

# 8

## ORGANISED CRIME IN SCOTLAND AND THE CRIMINAL JUSTICE RESPONSE

*Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie*

### **Introduction: the nature and extent of organised crime in Scotland**

Asking questions about organised crime is inherently problematic when even different experts, and officials in different jurisdictions, cannot agree on what organised crime actually is (Abadinsky 1981; Wright 2006). The Scottish definition of ‘serious organised crime’ is contained within the Scottish Government strategy document for tackling organised crime, *Letting Our Communities Flourish* (Serious Organised Crime Taskforce, 2009). It requires the involvement of more than one person; is organised, that is, it involves control, planning and the use of specialist resources; causes or has the potential to cause significant harm; and involves benefit to the individuals concerned, particularly financial gain. In comparison, the *UN Convention against Transnational Organised Crime* defines an organised criminal group as a group of three or more persons that was not randomly formed; existing for a period of time; acting in concert with the aim of committing at least one crime punishable by at least four years’ incarceration; in order to obtain, directly or indirectly, a financial or other material benefit (United Nations, 2000). The United Nations Office on Drugs and Crime (UNODC) notes that since most groups of any sort contain three or more people working in concert, and most exist for a period of time, the true defining characteristics of organised crime groups under the Convention are their profit-driven nature and the seriousness of the offences they commit (UNODC, 2014).

There are many other extant definitions of organised crime, and although there tends to be some convergence around common themes, we can see even from the Scottish and the UN definitions outlined here that there can be technical differences in approach. However, consistent with UNODC, Scotland has sought to tighten the focus of its efforts by basing criminal justice responses and legislation on a

**116** Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie

definition of ‘serious organised crime’, where seriousness is defined as involving an indictable offence which is undertaken to obtain some material benefit, or where an act or threat of violence is employed to obtain a future material benefit (Campbell, 2013). In this article we adopt the Serious Organised Crime Taskforce’s use of ‘serious organised crime’ (SOC) as defined in its 2009 strategy document, without implying any disapproval of the use of alternative terms like ‘organised crime’ (OC) or ‘transnational organised crime’ (TOC), both of which are often used in this literature. Likewise, we will refer to Organised Crime Groups (OCGs), although again this does not denote a dispute with current trends in the literature, to consider the networked and more fluid aspects of contemporary SOC. We accept that the term Organised Crime Networks is equally valid (see von Lampe, 2004, for a comprehensive discussion).

Even though the definitions of organised crime that are used across places and institutions generally include many of the same concepts, the absence of universally agreed definitions makes it very difficult to engage in a comparative account of, or evidence, the nature and extent of SOC in Scotland.

Another contextual caveat is important to note: that is, a considerable amount of data and analysis on SOC in Scotland comes from police work. There have been few independent empirical or ethnographic studies of Scottish SOC, so police observation and analytical work forms a significant proportion of the data on which academic analysis can proceed. This comes with well-known methodological issues. The official gathering of data on any phenomenon may run closer than we might hope to a process of ‘construction’ of that phenomenon (for example, Cicourel, 1968). In relation to SOC, perhaps the most significant problem is the circular or self-reinforcing effect of the focus of police resources on investigating and seeking to control certain known types of offences or persons. This can lead, over time, through a deepening of official knowledge of those offences, persons or their associates, to an investigation agenda which is not fully open to the alternative possibilities of less well-known organised crimes or criminals (Sheptycki, 2007). For instance, until recently, UK SOC policing priorities focused largely on well-established criminal activities, such as drug trafficking, whilst increased opportunities for SOC actors to exploit new environmental regulations and incentive schemes were effectively excluded on the basis that ‘environmental crime’ was not a recognised crime category on which intelligence was commissioned or collected (Hamilton-Smith and Mackenzie, 2010).

