders in place. Checks would be carried out to ensure offenders’ compliance with the orders, and where breaches were identified, investigations were carried out, usually resulting in prosecutions. Simultaneously, the role involved providing expert advice on accompanying officers from various serious and organized crime departments in the final stages of court cases, in order to obtain orders against those newly referred to the department. The attendance at disruption panels represented a personal interest to the author in terms of the research, in order to analyze the monitoring process from ‘cradle to grave’ by assessing the means of referral of offenders to the unit in the first place, all the way through to the acquisition of court orders against them and then finally the monitoring and
prosecuting of those with orders who were found to be in breach. The role of the detective sergeant within the LOMU was to oversee the monitoring process and assist in lengthy resulting investigations, the researcher's to assist with daily checks on intelligence and the detective inspector to select those suitable for referral to the department, draft the orders and negotiate their authorization with the crown prosecution service.

5.5 An Introduction to the Case Studies

Of the 35 case studies amassed by the author, it is worth describing the backgrounds of those involved in order to build a picture of them as individuals. In this section of the study, elements of participants’ offending have been included, as well as their previous convictions and an overview of imposed sanctions or ancillary orders. This allows for comparison later on in terms of whether their offending is construed to be ‘organized’ in its nature and what kind of treatment they received.

It was felt by the researcher that a qualitative approach was required in introducing the case studies to allow for a picture to emerge of them as individuals. Where traits of offenders and networks are being discussed in the study, it is important to get a background and overview of those that were being monitored, in order to facilitate a wider judgement about organized criminal offending. This was an ethnographic study of the law enforcement process around organized crime and the researcher spent time monitoring these offenders as individuals. By describing them individually it allows that introduction to take place. The description of their offending also assists in the later discussion of organized criminals’ backgrounds and to differentiate between types of criminals, for example gang members, low-level volume offenders, to be seen as distinct from more ‘organized’ offenders.

The offenders lend themselves to four types of categorization: Drug ‘traffickers,’ ‘fraudsters’ and cyber-oriented criminals and ‘robbers’ as well as ‘others’ whose rationale for their inclusion by LOMU managers in the cadre is less clear and will be discussed in more depth in an analysis of the data.
5.5.1 Drug Traffickers

TB:
TB was a slight, softly spoken, polite young Asian man who lived with his family on an estate in Southall. He was visited at his home once he had been released from prison. His family was first generation Bangladeshi immigrants, very traditional culturally and the home environment appeared very Spartan, such that officers wondered that there was anyone living there at all on any permanent basis. It seemed a strange set up for a member of a drug trafficking ring who had been found to assist in the production of 1800kg of street level cocaine. The sheer amount of cocaine produced had been valued at least £90 million. TB had been found to be instrumental in setting up two companies that used the Internet and various contacts in order to sell cutting agents in particular.

TB had his SCPO explained to him, which had been put in place primarily in order to restrict his access to (legal) cutting agents, particularly Benzocaine and Novacaine. It prevented him from being allowed to be the director of a company, be in possession of large amounts of cash and placed controls on his access to any communication devices. A further examination into his criminal background showed that he had previously been convicted 7 times for fraud, as well as being involved in the supply of cocaine.

UB:
UB came from a very different background, as he had come to notice around 2008 for his involvement in a family-based organized crime group in Kent. Perhaps the type of traffickers perceived by police to be the more stereotypical drugs trafficker ‘of old;’ they were a working class, White British family residing in the South East. The male members of the family particularly UB and his brother, were actively involved in cage fighting scene and the family had
achieved some level of notoriety not just within the local community but also had a reputation amongst law enforcement as an established crime family.

The B family had been involved in large-scale heroin importation and money laundering. UB was believed to have several runners working for him in the cocaine business, though his intellectual abilities were often a subject of discussion in the office and he was believed to be the least able of the family group in this capacity. It was widely held that his father and brother were the more dominant of the B clan, with UB perhaps having ‘taken the fall’ for the haul. £50,000 was found at his address at the time of his arrest and he was believed to have around £100,000 of concealed funds. The accusation that he was a major player in a ‘multi-million’ pound drug ring perhaps did not bear out when the figures were examined more closely. In 2010 UB had been sentenced to 8 years for dealing cocaine, but his previous convictions had all involved low level offending for drink driving, assaults, and cannabis cautions.

**FE and SE:**

FE and SE were brothers from the traveler community who had been involved in drug supply as well as using high quality printing equipment in order to make counterfeit currency and documents. The brothers were known for robbery and burglary, public disorder and violence offences, possession of controlled drugs and ammunition as well as breaching various driving prohibitions.

SCPOs were obtained in 2012 against both men, with a focus on restricting phones and computers as well as contact with co-defendants. The SCPOs also required them to report their whereabouts and access to vehicles. They were restricted in their access to legal cutting agents and packaging equipment in a bid to clamp down on their drugs trafficking capability. These restrictions were designed to help prevent them continuing to launder money through a used car business, in an attempt to prevent them from continuing to live a cash lifestyle.
Both FE and SE were involved in a lengthy inter-family feud involving a drug debt. This eventually resulted in SE and his partner being shot, and FE being stabbed and his hand cut off. Both brothers survived, but at the time of his being monitored FE was constantly in fear of violent retribution and therefore living a transient lifestyle. He was therefore never able to comply with the SCPO condition requiring him to notify police of a permanent home address.

**KE, LE & CD:**
KE and LE were brothers and teamed up with CD they formed a rather portly, aging trio. Relatively unassuming to look at, polite and not particularly talkative, they were compliant during meetings that occurred usually in conjunction with their probation workers. They had been convicted in 2012 of being involved in the supply of Cannabis (skunk) and amphetamines amounting to what was believed to be a street value of £8.2 million and what was hailed as one of the largest MPS drug seizures of that year. It was a simple set up where the drugs were being unwittingly shipped by a haulage company to the UK from Europe until intercepted by police. The trio had previous convictions that involved drug possession, burglary and money laundering.

All three received SCPOs prohibiting foreign travel and requiring them to notify police of all phones and computers (other restrictions were applied for, but not granted by the court). In 2014 LE was found to be in possession of a phone by the prison. As a result he was moved to a higher category prison. This was claimed to be a LOMU success but was more of a standard prison sanction than one that stemmed from any police intervention. On another occasion, CD was found to have been slow in declaring a new phone and was given a warning; again claimed as a success resulting from an imposed ancillary order.

**BN, NL, QN and UC:**
The four men were part of a group of 12, convicted of drugs importation offences in 2011. They all received lengthy sentences of around 14-18 years. One particular seizure involved the smuggling of skunk cannabis worth £62
million into the UK from Holland, hidden in flower boxes. The profit figure invoked at the trial for confiscation purposes was £20 million, which had been made across 88 separate shipments. UC was described as a ‘senior controlling figure’ in the organized criminal group. He was said to hold board meetings to plan operations, was responsible for briefing new recruits and renting premises to store drugs and cash. QN and NL were also portrayed as fellow ‘directors’ during the trial.

BN had previous convictions for theft, possession of prohibited weapons and driving offences. NL had numerous theft and fraud offences, and seven offences against the person involving grievous bodily harm and wounding, assault on police and battery, which were from the 1980s-90s. QN had convictions for theft, fraud and drugs, UC for fraud and theft.

The four men received SCPOs restricting their access to phones and computers, vehicles, foreign travel, cash, addresses and associates. They were also required to notify police with regard to money transfers and business interests. Separate travel restriction orders were also in place and they were made subject to confiscation orders. Although they received SCPOs, they were designed to come into play on their release. Monitoring activity on the group was therefore in its early stages.

**HO:**
HO was a convivial and enterprising character who had been convicted in 2007 of conspiring to supply around 7 kg of cocaine. He claimed to have been a big shot in the drugs trafficking world back in the day, who had retired of his own volition. The reality appeared rather different to the rhetoric; HO was living in a grimy three bed semi in Kent, which though originally owned by him had been put in his son’s name, presumably as a bid to avoid confiscation. He was scratching out a rather chaotic living based loosely around a used car business as well as selling car parts on eBay and all the while claiming that his son was a bitcoin millionaire. Mixing enterprise and dishonesty in seemingly equal
measure, HO had been placed subject to a financial reporting order with which he was reluctant to comply; almost as a matter of principle.

LOMU made various attempts to elicit his compliance, but despite this he was found to be in breach of the order almost every six months when his disclosures were made. He was convicted in 2013 for allowing £6000 of income to pass undisclosed through his accounts and again in 2014 after purchasing around £10,000 of items on eBay with further undisclosed funds. For these breaches HO was given fines by the court, which in turn he refused to pay, highlighting the futility of the whole process.

5.5.2 The Fraudsters

BC:

BC was highly qualified jeweler and expert in high value watches who was undoubtedly extremely knowledgeable in his field. Trained originally by Mapin and Webb, he had worked in his family firm in Scotland before he began conning clients out of value jewellery. On first glance, he cut quite a figure; a loquacious ‘Karl Lagerfeld’ lookalike who was impeccably dressed and would often wine and dine his clients in Claridge’s or other expensive restaurants. He even advertised his services on Classic FM. However, on closer inspection it became clear he possessed little more than the one suit of clothes, which had begun to look a little tired in places. He had a taste for the finer things in life without the means to match his expectations but a gift for the gab in a soft Scottish accent that made him a talented conman.

BC would deceive people into handing over their high value jewellery so he could have it ‘valued’ to sell on. He would then fail to provide payment or issue cheques from redundant accounts. BC would often pawn his victims’ jewellery or watches for a nominal sum, in order to fund the lifestyle he so craved. There was a sense that an element of self-deception was always present within the
charade, coupled with a rather unpleasant streak when challenged, a fierce persecution complex and an unrelenting appetite for an appeal.

With a string of convictions for theft and fraud dating back to 1999, he had spent his criminal career either serving time for various fraud convictions, or moving around the country targeting vulnerable victims. He was prolific in his reach, having committed around £1-2 million of fraud by the time he was prosecuted in 2009 with 57 separate victims of fraud coming forward for the court case.

BC had an SCPO put in place in 2009, which was one of the first of its kind. It prevented him from working within the jewellery business, advertising possessing tools of the trade. He was not allowed to obtain credit or open bank accounts for this purpose, or enter pawnbrokers without permission. BC was a man who would try and explain away anything. In an appeal, he attempted to challenge his serious crime prevention order on the basis that his offences were not serious. His appeal was not successful.

Presented as one of the LOMU success stories, he was prosecuted within a week of his release from prison in 2012, after he instantly began breaching the order restricting business activity, having already set up jewellery websites and started to ‘trade.’ Even on his second release in 2014, BC continued to battle against the boundaries of this order, which he argued was oppressive as it prevented him from making a living as a businessman.

**JD:**
JD was an Essex estate agent who had begun supplying cocaine in the 1990s whilst he turned his hand to obtaining properties and opening bank accounts in false names. He had a penchant for football violence involving knives and a distant link to firearms from his younger days. He had graduated to drugs importation and fraud both nationally and across Europe. His previous convictions involved deception (benefit and credit card fraud) and a history of
setting up false identities. He was convicted of being involved in over £1 million of complex mortgage fraud in 2012.

He had invested in British property, including a £600,000 converted barn in Essex, eventually placed subject to confiscation orders though the court were prevented from removing the criminal funds he was using to put his son through private school. His girlfriends had all become involved in frauds by putting their names to various bank accounts requiring a complex money laundering investigation into his family network as a whole. It was for this reason that he received a Financial Reporting Order, requiring him to declare the contents of his bank accounts. The order was difficult to enforce as JD was living in Manchester and insisting on the emptiness of his coffers. A further investigation into any potential hidden assets would have required a level of financial training and expertise that were not available to LOMU as a department.

**MM-T, BT and TI:**

MM-T and BT, a married couple, in conjunction with TI, were involved in money laundering and complex mortgage frauds for which they received Financial Reporting Orders in 2011. As ‘career’ fraudsters with knowledge of financial systems, the sums they were able to launder amounted to £2.5 million.

MM-T, a qualified accountant and her husband BT, were living in a large, affluent house in Surrey, maintained to a high standard. Considerable sums were spent on renovations and they owned a fleet of expensive cars. Four children in their household were attending private schools. MM-T was a Malaysian born British citizen, BT and TI were British African. Their bank accounts showed no income other than that achieved through money laundering and BT was also shown as the director of six different companies, none of which paid tax. TI had seven previous convictions for fraud and two for theft, whereas MM-T and BT had no previous convictions.
ET:

ET was a fraudster who owned and controlled several online ticket selling businesses, primarily involving the selling of tickets for concerts and sporting events. He was polite and charming, an Essex boy with an excuse for everything, who would explain away his brushes with the law through rather drawn out ‘hard luck’ stories which mainly involved issues with cash flow and inadvertent bankruptcy. On being questioned about his fraud, most of his responses were preceded by: ‘the thing is.....’

He had been disqualified from acting as a director of a company twice, in 2002 and 2010. His previous convictions included 10 offences of theft and fraud. The nature of his fraud was that he would advertise tickets for sale and then fail to supply them, although he did conduct some legitimate trade. The money would then be laundered through a Norwegian company. Initially most of the victims simply reported these instances to their credit card companies, who would reimburse them, which meant that he was able to operate for some time before coming to attention. In 2012 however, he was convicted of money laundering offences.

As ET had sought to run numerous fraudulent companies, the SCPO obtained required the notification of business interests, limiting his ability to commit further offences of this kind. He was obliged to disclose money transfers, disposal of event tickets, access to vehicles, premises and communication devices. He was restricted further on operating as a director of companies. He was also the recipient of an FRO.

By 2014 he came to notice again for 9 further breaches of his order, in respect of email addresses, acquisition of web domains and not notifying police of business interests and communication devices. He was again convicted and received a nine month suspended sentence.

MX:
MX was a wily Chinese ‘madam’ who ran a series of brothels across North London. She purportedly had had strong links to the Triads and was involved in organizing prostitution and drug dealing on a prolific scale. MX was convicted of money laundering in 2011 after amounts of £150,000 were found in safety deposit boxes and she had also been attempting to transfer amounts of £100,000 overseas. Accounts in her name showed an annual income of over £200,000 while she continued to claim job seekers allowance and benefits.

MX was given a confiscation order for £1.3 million, although midway through the court investigation into hidden assets, she was bailed and subsequently absconded. Facing a default sentence of 10 years for failure to pay confiscation funds of this magnitude; at the time of writing she has still never been apprehended. LOMU had obtained an FRO against her but the scope of her financial situation was still under debate some years after her original conviction and it was therefore impossible to enforce, even before her disappearance.

5.5.3 Cyber-Oriented Criminals

KE, SB, SD, NB-C:

Four teenage boys that were part of a group of computer hackers; an offshoot of the organization known as ‘Anonymous,’¹ they had never met in person but formed part of a group that claimed responsibility for many high profile attacks. These included taking the CIA website off-line, pranks involving Fox News stories and various ‘denial of service attacks’ orchestrated against Sony and Playstation. No financial benefit was thought to have been incurred from any of these incidents, though it stopped short of any obvious ‘politically’ motivated purpose. They were convicted in 2012 and all four were made subject to SCPOs.

¹ Anonymous are a loose on-line International community that are associated with hacktivism and cyber protest against a wide variety of targets.
The SCPOs were mainly geared towards requiring them to notify LOMU of any access to computers and the Internet. They did not have a history of offending or had not previous known to law enforcement. Indeed the first contact KE had with police was when a SWAT team was landing on his lawn. At least two of the group were believed to be severely autistic, but most have now gone on to attend University; obtain Masters degrees and gainful employment, successfully re-establishing themselves as part of the mainstream. A play about their descent into the dark market was performed at a leading London theatre, followed by talks from some of those involved on its opening night.

KQ:
KQ was held to be the mastermind between a multi-million pound International cyber fraud gang that among other things, created expertly crafted false identities for other criminals. He was described by the sentencing Judge, in June 2012 as being behind a criminal enterprise that used the most sophisticated ‘modern forms of information technology,’ to create high quality false documents ‘to steal the identities of innocent people.’ He had a co-defendant who was never prosecuted due to terminal illness. His cyber frauds involved a series of graded packages that comprising of sophisticated counterfeit documents and full credit profiles. At the top end, the designated the ‘platinum profile’ cost £5,500, also coming with a step by step guide on how to commit DIY identity fraud. The company then commanded a stake in any future business conducted by their clients.

KQ ran his business from a villa in Alicante, but was purported to own luxury properties in Ireland, Gibraltar and Florida. KQ presented himself as one of life’s perpetual victims. He was morbidly obese and purportedly suffered from a variety of health conditions which left him with limited mobility, though seemingly on a rather selective basis (when not in the public eye his sticks were left in the boot of his car, yet for the purposes of a court case he was confined to a wheelchair).
KQ was subject to asset recovery and confiscation measures, with an outstanding sum of £50,000, which he failed to repay and consequently was required to serve a default sentence. After serving part of a 6 ½ year sentence he was given a stringent SCPO to try and prevent him setting up a similar business once out of prison. However, by 2015 he was prosecuted once more for failure to comply and received 18 months, though he simultaneously got 5 years for the vindictive harassment of a prominent Queens’ Counsel. He was also separately prosecuted for a fraud he committed whilst still in prison in 2012. KQ was made subject to a financial reporting order in addition to his SCPO.

KQ had ten previous convictions for fraud, nine for theft or burglary related offences. He was the most persistent of the offenders in pursuing legal avenues against his sentences, appealing his convictions and against police and prisons among others. He was able to successfully sue the prison for £10,000 for failing to cater to the needs of his disability. He boasted in 2014 of having had the benefit of over £1 million of legal aid.

**KT:**

KT was investigated as a result of the investigation into KQ’s cyber fraud company. He came to attention as he had prior offences for fraud of a similar nature and because his frauds were deemed complex and well executed. He was estimated to have amassed a criminal benefit in excess of £200,000.

KT was given an FRO in order to require him to provide all his financial details to an investigator on a regular basis, in an attempt to prevent his ability to launder money and be engaged in similar criminal activity.

5.5.4 **Robbers**

**SI:**
SI was a burglar and robber who was convicted in 2010 of taking part in late night robberies of banks in London during which security guards were assaulted and restrained. No weapons were used and it was accepted that SI had not been involved in the organisation of these robberies, but had been recruited at a late stage in their planning, being promised approximately £40,000 for his taking part.

SI was a jack of all trades, fairly low level criminal who had previous convictions for affray, theft type offences, driving offences and those of resisting or obstructing police. He had also been involved in vehicle theft. He did not receive an SCPO at the time, but was given to LOMU to monitor when he was released on license in 2012.

SN:
SN was found guilty in 2011 of a stolen goods conspiracy and given 42 months imprisonment. He had previous deception oriented convictions in the same vein and was part of a criminal network where high value motor vehicles were stolen to order through burglaries, thefts or deception. Seemingly a rather small cog in the wheel, he was required to forfeit the final sum of £6,500, having been found with £6000 at the time of his arrest.

NQ & CT:
NQ and CT were ‘smash and grab’ burglars convicted in 2010 for conspiracy to commit commercial burglary receiving 6-7 year sentences. This followed an investigation into smash and grab robberies and burglaries at a large number of boutiques and designer stores in the Westminster and Central London area. NQ was deemed in particular to be part of a significant organized network involved in these commercial burglaries. CT was a (persistent) young offender and only 16 at the time of many of the offences committed. What they had in common is that they were both young males from a North London estate, with limited education or prospects who had been recruited to commit smash and grab robberies.
CT was monitored on license whereas NQ was made subject to an SCPO. The SCPO in question was rather crudely drawn up, including geographical clauses preventing him from entering certain parts of the city of Westminster designated on a map. However, the map was never included in the order. There is also a non-association clause in his order, no doubt the result of a ‘cut and paste’ error, which prevented him from associating with himself. These errors on the order made it difficult to justify enforcing any aspect of it.

Both NQ and CT display a history of low-level criminal activity. In the case of BS, this involved numerous small theft and criminal damage convictions, breaches of bail and a public order offence where he ‘called police wankers and made hand gestures’ as well as a driving prohibition. NQ similarly had 12 theft convictions, driving offences, public order, low-level assault and offences relating to bail. Their previous convictions read like troubled, repeat, juvenile offenders rather than organized criminals.

NQ was released from prison in 2013 and a little over a year later was arrested for arson, following an attempt to burn down a holiday lodge after an argument with his sister. The fire caused £10,000 of damage, which NQ settled without police involvement by paying the owners directly. The concern here was that as NQ was not in employment at the time, there would have been no legitimate means by which to pay the funds. Contact was made with probation and NQ received a subsequent 28-day recall to prison. He was visited by police and stated that he had problems with his mental health, with a genetic history of bipolar in his family. Some six months later NQ also got into an altercation with a group of youths in a shop, where he produced a machete and was charged with possession of an offensive weapon. He was remanded to prison on full recall to serve the rest of his original sentence.
CT continued to come to police attention for minor offending, for failing to disclose information to his motorbike insurance company and being found with counterfeit money.