The self-perpetuating circularity in SOC intelligence gathering and priority setting is an important issue for our understanding of organised crime threats, and certainly not one that is peculiar to Scottish policing and policy approaches. Indeed, many police forces are alert to this problem. In Scotland, the use of active (rather than passive) approaches such as horizon scanning and scenario-based threat assessment which deliberately aim to ‘think outside the box’ and introduce new lines of analysis based on ‘what if’ type questions attempt to deal with this. These are particularly salient currently around rapid developments in technology, such as advancements in 3D printing and possible future utilisations of biometric technology, which as

well as bringing social advances may offer up foreseeable or in some cases unpredictable opportunities for organised crime.

The extent of SOC can be thought of in a number of different ways, including, for example, issues of organisational size, numbers of ‘nominals’ (that is, individuals known to be involved in SOC), financial estimates of illicit market size or the amount of harm caused by the criminal activities involved. Even the concept of harm can be further broken down and contested: are we talking about social, political, economic harm, for example, and how do we conceive of victimisation in relation to each of these? This chapter will attempt to describe what is available by way of ‘measuring’ SOC in Scotland in terms of economic and other costs; the characteristics of SOC nominals; and finally in terms of the characteristics and activities of OCGs. We will then consider recent developments in terms of criminal justice strategies and responses.

### **The costs (and harms) of serious organised crime**

There are official estimates of the overall cost of certain types of harm caused by SOC in Scotland, but no comprehensive academic studies of the range and scale of SOC markets. In 2009, Audit Scotland published an estimate of the financial harm SOC causes to the Scottish economy at £2bn per annum (Audit Scotland, 2009). Also, in 2009 Casey et al. proposed a higher figure, not in respect of SOC harms generally conceived, but in respect of the harms associated with illicit drug use: ‘The total economic and social cost of illicit drug use in Scotland is estimated at just under £3.5bn. Costs associated with problem drug use accounts for 96% of the total and this equates to just under £61,000 per problem drug user. Recreational drug use accounts for 4% of the total estimated cost (Casey et al., 2009). As reflected in the reference not only to the ‘economic’ costs but the ‘social’ costs of illicit drug use, we can observe that SOC causes a range of harms beyond financial loss, and identifying these harms and determining how to measure them has become a key concern for police in recent years. Harms are increasingly recognised to include not only the direct and immediate impacts on victims (financial loss, physical injury and so on), but also the subtler and more systemic ways in which organised crime can inflict damage on Scotland. This would bring into consideration things like reputational damage to the legitimacy of the criminal justice infrastructure; fear of crime in affected communities; providing negative role models to marginalised young people; and maintaining and deepening the stigma and social exclusion associated with certain disadvantaged communities (Hamilton-Smith and Mackenzie, 2010; Mackenzie and Hamilton-Smith, 2011; see also Chapter 4).

As well as the short- and medium-term effects of victimisation from individual serious organised crimes, there is evidence of longer-term and concentrated harms from SOC in certain locations, and for certain social groups. Home Office research in 2009 and 2011 found greater risk of SOC harms in more deprived locations. A national survey of public perceptions of organised crime in Scotland in 2013 (Ipsos Mori/Scottish Government), found that people living in Scotland associate

## **118 Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie**

the harms of SOC as disproportionately affecting younger people, older people and those on low income/from deprived backgrounds. This impact was perceived more strongly than impacts on businesses or the economy. The Joseph Rowntree foundation also found evidence (Green and Owen, 2006) of people in poorer areas using illicit markets and goods to get by, in the absence of mainstream goods and services. This disproportionate risk of harm from SOC may therefore be consistent with findings from other sources, for example, the Scottish Crime and Justice Survey, that show a greater risk of victimisation for people who live in the most deprived parts of Scotland (Scottish Government, 2014).