**QU:**

QU was a high value vehicle burglar who would target vehicles to order, stealing the keys from people's homes. He had also been previously arrested in 2009 for using a grabber lorry to break into a bank and steal an ATM machine containing £150,000 cash. He joined a gang in Northern England already conducting thefts of this kind, and the profits he had accrued by the time he was sentenced amounted to £300,000 pounds. QU was the only member prosecuted in 2010, but the judge described a degree of 'professionalism' in the levels of organisation involved by the group.

He had prolific previous convictions for robbery, theft (particularly of vehicles), drugs, offences against the person, numerous vehicle interference offences and carrying firearms and ammunition in a public place. He was monitored on license by LOMU. In home visits to QU he spoke frankly about his drug abuse as the motivation behind his offending.

### 5.5.5 Others

**ND, LE & ON:**

All three of these case studies were part of a black African gang in Broadwater Farm, Tottenham that had previously come under the remit of Operation Trident, due to its links with gun crime. They were prosecuted in 2013 for a conspiracy to blackmail local businesses in the area. Local shops were targeted by the group, who were demanding 50% of their revenue by making threats to set fire to businesses. ON was identified as one of the key individuals in the racketeering outfit, with LE orchestrating matters and ND being present when threats of arson were made. It is not known what level of financial benefit (if any) was achieved.
ND’s previous convictions involved knifepoint rapes, robbery and affray. LE had previous theft, burglary and robbery type convictions, as well as drug possession and a history of blackmail. ON had a similar background of robbery, drugs and driving offences. Their history suggests that these were violent street thugs and gang members. First generation Congolese immigrants, they had limited literacy and their ability to ‘organize’ themselves with any level of sophistication criminally was therefore impacted.

SCPOs are not normally put in place in relation to gang members, however in this case they were obtained in relation to restricting access phones and laptops although the rationale behind this was constantly questioned. The fact that there are other more relevant powers in place to deal with gangs points to the misplaced use of SCPOs in this regard. Prohibitions were placed on the group in terms of their association with other gang members, though this could have been done just as easily through anti-social behaviour orders. Whilst still serving his sentence for blackmail, ON was prosecuted for using a machine gun to shoot dead another gang member, and given a life sentence. This rendered his order completely redundant, as it was in play whilst he was in prison. LE’s order also became unenforceable when he was sectioned and detained under the mental health act. There were problems from the outset with ND’s reception of the SCPO because of his inability to read or write and his perhaps limited understanding of its terms. He was nevertheless prosecuted in 2014 for being found in possession of an undeclared mobile phone, breaching his order.

**BQ and TU:**
BQ and TU were co-defendants and gang nominals, and BQ was convicted in 2009 of attempting to acquire a firearm, while TU was convicted at the same time for conspiring to supply class A drugs. They were essentially low to mid-level street drug dealers and therefore a curious choice for SCPOs in the first place. BQ was required to notify police of prison visitors, restricted his use of
prison phones, prohibited him from having a mobile phone at all and restricted his association and access to firearms.

TU was placed on license, where he continued to be monitored by LOMU and came to attention for very minor fraudulent declarations involving his car insurance and other petty criminality. In 2014 BQ was convicted of breaching his serious crime prevention order by having a mobile phone and received 18 months, mainly as he had used his phone to conduct a particularly unpleasant campaign of harassment against his ex-partner.

BQ had previous convictions for possession of cocaine, driving offences, various public order offences, robbery and having an imitation firearm. TU had numerous previous convictions involving fraud and theft, offences relating to police and prisons, drugs, firearms and driving or ‘aggravated vehicle taking’. Both subjects were selected as part of the cohort despite remits supposedly excluding gang nominals from organized crime initiatives.

5.6 Court Observations

The third part of the research process was to analyse the court process by which orders were obtained and defined. Of the three sections, this proved the most difficult from a practical point of view. Organized criminal cases are inevitably lengthy in their duration. The trials themselves can go on for weeks but with the confiscation or financial sections of the cases often stretching on for years. In some cases offenders had served their sentences before the confiscation proceedings had come to an end. As SCPOs were beginning to be relatively newly used when the research was being carried out, they were often brought up at the very last part of the trial or as an afterthought; sometimes even becoming forgotten, without a LOMU officer present to drive the process. Trials often get adjourned over a series of months; meaning that despite attendance required of the researcher as part of their professional role, nothing would happen or negotiations would be taking place outside the court.
environment, between barristers. An adjournment could mean that it was then another member of the department in attendance by the time the trial recommenced, depending on staff availability. Due to poor communication between LOMU management and the respective organized crime departments, the message of when the next sitting of the trial was to be heard would often not get passed on and opportunities to obtain orders (and continue to follow a particular trial for research purposes) would be missed. It being not possible to sit in on an entire trial from the outset from a professional point of view, the often complex nature of these trials meant that it was like picking up the final chapter of a novel, having been given a brief outline of the plot and attempting to make sense of its contents.

Officers running these cases do not always have time to engage in discussions about the trial as it can be a stressful process and they are often kept busy running errands for barristers in all the available breaks. The researcher would sometimes offer assistance in this respect and obtain snatched conversations about their opinions with regard to the subjects of their cases. These observations were often rich when it came to unguarded opinions regarding organized criminal offending. More formally, the specific process of obtaining the SCPO provided a particularly valuable discussion of the nature of organized crime on the part of the court, but often the discussion would be less than ten minutes in duration. Of course this attitude in itself was often illuminating, highlighting the rather naïve, sweeping statements made about the nature of offenders’ organized criminality by members of the judiciary and the fact that so little time was dedicated to this as an ‘end’ stage of the judicial process.

5.6.1 Confiscation Procedures

The confiscation procedures involve the negotiation of an offender’s financial benefit obtained from criminal conduct, so that an order under the ‘Proceeds of Crime Act 2002’ can be made to deprive them of such an advantage. The benefit is calculated as being the total amount gained, rather than simply their profits
over the course of the criminality for which they have been convicted. To put in place a confiscation order, it must be decided by the court as to whether the offender has been living a criminal lifestyle (Crown Prosecution Service, 2016). This rather mysterious process was often an intriguing position from which to observe discussions of what organized criminal offending involved, as it was often borne out in the process of defining ‘criminal lifestyle’ and in summarising what constituted criminal benefit on a more significant scale. However, confiscation proceedings can be mysterious to an outsider, not familiar with financial investigation as they are so lengthy in duration that they appear to rival the case of ‘Jarndyce and Jarndyce’ in both scale and cost. On occasion, offenders have served their sentence and been released (as in the case of LY and JP, amongst others) before their hidden assets have been got to the bottom of. It is not surprising that JP boasts of benefitting from over £1 million in legal aid, as most of this has involved a 2-3 year confiscation proceedings, during which time the property he purchased in Spain during a more favourable financial climate, had gone into negative equity, refuting the basis behind much of his confiscation in the first place.

CPS (2016) guidelines state: “If a financial investigation has revealed that a suspect has few or no realisable assets, then it may not be a proportionate use of resources to pursue confiscation. In such cases, it may be more efficient to seek compensation, deprivation, forfeiture or restitution orders and costs” [online]. However, in practice this does not occur. It is almost impossible for a court to decide the difference between organized criminals who have spent their money and those that have been able to successfully hide their assets. Many use international means of transferring their wealth abroad (see MX again, who sent large amounts of cash to China and Malaysia), where there are often no cooperation agreements in place. For those that were able to send money abroad, the purchasing of property in Dubai appeared to be a common theme and Glenny (2008) has highlighted the stark reality of entire states built on criminal or laundered money. At the top end of criminal expertise, assets appear to be so carefully laundered or converted, or well
hidden, that a true picture of criminal benefit is often impossible to
determine. Others, like the Tottenham gang, had nothing like this level of
sophistication.

5.6.2 Difficulties with Access

Although these cases were often interesting from a research point of view, they
were extremely protracted and time consuming to attend. Indeed it became
necessary sometimes to cease attending cases that were not a professional
priority that would have been interesting to carry on researching. Due to the
constraints of a day job it was not possible to do this outside of working
commitments. One referral for a potential financial reporting order that never
culminated in the order being obtained, required the researcher to attend
Harrow Crown Court on 8 separate occasions for whole days on end. This took
place over a period of around six or seven months (though the offender had
already served her time during the course of the length confiscation
proceedings that had taken over two years already) for a complex international
mortgage fraudster (MM). No FRO was implemented at the end of it because it
was decided that not only did her debts appear to be on a par with her assets,
factored at £8-9 million, but in a bizarre twist, the judge ruled the offender to be
so fundamentally dishonest that she could not be relied upon to comply with
any future law enforcement attempts to monitor her financial activities.

Often where FROs are implemented, it is at the end of a two or more
year battle to get to the bottom of an offender’s finances. The onus is then
placed on the offender to be transparent and honest about their finances to
their monitoring officer at the LOMU, who is not trained in financial
investigation and has significantly less time or resources to get to the bottom of
such a tangled web of financial detail than the original financial intelligence
officers in the case. Appeals to the management by the researcher, to obtain
more financial training for staff, were not met with approval because of the
cost. Most importantly, offenders know that the penalty for breaching an FRO
amounts a six months sentence in the most serious of cases. In HO’s case, he
breached his FRO three times and never received more than a £500 fine. The amount of work required put such matters forward for prosecution, never mind the cost (on one of these occasions in particular, £9,000 had been spent on examining his laptops alone) reduces the process of trying to enforce an FRO to farcical levels. However, the observation of these negotiations in places did provide some interesting data, if only to shed light on the complicated nature of policing organized crime.
6. DATA PART II

6.1 Introduction

One of the noticeable areas when analyzing the referral process and looking at how organized criminals are defined within disruption panels and in informal presentations to the department, is a preoccupation with certain types of organized crime. Initially the emphasis on *activities* (Cohen, 1977, Van Duyne, 1966a) rather than the criminals themselves appears to be progressive. However, there is a notable preoccupation with outmoded forms of organized crime ‘activities’ and a lack of awareness surrounding evolving trends. The British media shares this fascination as has become manifest in the reporting of the recent Hatton Garden ‘Heist’ (Relph, 2015). Four men with a combined age of 278, all of them in their 60s and 70s embarked on a ‘bold but flawed’ raid on jewellery deposit boxes, stealing £14 million pounds worth of gold bullion, diamonds, jewellery and cash. The offenders in question were not without their criminal credentials, two of them having taken part in previous high profile raids on the 1980s, but under the circumstances were ridiculed by the media for being undone by modern technology; phone cell site analysis, automatic number plate recognition cameras and up to date CCTV all contributed to the arrest of four rather out of date pensioners. Having said this, sentencing was minimal and much of the jewellery remains outstanding. The LOMU perspective when this case was discussed, was that this was a somewhat anomalous case where considering the ‘rewards’ prison time could be seen as a necessary occupational hazard.

The noticeable difference between the rather tongue in cheek presentation of these offenders in the media and the way offenders are presented in the disruption panels, are that those with “old school” credentials are considered particularly dangerous. The author has previously described the emphasis on ‘experience’ within the disruption panels. This produces a somewhat backward looking, nostalgic focus on 1970s style skilled, armed robbers, despite bank robberies having fallen by 90% in the last two decades.
Perhaps it is the disruption panel focus on certain standards prescribed at ACPO level, that leads to a bias towards certain types of offending, which allow for more tangible ‘items’ to be quantified rather than a more imaginative exploration of what constitutes the impact of serious ‘harms’ felt across communities.

6.2 Categorization of Offenders

The types of offenders discussed and quantified within the disruption panels, those selected and referred to the LOMU and those discussed throughout this research as case studies, have been categorised according to certain themes of offending, loosely based around the departments within Serious and organized crime in the MPS, who police these types of offences, and the themes around which each of the observed disruption panels were based. These are as follows:

1) Armed Robbery, ‘Cash in Transit’ or ‘Smash and Grab’ burglars
2) Drug Traffickers, Kingpins & Lynchpins
3) Fraudsters and Skill Factors
4) Cyber Criminals and ‘Lone Wolves’
5) Transnational Organized Criminals

6.3 Armed Robbery, ‘Cash in Transit’ or ‘Smash and Grab’ burglars

The whole first disruption panel is dedicated solely to descriptions of armed robberies or burglaries. There are nine of these types of cases discussed, three of which are presented as being ‘old school’ or particularly dangerous types of armed robbery. These involved the targeting of banks or bookmakers, whilst in possession of firearm or using compressed gas to gain access to ATM cash machines. As for the remaining six, there remains a focus on the less skilled ‘cash in transit’ (CIT) and ‘smash and grab’ robberies. CIT robberies are fairly
self-explanatory and often involve the targeting of security vans transporting cash between banks. Smash and grab robberies are where high value goods are stolen from shops, usually by ramming doors with vehicles or smashing display cabinets with sledgehammers whilst on mopeds. CITs often form part of gang initiation or means of financing their activity, whereas smash and grabs are often the preserve of young males recruited from particular estates. There is a distinction drawn by Flying Squad between these and ‘old school’ robberies or what are described as ‘pavement jobs,’ where armed robbers are intercepted outside venues having carried out the robbery; usually at gunpoint. Modern day risk assessments, even where less firearms are being employed, mean that increasingly they are stopped by police pre-robbery to minimize potential harm to the general public. In reality the CIT and smash and grab robberies are seen as less serious or organized except where there is a (linked) proliferation of them targeting high profile areas such as Kensington and Chelsea. It is often then that public relations are drawn into the mix and a demand for targeted action ensued.

Of the three main armed robberies, discussed in the first panel, the first two jobs are both presented as being ‘major’ disruptions. Interestingly, despite amounts of £250,000 being at stake and the group being described as ‘living a hand to mouth existence,’ the disruption levels are described as ‘major’ due to their having put some element of preparation into the job, conducting reconnaissance and dry runs before carrying out their robbery wearing balaclavas. Sentences received by this group are in the region of 12 years and there is all round approval for the work that has been carried out by the detectives. It is swiftly agreed that this was a total disruption of an entire network, involving the recovery of guns. The other case at the start of this panel presented as particularly noteworthy is due to the employment of a ‘new’ criminal method of gaining entry to ATM cash machines using compressed gas\(^2\) and sledgehammers. This is described as having the potential to be acutely

\(^2\) This is where a tube is inserted into the ATM, allowing it to be flooded with combustible gas, which is then ignited with a trigger device. It causes a large explosion and the damage is often extensive. The sledgehammer method is effectively a CIT robbery, where staff are threatened whilst attending to re-stock the machine.
dangerous to the general public, were it not 3am at the time of the robberies. In the way the case is presented, there a suggestion of old fashioned rivalry between the Flying Squad team dealing with them and the robbers themselves; a rather ‘us and them’ assertion of prowess. Both groups are similarly described as not having amassed much wealth from the robberies they have conducted or living lavish lifestyles; there is no suggestion of any confiscation or asset recovery proceedings being applicable here.

When it comes of quantifying the disruption on the ATM robbers, they note that by imprisoning this particular group they are entitled to a ‘major disruption’ indicator, having “taken out a method,” of organized criminal offending. The sentences are described as particularly “disappointing,” at 6-7 years apiece, which shows tellingly their lack of faith in the court’s ability to measure the seriousness of organized crime in diminished proportion to their own. Across most of the disruption panels, the attitude to punitiveness was based almost entirely around sentencing duration as a basis for ‘justice served.’ A comparison is made with a group “Up North” who were given sentences of “20 odd years,” (thereby automatically refuting the earlier claim to having ‘taken out a method’ in its entirety) though no further detail about this group is provided. When placed in this context the compressed gas entry technique seems less of a passing method and more of an emerging trend. However, the focus is on the short-term goal of obtaining a major disruption indicator, rather than any discussion of changing methods of organized crime.

The third armed robbery case (case number nine on the agenda) involves a group having conducted a commercial bank robbery and robbery of a bookmakers, whilst intimating they were in possession of firearm. The robbery at the bank is only an attempt, as it appears their plans were frustrated, presumably by law enforcement. The seriousness of the case is offered in terms of staff at the venue being threatened by the group of robbers in a bid to obtain cash. It is not clear how far into the robbery they were and the cause of their plans being frustrated, but we are left with: “the guess is, they were looking to do a commercial robbery.” The second robbery committed by the same group at the bookmakers saw them escape with £1500. The flying squad have charged
the group with two robberies, but it is further noted that Kent police have charged them with possession of firearm. Despite small amounts being stolen (and in one case them not being able to steal anything) this is still described as a moderate intervention on the organized crime scale. The rationale behind this is defended, as detective work done on subjects’ phones indicates an intention to commit further offences. A rather nondescript comment from one member of the panel that they “were into all sorts of crimes” seals the deal here, despite a complete lack of evidence behind the assertion.

In the third case presented to the panel, a group is described as having kept post office lorries under surveillance in order to commit cash in transit style robberies during cash deliveries or collections. This was done by waiting for the opportune moment and pushing drivers to the ground. The OCG were described as “waiting for a £20,000 load.” Here there has been ‘Intel’ that the group were using knives and despite the admission from the officer presenting the case that in reality this did not appear to be the case, he argues that the person doing the pushing was a “big bloke” and that they “believe they have nipped this network in the bud” (my italics).

Case four involves a group with mixed criminal interests; a somewhat ‘jack of all trades’ contingent who were committing CIT robberies as well as aggravated burglaries in order to steal Asian gold and high value cars. They were also stealing from other drug dealers. There does not appear to be any clear parameters to this group in terms of membership but the way they are described (as are all these cases) is with a sense that they are a confirmed, static OCG with prescribed affiliates. Those they have managed to arrest are represented as being the ‘foot soldiers’ of the OCG. The main charges in this case hinge on the conspiracy around the gold burglaries. The head of the panel indicates his main problem in quantifying this case as them not yet having been sentenced and articulates his difficulty in measuring the seriousness of the offending prima facie, without a court result. The focus however, is relatively narrow and it is agreed that it will be deemed a major disruption purely due to the amount of guns ‘they got back,’ which was nine in total. Despite the subjects being discussed as foot soldiers earlier, this is hailed as a major “skills and
equipment loss for the OCG.” The discussion is rounded off with some authoritative speculation that there will be “6 or more year sentences for sure.” The panel head still appears to be searching for other means of tangible quantification and as a final thought, asks rather feebly if there are ‘cash and drugs’ involved, to which Flying Squad officers concede that only ‘small amounts’ were involved though they are completely confident they have taken out the whole network. This final comment appears to sway things for the LOMU manager who is thoroughly persuaded that one of these individuals would be ‘really good to get an order on,’ though it is not clear which, and on what basis. This seems to all involved that it is a good note to end things on and they move off onto the next case.

Case five involves a commercial burglary where 7.5 tonnes (equivalent to one lorry worth) of milk powder was stolen in order to be resold on the Chinese black market. Flying Squad officers have estimated the resale value of this to be in the region of £60,000. The group is described as being made up of between 15-20 individuals who are Greek or Mediterranean in origin. There were no weapons used, no history of similar offending but testimonies invoking ‘Intel’ suggesting the group was about to purchase a firearm brings the panel to a decision that this was a moderate intervention. The use of weapons is manifestly a key factor in decision-making, as case seven makes clear. This has concerned the robbery of slot venues of ‘Cashinos’ where staff have been threatened with knives and £2,500 was stolen. This is voted to be a major disruption due to the level of violence used and the size of the knives (again, my emphasis), though it is not clear that anyone was physically hurt.

### 6.3.1 Flying Squad Culture

The three main criteria, which come into play across the board, are the amounts of drugs, guns and cash seized in any particular case put to the panel. The offshoot of case four, mentioned above, is invoked for extra clout with the panel because “nine guns have been got back.” The police expression ‘got a gun back’ is worth mentioning in this context because as observed within panel meetings,
particularly amongst Flying Squad detectives, an old fashioned sense of rivalry is perpetuated; a sense of ‘them versus the criminals.’ A hangover from the days of 1970s television show ‘The Sweeney’ means they refer to themselves as ‘The Squad’ or simply ‘Squad’ and have even created their own coloured ties marked with an eagle symbol in order to visibly distinguish themselves. Disruption panels in this area of organized crime seem to be particularly focused on ‘pats on the back’ with the guns being ‘got back’ as part of a perceptual street war where each firearm ‘reclaimed’ is seen as a victory against the ‘opposition’.

It is worth noting here that Flying Squad officers have enjoyed a certain reputation in the MPS for decades and historically enjoy a reputation as a kind of elite ‘squad’ within organized crime policing, however outmoded. Their resources are often the envy of other departments and importantly for added macho kudos; they are armed. Currently ‘Safer Cash’ security initiatives aiming to reduce attacks on CIT couriers provides extra funding to facilitate a partnership approach, which claims to have reduced robberies of this kind by 70% between 2010-2015 (British Security Industry Association, 2016). The money is paid to the police from a joint fund through the various partner agencies of Loomis, G4S and the post office amongst others, to prevent allegations of privatization of sections of the police. Anecdotally, officers within the department claim that paid overtime that comes from ‘Vanguard’ CIT duties is a lucrative incentive, but that Flying Squad bosses are also highly adept at commanding a healthy slice of the MPS budget due to the status they occupy within the Serious Crime Command.

### 6.3.2 Cash in Transit Robberies

Despite cash in transit robberies being commonly seen as less serious within the organized criminal spectrum (if indeed they warrant a place within the spectrum at all), case six involves a group of CIT robbers who have committed around 12 offences that year and have stolen in excess of £200,000 altogether. The reason for the particular focus on this group is presented to the panel as
they are linked to a further ‘smash and grab’ group conducting high value raids of this kind at Louis Vuitton in Sloane Street. Again the membership parameters across each do not appear to be clearly defined. Although this particular case is an offshoot of the Louis Vuitton burglary, the seriousness of that burglary, where £100,000 of handbags being stolen by a gang who then made off in stolen cars to a safe house, is evoked here in a bid to impress upon the panel the gravity of the emerging scooter enabled crime trend. One officer’s particular exasperation with this type of crime is that officers are prevented from chasing subjects on scooters “in case they fall off and hurt themselves!”

There is all round indignation on the part of the panel when it comes to such irksome bureaucratic restrictions. They add that these types of offences are also really dangerous, as there was a smash and grab offence at the Dorchester where a woman was run over during the course of the getaway.

When the case at hand is eventually returned to, the original CIT group is described as targeting lone or vulnerable female guards. There is no evidence for the particular vulnerability of these guards other than their ‘femaleness’ and no weapons are involved other than sledgehammers being used to smash shop windows. There is also no evidence offered for the suggested targeting. The group is again described as leading a ‘hand to mouth existence’ and were sufficiently disorganized, much to the hilarity of the panel, that they were destroying £100,000 cars by using them to smash shop fronts. It is worth including a section of the field notes taken by the researcher here as they serve to illustrate a good example of the panel’s decision making first hand:

Panel Member (P): “No firearms, cash or drugs.”
Officer (O): “The safe house was also a cannabis factory - there were loads of plants in there.”
P: “Oh!”
O: “There was violence towards the guards, they were overpowering them - it wasn’t traditional or armed with weapons.”
O II: “There was intel they were trying to purchase a firearm.”
O: “They were using sledgehammers to smash the windows.”
P: “What about proceeds?”
O: “No financial - they were leading a hand to mouth existence - this to them is about kudos. They were using £100,000 Porsches to ram, in order to get £20,000 out! This is all they know.”
O II: "There’s 6 taken out - all banged up. Plead. No more crime by this group in that part of London. Except some others we are following today, actually."

P: "MAJOR. Violence moderate but the getaway is dangerous. Take the Dorchester for example. Big cars and stuff."

What is remarkable here is the existence of some cannabis plants (the word factory is often used to describe any scale of cannabis being cultivated beyond that of personal use, so it is not clear here the scale of how much drugs were involved), as well as the suggestion of Intel involving firearms and the whiff of danger involving a speedy getaway of a young lad on a scooter, has been enough to classify this as a major intervention in organized criminal offending.

### 6.4 Drug Traffickers

The second of the disruption panels was almost entirely devoted to a large group of Turkish heroin dealers and Albanian cocaine dealers, based mainly in the UK, whose network is described by ‘Central Task Force’ detectives as a network stretching across Europe. Central Task Force deal mainly with proactive cross-border drugs or firearms cases, where the offending is mainly Greater London oriented. The main observation here was that the various drug trafficking cases discussed during this panel amounted mainly to various offshoots of one single case.

The OCG in question was described to the panel from the outset as ‘quite mafioso’ due to its perceived hierarchical organisation; the implication of this being that such formally structured and traditional OCGs are atypical. They are described by one officer as conducting their business by “travelling to Northern Cyprus to shake a guy’s hand in order to have the gear released.” There is a great deal of name dropping of prominent Turkish heroin suppliers throughout the discussion; allowing the officers to demonstrate a certain amount of pride in their knowledge of these networks being so pervasive. The central disruption presented with regard to the Turkish OCG involved a seizure of 10kg of heroin, having a street value of £250,000. The claim here was that law enforcement
managed to disrupt the flow of heroin down from the North of England and that one of its ‘kingpins’ had been prosecuted.

The Turkish OCG is described by the officers as having gone from within the ‘top 10 OCGs’ to the ‘top 20’ as a result of disruptions implemented. They describe how the OCG’s positioning has fluctuated but it is not clear from their description how far this relates to direct law enforcement intervention; there is no consideration of the proliferation of factors that may be involved. A curious claim put forward during this panel is that they have seized so much heroin from this particular OCG that it has had an impact on street prices, going from £26,000 per kilo to £22,000 per kilo for heroin with a purity of 60-70%. What is puzzling here is how street prices have gone down as a result of enforcement activity. One might assume that with static demand and decreased supply that prices might have gone up. The pricing of heroin according to its supply, and indeed purity, is a complicated side issue when related to actual drug usage and its impact on communities.

6.4.1. Barometers of Harm and Quantification of Drugs Trafficking Disruption

Disruption panels related to drugs predominantly revolve around weights and sums, though there are no consistent barometers applied when it comes to the qualification of harm reduction with regard to these measures. The amount of drugs seized, which is here so instrumental in denoting major from minor disruptions does not provide a consistent benchmark by which cases can be compared. An instance of a Jamaican OCG putting ‘gear’ on transatlantic planes, with a team within the airport putting it behind the toilets and 3-4kg at one time being taken off the other end was described as major and subjects recommended for Serious Crime Prevention Orders. A relatively small amount has been seized compared to the 48kg of heroin mentioned above, yet both are described as ‘major.’ The ability to smuggle on planes and involve airport staff could however be seen here as evidence of ‘corrupting officials;’ an important criteria on the MPS harm scale, though this potentially aggravating feature of
the case is not emphasised in its presentation to the panel, despite it being an ACPO priority in the measurement of organized crime disruption. In fact very little evidence of corruption of law officials or law enforcement is mentioned in any of the referrals or definitions. There is only one other case, the second case presented to the panel, where a group of Albanians, supplying 1.5kg of Cocaine are said to have a police officer involved within the network.

That offshoots of so many of the same cases which have involved different seizures at different points are weighed and measured separately by the panel is telling, because it means that different parts of cases involving the same OCG, can be attributed to more than one disruption at a time. For example a case where Asian dealers were travelling to Stoke on Trent and Dutch lorries were travelling to Hull, where everything came together and a seizure amounted to 30kg of heroin, with a further 18kg found in a safe house, totaling £10 million in street value was counted as three separate disruptions. To give an indication of how numerous these drugs cases were, there were 27 more cases like these presented over a 5 hour period, with very little information to distinguish one from the other, apart from the quantities seized and the ethnic makeup of the groups involved.

6.4.2 Kingpins

Amidst the weights and measures bandied about, the main area of differentiation in terms of measuring harm reduction is the apprehension of ‘Kingpins’ within OCGs. There is often disagreement about how high up within a group the person being prosecuted is. Within the same case on this panel, there is huge disagreement when it comes to the discussion of kingpins. One officer decides they have taken out a huge portion of the OCG, identified key people in the group and linked them back to Turkey. He argues that they have got the ‘head honcho’s right hand man.’ The other officer however concedes that the skills loss to the OCG is relatively minor and that those apprehended are really only drug couriers from Birmingham.
The taking out of key individuals is often used to sway the panel when it comes to securing major disruption indicators. Case five revolves around a West Indian cocaine importation ring, described predominantly as couriers and ‘body packers.’ They have links with both Glasgow and London and have been apprehended coming into Gatwick with 1.5kg of cocaine in liquid form. Though the group is described as sloppy in their criminal methodology for using cars and phones registered in their own names, the disruption is classified as major as they have purportedly quickly identified and taken out the ‘leader’ of the group, who is then put forward for an SCPO. However, information pertaining to hierarchy within the OCGs does not always appear to have any solid foundation and is based solely on the opinion of officers presenting their cases. The description is often subjective and no evidence or examples are cited to back up claims.

### 6.4.3 LOMU Perspective

Sometimes weights and measures factor in the decision-making about hierarchical status. In the case of a group of three Colombian cocaine transporters that were discussed within the LOMU during a more informal referral, conflicting observations were made by the detectives who had brought the case to LOMU. The usual rather pat question of ‘are they principles in the OCG’ was met with a mixed response; on the one hand the purity of their cocaine was extremely high at 92%, coupled with the amount in weight that they were transporting, which indicated a high level of trust and therefore involvement. However, the information from the officers presenting the case suggested that once offenders of this kind feature on the law enforcement radar they are simply cut loose, with willing replacements being easy to find. At this point in the discussion they then begin to be described by the officers as foot soldiers or couriers. Both of these descriptions show that the subject’s hypothesised position within an OCG is purely speculative.

### 6.4.4 Court Data on Kingpins and Lynchpins
The very nature of research on organized criminals means that it is unlikely that anyone will ever get to the bottom of such hierarchies and some of the court data obtained reflects this perhaps best. In court order obtained during trials, MB, who had been involved in a drugs trafficking operation, was put forward as having taken a ‘leading role’ in an OCG during his sentencing. A certain amount of time towards the end of the trial was dedicated towards discerning whether he had taken this ‘leading role’ as suggested by the prosecution, or a ‘central one,’ as conceded by his defence team; a debate though superficially reducible to semantics, is illuminating however when discussing the nature or existence of the kingpin type hierarchy, when determining criminal complicity. The judge invited MB to give evidence on the nature of his involvement but he declined in order to preserve credit for his guilty plea; the irony being that MB, appearing blissfully unaware of the difference, was happy to accept the ‘leading role’ ascribed to him with an acquiescence expected from one very much used to taking orders. A discussion with the officer in the case afterwards where the researcher queried MB’s role and indeed the concept of ‘leader’ within OCGs across the board, led the officer to affirm with complete confidence that there had been those much higher up the organisation but they had never been able to evidence that hierarchy.

There is evidence to support the suggestion that many ‘organized’ crime activities are not the preserve of the extremely skilled criminal (Hobbs, 1998). organized criminal groups (or at least those here, that have been designated as such by the organized crime trackers) are often built around acquaintances, family members or temporary alliances. MB was engaged in a family paint spraying business and as one officer said during the trial: “the whole OCG is related to one another.” It became clear during the hearing that there is inverted perspective on OCG membership; meetings between parties had often been simultaneously drug-trade related, ‘paint spraying business’ oriented and sometimes purely social. It could be that members of the same extended family 

\textit{happen} to have been labeled as an OCG rather than an OCG necessarily encompassing an entire family.
Often relationships between those designated as organized criminals seemed only ever intended to be purely transitory or that they were simply lacking in duration. In the case of HO, he stated that he had retired from the drugs trafficking ‘game’ following an on and off relationship with an OCG where he had been involved in bringing drugs over from Holland in boats. The intelligence suggested that in fact he had been unceremoniously dropped by his OCG after law enforcement interest made him a high profile liability. ET also appeared to have had his relationship with his OCG severed after achieving notoriety in the press. However, the provenance of such information, as previously noted with other concerns over the handling of intelligence, needs to be treated with caution. Its reliability is often difficult to determine and was the basis behind most of the SCPO applications. There is a sense that most members of OCGs are expendable and less than skilled, without there necessarily being a hierarchy in play.

6.5 Fraudsters and Skill Factors

The data overwhelmingly showed that it was in complex fraud cases, where subjects emerged whom while there was no evidence to suggest that they functioned necessarily as ‘leaders,’ that it was in this sector that they appeared to have committed offences that involved particular skill. Often these are described within policing as being ‘lynch pins’ within organisations. Where lynchpins end and kingpins begin is often difficult to determine. The difference is a subtle one, but crucially important as it more aptly represents the move away from hierarchical representations of organized crime, to a more contemporary, particular ‘aptitude’ within serious offending.

In the case studies, TI, MM-T and BT, formed a complex international mortgage fraud ring that managed to launder almost £3 million. MM-T was a qualified accountant and particularly skilled. She was also married to BT who had a long history of complex fraud offences. Together they appeared to form a unilateral triumvirate when it came to handling the funds, but during the trial accused each other one after the other of having been the leader within the
OCG. It would be interesting to determine how much conceptions of their offending are framed by judicial processes that encourage this hierarchal approach in a bid to confer blame on certain offenders within the group. MM-T in particular, filed for a divorce, claiming she had been a victim in proceedings though there was a clear benefit across the board, with the husband and wife team living in an expensive property in Surrey, owning several high value vehicles, property in Asia and their three children being privately educated. MM-T had no previous convictions and perhaps due to her parental responsibility did not receive a custodial sentence. However, TI and BT paid a higher price for their offending, rather in inverse proportion to their skill set.

6.5.1 Court Case Data on Fraudsters

NN was another female fraudster, encountered during court case data collection, who was described as the principal in a £15 million pound mortgage fraud and the owner of an international property portfolio. The financial investigator in her case made a compelling claim for her having been a highly skilled kingpin in the network of individuals who had contributed to the frauds. He described NN’s shrewd grasp of accounts and figures and argued that it was clear from a financial trail and the lifestyle that she was leading, that she was very much the ringleader in the group. Interestingly he was also the financial investigator in the case of MX, the arch-madam. With her he could make no such case and conceded that either the financial trail had been so well covered over, making it impossible to unravel, or that she was not in receipt of most of the benefit. There was no evidence of her leading a wealthy lifestyle and there was a possibility that others were using her accounts, so that she was perhaps no more than a mule in the wider process. MX simply came across as evasive and dishonest when questioned in the stand whereas NN by comparison was painted by the judge as a person well disposed to manipulation of the system.

6.5.2 Proceeds and Profits
One of the main expressions that seems to crop up in disruption panels is the concept of subjects being ‘hand to mouth;’ the implication being that on the whole, not much money seems to be being made by the organized criminals being discussed. This is counterintuitive where most definitions of organized criminals seem to agree on one single aspect: that organized crime is predominantly motivated by profit (Levi, 1988). Financial investigation is not carried out in all cases and there appears to be a decreased confidence in pursuing lengthy confiscation or proceeds of crime cases. Though POCA investigation forms part of the disruption panel criteria, this aspect is often glossed over or minimised. On one occasion the question of a POCA investigation is brushed aside with the hasty assertion that they are ‘trying to use financial investigators rather than just seizing cash.’

The ability to launder money seems to form a natural dividing line in differentiating the more serious of organized criminals from those who are perhaps less successful. Two separate court cases in the same week of September 2014 yielded an interesting comparison between two drugs traffickers. In data collected during court cases, subject FK was given a confiscation order of £1.6 million, about which his defence lawyer was overheard by the researcher, boasting loudly to her pupil in the lift, that she had done well to reduce the figure: “he is worth well over six million and we got it down to 2.2 and then 1.6 – especially considering he had a drugs factory in his house!” He was able to launder most of his money and purchase numerous properties abroad.

The prosecution case is often found to be weakened by these negotiations, which accounts for levels of attrition during the imposition of an order, though criminal benefit is often notoriously overestimated during the process (Home Office, 2009). In contrast to the case of FK, MB (mentioned earlier as having taken a ‘leading role’ in an OCG) had 100,000 Euros in notes under his bed and £85,000 cash in his car. He had managed to build an extension on his house in a less than affluent part of Essex, but had no means of laundering his cash and was clearly operating on a less strategic level. This supports the theory that a great deal of criminal money does not find its way
into the legitimate economy (Van Duyne, 1998). Both the subjects that have been described above received exactly the same Serious Crime Prevention order cut from a generic template.

6.5.3 Confiscation Proceedings

Financial penalties now form an important part of the sentencing of organized and serious crimes. Confiscation orders, which aim to recover benefits that offenders have made from crime, or in most cases, the smaller amount of assets that they have left in their possession following a conviction, have been notoriously difficult to enforce (Bullock et al., 2010). Confiscation proceedings are notoriously protracted and data collected during confiscation hearings, demonstrated that attempts to recoup criminal profits are often unsuccessful. Bullock has estimated that only 5% of criminal benefit initially assessed by Financial Investigators ever ends up being recovered (Bullock, 2014). In a research report conducted for the Home Office (2009) the extent of attrition during confiscation proceedings was examined and found to be particularly noticeable in high value cases. This is therefore particularly pertinent when it comes to serious organized cases, which by definition pursue larger profits in their undertaking. As Bullock (2014, p. 45) has argued, the difference between ascertaining ‘criminal benefit’ and being able to discern an ‘available amount’ for the purposes of confiscation is often over-complicated by a number of factors:

“Far from representing the ‘profit’ generated from crime these values are constructs founded in the relationship between legislation, the discretional practice of police officers and financial investigators, organizational restrictions and constraints and informal negation and compromise between defence and prosecution.”

In the court case data, NN’s lengthy confiscation hearings were attended by the researcher with the aim of obtaining a Financial Reporting Order, had already taken two years to unravel. Nine separate hearings were attended over a six-month period and despite a hidden assets figure under debate of between £4-6
million, it was eventually decided that NN’s financial obligations or debts, actually exceeded the amount of her criminal assets. The judge eventually ruled that putting a financial reporting order in place would be pointless on the basis that any financial disclosures she would be likely to make would be necessarily misleading; tantamount to suggesting that she was so dishonest that any attempt at law enforcement supervision would be futile.

6.5.4 Case Study Data in Confiscation Hearings

Confiscation proceedings have been shown to often outlast the sentences offenders are given for the original offence, in the case of TI, MM-T and BT, KQ, TU and MX. With the case of MX, it has been mentioned that a series of confiscation hearings where her criminal proceeds were estimated to amount to £1.3 million, were so protracted that having finished her prison time she was bailed by the courts during the confiscation process. She was facing a ten-year default sentence for failing to pay back her allocated sum in the time given and was never seen again. Sophisticated fraudsters are by their very nature capable of playing the system so that confiscation becomes virtually meaningless. KQ for example, was released after 14 months of a 6-year, 9-month sentence. Despite his operation netting approximately £6 million pounds, he was given a confiscation order of £50,000. Several appeals and various confiscation hearings later, the confiscation bill remains to date unpaid. Towards the end of the data collection period for this study, his default sentence for refusing to pay this back was still under debate.

6.5.5 Spectrums of Legitimacy

It is difficult to determine how much the ‘day jobs’ of criminals are designed to facilitate a legitimate front to their business, or whether they are interests that simply happen to co-exist. Levi (1998) makes the point about burglars and window cleaning businesses as an example. It seems there are various types of ‘day jobs,’ which serve in different ways to facilitate organized crime or its cash
flow. Businesses like the buying and selling of second hand vehicles (in case studies HO, KQ and FE, SE) seemed to function almost entirely as a front for a cash lifestyle, so that it could not have functioned as a business in its own right. In KQ’s case study, he argued that his failure to declare a BMW as an asset over £1000 was down to the temporary acquisition of the vehicle for the purposes of trade, rather than personal use (a moot point in any sense). ET, the fraudulent ticket seller, did seem to successfully sell some legitimate tickets for supporting events, though he operated on the fringes of legitimacy when it came to touting offences.

There was a sense with some of the individuals being monitored, that they would ‘make a buck any way they could,’ to quote a colleague in the LOMU, though this did not necessarily make them less serious or prolific in their offending. There was always the argument from individuals operating on the fringes in this way, that they were simply disorganized or unsuccessful businessmen, rather than purposefully engaged in fraud. BC was an expert jeweler but would defraud clients on a regular basis, KQ an expert in on-line marketing, such that one couldn’t help wondering how successful he could be if placed in a commercial setting (law enforcement’s lack of interest in white collar criminality aside). Another informal referral received in 2014, which LOMU was in the process of agreeing to take on during the data collection period, had run a relatively solvent property letting business but during the Olympic games had begun letting large numbers of flats, which he didn’t actually own and therefore never came to fruition.

Then there are the trade operations like spray painting, construction work, removals (TU) that allow those who deal in trafficked drugs, to have a legitimate reason for owning large courier type vehicles that when not being used for their stated purpose, facilitated the transporting of more illicit substances. Officers were generally cynical when it came to considering legitimacy in terms of a spectrum; the approach was very much all or nothing, with the managerial stance within the LOMU defining this rigidly: “As far as I’m concerned, OCGs are those involved in organized crime as their day job.” This failure to see beyond the black and white dichotomy of crime and legitimate
trade meant that there was a departmental anxiety when it came to placing any kind of restrictions around business.

6.5.6 Reluctance to use Ancillary Orders to tackle Business Interests of Offenders

A good example of this painfully myopic approach to Serious Crime Prevention Orders and their usage when it came to the curtailment of illegal business activity came during a referral where a group of Colombians were found with 100kg cocaine in plastic banana ripening boxes, being transported as part of the banana trade. There was a reluctance to use any kind of imaginative approach when it came to imposing orders on couriers or owners of the company on the basis that it had the potential to hamper their trade: “We can take him on [phones] but we can’t touch the business because there is a legitimate side to it...we can’t get him to declare every single banana or our fax machine would be out of action!” This means that tackling offending which either goes hand in hand with legitimate business, or is facilitated to some extent by it, goes ignored. This is particularly startling when viewed in conjunction with Kleemans and Van de Bunt’s (2008) theories on transit occupations being an especially vulnerable sector when it comes to organized criminal enterprise, as an area demonstrating the social embeddedness of organized crime in particular legitimate workplaces. It was decided in this case that it would be ‘easy’ to just implement phone clauses (that perhaps “computer restrictions might be slipped in”) to get them to declare their phones, thus tackling the symptoms; in this case the use of burner phones, rather than the core aspects of their offending. The obsession with trying to ‘slip’ in other restrictions under the banner of ‘communication devices’ was bizarre, as often with offenders involved in drugs, there was no indication of them ever facilitating criminal activity online, yet it was considered a big win to obtain such a restriction on their SCPO. However, the flipside to placing restrictions on business is that some of the offenders on license were prevented from working in order to restrict them from reoffending. EG, the high value car burglar, was restricted
when it came to taking up a job with 'Love Film' that involved him going door to door, selling subscriptions. It was thought by LOMU management that as his type of offending as a burglar involved him discerning which addresses had high value cars, that under the circumstances, that his latest career choice was inappropriate.