### **Who is involved in serious organised crime groups?**

One of the most comprehensive sources of information about organised crime in Scotland since 2009 is the work done by the police to systematically collate intelligence on SOC on Scotland, known as ‘Serious Organised Crime Group Mapping’. This ‘map’ (produced via a methodology we explain in more detail below) is routinely updated, and shows that geographically the spread of reported OCG activity in Scotland is primarily focused on the central belt, and in particular Glasgow and the west of Scotland (the region of Scotland with the most acute social deprivation and with long-standing problems with drug addiction and youth gangs, all arguably common ‘pre-cursor’ ingredients for nurturing SOC). Nevertheless, all areas of the country are affected to some extent. Recent, reported mapping data recorded 227 OCGs in Scotland and about 3,400 OCG ‘nominals’ (Scottish Police Authority, 2013). These figures relate to OCGs identified by Police Scotland. However, partner agencies can also identify and nominate OCGs for inclusion, and although recent figures for these additions are not publicly available, in 2009 the combined total of police and other agency identified groups was 367 organised crime groups and 4,066 nominals (Scottish Serious Organised Crime Group Mapping Project, 2009: 1). Whilst the map is still somewhat impressionistic in its coverage of the varieties of harm associated with OCGs, it does provide a reasonably useful overview of the characteristics of those involved in OCGs and the sort of activities being undertaken.

Mapping data suggest that organised criminals in Scotland tend to have a different age-crime curve than other types of ‘street’ (as opposed to white-collar) offender. This is consistent with evidence from other jurisdictions (Kleemans and de Poot, 2008; Francis et al., 2013). Mapped nominals are predominantly men aged 25–35, although there has also been a growth in the number of identified under-18s since the first mapping exercise in 2009. According to analysts working with the mapping data, young nominals are often engaged in something akin to apprenticeships. Young offenders may start with involvement in shop theft and scrap metal theft, potentially then progressing into stealing plant machinery before finally ‘graduating’ into drug dealing.

In terms of the gender balance in SOC in Scotland, trends in the involvement of female offenders remain less clear. The proportion of female nominals in OCGs has

remained broadly similar from year to year at around 12 per cent of all mapped nominals. However, only 25 per cent of these are designated by the police as actual members of OCGs, with the remainder being considered 'associates'. This is fairly consistent with international literature that sees SOC as heavily male-centric and which tends to talk about women mainly as victims, or as exploited participants, rather than fully involved members of an OCG. For instance, women often appear in the literature as individuals who are used to smuggle illicit commodities (see for example Huling, 1995) or carry firearms (Molidor, 1996), on the basis that the social construction of notions of gender and vulnerability portray them as easier to coerce, whilst they are simultaneously less likely to generate official suspicion. Gender-based influences have also been proposed to enable women involved in SOC to win the trust of potential victims with, for instance, previously trafficked women becoming complicit in the recruitment or handling of new victims (see Turner and Kelly, 2009). Home Office figures published for England and Wales show women comprising between 2 to 8 per cent of nominals depending on the crime category (Francis et al., 2013). However, unlike the Scottish estimates, these figures are based on convictions as opposed to intelligence. International research has suggested that women may be less likely than men to be convicted of a SOC offence, in part because women may undertake more discrete and administrative roles (Beare, 2010) or because the onset of their involvement may be comparatively late compared to a more conventional criminal career or when compared to their male SOC compatriots (Vere van Koppen et al., 2010).