6.6 Cyber Criminals and ‘Lone Wolves’

An inevitable discussion when considering the subjective descriptions of hierarchies within OCGs is where what has here been called ‘lone wolves’ come in. There is a possibility that the absence of a recognizable OCG simply reflects the limitations of police Intelligence; perhaps law enforcement have only intercepted the tip of the iceberg and the rest of the OCG remains below (or above) the waterline. An example of this is a casual referral where an operation that was targeting corrupt money service bureaux where people were dropping off large sums of cash. This by its very nature is multi-handed and according to finance officers, yielded cash seizures of £5.5 million in 2014. During the operation, police attention was drawn to an individual attempting to pay in money. He had not been known to be involved in criminality for some time and the relative nobody was stopped with £127,000 in his possession, with a further £100,000 discovered on searching his home address. Despite being at subsistence-level and there being no intelligence about where the money had come from, he immediately pleaded guilty and there was an obvious sense that he was a small cog in a wider wheel. The departmental approach to cases of this kind was conflicting. In this instance he was designated as a courier and not taken on for monitoring purposes: “We don’t touch couriers, they are dispensable. We want the principals in the OCG.” This presents a contrast to the Colombian banana couriers, who were declared to be necessarily instrumental within an OCG by the purity and quantity of their cargo.

Another explanation is like HO, they have been cut loose from the group and continue to operate in some capacity on their own. Often lone wolves are linked to almost mythical OCG structures so that there is a six-degree
separation type attribution to those who inevitably know someone who knows someone within the criminal fraternity. Coles (2001) has highlighted this problem using Milgram’s structures of association model and when applied to the world of organized crime, every criminal worth of note can be linked back to an OCG. A notable tendency in London is to link many known offenders to the ‘Adams Family’ of Clerkenwell. Tony Adams has been entitled by the media as “the godfather behind a £200 million business built on murder, drugs and money-laundering” (Craig, 2007). ET was purportedly linked to Adams, as was HO and KQ, so that the very mention of such a link started to become a departmental joke. This exemplifies the rationale behind treating criminal groups as social networks or collectives rather than concrete and unique organisations (Dujin et al., 2014).

Of the case studies and referrals in their entirety, as well as court case observations, only BC seemed to operate ‘successfully’ as a lone organized criminal. However, even he had started out as a partnership with another jewellery expert though the relationship became acrimonious when BC got prosecuted for the £500,000 of jewellery frauds and his partner walked free. Although not necessarily part of any OCG, he also had some contacts in the form of jewellery shops that operated on the fringes of legitimacy and were willing to sell on some of his produce. ET seemed to operate alone for most of his ticketing fraud operations. KQ was able to operate successfully on his own for the most part, though he entered into transitory deals with other criminals, more as clients to his false identity service than as partners (KT). Discussions on KQ presented conflicting information. In one breath considered the master mind, whereas an another intelligence picture suggested he was overshadowed by his more technologically apt brother; an elusive figure who was believed to be living in Spain and who had previous convictions for heroin trafficking. However, interestingly the ‘lone wolves’ were arguably the most enduring or prominent of the case studies.

6.6.1 Disruption Panel Data on Cyber Criminals
A discussion debating the existence of lone organized criminals became particularly topical during a cyber-crime disruption panel where the concept of organized criminals operating alone was dismissed instantly and entirely by panel members at the start of the meeting. An analyst on the panel was quite vocal on this point, suggesting that lone criminals should not be counted as OCGs. For obvious reasons an individual cannot be counted as a group, but this removes these individuals from the National matrix for organized criminal offending and to an extent takes them off the law enforcement radar. It became most clear during the cyber-crime disruption panel that there is a very prescribed law enforcement mould for organized crime and that it is difficult to persuade even those in managerial positions within organized crime directorates, that they might need to re-imagine rather outdated expectations of defining criteria.

It is telling that until January 2015 there had not been a disruption panel with a focus on cyber-crime. This is also reflected heavily in the case studies. The noticeable struggle that even senior law enforcement officers had in contemplating cyber-crime during the panel, appeared to stem from the fact that it often relates to theft or losses, which are harder to quantify. In particular, it is the concept of intellectual property, which defies the measurements of ‘guns, drugs and money’, used across the board within the disruption panels the significance of which they are failing to grasp. A good example of this was the second case presented to the panel, which involved a major hedge fund player having stolen hundreds of trading formulae from an investment company in the UK. Although losses here are speculative, all of these strategies had been tested against the current market conditions and were estimated to be worth a great deal, with three of these formulae alone valued between £20-200 million over the course of the next five years depending on the timing of their usage. When this case is introduced to the panel, they appeared to struggle when it came to quantifying the disruption being introduced. They immediately asked: “what sentence is he looking at?” as a means of weighing up its seriousness. As the sentence for this is estimated to be between three and five years, they quickly decide that the disruption involved in preventing these trading formulae being
used is ‘moderate,’ especially as they "haven't managed to get any cash out of him," in attempts to recoup any proceeds of crime.

This conclusion, arrived at by the panel appears to be inconsistent with previous assessments were armed robbers have been living hand to mouth and the amounts stolen were far less significant. The panel also decides that the hedge fund case is moderate, rather than borderline minor, as the offender in question is likely to be released while there is still some commercial value to the intellectual property he has requisitioned. It was suggested at this point by the researcher, that the point is not that the offender in question has not made any money; the acquisition of these formulae, which have been reverse engineered and illegally obtained, have allowed the potential for catastrophic future losses to the hedge fund to be averted. It is in this sense a major disruption and the insistence on POCA confiscation as a marker for harm having been averted, is in this case wholly misguided. However, the panel remained resistant, fundamentally misunderstanding the commercial significance of the trading formulae to the hedge fund.

The same lack of understanding was apparent when there was a discussion of a case where 'hacktivists' had brought down Netplay TV and other online casinos through DOS attacks. DOS attacks are comparable to a virtual ‘holding hostage’ of Internet sites, causing enormous loss to on-line businesses. This disruption is almost written off straight away as the panel decides that the hacktivists have not made any money themselves and dismiss them as dysfunctional teenagers. The analyst jokes that this is tantamount to “online criminal damage!” A cyber-crime officer points out that the group have also been involved in the hacking of FIFA, Xbox, Sony and online gaming for the last three years, but the panel decide that this is minor, because other cyber criminals will pick up where they left off and the offenders in question are just some of many on the dark web. Along with their ‘plenty more where they came from’ argument is the assertion that when compared to the hacker group Anonymous they are clearly not on the same level. The suggestion that others will pick up where those that have been apprehended have left off, and the comparison to Anonymous, is tantamount to saying that it is not worth
prosecuting drugs traffickers or armed robbers because they have not operated on the same level as the ‘great train robbers’. It is finally conceded that only as a collective do they have the potential to cause some harm. It is telling that the financial loss to the sites is not even mentioned during the panel. It is finally graded as minor.

6.6.2 Disruption Panel Attempts to Impose Hierarchies on Cyber-crime

The issue of expendability within OCGs is never deemed to be problematic within the more accepted organized criminal offending spheres, or in regard to a five-hour disruption panel centered on offshoots of the Turkish heroin OCG. A direct comparison here is a phishing campaign where financial data has been stolen from UK residents and sold on and one individual from within the group is found with £200,000 in his account is dismissed as moderate and the offender designated as simply a ‘mule,’ (someone who agrees to receive funds into their account and pass them on) whereas an earlier seizure of £250,000 worth of heroin is seen as major and hailed as a massive disruption to the flow of heroin from the North.

Another similar operation where phishing emails were used to target UK and US bank accounts, harvesting details and introducing malware into computers. Cyber-crime officers recovered £771,000 and £250,000 remained outstanding but as Santander footed the bill and the subject apprehended was considered a mule, it was considered a minor disruption, despite amounts of up to £800,000 a time being transferred. The person apprehended was most likely not particularly skilled, but this does not seem to have impacted on previous qualifications of major disruptions. Another example involves £2 million and East Europeans using malware, but is also designated as minor, due to those arrested having ‘replaceable skills.’ Mules are dismissed in the cyber-crime hierarchy as being unimportant whereas drugs couriers are often portrayed in panel meetings as instrumental. It is almost tantamount to saying that it is not worth tackling organized crime that could continue to be a problem, or rather,
crimes where it is difficult to make claims about disruptions; these types of cases are not popular with the panels. It is worth pointing out that definitions of ‘disruption’ involve an OCG not being able to operate at its usual level for a significant amount of time (Metropolitan Police, 2013). However, in practice, a member of LOMU present at this particular panel, points out that perhaps disruptions should be considered, no matter how ‘transitory.’

The only occasion where there is a glimmer of interest from the disruption panel responsible for considering cyber cases, is where big money is involved. This contradicts their attitude toward smaller armed robbery and drug trafficking cases where relatively small amounts are stolen or earned, yet the offenders involved are still classified as ‘serious.’ A case involving compromised credit cards being used in Harrods to buy watches, which are then converted into cash and a KVM device\(^3\) is used remotely to access computers in banks, involved losses in the millions. It also achieved between two and eight year sentences, which seals the deal: “we will allow major for the big money one.” However, there is a lack of consistency, because an almost identical case is deemed moderate. One of the few ‘major’ tags awarded is after a senior police officer was the victim of cyber-crime as this was seen as a security breach and if this is considered in a more cynical light, perhaps more because it presents as an affront to the profession. There is further evidence of things having to be easily quantifiable in terms of money, sentences, weights and measures.

### 6.6.3 Cyber Criminals and Criminal Records

The concept of previous offending also arises with cyber criminals in particular having no criminal record. This is another aspect that causes the cyber-crime panel members to dismiss them, saying that they do not count as organized criminals: “These are just first timers, it's far fetched.” This is a catch 22 way of looking at organized crime; you cannot be an organized criminal if you have not

\(^3\) ‘Key-board, Video and Mouse’ device allows the user to control multiple computers from a remote location and is often used illegally to access banking computers to obtain access to customers’ accounts.
previously been found guilty of having been an organized criminal. Despite suggestions from the researcher to the contrary, there is no acknowledgment that the more successful or organized of the criminals may perhaps have evaded law enforcement or have simply operated successfully under the radar or abroad.

One of the only OCG referrals taken on, that forms part of the case studies, is that of hackers KE, NB-C, SB and SD, taken on by the LOMU in 2012. Tellingly these were passed down by SOCA rather than having been taken up voluntarily by LOMU management. They were also transferred with very little in terms of a handover and with no information about how they had previously been monitored. Although they were charged and tried as a group, none of them had ever met each other and lived in different parts of the UK. They knew each other by online aliases and even under different genders. Whether these could be seen at all in terms of a coherent group is debatable. A rival to the group ‘Anonymous,’ they were held responsible for high profile attacks, victims of which included Sony and Sega in 2011 and also claimed responsibility for temporarily taking the CIA website offline. None of them had previous criminal records. This is similar to the only other cyber criminal referred to LOMU for a serious crime prevention order: TC. TC operated on ‘dark web’ forums to buy data from compromised cards from music stems, making £1.3 million within a short space of time, amongst other lucrative international cheque fraud schemes. There was no thought out strategy on how to deal with these types of criminals, no expertise employed in wording cyber restrictions on the SCPOs and no consideration of how their internet usage might be managed once orders were in place. More thought was put in to managing a low-level cash in transit robber by comparison than four highly skilled hackers capable of bringing down the CIA mainframe.

6.7 Transnational Organized Criminals

---

4 This is where legitimate trade was being conducted in the buying and selling of music downloads, but the dark web was being used as a conduit to further the selling on of customers’ financial data, i.e. through on-line fraud.
A consistent observation made by the author during disruption panels was that there was often a noticeable reluctance to deal with prominent foreign criminals, who had come to the attention of UK law enforcement for the first time and therefore did not have a criminal record. Perhaps the only exception is where deportation can be used as a disruption measurement, though many of those involved appeared to have dual nationality and could not be deported. On one disruption panel the most significant case appears to be that involving a Polish VAT fraud, operating both in the UK and back in Poland. This case involved an accountancy firm in London, £300,000 in debt to a Polish group, being kidnapped and tortured with pliers. A successful transnational law enforcement operation took place were raids in Poland uncovered firearms and documentation to show that there were conspiracies to carry out frauds in the UK. There were corrupt solicitors involved in the UK, a huge financial investigation ensued and European arrest warrants were issued. The prestige of this operation was recognised by the panel and officers alike, with a discussion of who will play whom in the film about the case:

“So who do you want to play you in the film?”

“Either Ray Winston or Bob Hoskins!”

There is further amusement from the panel at the fact that the victims themselves were prosecuted by HMRC. It is decided that this case is a major disruption and they describe it as out of the ordinary as it keeps people interested. However, they decide not to take these on in LOMU as they are ‘foreign nationals.’

In the instances of the Colombian banana couriers, they were taken on despite their nationality, as it is decided: “We can get orders that make them tell us what they are doing while they are in the UK” and although there is some acknowledgment from LOMU management that perhaps “foreign national ‘stuff’ needs looking into,” sweeping generalizations are made about foreign criminals: “No ‘lifestyle’ was done because all Colombians live in shitty little flats.” Looking at the case studies, it has been difficult to enforce restrictions against offenders who operate across force borders; even those living in Kent
and Essex, let alone deal with anything in an international capacity. This was partly due to a lack of resources within LOMU as no transport was provided for checks to be done on offenders except for public transport and very limited access to a vehicle had to be painstakingly negotiated in advance. Eliciting professional cooperation from other forces is always difficult in policing and there are limits to what can be achieved in office hours, with a reluctance from management to finance overtime in the current climate of austerity. There was a failure to conceive of offending generally as being something that operates within fluid boundaries. The way police forces are divided up in England and Wales means that anything that occurs outside a neat jurisdiction is more difficult to approach or get resources and support for operationally on this level. The possibility of dealing with any transnational cases (even where the offenders are UK based) was therefore approached with great reluctance and only for relatively ‘uncomplicated’ cases.

Some instances where there has been a notable success in dealing with foreign criminals is in the Middle Market drugs squad. A disruption panel devoted entirely to drugs cases lists various cases involving Albanian nationals dealing in high quality cocaine and heroin and transporting large amounts of cash out of the UK in lorries. The prominence of Albanian OCGs that have come to notice in the UK is described by one detective as a ‘plague’ and there are widespread complaints about the resources they are given to deal with it. Much of the OCG is thought to be based outside of the UK with the money being transported out.

This again confirms Van Duyne’s (1998) assertion that most criminal money does not go back into the legitimate economic system, or at least not into the UK. One stop yields £300,000 in a lorry leaving Dover, with separate searches yielding 1, 3, and 4kg of high purity cocaine. However, another operation involving the disruption of an Albanian OCG is given a total of 20 disruptions, with a suggestion that they have taken out an entire OCG: “you’re disrupting them each time you’re removing the drugs – you’re removing their commodities to commit further crime.” These disruptions range from intercepting £3000 of criminal money or 1kg of cocaine, to discovering 48 kg of
class A worth £14 million. By counting these individually as 20 different disruptions, it has a clear affect on the data when it comes to quantifying law enforcement success in drugs trafficking cases.
7. DATA ANALYSIS

7.1 Disruption Panel Frameworks

When it comes to the type of organized crime being graded and discussed in the disruption forums and a preliminary look at the data that has been collected, it is worth initially just looking back at the criteria outlined on the ‘disruption panel assessment’ forms (2013). This is designed for use as an overall guide to the assessment process and requires the panels to assess a number of relevant criteria. These criteria are as follows:

i) Type, quantity and value of POCA asset seized / confiscated.
ii) Whether a ‘premises’ was targeted.
iii) Number of firearms seized.
iv) Quantity of ammunition.
v) Total value of items seized.
vi) Class A drugs seized and their type, volume and value.

This is a self-imposed framework, designed by the MPS to be implemented within the panels. In addition to this, criteria for being considered as an OCG is ‘persistent criminality for some form of personal gain,’ ‘causing significant harm to the community’ and groups of ‘cross border concern.’ Significant harm is defined as: “significant profit loss, significant impact on community safety, serious violence, corruption and exercise of control” (ACPO definition, Metropolitan Police, 2013). Other measurements involve the planning and preparation for crime, number of victims and the roles of key nominals within an OCG. There is less emphasis in MPS definitions, on longevity of criminal relationships or continuing criminal enterprise and the focus is more on corruption, violence and the ‘really dangerous’ aspect suggested by Levi (1998).

The problems outlined in the next two chapters are a critical assessment of what goes to the root of the problem; that the minimization of the harm associated with organized crime is the basis of MPS crime control policy, but although harm has been defined as a concept with an accompanying framework
the definitions imposed are too restrictive in their scope and have not kept pace with modern mutations of organized crime. As Von Lampe (2005:227) has discussed: “A meaningful assessment requires linking the concept of organized crime to clearly defined empirical referents, having a thorough understanding of their dynamics and interrelations, and obtaining valid and reliable data.” The problems with the MPS applied framework is that the framework itself is not an accurate reflection of the harms associated with modern organized crime; the preoccupation with violence, control and corruption, is reminiscent of the hierarchical models of organized crime. There is no acknowledgement of an ‘enterprise spectrum’ (Vander Beken, 2009) or any appreciation of the organized crime market place, with the rigid adherence simply to ‘quantities’ of illegal commodities. Networks are entirely removed from their context (Von Lampe, 2005). Any holistic, iterative, transparent means of analysis (Vander Beken, 2009) is entirely missing from the process. There is no adherence to any empirical referents by the disruption panels in their assessments of ‘harms;’ these are taken for granted and officers staffing the panels have created their own cultural shorthand for what they perceive to encompass organized criminality which is anecdotal, subjective, stereotyped but has nevertheless become all-pervasive.

Instead of applying definitional checks and balances or developing a framework that is evidence-based evidence and supported by strategically selected priorities (Greenfield and Paoli, 2013), the focus throughout is on qualifying what levels of disruption are claimed and in what circumstances – major, moderate and minor. There do not appear to be any specific guidelines on where these boundaries should lie, when it comes to the ‘number and quantity of relevant items,’ which are very quantifiable standards listed on the MPS barometer of OCG ‘harm’ (2013). A closer look has been taken at individual cases selected by the panels and conclusions have been drawn from the data in order to show how organized crime is being defined within the MPS, as well as observations collated on law enforcement response to it. This has been done within the sectors of armed robbery, drugs and cyber-crime. These categories
naturally arose as the panels themselves were designed to address these particular areas.

The data from the disruption panels, as can be seen in ‘Table 1.’ show superficially that the bulk of the referrals have come from an area of organized crime which focuses on drugs trafficking, although 20 of these referrals stem from one OCG alone, which has an obvious and considerable affect on the figures. Although the panels that were attended over an 18 month period are not necessarily reflective of averages across the board (particularly as the cyber-crime panel was the first of its kind), what the data does show during this period is that there is a fairly even spread of armed robbery and cyber-crime referrals. The quantity of cases in each area does not tell us much about the nature of organized crime dealt with by the MPS for two reasons that were perceived by the author; firstly, the number of disruptions attributed to one case of Albanian drugs traffickers show that the way these disruptions are quantified is fairly arbitrary and is not necessarily reflective of levels of organized crime within these categories per se. Also, secondly, the departments are designed to deal with these specialties so as they are the ones bringing the cases to the table, the crimes are selected to fit the categories.
Table 1. Disruption Grading

<table>
<thead>
<tr>
<th></th>
<th>Armed Robbery</th>
<th>Drugs</th>
<th>Cyber-crime</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No of Major Disruptions awarded:</strong></td>
<td>6</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>No. of Moderate Disruptions Awarded:</strong></td>
<td>3</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td><strong>No. of Minor Disruptions Awarded:</strong></td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td><strong>No. of Disruptions Discounted Altogether:</strong></td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>No. of total Referrals:</strong></td>
<td>9</td>
<td>7 (+ 27)</td>
<td>12</td>
</tr>
</tbody>
</table>

What appeared to be overwhelmingly the case throughout a deconstruction of the panel observations is that certain departments within the MPS have achieved a certain status over the years and this defines how their cases are viewed culturally from the outset, meaning that their investigations are automatically viewed as more ‘serious’ or ‘organized’ despite overwhelming evidence indicating to the contrary confirming that certain types of criminal offending are becoming less significant or even obsolete. In addition to this, analysis of the panels shows that some specialist units are more ‘canny’ about nominating jobs to the panels than others and about how they break down these jobs to measure their performance. The way the jobs are presented, coupled with the cultural significance of these departments within the MPS, means that certain myths about organized criminal offending have become perpetuated and reinforced.
7.2 Armed Robbery Referrals

The area that presents as the most significant example of how out of date cultural perceptions of organized crime within the MPS have become ingrained in daily practice and monitoring behaviour, is in the sphere of ‘Armed Robbery’ or cases presented by the ‘flying squad.’ What became immediately apparent when observing these panels as opposed to other areas of organized crime, is the contrast between the numbers of armed robbery cases that are automatically ranked as more serious or ‘major’ disruptions, when compared to the other big cases presented at the panels. In fact looking at the data as a whole from the first disruption panel, it is rare for cases of this kind to be presented as anything less than major.

Only three cases in the entire first panel fall below major levels and even these are described as moderate. As the big drugs cases have been shown to be broken up over a series of disruptions, this makes it look like there is more careful consideration of the seriousness of each disruption, when in actual fact they are broken down into individual disruptions within one OCG, which makes it more difficult to draw comparisons between the data. One conclusion that can be drawn from the drugs disruption panels is that their tone clearly attributes the drugs cases with more gravity than for instance, the cyber cases. Like armed robbery, they were awarded more kudos and were taken more seriously overall, which is reflected in the ethnographic perception of nuance and culture around these areas.

7.2.1 Levels of Professionalism within Armed Robbery as a typology

Looking initially at armed robbery as a concept, it is really an umbrella term which covers a variety of criminal offending from smash and grab, to cash in transit, ATM robberies (requiring technical equipment or compressed gas techniques) all the way through to actual bank robbery involving firearms. It is
worth noting here that many smash and grab or cash in transit robberies are often not armed, or at least not with firearms. Superficially these two types of ‘armed’ robbery do not adhere to much of the disruption panel assessment criteria, with the possible exception of ‘premises targeted’ in the case of smash and grabs.

Despite rather radical changes in the way CIT robberies are being carried out (there is relatively little research on smash and grabs by comparison, which represent an even more recent development of a trend), there has been little evidence of a consideration of this evolving tendency for CITs to have become de-professionalized in the disruption panels. When weighed against the disruption panel criteria many of the cases do not meet any of the six superficial criteria for the assessment process, though this is not mentioned anywhere in the assessments. What becomes manifest is that being incorporated into the flying squad remit has become a guarantee in itself of a crime being defined as ‘organized,’ however unskilled or ‘unproductive’ its performance or fruitless its result. It is telling that 6 out of the 9 cases brought to the panel were CITs and smash and grab robberies. Major disruptions are being claimed even where there appears to be little tangible basis on which to draw this conclusion; the sense here is that cases are being ‘talked up,’ even where smash and grab and cash in transit robberies are concerned, allowing some nominals to be construed as organized when in fact they are more petty criminals or low-level repeat offenders.

7.3 Firearms and Organized Criminals

Two aspects of the disruption harm criteria specified by the MPS, focus on firearms and ammunition but interestingly, of the nine armed robberies being put forward, only three of them actually involve guns, some of which have simply been seized and not even used in the commission of the offence. This again is a direct example of how either the existing framework or the creation of more empirically based harm frameworks, are being ignored in favour of more subjective modes of categorization. Often the firearm seizures mentioned
in the panels are small singular occurrences, though the very presence of a firearm serves to rank these offenders and cases up a notch when it comes to scoring disruptions, indicating it as something of a rarity rather than a rule. Although by the officers’ own admission the individuals arrested and charged are very low down the food chain, the fact that nine guns are seized in the third case presented means that this is given a ‘Major’ grading. This would suggest that tentative conclusions could be drawn about guns becoming less prevalent in the world of serious organized crime at this level. On the other hand, it could suggest that the cases being discussed are simply not up to their graded level of severity being awarded. Either way, measurements of organized crime being conducted within the MPS are being skewed and both factors merit serious consideration.

From the data obtained it appears that there is simply an unwarranted focus on guns when it comes to contemporary assessments of organized crime, with the more organized cases on one hand being overlooked because they do not involve firearms and on the other end, the panels are being artificially fleshed out with less serious cases to make it appear that major disruptions in this particular area of ‘organized crime’ are being achieved. Tellingly, though armed robbery has been subject to detailed research on the subject of firearms, most of the evidence on rates of firearms usage in armed robbery is now from the late 1990s (Hales et al., 2006), which suggests a decline in prioritization, at least in the academic world. We know that bank robberies have fallen by 90% in the last two decades (British Bankers’ Association, 2013) and no doubt this provides some evidence for the decline in academic interest.

Despite this, the preoccupation with firearms by law enforcement does not appear to be on the wane and is therefore disproportionate in its focus. All the evidence for developments in the commission of organized crime points to the deskilling and depleting existence of the traditional armed bank robber due to crime prevention techniques having been implemented over the years, reducing opportunities, lengthening sentences and making the risks less worth while. Despite this the macho culture within the serious organized crime command still perpetuates a special kudos to those operating under the Flying
Squad banner so that the MPS response in this area is functioning nearly fifty years behind the times.

### 7.3.1. Guns and Gangs

A Home Office Study (Hales et al., 2006) on the use of illegal firearms shows that firearms are often linked to low-end drug dealing and robbery. Pearson and Hobbs’ (2001) study on ‘middle market’ drug dealers, evidence that those higher up the commodity chain appear to use less violence and that firearms feature less where criminal relationships are often more robust. The data from the disruption panels shows that in a small number of cases guns are being used instrumentally by armed robbers. However, that most of the gun traffic is accounted for by the fact that there have been high instances of black-on-black gun crime, with an emerging trend where guns are used by mainly gangs to enforce drug debts or to punish perceived disrespect (NCIS, 2002). Hales et al. (2006) have suggested that at this lower level, firearms are representative of both protection and empowerment, that in this sense there is no unifying ‘gun culture.’ Guns are used in a more complex defensive and symbolic fashion on street level, where they are “conflated with respect and violent potential” (Hales et al., 2006: 14).

This conclusion is also borne out by data from the case studies, where the only nominals shown to have much involvement in firearms are those associated with gang activity. Although the focus of this study (and allegedly that of LOMU) has deliberately not been incorporative of gang crime in the organized criminal sphere, it is worth noting that of the 35 case studies, 5 known gang members were taken as organized crime referrals. Departmental remits were deliberately designed to exclude gang nominals from organized crime initiatives. That these nominals have been incorporated into the LOMU organized crime cohort is symptomatic of a lack of care in assessing the proper subjects for monitoring purposes, particularly with regard to the application of Serious Crime Prevention orders.
As Decker (2001) has shown, gangs are often disorganized, typically do not have 'leaders' and the behavior of gang members reflects their status as adolescents. It can be argued that there are some gangs, which perhaps could be considered under organized criminal offending guidelines. However, those selected from the case studies certainly do not appear to have been serious offenders in an organized sense. Though none of the case studies were adolescents, the ones selected appeared to be more 'overgrown' gang member than organized criminal, especially using Decker’s (2001) definition as a guide. ND, LE and ON, who were blackmailing shopkeepers (and drug dealers) and BQ and TU who had been involved in drugs, accounted for the majority of case study subjects with links to firearms. All were black males, heavily involved in criminal behaviour of a wide range which reflect Bullock and Tilley’s (2002) description of Manchester gang members; most had committed a range of offences, including both serious violent offences and offences involving property, with weapon carrying being common.

The incorporation of gang members into the LOMU cohort of case studies has a distorting affect on the data when it comes to deciphering numbers of organized criminals being involved in firearms. Of the 35 case studies, only 5 have previous convictions for firearms or have been involved in firearms offences. QU, the high-value burglar, had very old firearms convictions from the 1980s, but none current. Though not a current gang member, these old convictions appear to have stemmed from gang activity he had been involved in as a juvenile. TU and BQ who were co-defendants and fairly low-level drug dealers both had firearms and ammunition convictions. Two other subjects who were the only subjects with links to firearms and not gang members, were brothers from the traveler community and co-defendants. They had served time for drugs and counterfeit money offences and were arrested after attempting to shoot each other. The observations of an officer from the cyber-crime directorate are here particularly pertinent; he argued that the ‘really organized’ crime is being committed virtually, reasoning that to walk into a bank and try and rob it at gun point is ‘disorganized’ and less professional in its
very nature, compared to committing crime on a far bigger scale utilizing lap tops from the comfort of their own homes (and countries).

Table 2. Break Down of Case Studies

<table>
<thead>
<tr>
<th>Type of Offender:</th>
<th>Number of Referrals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armed Robbery</td>
<td>4</td>
</tr>
<tr>
<td>Drugs</td>
<td>14</td>
</tr>
<tr>
<td>Fraud</td>
<td>7</td>
</tr>
<tr>
<td>Cyber</td>
<td>6</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>35</td>
</tr>
</tbody>
</table>

Gang Members                     5
Small Scale Offenders             6
Links to Firearms                5

7.3.2 The Superficial Pursuit of Easily Attainable Targets & Offenders

Though not gang members as such, another group worth commenting on here is the ‘smash and grab’ contingent, who when looked at in terms of the case studies, appear to be at odds with the organized crime demographic, if such homogeneity can be applied. In the case of CT and NQ, their previous convictions read like troubled, repeat, juvenile offenders rather than organized criminals. They had become involved in a group of young males from North London estates who were grouping together on mopeds and committing seemingly one off, high value robberies, yielding little profit for those involved. Though there is an element of them acting in concert for the purpose of these
robberies, the turn over of participants was high and there was a real sense that although there was not necessarily a rigid hierarchy in place, that these robberies were being ‘done to order;’ that they were being recruited higher up on a transient basis. This coheres with Kleemans’ (2008) previously described theories on organized crime being the preserve of older offenders due to social opportunity structures that are not made available to those in lower age ranges.

Attempts by the LOMU department to deal with their types of reoffending meant becoming embroiled in a battle against repeat, low level recidivism that went against the supposed purpose of the department being aimed at preventing organized criminals once released from prison, from ‘setting up shop’ again. In CT’s case, he was recalled to prison after being found in possession of counterfeit money, but further efforts were focused on prosecuting him (and his father) for having attempted to mislead his motorbike insurance company about previous convictions. Being found with a few fake £50 notes in his case was very different from the example of FE and SE, the brothers who were found in possession of sophisticated counterfeiting equipment capable of manufacturing fraudulent notes and identity documents, yet no distinction was made between the two different levels of offending.

In NQ’s case he was recalled for behaviour that involved arson and a street affray involving a machete; undoubtedly connected more to his mental health and behavioural problems rather than any strategic propensity towards organized criminal offending. Essentially, none of these ‘disruptions’ were organized crime oriented. This is if recalling someone to prison for a month can be seen as a positive disruption in any sense, even according to the rather loose MPS definition, which defines it as causing an OCG to operate below usual levels of activity for a certain amount of time. Also, there has never been an acknowledgement that smash and grabs are being done to order and that a better focus might be on those doing the ordering, further up the food chain, or at least those with specific criminal expertise rather than the ‘jack of all trades’ types of offender that have become incorporated into the focus against organized crime recidivism.
7.4 The Elusive Nature of Networks & Inflated Claims of Disruption

Kleemans (2012) points out that in an environment characterized by distrust and suspicion, social relations become even more influential than market forces; the search for suitable co-offenders for criminal cooperation becomes of paramount importance. These are still usually selected from within friends, families or acquaintances. It was hypothesized early on that small, flexible and efficient organized crime groups are the necessary product of market forces (Paoli, 2002); that ‘labyrinthine clusters of networks’ (Lippens, 2001) had become the norm. Hobbs (2001) discusses the evolving of the traditional family, neighbourhood firm so that it has come to embody the more transient characteristics underpinning the essential instrumentality of the illegal marketplace. Developments in (legal) labour have contributed to the transformation of organized crime in Britain in general and of the neighbourhood ‘firm’ in particular, with apprenticeships, decline in prospects for physical labour and the cash economy. Some of the ‘firms’ exemplified in the court cases that involved drug trafficking, seemed far more chaotic than Lippens’ (2001) assessment allows for; there may be OCGs that incorporate family members but they do not always appear to have clear parameters.

In the court observation of MB and what was defined simply by prosecution barristers (presumably on police instruction) as a family-based OCG, seemed to be little more than a household paint spraying business taking bids for drug trafficking trade on the side. It certainly did not resemble an organized criminal activity that was the preserve of the extremely skilled (Hobbs, 1998). There was talk during the trial of the ‘whole OCG being related to one another’ but this in itself seemed to be little more than a measure of its chaos, that there was no clear distinction between where family barbecues began and business meetings ended. Other ‘family based groups’ were KE, LE & CD, the cannabis traffickers, who operated as a small close-knit group of 3, involving fraternal ties between two of their members. Similarly FE and SE...
were brothers, operating together within a traveler family set up. In the case of MM-T, BT and TI, the first two members were married to one another.

Most of the case study subjects appeared to have extremely transitory relationships with their OCGs. HO was unceremoniously dropped after getting himself in legal hot water; ET became severed from what was purported to be a wider OCG after his arrest attracted too much publicity. BC was an example of in fighting within criminal partnerships. Again it is questionable whether KQ and BC should be seen as ‘leaders’ simply because they are seemingly operating alone for much of their criminality or because they have lost their partners along the way. Perhaps this again can be seen as evidence of transient relationships amongst organized criminals. Even those organized criminals married to each other (MM-T and BT) did not seem to forge lasting bonds and there was intelligence to suggest that brothers SE and FE had ended up in a family shoot out.

What was interesting from the disruption panels was the continued emphasis on claims to having ‘taken out’ entire networks, or having ‘nipped networks in the bud.’ There are different ways of interpreting the data in this regard, that on the one hand many of the criminals dealt with are like the smash and grab robbers described earlier. They are superficial attempts to pursue easily attainable targets and efforts to deal with them by law enforcement represent a semi-futile attempt at beheading a criminal hydra; where some are taken out, others quickly fill their place so that very little is being achieved in the long run. This is particularly relevant in the context of Dujin et al.’s (2014) findings, which demonstrated that even multiple removals of individuals of this kind within the network, actually increased the efficiency of the group over time as it created new illegal opportunities for expansion. There is no regard in the case of CT and NQ, or any other networks that claims are laid for having ‘nipped in the bud’ for playing the long game; the focus instead is on snapshots of OCGs at certain points in time, rather than “long-term consistent intervening effort” (Dujin et al., 2014:14).

On the other hand, there is a sense that these low level offenders are perhaps offshoots that are symptomatic of the transient characteristics
underpinning the essential instrumentality of the illegal marketplace (Hobbs, 2001). Hobbs’ (2001) assertion that criminal networks operate as fluid, flexible marauders on an ever changing terrain, forming coalitions of loosely structured informal collectives of ‘ad hoc groupings,’ has never seemed more relevant. With this in mind, the big claims about eliminating networks through ‘one fell swoop’ of disruptions seem clumsy at best. As Coles (2001) has pointed out, the fluidity of these networks means that it is often difficult to see, where they begin and end. This is especially pertinent where intelligence is on occasion demonstrated to be completely unreliable. A good example of this is in case three of the armed robbery disruption panel, where a group of cash in transit robbers are said to be using knives, only for the officer presenting the case to concede that in reality this appeared to be misleading.

Case four on the armed robbery panel is also relevant here. A ‘jack of all trades’ type network with extremely mixed criminal interests that stretch from CIT robberies, to aggravated burglaries stealing Asian gold in some cases and high value vehicles in others, as well as occasionally ripping off other drug dealers, does not appear to have any clear parameters to the ‘OCG’ at all. This is obviously significant. Never the less they are listed as a concrete and tangible OCG, despite the fluidity of their group. The only problem the panel seems to pick up on when quantifying the disruption is that sentencing has not yet occurred. There is no mention of the fluidity of the group when it comes to them staking the claim that they are confident they have taken out a whole network. The members of the OCG that have been rounded up are on the one hand designated as ‘foot soldiers,’ on the other, their arrest is hailed as a major skills loss to the OCG. There is a sense that the way these panels operate is coming at the problem from the wrong angle. Coles (2001) highlights Milgram’s (1967, in Coles, 2001) ‘small world problem;’ the likelihood of a connection being able to be made between any two people through no more than two other immediate acquaintances. Law enforcement are trying to trying to force offenders into neat OCGs, to make them fit, when perhaps they are coming together for limited amounts of time and are constantly mutating.
7.5 Mythological Godfathers and Absent Hierarchies

Much of the literature on organized crime questions the nature of ‘mafia-like attributes,’ particularly in the UK, as well as formal hierarchical structures (Gregory, 2003). Across the board there appeared to be little evidence of pyramid type organizations or hierarchies. It is difficult to form an accurate intelligence picture on who is a ‘kingpin.’ From an examination of the data, it would appear that their very existence appears to come down to two aspects; whether the changing nature of contemporary organized crime means that such a hierarchy exists at all or on the other hand, whether we can ever effectively get to the bottom of what role was played by whom. This is particularly pertinent when we are relying on an often murky and unreliable Intelligence picture, drawn from unreliable sources. Often the information comes from covert human intelligence sources paid large sums by police, who harbour their own agendas, or from defendants trying to extricate themselves from lengthy sentences during trial by shunning responsibility.

Of equally unreliable origin appears to be Intelligence that comes from the subjective speculation of officers heavily involved in their cases. In the case of police officers’ assessments, it is often based on little more than gut feeling and inference or interpretation of communication between those they are attempting to apprehend. There is a certain kudos attached to having brought down a ‘kingpin’ and it is unlikely that officers having spent months on proactive investigations would want to play down the results of their hard work, even if they were able to make such objective assessments about the nature of those they bring in.

In addition to this, it has become clear from the disruption panel data that within even the same teams of officers who have presided over the same cases there is a certain amount of disagreement when it comes to how high up the person being prosecuted is purported to be. Within the drugs disruption panels this becomes clear, when a case involving Turkish heroin dealers is discussed. On the one hand they are describing certain subjects as being ‘mafioso’ as there is evidence to show a particular individual has travelled to
Northern Cyprus to shake someone’s hand in order that some drugs are released on the market. There is clearly an added cultural element thrown into the mix here; perhaps a certain way of doing business in the Turkish criminal fraternity that is alien to British officers, leading them to attribute their methods with some sort of mythological godfather-like status. One officer during the panel describes how they have taken out a huge portion of the OCG, identified key people in the group and linked them back to Turkey. Most importantly he claims that they have apprehended the ‘right hand man’ of the ‘main guy’ in the OCG. The other officer present states that it is his belief that the ‘skills loss’ to the group is relatively minor.

The court data on MB articulates this problem well, on examination of the lengthy semantic debate at his sentencing as to whether he had a ‘leading’ role or ‘central’ one in the OCG. This perhaps inadvertently echoes academic assertion that organized criminal networks are no longer strictly hierarchical but best understood as a ‘flat or shallow pyramid,’ featuring employment that is negotiated within ‘networks of small flexible firms characterized by short-term contracts and lack of tenure’ (Hobbs, 2001). This appeared to be particularly significant in the criminal networks discussed in the data, who were involved in drugs; a theory that is supported by Pearson and Hobbs’ (2001) study of middle market drug dealers. Pearson and Hobbs (2001) point to the existence of typically small networks or partnerships of independent traders or brokers. The claim by the officer in MB’s case that there had been those much higher up the ‘organization’ but that they had never been able to evidence that hierarchy, points to the out of date stance taken by law enforcement on these matters, with officers trying to make evidence fit pre-conceived moulds of how they believe these networks are operating. It is likely that they are chasing phantom hierarchies, where those perceived to be high up within the OCG are simply just another nameless broker within the flat or shallow pyramid.

Of the 35 case studies, only one or two appeared to be in any sense a ‘director’ of operations. Perhaps this can be tentatively concluded in the case of jewellery fraudster BC (though he mainly acted alone or in partnership with one other) or KQ, the cyber fraudster. However, on the one hand, KQ is painted
as a mastermind, whereas on the other he was said to be overshadowed by an elusive heroin trafficking brother, living in Spain. Looking at his brother’s long history of drug abuse and armed robbery, he appears to be an unlikely cyber whiz, but this just shows the limitations as to where the intelligence or evidence obtained as part of the prosecution case can take us.

Perhaps we are only able to access the tip of the iceberg when it comes to uncovering the real extent of criminal networks or perhaps things are as basic and disorganized as they superficially appear to be. ET was the hopeless ticket salesman who operated mainly alone, though with a network of other tout type figures, all seemingly working for themselves within a ‘dog eat dog’ competitive environment. An impromptu visit to his ‘offices’ in central London as part of LOMU’s monitoring activities uncovered numerous suspicious individuals all working out of the same premises. Within seconds of the visit, though ET was absent at the time, he had obviously been tipped off about police surveilling his whereabouts and ET was nervously making phone calls to LOMU about his whereabouts. It is not known how closely criminals of this kind operate in tandem with other such characters.