There is no available robust evidence as to the level of involvement of foreign nationals or ethnic minority citizens in SOC. Even broad indicators such as the proportion of foreign nationals in Scottish prisons are not publicly available, although Scottish Government figures on ethnicity suggest a very modest disproportionality in imprisonment across all offence types, with minority groups comprising 3.9 per cent of the prison population in 2011–12, whilst constituting 3.2 per cent of the general Scottish population (Communities Analytical Services, 2013: 41). In 2009 it was estimated that just over 9 per cent of identified SOC nominals in Scotland were of non-white European background (Scottish Serious Organised Crime Group Mapping Project, 2009: 4). This contrasts with England and Wales where, in 2013, ethnic minorities constituted some 21 per cent of British nationals in prison (House of Commons Library, 2013: 10), with 13.2 per cent of prisoners being categorised as 'black or black British' in spite of only constituting 2.8 per cent of the general population (House of Commons Library, 2013: 11). In terms of non-indigenous SOC nominals, in-house analysis by Scottish police analysts (Police Scotland, 2014) has found, like published findings in England and Wales (Hamilton-Smith and Patel, 2010), no compelling evidence of any distinct patterns of criminality, or any 'imported' styles of organised criminality, beyond fairly predictable associations between being foreign and being engaged in some of the transnational aspects of organised crime, and/or being involved in the evasion of border controls. Moreover, in contrast to England and Wales, the number of non-indigenous criminals involved in serious organised crime is considered still to be low (Police Scotland,

## 120 Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie

2014) with a rough estimate of less than 5 per cent of SOC nominal in 2009 being identified as foreign nationals (Scottish Serious Organised Crime Group Mapping Project, 2009: 4). Indeed, the most notable and well-documented foreign SOC presence in Scotland, an offshoot of the Italian Camorra in Aberdeen, has been observed to involve no obvious predatory criminality within the Scottish jurisdiction but rather is thought to centre on the running of legitimate businesses for money-laundering purposes (Campana, 2011).

### **Serious organised crime: the activities of OCGs**

In prefacing a discussion of SOC activities, we should first acknowledge an important underlying tension in organised crime analysis between on one hand the *activities* of OCGs and, on the other, their *capacities* or *structure*. There has been debate in the literature, and in policy and practice circles, about the relative weight that should be given, in assessing the threat posed by any given OCG, to its structure and membership versus its known activities (Levi, 2014; Hamilton-Smith and Mackenzie, 2010). Some analysts hold that the actual crimes that members of a group are known to have committed are both the best predictor of future criminality by members of the group and the most salient measure of the harm caused, and likely to be caused, by the group. Against this, other analysts argue that a defining feature of OCGs is their latent capacity for harm; in other words, that there is a sinister and potentially dangerous aspect to the associations between the criminals which should be considered alongside our knowledge of the harms they have actually so far caused. This debate reflects the conceptual roots of thinking about organised crime as much as it informs contemporary policy responses, and it can be seen to affect many aspects of policing engagement. For example, organised crime group mapping, mentioned in this chapter as a centrepiece of Scotland's policing response to SOC, includes a threat matrix which ranks all known OCGs in the country by way of a scoring system that is informed by both the known prior activities of the group and an assessment of the dangerous capacities which the structure of the associations within the group may hold. This mixed activity-capacity approach is now quite common, and a similar scheme is used in England and Wales. Some other jurisdictions adopt different approaches, sometimes, for example, considering only 'activities' but with no inclusion of 'capacity' or 'structure' entering into the equation.

OC mapping data is constructed from existing police intelligence and may not provide a comprehensive account of the full range of SOC in Scotland, but it provides the best approximation currently available of the range of activities they might be involved in. Over recent data sweeps, the approximate proportion of OCGs (note this is groups, not nominals) involved in specific types of SOC activity have been reported as:

- 76.3% involved in drug offences;
- 33.1% have access to firearms;

- 26.1% involved in violence;
- 17.1% involved in money laundering;
- 9.3% involved in drug importation;
- 9.0% involved in immigration crime;
- 8.8% involved in fraud;
- 0.8% involved in human trafficking (Scottish Police Authority, 2013: 3).