Similarly in the case of BN, NL, QN and UC, UC is cited during the trial as being a controlling figure, yet QN and NL were also portrayed as fellow ‘directors.’ Any evidence presented during referrals or trials when it came to the existence of kingpins was found to be conflicting and without any strong evidential basis. The majority of disruption panel data, court cases witnessed and case study examples, seemed to support the notion that formally structured OCGs are atypical, if they exist at all.

### 7.6 Degrees of Organization, Skills Loss & Lynchpins

It appears that there is an important distinction between evidence of hierarchical or pyramid like structures within OCGs and there being a degree of organization, something that seems to confuse law enforcement to the extent that they are unable to conceive of one without the other. It is also clear that within the Turkish OCGs that there is some degree of organization in order for
the drugs to be trafficked over to the UK in the first place. There are clearly those within the OCG that play certain roles, but perhaps this is a good illustration of the changing nature of criminal organizations. The case studies NN and MX, KQ, point to fraud as being an area of organized crime where they are perhaps more skilled or hierarchical members within organized crime groups. That KQ was able to facilitate over £90 million of mortgage fraud by the selling of false identities in a faceless cyber market place perhaps exemplifies the segmented nature of contemporary criminal hierarchies, which on the whole point to fleeting, anonymous interactions rather than lasting relationships (Wright, 2006).

Perhaps it is important here to reflect on the difference between Cohen’s (1977) structured activities model where there is a focus on the organized crime rather than the criminals, if such an easy distinction can be made. As Van Duyne (1996, cited in Wright, 2006:5) helpfully describes it:

“economic activities of these organizing criminals can better be described from a view point of crime enterprises than from a conceptually unclear framework such as ‘organized crime.’

Hobbs (2001) has demonstrated that tendencies found in the organization of legitimate labour are reflected within crime networks and there are some areas of organized criminal offending explored within this project, that appeared to exhibit more organization than others; particularly in the case of the smash and grab robberies, there was a sense that they were being done to order; that someone with some ‘expertise’ is required to sell on the high value stolen goods despite the robbers themselves not always being particularly canny in their methods (using £100,000 vehicles to ram shop fronts as an example). Some of the ethnic groups in particular, for example the Turks or the Albanian drug traffickers, appeared to have more evidence of traditional organizational structures than the ‘less skilled’ OCGs.

7.6.1 Fraud as a More ‘Organized’ Area of Offending
It was mainly in the case studies or court case observations involving complex fraud cases that there appeared to be any particularly 'skilled' offenders involved. Ruggiero's (2000) 'Fordist' factory model is helpful here, which suggests that there has been a de-skilling in the criminal industry in parallel with those in legitimate markets. The concept here of a 'lynchpin' within an organization, is very different and not to be conflated with that of a kingpin, which brings with it a suggestion of hierarchy. Although some skilled offenders did appear to exist they were a relative rarity, but these perhaps constituted the more truly organized of the cohort. The existence of lynchpins within criminal organizations, who were called such because they were less expendable and in possession of a skill set that was essential to the continued working of the group, is perhaps a more accurate way of encompassing how contemporary organized crime works. They appeared to be found in the ‘small flexible firms’ that Hobbs (2001) has argued are the exemplar of contemporary organized crime.

Of the Fraudsters that particularly exemplified this type of more skilled offending, based around the small flexible firm, NN, encountered during the court case observations, was a particularly good example. Along with several named accomplices fulfilling various functions (and comprising of various fraudulent identities), she had committed approximately £15 million pounds of mortgage fraud. It was continually mentioned during her confiscation hearings that she had a particularly shrewd grasp of accounts and figures, which had enabled the fraud to take place over such a long period. MM-T and BT had also been instrumental in the group of three that were responsible for more than £3 million pounds worth of money laundering. MX had enabled a particularly well-covered financial trail, which made it difficult to establish where the funds (estimated at £1.3 million) had gone.

One tentative conclusion that can perhaps be drawn here is that if organized crime is predominantly motivated by profit, as Levi (1998) has suggested, then perhaps we should look at profits gained and what profits are estimated to have successfully been laundered, as a possible measure of organizing ability. Serious organized cases by definition are thought to be
turning over larger profits. Obviously this is a difficult task to measure in any sense objectively. Bullock (2014) has exposed the gap between estimated criminal benefit and available amount for confiscation purposes at being 95% lower than the original law enforcement sum, for a variety of reasons.

However, the ability to invest and launder is perhaps a useful guide for assessing the ‘organized’ aspect of serious crime, and one that distinguishes the lynchpins from the crowd. As Van Duyne (1998:366) has pointed out, this requires the ‘crime-entrepreneur’ to elevate themselves to a new social level, beyond the “cash-based economy to a higher socio-economic level for which he will need other social and intellectual skills.” It is also a distinction that remains entirely unrecognized by law enforcement at this level. A good example of this is the distinction raised between the two drug traffickers witnessed at two different court trials in one week, MB and FK. LA had been found with 100,000 in Euro notes under his bed and £85,000 in his car, whereas FK had supposedly made £6 million and owned numerous properties abroad. MB exemplifies the point that it is actually quite difficult for criminals to spend dirty money. Of all the offenders, few did appear to be living the clichéd Pablo Escobar style dream of riches beyond measure, especially within the confines of the UK. MB had managed to build an extension with some of the proceeds of his crime, but clearly had no means (or contacts) by which to launder his money; this proved to be a strategic level above what he was capable of. Again, this appears to be less to do with hierarchy and more to do with skill and contacts; it demonstrates effectively the entrepreneurial aspect of criminal offending discussed by Hobbs (1988).

### 7.6.2 Chaotic Confiscation Proceedings

The main conclusion that came out of any contact with court cases that involved confiscation or proceeds of crime, was how convoluted and complicated confiscation proceedings could be. On the one hand, this could be seen as testimony to the skills of those involved, but it seemed more a case of bureaucracy triumphing over sense. On the surface of things, confiscation
should simply occur where the offender has been living a criminal lifestyle. Criminal benefits are calculated as the total amount gained. However, what is not calculated is out of what has been gained, what constitutes profit. Criminals may have spent a certain amount of their funds along the way and are therefore legitimately unable to pay funds back. However, of all the case studies where confiscation was involved, none of them appeared to pay it back to any significant degree. In most of the confiscation cases observed, offenders had served their whole sentence for the original offence before their confiscation had even been decided on. In the cases of TU, TI, MM-T, BT, KQ, NN and MX’s cases the confiscation outlasted the sentencing for the original offence.

Those offenders who were facing default sentences as a result of not having paid confiscation amounts once fixed, often had no incentive to cooperate. Where the amounts to forfeit were so high, in some cases millions, offenders appeared to be more willing to serve their default sentence and keep the money; assuming they had the funds to pay any of it back. Some of these cases were still pending at the end of the 3 year data collection period that this project entailed. Financial reporting orders placed on these offenders seemed ridiculous under the circumstances. As breach of an FRO is a six month maximum sentence and constitutes a ‘summary’ offence, it mean that police powers to deal with any breaches were minimal in the first place. The penalties for breaching the FRO (multiple low level fines in HO’s case each time) were so negligible compared to the funds being negotiated at confiscation hearings meant that even the judges had become sceptical with regards to an order that places the onus on fraudsters to be upfront about the extent of their criminal assets, after the horse had bolted.

7.7 Intellectual Assets & the Evolution of Cyber-crime

What is clear from the case studies and the disruption panels is that traditional forms of organized criminal offending are evolving. A cabinet office study (2011) has estimated the cost of cyber-crime to the UK to be £27 billion per annum, to which three quarters of which and the cost of £21 billion is borne by
businesses, though it is estimated that the real cost may be much higher. However, Anderson et al. (2012) are sceptical of some of the statistics. In May 2007 the European Commission issued a Communication “towards a general policy on the fight against cyber-crime” which set out a crucial distinction between traditional forms of crime that have moved online, crimes that involve the publication of illegal content online and that are unique to electronic networks. The boundaries between these types of offending are sometimes fluid and what is made manifest particularly in the disruption panels, is the difficulty law enforcement are having within the MPS, in conceiving of these new types of criminal offending.

In particular, it is the concept of intellectual property, which defies the measurements of ‘guns, drugs and money’, used across the board within the disruption panels. Law enforcement is failing to grasp the significance of intangible assets in a rapidly changing world. In 2011, the UK market sector invested £128.8 billion in intangible assets, nearly 50% more than the £88 billion which was invested in tangible assets; the growth of intellectual property is far surpassing that of ‘physical’ property (Goodridge et al., 2014). The MPS are not alone in their failure to conceive of new kinds of theft and fraud involving less easily quantifiable, virtual property; cyber-crime also tends to be taken less seriously by the courts and yields smaller sentences to traditional forms of organized crime. The main problem with contemporary types of organized crime is that there is a failure across the board for law enforcement to recognise more contemporary types of organized crime, which is why the focus is still very much on armed robbery and drugs cases. It requires officers to see beyond the bank notes and the bullion and to conceive of more abstract losses. The effect on communities is not discussed anywhere in panels, referrals or court case data.

Taking into account direct financial comparison between drugs and cyber cases, shows how poorly the disruption panels conceive of cyber-crime. In particular the case within the cyber-crime disruption panel which involved the theft of hedge fund trading formulae, was particularly alarming, with regard to the scale of what this intellectual property was worth and the complete
inability of the panel to comprehend it. There was a complete lack of understanding when it came to generating consideration with regard to catastrophic future losses to an entire hedge fund. DOS attacks on businesses are similarly dismissed whereas case studies ND, LE and ON, where gang members were found to be blackmailing barber shops and drug dealers felt the full force of law enforcement. Despite the comparative losses being relatively minimal, it is obvious that if it is not ‘organized’ criminal offending targeting tangible goods or losses, it is fundamentally misunderstood.

Similarly, cyber mules are not being dealt with on the same level as for example, drug trafficking couriers. The only difference between these two roles is that in one case, mules are facilitating the trafficking of money, all-be-it virtually and through bank accounts, whereas couriers are conveying the physical ‘gear.’ However, the panel or LOMU dismissed the prospect of classing disruptions or imposing sanctions on cyber mules, instantly in terms of orders. Also subject to overly hasty dismissal is the more transitory type of disruption that cyber-crime law enforcement tends to be faced with. Without the existence of a neat beginning and end to a case as well as a concrete framework to the parameters of an OCG, the possibility of conceiving of work done by law enforcement in terms of disruptions is unthinkable, even though in reality is unlikely and is especially obvious when it comes to cyber-crime cases.

7.7.1 Myopic Approach to Different Types of Organized criminal offending

In addition to the poor conception of cyber-based offending generally, is a failure on the part of the MPS to conceive of organized criminals being able to operate successfully on their own. These type of cases are dismissed instantly from disruption panels. Again the concrete notion of the OCG is all-pervasive. There is no need for a ‘network’ in certain cyber-crime cases, where ‘botnets’ allow criminals to access multiple internet connected devices, taking over their functions and rendering the requirement for physical co-offenders null and void. The cyber-crime industry is particularly difficult for old school organized
crime detective culture to adapt to because it is simply more segmented and dispersed, being made up of ‘small flexible firms’ (Hobbs, 2001). Organized crime on this level is no longer the preserve of a few skilled workers directing others from above; searching within cyber-crime OCGs for hierarchical arrangements is clearly a fruitless task.

With the exception of KQ, the online counterfeit fraudster, and KT, an associate of his, there were only four cyber criminals taken on within a three-year period and those four even came as a group. Within the data collection period of 2013-2015, there were 129 referrals and 6 of them involved cyber-crime offending. Incidentally there were no human traffickers at all and only a small handful of fraudsters. The types of organized crime listed in the HM Government *Serious and Organized Crime Strategy* (2013) are as follows: drug trafficking, human trafficking, high value fraud and financial cases, counterfeiting, organized acquisitive crime and cyber-crime. There is an obvious and alarming dragging of feet when it comes to the variety of organized criminal that the MPS are willing to tackle; particularly within the ‘Lifetime Offender Management Unit.’

Even where huge sums of money are involved if the banks have been designated as victims it is not seen as being serious. ACPO definitions of ‘serious harm’ heavily emphasize community safety and an exercise of control, which doesn’t necessarily fit with ‘remote’ financial crimes. There is a failure on the part of the MPS to adapt their often ‘anecdotal’ ideas about organized crime to meet contemporary forms of criminal offending, which is ever more apparent when applied to the world of cyber-crime. Anderson et al. (2012) argue that this is due to the effects of globalization; for most of the crime conducted online; offenders and their victims are in different jurisdictions, reducing the motivation, but also the opportunity for police action. They point to irrational expenditures when it comes to the anticipation of computer crime, on anti-virus software and firewalls etc. and suggest that Police should spend less in this area and more in catching and punishing the perpetrators once crime has been committed (Anderson, 2012).
7.8 Spectrums of Legitimacy

There was a reluctance across the board to conceive of organized criminal offending in terms of there being a spectrum of legitimacy, with business interests of those subjects being examined being treated with extreme skepticism. There is good reason for this in part. Despite BC having been convicted several times over for fraud since 1999, and his final conviction in 2009 resulting in him being prosecuted for parting some 57 people from their jewellery, he maintained that he was simply an absentminded businessman and that on occasion his figures had simply failed to add up. By any standards, a business model where you persuade someone to part with an expensive watch on the basis that you are going to sell it on, then pawn it and spend the proceeds, cannot be one that generates profit long term.

However, these cases invite ‘white collar’ comparisons. The hollowing out and asset stripping of BHS to the tune of £580 million by Phillip Green in 2016, leaving his employees to face a pension deficit of £571 million (Ruddick, 2016), is seen as little more than bad capitalism or couched in terms of ‘wealth extraction’ rather than outright fraud. In BC’s case, he attributed his string of fraud convictions to a campaign of persecution by law enforcement, which had resulted in several separate miscarriages of justice and he seemed to genuinely stand by his belief. However, the difficulty in ‘managing’ him as an offender was that as soon as he was out of prison he would attempt to re-enter the ‘trade.’

It became endlessly complicated when trying to curtail BC’s business activities. He was initially banned from trading in jewellery in his first SCPO, but when taken to court soon after his release for trading in Rolexes, there was doubt as to whether watches were covered as part of his business restrictions. The terms of his order were then changed to include a prohibition on the trading in ‘luxury goods,’ which caused further definitional complication. Placing restrictions on known organized criminals carrying out legitimate trade is no easy task and requires careful consideration.

The lack of success in curtailing BC’s illicit activities alongside any potential for licit ones was perhaps what discouraged LOMU from any
imaginative disruption tactics from the very start. It meant that when it came to the case of the Colombian banana company, found to have been utilizing the transportation of fruit to disguise large amounts of cocaine being trafficked into the UK, there was a complete reluctance to tackle business owners rather than just the couriers and an unwillingness to look at anyone with some element of legitimacy to their dealings. This feeble and watery approach to treating symptoms rather than root causes of offending resulted in the only orders obtained being against those who were more expendable or who had more casual involvement on the fringes of a group; not what Serious Crime Prevention orders were by all accounts designed for.

7.9 Cross border concerns

As with the difficulty presented in cyber cases regarding law enforcement across jurisdictions, and failure to appreciate spectrums of legitimacy, there is also a reluctance to take on organized criminal offending even where relatively serious cases are concerned, when it comes to the prosecution of criminals who are foreign nationals. Unless a quick deportation can be implemented and an immediate disruption claimed as a result, these cases tend to get resigned to the ‘too difficult’ box. This became obvious with the case in the drugs disruption panel that involved a lucrative international VAT fraud involving Polish nationals in the UK and at home. This particular case had unearthed several corrupt officials and had been linked in with various other kinds of organized criminal offending. This was even one of the few cases where there was any evidence for the corruption of officials or law enforcement, which is hailed in particular as an ACPO priority. The response where cross-border concerns are involved is approached with little consistency.

On the one hand, a case referral involving the Colombian banana couriers was taken on and they are referred on for SCPOs, because the possibility that their criminality could be curbed ‘whilst in the UK’ was mooted, whereas in the case of the Polish VAT fraud they were considered beyond the stage of imposing sanctions. One of the reasons behind this of all things, seemed
to be because they had no previous convictions in the UK; a necessity apparently, in order to qualify as an organized criminal. Dujin et al.’s (2014) assessment that those later in life and with not necessarily any previous convictions, are often the ones that find themselves with the social opportunity structures in place that facilitate complex offending on this level, are again relevant when it comes to those of foreign nationality; they may be even more able to provide the necessary cross border links, without having previously come to the attention of UK law enforcement.

Despite this, certain ethnic groups are focused on if they appear to comprise of an OCG worth a challenge. The Turkish heroin dealers and Albanian cocaine dealers are a favourite of the drugs disruption panels; one Albanian OCG yields twenty separate disruptions, because one is awarded for each time drugs are discovered, no matter how small or large the quantity; even in one instance where 1kg of cocaine is discovered. The panel decides that each time drugs are removed from the OCG that this warrants a separate disruption to the group. These numerous offshoots on cases skew the disruption data because of the sheer quantity of referrals from the same cases.
8. CONCLUSION

“In general criminal justice only looks backwards at fixing blame, not forwards in strategic thinking.” (Levi, 2003:224)

8.1 Introduction

This study has been about a contribution to knowledge in the field of organized crime, within the sphere of the MPS, at its self-declared ‘top-tier’ levels. The data offers a snap shot from an internal perspective over an 18-month period. It drew on experience accrued in this particular sector, the Lifetime Offender Management unit, that was the result of a three year posting to a fledgling department designed to tackle organized criminality and recidivism in particular at this level. During the study, 35 case studies were amassed and analyzed in conjunction with data from attendance at 5 disruption panels hosted during that period. The researcher also compiled data from regular visits to court designed to obtain or support the prosecution of SCPOs in a professional capacity. The study has been an in-depth, immersive one, from an insider perspective. Though it cannot perhaps speak for organized criminal offending as a whole in the MPS, it has captured the regular day-to-day experience of law enforcement at this level. That the researcher is also practitioner, working full time in the field, has provided a unique insight to policing organized crime and its limitations.

8.1.2 Three Main Findings

The three main findings, which have been emphasised as the study has progressed, are as follows:

1) Organized crime as a concept is different in practice from stereotypical, historical conceptions of organized crime, many of which have been imported from international models, which do not necessarily apply to
British-based offenders, or those that are being dealt with by the MPS. Despite this, adherence to these models is prevalent in MPS assessments of harm associated with organized crime, despite its constant mutations in the contemporary climate, there is a failure of the MPS to keep pace with these changes and adapt their priories accordingly.

2) MPS culture within the organized crime directorate and within each of the squads of which it is comprised, contribute in some ways uniquely in their cultural response to inform definitions of organized crime with in the force. These not only dictate which offenders are nominated and defined as organized criminals, but also determine how they are dealt with. This conception of organized crime has not evolved and is out of date with contemporary types of serious offending.

3) In turn, the disruption measures used to tackle organized criminal offending by the MPS are directed at a group of offenders who have for the most part been poorly selected for this level of attention. Their offending has been dealt with unimaginatively and ancillary orders applied to them show a complete lack of consideration or purpose, with underwhelming results.

8.2 Initial Research Questions Re-Visited

It is helpful to go back to the initial research questions, proposed at the start of this study, when considering the findings that have arisen in an examination of the data, discussed in more detail in the previous chapter. The three questions into which the research has been divided, lend themselves to a discussion of the three findings according to these sections.

8.2.1 Research Question A)
The initial research question was as follows:

A) To examine how organized crime and organized criminals are defined within the Metropolitan Police.

Within that proposed question were the following sub-sections:

1) Assessing the referral process for individual offenders, to see whether it is sufficiently credible, reliable and objective; how harm is quantified.

2) Considering the types of offender being selected, looking at how they are located on the organized criminal network tracker and whether this reflects wider academic concerns about types of organized crime being observed nationally.

This area of the study makes the first of the findings above, particularly pertinent:

8.3 Finding One: Outdated, stereotypical notions of organized criminality still pervasive within the MPS

Initially, looking at the ACPO Metropolitan Police (2013) definition that covers organized criminal groups, it sets out the following prescribed meaning of an organized criminal group as ‘persistent criminality for some form of personal gain,’ ‘causing significant harm to the community’ and those of ‘cross border concern.’ However, there is a wide gulf between the official definition of organized criminality as set out by ACPO, and the unspoken, applied definition that has become accepted within the disruption panels and by departmental managers of LOMU. The Met (2013) definition of organized crime when applied at the disruption panels is closer to Maltz’s (1976, in Wright, 2006) insistence
on the presence of corruption and functional violence, as well as structure. Although there is some element of persistent criminality and a very literal application of the notion of ‘personal gain’ in financial terms, community harm is less of a concern (though a less tangible concept, more difficult to measure). There was a reluctance to tackle cross-border criminality once it came to disruption tactics as it is much more difficult to deal with in practice, with very little funding in place or inclination to work outside the MPS district. The applied conceptions of organized criminal offending implemented by the panels, have very little emphasis on actual sophistication, continuity and discipline. There is also no mention of commercial-like structures and influence on “politics, media, public administration, justice and the legitimate economy” that are encompassed in European definitions (BundesKriminalAmt, in Levi, 1998), which are closer to the more mafia-like hierarchies debated across the continent, though conceptions of mafia-like hierarchies within OCGs are all pervasive and rigidly adhered to, even where there is no evidence of their existence.

Of the 35 case studies, there appeared to be a move away from corruption and violence, particularly where firearms are concerned. The more organized, disciplined offenders were financial ones. The answer with British organized crime at MPS level, appears to lie somewhere between the two. Some observations in summary:

i) Organizations were much more fluid and chaotic, though there was a tendency to impose rigid structures on OCG members, without any evidence of their existence.

ii) With this came a tendency to impose mafia-like structural moulds on OCGs, especially where officers sought to erroneously identify and characterize certain ‘godfather’ type members.

iii) Transitory relationships appeared to be the norm, though there is no facility for this to be reflected in the tracker, which delineates membership in static terms.
iv) There were degrees of organization within some groups of offenders, with evidence of some particular ‘lynchpin’ type skills, though this was primarily in the areas of financial and cyber-crime.

v) The ability to launder money was observed to be a distinguishing factor when it came to levels of sophistication.

Perhaps Levi’s (1998) conclusion that an OCG should involve a set of people whom police or other State agencies regard as ‘really dangerous’ is more applicable when it comes to the rather subjective application of principles applied within the Met disruption process of categorization. There is less emphasis in Met definitions on longevity of criminal relationships or continuing criminal enterprise, such as Levi’s (1998:335) definition of organized crime groups, which involve “a group of people who act together on a long-term basis to commit crimes for gain,” though it includes an element of ‘persistence.’ From the groups observed, this should incorporate an interchangeable relationship between members and be open-minded about their fluidity. The emphasis should be on continuing criminal enterprise, rather than static membership.

Due to the fluid nature of groups observed, initial thoughts about incorporating the tracker into this study, meant that it became less relevant. The tracker seems to have become so large and unwieldy that it does not crop up in discussions at these meetings or within departments like the LOMU. It has a dedicated analyst who is involved in the quantification or scoring of disruption to groups but to everybody else involved in the process this has taken on mythical proportions. One colleague attempted to rectify the score of a group he had been monitoring who he believed had been rated excessively high. They intelligence surrounding the group had also remained static so that some members (including subjects he was actively monitoring) who were listed on the tracker against this group appeared to be unjustifiably represented. The level of complication required to adjust this scoring took him almost 17 days to rectify. The fact that the thousands of groups initially entered into the OCG tracker remain static on databases and are rarely updated, means that it was
not useful for monitoring purposes within LOMU and yielded very little data for the purposes of this research project.

8.4 Finding Two: Prevailing Police ‘Cultural’ Conceptions Impacting on the Policing of Organized Crime

With the definitional aspect of organized crime, the problem for the MPS seems to emerge somewhere in the gap between where the rather loose ACPO definition of organized crime meets the very concrete unwritten ‘cultural’ definition of organized crime that seems to be implicitly agreed on across different squads within the ‘Serious and Organized Crime Directorate.’ There is no real thought out definition to start with and no consideration of contemporary or academic conceptions of organized crime or an awareness of the wider debate around the subject. Practitioners are operating completely independently from empirical research on the subject, particularly where concepts of ‘harm’ assessment and disruption are concerned.

The gulf between academia and practitioners’ implementation of any definition is marked in this area. There are guidelines, which are provided to the disruption panels and cover the six areas below.

i) Type, quantity and value of POCA asset seized / confiscated.
ii) Whether a ‘premises’ was targeted.
iii) Number of firearms seized.
iv) Quantity of ammunition.
v) Total value of items seized.
vi) Class A drugs seized and their type, volume and value.

However, as has been demonstrated in the previous chapter, these guidelines are either not adhered to or if they are it is only loosely or where they converge with ingrained cultural stereotypes of organized crime perpetuated amongst senior detectives. A great deal of credence is given to the quantification of guns, drugs and money but only where it fits into other
organizational objectives or needs. There are no real barometers by which ‘harm’ is measured and the assessment process as a whole is very subjective; based on ‘experience’ or hunches but these do not keep pace with the changes in current trends by any account. Even the rudimentary criteria by which the organized nature of offending can be assessed outlined in the disruption panel assessment forms (however lacking), is not even referenced within the assessment made by the panel. It seems futile to have a framework that is then ignored; at times it appears that no methodological assessment process is in place whatsoever, never mind one that is lacking in rigour. There is a strong case for re-assessing whether these types of offending can be justified as organized crime related harm in the first place and whether they have any place in the disruption panels or directorate’s remit.

The problem with the credo ‘guns, drugs and money’ in the existing MPS frameworks above is as follows:

i) There appeared to be evidence of minimal firearm usage across the board.

ii) ‘Premises’ became less relevant when it came to more contemporary types of cyber offending which occur virtually.

iii) There was a lack of understanding when it came to the importance of intellectual property or potential losses in comparison to ‘gains.’

iv) The confiscation process with regard to tackling the ‘proceeds of crime’ was often chaotic and actual gains / losses were difficult to quantify.

v) Drug seizures were often awarded a significance that was inconsistent or not proportionate to the quantities seized.

What was particularly interesting in this area of the study was that even with provision of these criteria, the levels of disruption claimed and their circumstances varied wildly. There were no specific guidelines on where boundaries might lie, when it comes to the ‘number and quantity of relevant items,’ which are very tangible standards listed on the MPS OCG barometer of
harm (2013). Whether or not it is empirically possible to measure organized crime related harms (Vander Beken, 2004), there is no consideration given to the wider scope of what these harms might encompass, despite a passing reference to ‘impact on community safety’ (ACPO definition, Metropolitan Police, 2013), there is no thought given to how this impact might materialize, to the consequences of different criminal activities (Greenfield and Paoli, 2013) or their ‘identification, evaluation and comparison’: “Harms can take many forms, including violations of functional integrity, material interests, reputation, and privacy, and are borne across society, by individuals, institutions, and the environment, both physical and social” (Paoli and Greenfield, 2013:360).

What became clear is that due to a reverential attitude towards some squads based on their historic ‘glory,’ an undue emphasis was consistently placed on referrals or nominations from particular departments, in particular in the field of armed robbery. Investigations nominated by the flying squad were disproportionately rated as major in comparison to other departments, even where they were in large part unarmed, insignificant cases of low level acquisitive offending. ‘Harm’ assessment within the disruption panels was steered more by cultural machismo than any rather than consideration of strategically selected priorities, which has been masked by a lack of transparency and accountability.

8.5 Disruption Assessment Main Observations

Disruption assessments are foregone conclusions in certain areas, particularly involving the police culture of reverence for certain types of organized crime. The findings in this regard can be summed up into three main sections:

1) An undue focus is placed on ‘armed robbery’ as a remit, when certain types of offending, namely ‘smash and grab’ and ‘cash in transit’ robberies are often not armed and carried out by very low level criminals.
2) The drugs disruption panels often involved a large number of results being claimed for individual drugs seizures which all rested within the same investigation.

3) Cyber-crime is consistently played down by the disruption panels who have very little understanding of its seriousness or imagination when it comes to its incorporation into contemporary organized criminal offending remits.

8.5.1 Undue Focus on Armed Robbery & Unreliable Drugs Data

Throughout the study it has been perceived that there are degrees of organization involved when it comes to serious offending; organized criminals exist somewhere on a spectrum within which certain factors point to different levels of seriousness, for example the difference between those offenders who have the ability to launder money versus the more ‘hand to mouth’ type of offenders. In the remit of ‘armed robbery,’ only one third of the cases involved firearms. When it came to ‘smash and grab’ and ‘cash in transit’ offences which made up two-thirds of the group, they seem often to involve young, volume offenders or gang nominals who come together on a one off basis and who happen to work in groups, rather than more ‘organized offenders’ acting for purposes of long term gain. As the work of Kleemans (2012) has shown, the accessibility of organized criminal networks requires social opportunity structures that are not available to younger and more inexperienced offenders. Criminal networks operate in hostile and uncertain environments and have to counteract problems of trust, meaning that they are often ‘embedded’ in personal relationships (Kleemans and de Poot, 2008). Many of the younger, less experienced ‘smash and grab’ and ‘cash in transit’ offenders were seemingly not embedded in the prerequisite social opportunity structures that facilitate more serious and organized offending.
The more organized, ‘embedded’ offenders appear to have the social opportunity structures to provide them with contacts or facilities to enable them to dispose efficiently of their ‘earnings.’ Again, many of those who have been highlighted in the flying squad remits do not benefit from this level of experience and were living a ‘hand to mouth’ existence. The incorporation of these figures, amongst other similar ones, into ‘Lifetime offender management’ schemes and them being recipients of Serious Crime Prevention Orders appears to be an attempt to incorporate less serious offenders into the cohort in order to claim easy disruption figures for those who may previously have been dealt with by young offending schemes.

Many of the cases in this area are being ‘talked up’ with a false representation of the harm it causes communities (i.e. potential risk factors to pedestrians from mopeds making their getaway, or the risk of compressed gas techniques being used on ATMs) when in practice, they are happening in the early hours and target commercial bodies. Their potential ‘dangerousness’ requires greater scrutiny as does many of the classifications here of crimes being organized. The cash in transits in particular point to a disorganized methodology that is more the province of gang offending. If the smash and grabs described are being done to order, or if there is an element of recruitment of minors to carry out these tasks, then the focus on the organized element of offending should target those doing the recruitment, suggesting the targets and fencing the goods rather than the offshoots of these OCGs who are effectively mules for high value goods.

There is clearly a numbers game being played within the drugs disruption panels, which involve hitting as many key performance indicators as possible and counting out every single seizure within cases, to count them as separate disruptions. This artificially skews the data, making it look numerically like there are huge successes in terms of sheer quantities of disruptions. There should be no need for this type of gaming; more faith should be placed in the protracted investigation required for some of the cross-boundary cases put forward. Dujin et al. (2014) have emphasised the need to play the long game when it comes to dismantling drugs networks and so there
should be no need to artificially manipulate statistics by claiming for every kilogram of cocaine.

### 8.5.2 Cyber-Crime Cases

The number of cyber-crime cases flagged up during this study was actually quite large considering that this was a relatively new department set up in the Met and for the first time had an entire disruption panel dedicated to cyber-crime disruption cases. Although it is refreshing to have a panel dedicated to this field, it is telling that in 2015, this was the first of its kind. However, it is early days as even cases that involved losses in the millions and those that involved virtually priceless intellectual property or losses to companies online that could not easily be quantified, had their seriousness minimized and gradually eroded by the ill-informed out-dated attitudes of panel members. This is an area where awareness needs to be raised, as it was the biggest casualty to MPS cultural conceptions of organized crime that remain fifty years behind the times.

### 8.6 Court Observations

The next area that was focused on during the research process was that involving the court observation stage:

**B) To analyse the court process by which ancillary orders are obtained and negotiated.**

This was to be done with a particular emphasis on:

**4) Evaluating how the legislation is interpreted, the processes by which orders are drafted, once offenders have become designated as ‘Organized criminals.’**
5) Looking at how orders are applied for in court and their reception amongst the legal community.

There are three aspects to the court findings, which are as follows:

i) Evidence on kingpins is not borne out by the data and ‘networks’ are more fluid than they are perceived to be by law enforcement.

ii) SCPOs encourage actor-centred conceptions of offending and are too generic / template oriented often without due regard to proportionality.

iii) Not enough is being done to speed up and sort out the financial elements of organized criminal offending.

Elements of this accord with Finding Two, relating to cultural conceptions of organized crime impacting on disruptions, but other elements will feed into Finding Three, which relates to ill-informed and applied disruption tactics. There were elements of the court data that reflected prevailing outmoded attitudes to organized crime, at other times, there was evidence of poorly conceived ancillary orders being challenged by judges for their lack of proportionality and ill-conceived content.

8.6.1 Emphasis on the Hierarchical Order of Criminal Organizations

What became apparent during observations of judicial proceedings was that the court process in some part echoes the police cultural model, where ingrained stereotypes of what organized crime represents prevail. However, where it
seems particularly detrimental is that too much emphasis is placed on networks being hierarchical organizations:

i) **Evidence on kingpins is not borne out by the data and ‘networks’ are more fluid than they are perceived to be by law enforcement.**

Too much time is being devoted in court to ascertaining who is playing a leading or central role in these criminal organisations. Although there is some evidence of lynchpins existing within organizations (Matrix, 2007), those with particular roles or expertise within networks, this is often confused with leadership. The assumption that there are Mr. Big key players in these networks has been demonstrated empirically to be a conceptual misnomer, with more accurate portrayals, particularly in the world of drugs trafficking, to be more along the lines of partnership models or collaboration between individuals (Morselli and Petit, 2007, Pearson and Hobbs, 2001) and the value of tactics aiming to remove so called ‘lynch pins’ within organizations have not lead to an increase in vulnerability within targeted networks (Morselli and Petit, 2007, Dujin et al., 2014)

Networks appear to be much more fluid and flexible than is recognized. It is time law enforcement gave up the perception that there is rigid order amongst OCGs. There is certainly a conceptual difficulty in defining the disruption of networks (Edwards and Levi, 2008) It relies on dynamic and up to date levels of intelligence that are not necessarily achievable; what Gill (2002:527) describes as a ‘knowledge problem’:

“Because of the impenetrability of social and economic subsystems in a complex and diverse world, the state cannot learn how they work.”

As Maguire (2000) has pointed out, researchers spend little time talking to criminals and it is unusual for them to get to know their subjects and even where first-hand knowledge of offenders has been applied in this instance, it would appear that this does not necessarily provide much further illumination
when it comes to the way criminals operate; the very nature of their activities means it is never in their interest for them to fully divulge the extent of their activities. This assumes that they (or anyone else) are capable of articulating this information fully. As we have seen in Gill’s (2000) cash in transit study, there is a certain amount of impression management that goes on even on the other end of the scale, where offenders are keen to provide testament to their professional abilities. No one wants to be perceived as a ‘disorganized’ criminal. On the flip side, no one wants to be convicted as an organized one.

However, Gill’s (2002) knowledge problem is too self-defeating an approach and there is still considerable work to be done in this area, on more contemporary types of cash in transit offenders. Current avenues appear to be opening up in network analysis research and the potential for considered disruption tactics to be applied within criminal groups, for example that of Kirby and Penna (2010) and Dujin et al. (2014) and others. The focus should be on targeting lynchpins, disrupting markets and designing out niches rather than trying to take out leaders. More research needs to be done in this area on a larger scale. There is a need for scrutiny regarding key criminals, networks, finances and communication capacity between one another, with an emphasis on what they are doing and how, rather than who they are. Within ‘actor-centered conceptions’ there is also too much focus on the ‘group’ rather than its activities, with little understanding of ‘conditions under which patterns of criminal association and co-offending emerge and exist’ (EU’s Organized Crime Threat Assessment, OCTA, cited in Edwards and Levi, 2008). As Levi (2007:779) has suggested, we should be considering the problem from a new and different angle, asking instead: “what factors over time shape the ways in which crimes of certain types are organized and who gets involved in them?”

8.6.2 Actor-Centred Conceptions
Too much focus is geared towards ‘actor-centered conceptions’ of organized crime (Edwards and Levi, 2008) and Serious Crime Prevention Orders unfortunately have compounded this approach:

   ii) **SCPOs encourage actor-centred conceptions of offending and are too generic / template oriented often without due regard to proportionality.**

Despite all the endless accumulation of static intelligence on OCGs, once the MPS turn to disruption in the form of ancillary orders, the focus is immediately transferred from the group or the way in which crimes are organized, to the individual. This could initially be seen to support a move away from outdated kingpin approaches to disrupting organized crime, assuming that by taking out an individual with stringent restrictions, that organized criminal activity (or script) is being curtailed in this way. Perhaps it has been most successful where lone offenders have been concerned, as in the cases of BC, KQ and ET. However, the main problem with the orders seems to be that although they are designed to be a bespoke approach to a particular criminal, in actuality they are much more generic.

   In the drafting process, where Serious Crime Prevention Orders are initially conceived, there is too little focus on the type of offending being carried out. Although a briefing is conducted to LOMU management, more understanding is required and more integration is required by LOMU with different organized crime departments in order to gain a more insider understanding and for information to be shared better. This again is impacted on by police cultural notions of what organized criminal offending involves; it is seen in terms of black and white dichotomies rather than complex spectrums and there is a blanket timidity when it comes to implementing more imaginative controls on scripts rather than individuals. There is much scope for these to be more tactical and strategic in terms of wider intervention in terms of disruption.
8.6.3 Proportionality

The courts at least provide some check and balance when it comes to the proportionality of orders, which on occasion have been shown to be misconceived and widely inappropriate. Although in theory each order is vetted by the DPP, in actuality they are skimmed over by a deputy and it is left to a LOMU manager to put together a complex legal document, which is often beyond the scope of their ability in terms of expertise in certain areas. This could be a more informed process, especially when looking to curtail certain types of fraud or cyber offending which are complicated in their nature.

Examples of ill-conceived SCPO applications involve firstly an armed robber ‘B’ who had committed a series of armed robberies by bicycle and had operated as a one-man band, observed during court data collection. Over the course of 9 robberies he stole no more than £50,000. He was being sentenced to life in prison, which was the judge’s first concern when it came to the proportionality of an order coming into effect on release. None of the conditions being applied for appeared to be relevant to his offending; prohibitions on association, when he had committed the offences alone; controlled access to vehicles, when he had no driving license and had transported himself mainly by bicycle. Similarly the case study ‘ON,’ refers to a gang nominal convicted for blackmail, sentenced to life imprisonment for murder. LOMU officers were pressured by management to get dates changed on his SCPO, for it to come into force on release after the life sentence ended. As these sentences were to run concurrently, it would otherwise mean the order running its course whilst the offender was serving the rest of his sentence for murder, negating most of the prohibitions. There was however a concern by LOMU officers that conditions imposed in 2012-13 may have some temporal irrelevance in a quarter of a decade on ON’s release.

The difficulty with SCPO conditions on organized criminal offenders across the board is that they are likely to get sentences of 10 years or more for the very serious offences (the very offences SCPOs are designed to target). However, conditions relating to association with other gang members in this
instance and types of technology being utilized, are likely to become irrelevant or obsolete and there is a conceptual difficulty in future-proofing applications. On both occasions above the courts and the judge threw out the applications for being wholly disproportionate, but these examples highlight significant flaws in both the process and the concept of SCPOs being applied at the sentencing stage.

Other criticisms from judges have been for the ‘cut and paste’ approach to orders that are supposed to be bespoke to specifically skilled criminals. During the court data collection stage, wrong names were observed being put on forms and there were overlaps between orders so that subjects would be required to report similar details multiple times. Although the orders require only a civil burden of proof, they must reflect on what is actually being pleaded to. There was an attempt with R, a small time crack dealer, to have restrictions placed on his access to computers, or being able to travel. None of these were found to have any sensible basis behind them and the judge’s assessment was as follows: “These things are symptomatic of a lack of care, focus and attention to detail. It has not been tailored to the defendant properly and is misconceived.” In short, there was no evidence put forward and the order bore no relevance to the nature of his offending.

The type of offending that is being dealt with in the first place needs to be heavily scrutinized, as does the type of offender. Attempts to get computer restrictions on small time crack dealers or vehicle restrictions on robbers who convey themselves by bicycle have stuck out in terms of their absurdity. Again the process has been abused as a numbers game; it should not be a measure of their efficiency by how many restrictions the LOMU are able to place; it should be quality, tailored restrictions, not just sheer quantity for quantity’s sake. The policy implications here are obvious; there should be more guidelines in terms of how the legislation is implemented and more competent supervision on the part of the Crown Prosecution Service.

### 8.6.4 Drawn Out Confiscation Process
Levi (2003) criticizes the notion of criminal organizations being incapacitated by confiscation, eliminating capacity to trade. There is no empirical evidence that it acts as a deterrent; calculating organized criminals will seek to compensate for losses incurred, compounding the miseries symptomatic of illicit markets. It becomes merely another cost of doing business. However, it is clear that some offenders are much more competent at moving their money around. These types of offenders appear to be few and far between, as Van Duyne (1998) has testified, suggesting that on the whole organized criminals fail to integrate socially and do not have the ability to move their profits freely around the ‘upper world’ meaning that most find their money severely restricted. However, those that do, require a more succinct approach. This is easier said than done, as Bullock (2014) has shown; the murky world of asset recovery means that either money laundering (and indeed, organized crime) estimates are hugely inflated or the asset recovery system is a gross failure, or most likely, both.

i) Not enough is being done to speed up and sort out the financial elements of organized criminal offending.

In addition to this, applications for FROs and their enforcement have been futile, with judges reluctant to grant them for offenders who have been particularly ‘dishonest’ making a mockery of their very purpose. The example of HO is paramount; failure to declare his various incomes or assets meant that he was prosecuted twice for breaching his Financial Reporting order with rather scant result. He was given a fine of £600 and £900 respectively and to date, neither has been paid. The probation service was reluctant even to recall him for 28 days under the terms of his license, which requires good behaviour.

8.7 Finding Three: Ill-informed and Applied Disruption Tactics

---

5 April 2015.
The finding with SCPOs, in the third part of the research project, once they have been obtained and are being monitored, is that their implementation is wholly driven by KPIs and other crude numerical targets, which incentivise action prioritising formality over substance or encourage ‘gaming the system,’ dressing up token and unproductive activities to look constructive and encouraging officers to distort activities away from what could be effective and beneficial, towards practices that simply generate the required performance statistics (Mackenzie and Hamilton-Smith, 2010). The policing of organized crime at this level is too bound up with the requirements of prosecution rather than crime prevention opportunities (Edwards and Levi, 2008). There is no consideration of how much harm is really associated with certain types of crime (Greenfield and Paoli, 2013). SCPOs cannot be said to be about crime prevention; they are too bound up with prosecution for every minutiae, so that they have become bureaucratic and menial in their application. The recommendations on this front are clear:

i) SCPOs should not stem from a generic, cut and paste approach to offending, but should be used imaginatively and especially where there is an overlap between illicit and legitimate business (this is the main area that has been shied away from). Policing in this area is failing to estimate the diversity of criminal cooperation and underestimating the interdependence of criminal and legitimate activities.

ii) They should be applied to cross border cases. Rather than ignoring the more complex type of offenders; these are the cases that they should be applied to, that might really benefit from sustained monitoring. The focus should not be on quick wins, but on playing the long game (Dujin, 2014).

iii) Much has been made in situational crime approaches (building on the work of Felson, 2006) of how police should be targeting the ecosystem that makes crime possible.

Since the genesis of Lifetime Offender Management as a concept in the MPS in 2012, there has been no evaluation of its performance. Indeed the very name is
misleading, as offenders are not monitored over the course of a ‘lifetime’ but simply for the duration of their orders, which is usually 5 years. Demonstration of LOMU effectiveness has been consigned to the ‘drafting of 60 orders a year’ but this takes no account of whether the orders are ever obtained, whether offenders are effectively managed and whether SCPOs are preventative or act as a deterrent for serious and organized offenders. There has also been very little consideration of whether SCPOs and other ancillary orders are beneficial in tackling this type of offending in the long term. Some sense of their original purpose needs to be retained and a consideration mounted as to what breaches we are trying to actually enforce; the very notion of a ‘technical breach’ sums up their futility. By affording them some of their original gravitas and not watering them down to use them as a ‘tit for tat’ measure to tackle every phony insurance declaration they can be used to target organized or serious offending.

One of the problems with the project to implement SCPOs was the effect of key performance figures on more considered disruption tactics, as has been rightly illuminated by Mackenzie and Hamilton (2010). This had the effect of making early application of MPS orders on organized or serious offending becoming a numbers game. On occasion this has meant that SCPO applications by management have been conducted indiscriminately, frequently on wildly unsuitable subjects. Often the clauses within the orders have been described as ‘cut and paste’ by courts as they have been ill thought out and not directed at their specific type of offending. On occasion, the orders have been considered disproportionate at best, at worst a violation of offenders’ basic human rights.

There is evident frustration amongst staff being asked to meet these unnecessary targets, for example being asked to apply for an SCPO in court for a peripheral member of an OCG involved in the arms trade, who happened to be 89 years old and was too ill to even withstand a trial for the qualifying offence. The judge refused to “even dignify the application with a response.” In another case, ND, the gang member and co-defendant of ON, was given an SCPO despite being an illiterate first generation Angolan immigrant with severe mental health problems. He was prosecuted for a breach of his order in extremely dubious circumstances. Aside from the attention he received from LOMU, he
was being carefully monitored by MAPPA based on his sexual offending history. He was found housing in secure premises, where he was advised to procure a mobile phone in order that they could keep in touch with him. Having been dropped off at his new address by police, LOMU pressed for his prosecution of this ‘technical’ breach, by his having failed to immediately declare the mobile phone and for not notifying police of an address where police had just left him. Despite the Probation Service being anxious that a well thought out management plan in his case be adhered to, and the secure housing position be maintained, he was instantaneously charged with a breach of his order and sentenced to 8 months in prison.

The visible excitement of management within LOMU of this “swift” victory, as it was regarded, and a ticked off ‘easy disruption,’ was extraordinary to witness: “It was Christmas Eve, and it was his birthday, too!” It was later cited again and again as an exemplary model of organized crime policing despite the fact that his exit from prison had been carefully coordinated by multiple agencies. There is a clear requirement for the application of SCPOs to be vetted and supervised, to avoid this ‘gaming’ of the system and to ensure accountability.

**Table 3. SCPO Prosecutions**

<table>
<thead>
<tr>
<th>Offender:</th>
<th>Nature of Disruption:</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB</td>
<td>Breach of SCPO – 15 months</td>
</tr>
<tr>
<td>DS</td>
<td>Breach of SCPO – 9 month suspended sentence</td>
</tr>
<tr>
<td>JP</td>
<td>Breach of SCPO / Harassment – 18 months / 5 years</td>
</tr>
<tr>
<td>AP</td>
<td>Breach of SCPO / Harassment of partner – 18 months</td>
</tr>
<tr>
<td>MC</td>
<td>Breach of SCPO – 8 months</td>
</tr>
</tbody>
</table>

**8.7.1 Poor Quality Disruptions**
A meeting was held in February 2015 to discuss the 35 offenders who were being monitored by LOMU at the time and amongst other topics, the number of disruptions achieved by direct intervention on the part of the department were debated amongst colleagues. It was decided within the meeting that only 3-4 could be considered as having been disrupted in any real sense. These were BC, ET and BQ, who were convicted for breaches of SCPO and either received further prison time or a suspended sentence. Since that meeting in February 2015, two others received similar results, namely KQ and ND. KQ was perhaps the most significant of these prosecutions because he was found to have breached his order on almost every clause: living elsewhere than disclosed and having undeclared phones, web domains and email addresses. These had been used to start up various aspects of his prohibited business and he had begun harassing a leading Queen’s Counsel. He received 5 years for the harassment but only 15 months for the breaches.

KQ was similarly able to explore many of these avenues and both offenders are still engaged in numerous appeals and legal challenges to the concept of Serious Crime Prevention orders. To say that they provide a simple ‘Al Capone’ approach to efficiently preventing organized crime by the MPS is a difficult claim to sustain in any capacity.
ET, a ticket fraudster who was shown to be setting up business a second time, despite tight controls and was convicted of nine breaches of his SCPO and given a 9 month sentence, suspended for 18 months. This shows that even a series of breaches of the order were not considered serious enough by the court to warrant imprisonment. Though doubts have been expressed about the proportionality of ND’s prosecution for ‘technical’ breaches, he too can be considered as having been disrupted as he was sent back to prison. The question of whether simply returning an offender of this kind to the prison system constitutes a sustained disruption of their activities as a serious offender is debatable; KQ was still able to commit fraud whilst in prison by sending letters to his bank. Also we can see from the offenders that were taken on at the start of the pilot project (BC, KQ) that they continued to offend in exactly the same way on release. A more longitudinal study might suggest whether this holds true across the board, and whether recidivism rates are as close to 80% for organized criminals, as Sproat (2012) suggests.

The disruptions have been divided into two tables (table 3, ‘SCPO Prosecutions’ and table 4, ‘Minor Disruptions’), as clearly some are questionable in terms of their quality, though all ‘disruptions’ claimed by the department have been listed below so that they can be explored in terms of their durability and proportionality:
Table 4. Minor Disruptions

<table>
<thead>
<tr>
<th>Offender:</th>
<th>Nature of (Minor) Disruption:</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA</td>
<td>Two warning letters</td>
</tr>
<tr>
<td>GN</td>
<td>Breach of FRO – Fined on two occasions</td>
</tr>
<tr>
<td>KD</td>
<td>Found with a phone in prison – Moved up a prison category</td>
</tr>
<tr>
<td>BC</td>
<td>Warning letter regarding failure to declare a phone</td>
</tr>
<tr>
<td>MP</td>
<td>Arson / Affray offences - 28 day / Full recall to prison</td>
</tr>
<tr>
<td>ST</td>
<td>Had motor insurance cancelled for making fraudulent claims</td>
</tr>
<tr>
<td>BS</td>
<td>Recalled to prison for possession of counterfeit cash, prosecuted for minor motor insurance offences</td>
</tr>
</tbody>
</table>

SB, a hacker, was given two warning letters for what were deemed ‘technical’ breaches of his SCPO. He was found to be the owner of an Xbox rather than his initially stated PlayStation and was discovered to have access to computers at the university where he was studying for a Masters degree. It was suggested that he be arrested for failing to explain fully that there were computers at the computer science faculty. There was reluctance by management to see this in any other way than an opportunity to claim a ‘disruption’ that may arise out of a potential prosecution, as a performance indicator.

Being responsible for monitoring this particular subject at the time, the shortsightedness and lack of proportionality that this misguided intervention would involve, was one of the more frustrating moments for the researcher (both professionally and academically). It was only the budget (and logistical) implications of a trip to Sheffield, that were able to persuade LOMU managers otherwise; the fact that a young male previously involved in offending had managed to get himself back into mainstream education, was no longer involved in computer misuse offences and by all accounts should have been commended for his enrolment in higher education rather than criminality, was an argument that fell on deaf ears. It was eventually agreed that he would simply be asked to provide details of where he would be using computers,
despite there being no intention on the part of the department to monitor that computer usage or having the capacity to do so.

Another example of one of the more minor breaches, claimed as a disruption was that involving LE, a cannabis trafficker, who was found in possession of an undeclared, illegal mobile phone whilst in prison and was given a warning letter. Downloads of his phone showed that he had been using it to keep in touch with his partner whilst inside prison, there was no evidence he was conducting any illicit business and prison records showed that 20-40 other phones had also been discovered during the routine sweep of the wing. Fraudsters BI and BT went back to prison to serve default sentences for failing to pay back their confiscation, but this happened entirely independently of their LOMU monitoring. BT was later found to have committed insurance fraud by not declaring his convictions on his car insurance but this was not dealt with due to the default sentence. In a bid to bump up disruption numbers, one manager insisted LOMU carry on trying to prosecute him for this extremely minor indiscretion. NQ a smash and grab robber, was fully recalled for getting into fights and being involved in an arson, but by his own admission had mental health problems for which he was in the process of being diagnosed and medicated.

Whether any of the circumstances in the table above can be counted as a disruption of organized crime, is extremely contestable, as they did not involve a continued tendency to offend in their original, serious capacity. Of course this can been looked at from another direction; perhaps the added scrutiny of the monitoring process had an impact on the majority of these offenders and dissuaded them from continuing in their recidivism. Conclusions could be similarly drawn to those by Kirby and Snow (2016) with their study of OCGs who had been recently taken off the radar; that there is a fundamental lack of evidence in these cases to show whether criminals of this kind are continuing to offend or whether they simply haven’t been apprehended, whether interventions have successful, or whether ‘threat’ assessments have simply been exaggerated in the first place. It is difficult to make generalizations about any fluctuation in harm based on the interventions or disruptions discussed.
Perhaps this is where a properly devised harm framework might be useful as an assessment but also as a guide for practitioners.

### 8.7.2 The Implementation of SCPOs

The final part of the research required more of a detailed focus on the LOMU department itself and the offenders being monitored:

- **C) To evaluate whether monitoring and disruption by the Lifetime Offender Management Unit impacts on reoffending behaviour, particularly with regards to ancillary orders and license conditions.**

This was done by:

- **6) Examining what disruptions have been implemented, whether they have been durable and whether they can be described / measured.**

- **7) Determining whether offenders have been prosecuted for further, similar offences since they have been monitored by police.**

- **8) Examining how breaches are dealt with, the impact of performance culture and whether the law enforcement approach is proportionate in accordance with ‘results’ achieved.**

Taking the first part of the research question, it would seem that out of 35 case studies over an 18 month period, that only five were prosecuted for breaches of their SCPO and of these, the feeling amongst department members was that of those five, only 3-4 were known to be disrupted in any real sense. Observations regarding these interventions are as follows:
iv) Those who were prosecuted were all either fraudsters or cyber fraudsters or came from the less organized ‘gang member’ category of offenders, who were dealt with for offences involving having undeclared mobile phones.

v) The fraudsters / cyber offenders dealt with here are all lone offenders and were not operating as an OCG. They would therefore not be considered organized criminals by disruption panel definitions.

vi) The SCPOs appear to be more suitable in this sense for fraud / cyber based offending, where there is a recognisable administrative trail to their offending. Most of the claimed disruptions were minor, knee-jerk reactions that cannot be seen to be positive, durable action against these offenders’ recidivism. The minor disruptions did not appear to be targeting further ‘serious’ or ‘organized’ offending. One argument for this could be that these offenders are being tackled before they can really begin ‘setting up shop’ again, but evidence points to the contrary, for the following reasons:

vii) Of the seven, minor breaches, three were young, repeat offenders whose offending was seemingly unrelated to the initial offence to which their SCPO referred.

viii) Three comprised of ‘technical’ breaches. Interventions regarding these had very little long-term benefits and again were unrelated to initial offending patterns.

Any discussion of disruption, a reduction in ‘harm,’ must inevitably question the effectiveness of that disruption and whether the reduction in harm is durable or ‘effective’ when it comes to breaking up organized criminal groups (or impacting on individuals). Kirby and Snow (2016) have highlighted the absence of any real academic research to support a ‘disruption’ oriented approach organized crime law enforcement. As Gregory (2003) has suggested, there is very little focus on the quality of disruption and indeed as the OCGs get divided up and individuals passed to LOMU to monitor, there is no longer a focus on
groups but on individuals, so that disruption becomes a more abstract, less tangible concept.

Returning to concept of harm, this is the area of key criminological contribution of the study, in its broader criminological thinking and understandings about organized crime, showing the way its conceptualization and policing practices are influenced by socio-political relations and trends within policing by proxy. Looking at the punishments and modes practitioners use in controlling crime, it demonstrates that assessments of harm within the MPS, instead of attempting to conceptually define, measure and implement any real ‘disruption’ in the field of organized crime, are empty, self-referential and serve only to recycle prevailing priorities (Sheptyki, 2007). Clearly defined empirical referents are required (Von Lampe, 2005). Due to a lack of transparency, they have escaped any external rigorous analysis, which is why access on the part of the researcher has been so crucial.

If harm is central to crime and crime control and as Paoli and Greenfield (2013:369) have stressed, that what becomes labeled as harm in the first place is normative, in part due to the “moral, cultural, and socio-economic nature of the interests recognized in a particular system”, then what is crucial in terms of this study’s findings, is that the harms associated with organized crime have become normative within the MPS. The MPS’ pre-existing and fixed notions of what constitutes harm and failure to keep pace with developments in this area have been shown to be at the expense of counteracting the real, emerging and urgent harms in this area. The scope of harm applied by MPS is too minimalist and restrictive, to fully encompass the bigger picture of the harm caused by organized criminal offending. Offenders are being made to fit a limited and pre-existing framework, rather than the other way around. This problems with this are compounded by an actor-centered, hierarchical focus. Whether or not the measurement of organized crime related harms is empirically possible (Vander Beken, 2004), it is about increasing the variables suggested by Di Nicola and McCallister (2006) and being more open to scope of harm(s). Risk is not so easily differentiated and qualified as the prevailing culture in the MPS would suggest.
The context has changed and this emerges truly through this study’s qualitative, ethnographic analysis of a particularly closed culture within law enforcement. The researcher has gone some way to providing transparency and accountability on a in-depth level, opening the subject up for the open, public, scientific debate so desperately required (Von Lampe, 2005). It shows that this is entirely possible, without the need for disclosing restricted information. Many of the details of these cases have already been reported on in the public realm, but their workings have been exposed; shedding light on the internal harm assessment process within disruption panels

8.8 General Recommendations

More general recommendations across the board are as follows:

- An overhaul within MPS law enforcement of how organized crime is defined, measured and perceived, that comes from (independent) assessments of what serious crimes are the ones to prioritise in contemporary times.
- Alongside this is a need to consider the remits of certain departments, whose cases have become defined as organized simply by virtue of their reputation as a unit. By doing this, certain areas can be scaled back so that some of the low level acquisitive crime is not being lumped in with the more serious offending (perhaps smash and grab offences or CIT robberies could be given their own mini task force).
- There needs to be an appropriate system to measure disruptions that is not completely informed by police cultural practice – that actually interrogates cases put before a panel (with more information) rather than just existing for ‘pat on the back’ purposes.
- Intelligence needs to be interrogated within the panels; its actual provenance must be queried and not just taken as a given. Obviously there are security implications evidence of claims put forward is something crucial. The whole process of ‘disruption’ and its proficiency needs to be ‘opened up’ and made more accountable within the organization.
All these areas are a good start, for overhauling the way organized crime has come to be dealt with by the MPS. From its initial definitional conception, all the way through to the monitoring and prosecution of nominated offenders, we need to be sure some of the most serious types of offenders are being dealt with in an intelligent and dynamic way, if there is to be any reduction in their offending. To do this, more thought needs to be put in to how they are initially defined, which is not an easy task. Their initial labeling and categorization affects how they are dealt with throughout the judicial process. From a human rights perspective as well as for public safety reasons this needs to be addressed to make sure that the right people are being singled out as our most serious criminals from the outset.

There is scope for this process to be more transparent, professional and less about generalized and subjective cultural assertions by detectives. For successful policing of organized crime in the UK there needs to be a proper awareness of emerging trends in an extremely fast moving field. Proper assessment needs to be made (perhaps externally) of key performance indicators that impact on how organized crime is measured and tackled in policing. Once the most serious offenders have been selected for referral, more thought needs to be put into imaginative ways of tackling offending behaviour.

8.8.1 Recommendations for Further Research

- It is worth noting that this study involved 18 months’ of data and attendance at five panels during that time. Certainly more panels could be attended over a longer period of time, though the researcher attended each one that came up during that period and the process of arranging disruption panels during that time appeared to be disorganized and only occurring on an ad hoc basis. However it would be beneficial to see if when more data was collected from disruption panel attendance, if the findings were borne out with the inclusion of further data. A longitudinal study involving the changing nature of cases
of organized criminality and cultural attitudes towards disruption, would be particularly worthwhile.

- Of particular interest is the possibility of extending the work done by Greenfield and Paoli (2013) to see if some analysis of harm frameworks could be conducted, to see how much harm is really associated with certain types of organized crime. However, it would be especially valuable to conduct this contemporaneously during disruption panel meetings, looking at cases as they unravel, but from a specific, harm assessment perspective. This would allow for each harm to be contextualized, but would require an interactive process to be maintained. It might go some way to show how relatively little harm comes from some of the crimes that have already been discussed in this study. It would contribute more practically to a readjustment of focus, working within the law enforcement process. A tentative suggestion would be that rather than necessarily concretely speculating on what possible harms are out there that haven’t been quantified or categorized, it would be about being open and imaginative regarding the scope of those harms and their consequences.

- Effective and durable theories of disruption need to be continually assessed and continually reviewed to make sure that ancillary orders are adhering to their proper purpose and do not increasingly become a corrupted bureaucratic tool that has gone beyond the purpose for which they were originally designed. If the risk is as great as is purported by the current government, and the cost standing at £24 billion per year (HM Government, 2013), then there is much at stake. There is every reason to examine the process of policing organized crime to improve on how some of our most serious offenders are managed and controlled.

- More work could be done on assessing the social opportunity structures of those involved, looking at networks in a broader sense and
scrutinizing more closely who is becoming involved in serious and organized crime.

- There also needs to be a review of where firearms come into organized criminal offending across the board. More recent studies (Hales et al., 2006) suggest that they are more the preserve of gang nominals operating at a lower, street level; representative more of protection and empowerment than in an organized crime capacity. It would be useful to operate within a larger data set in order to conduct a wider analysis.
References


Crown Prosecution Service (2016) 'Serious Crime Prevention Orders
Serious Crime Act 2007 - Sections 1 - 41 and Schedules 1 and 2'. Retrieved June
guidance/

Davenport, J. (2014, December 9) ‘Scotland Yard building sold for £320m to
property developers who plan luxury flats block'. The Evening Standard.
Retrieved December 13, 2016 from http://www.standard.co.uk/news/london/scotland-yard-hq-sold-for-370m-to-
property-developers-who-plan-luxury-flats-block-9912141.html

relationships'. In Klein, M., Kerner, H-J., Maxson, C. and Weitekamp, E. (eds.) The
Eurogang Paradox. Netherlands: Springer (pp. 21-39).

75, 115-121.

Assessment'. European Journal of Criminal Policy 12, 179-187


Criminal Network Disruption'. Scientific Reports (4)4328, 1-15.

Retrieved December 30, 2016 from http://www.esrc.ac.uk/files/funding/guidance-for-applicants/esrc-
framework-for-research-ethics-2015


Crimes'. Criminology and Criminal Justice 8(4), 363-388.

Opportunity Framework'. In Edwards, E. and Gill, P. (eds) Transnational

of Criminal Justice 29, 341-355.


Metropolitan Police (2012) SCand07 OCGM Training.