In spite of the change in numbers of groups, key patterns remain fairly static across mapping sweeps. Primarily, the importation, distribution and supply of drugs remains overwhelmingly the interrelated set of criminal concerns that drives organised crime policing in Scotland. Several research projects based at Glasgow University have built an evidence base in respect of drug misuse in Scotland: these include estimates of the size and value of the illicit drug market in Scotland, and its social and economic cost (Hay et al., 2009; Casey et al., 2009). Though the heroin epidemic of the 1980s and 1990s may have waned, the social and criminal consequences of that period continue to be felt: many of the ‘users’ of that period suffer from high rates of premature mortality (National Records of Scotland, 2012). OCGs have laundered and reinvested their profits obtained from the distribution and sale of heroin and have diversified their activities, often into dealing or distributing other more recreational drugs. Drugs also appear as the main type of SOC problem felt by communities in Scotland, as reported in the Scottish Household Survey. From 2005–13 there has been a stable annual trend of 11–13 per cent of people who have said that drug dealing/misuse is common in their local area (Scottish Government, 2014).

Many of the other SOC issues currently of concern to the police reflect the collateral aspects of drug offending (such as violence and firearms) and supporting infrastructure (e.g. the employment of specialist ‘facilitators’ such as lawyers and accountants, as well as the use of foreign nationals for cannabis cultivation which can involve attendant crimes involving the trafficking of those people). SOC activities can also represent complementary by-products of drug trafficking such as laundering the profits. Indeed, much of the more innovative work of the Scottish Crime and Drug Enforcement Agency (SCDEA) in Scotland had been on targeting the ‘front businesses’ through which money is laundered or profits are ‘invested’ (Murray, 2010a). At the time of writing, this focus on identifying illicit money flows is being developed further by Police Scotland as a project in its own right, code-named ‘Jackal’.

The re-investment of drugs profits, often laundered via foreign banking systems, notably Spain (Steinko, 2012), has led to novel patterns of investment (Murray, 2012). Aside from more conventional front businesses such as catering, taxi firms and security firms, Scottish OCGs have reportedly invested in retirement homes, childcare businesses and nurseries and more recently (and somewhat poetically) in funeral businesses. Businesses involving cash in hand such as taxi firms, or where the competitiveness of the market makes the low start-up costs associated with SOC ‘investment’ particularly attractive (such as childcare and retirement homes),

## **122 Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie**

seem to be factors that drive the flow of money (Murray, 2010b). Another growth area has been waste management and recycling, and this is thought to relate to criminal opportunities consequent on the high costs of properly-regulated waste disposal, which allow those prepared to flout the regulations to undercut legitimate disposal companies.

The extent to which organised criminals are predatory on legitimate economic sectors and structures is most vividly illustrated, in Scotland, in official concerns regarding infiltration of public sector contract work by OCGs. This, again, is a by-product of OCG diversification into legitimate business concerns, laundering money through company 'fronts'. Public sector contracts are valued at approximately £9 billion annually in Scotland and are awarded through a procurement process which involves a central procuring authority inviting bids from competitive tenderers. These contracts include suppliers of all products and services to the public sector. The risk of SOC groups becoming involved in public procurement has become a matter receiving international attention, and work has been done in the EU to protect procurement processes from SOC infiltration (Caneppele et al., 2009; White, 2000; Curtol et al., 2007; Dorn et al., 2008). The increasing complexity of contracting and supplier chains, a focus on contract cost over a more balanced set of quality criteria and a general tendency to outsource and privatise large tracts of public sector services combine to provide a rich opportunity environment for OCGs. The challenge within Scotland has been to devise ways of proofing procurement processes so that OCGs can be deterred or weeded out, whilst simultaneously avoiding falling foul of domestic and EU procurement and competition policies, and a Scottish Government priority to make public sector contracts more accessible for small and medium-sized enterprises.

Beyond drugs, and the diversification of OCG profits, a key preoccupation for the police recently has been human trafficking. The nature of this crime has brought an increased focus within the police on developing new forms of partnership working to address it. Though the limited evidence regarding its prevalence would suggest it represents a relatively modest threat (Lebov, 2009), certainly when compared to drug distribution, manufacturing and importation the very uncertainty engendered by a lack of available evidence, coupled with historically poor criminal justice and specialist support service provision, has led to a prioritisation by both government and the police. Research has been commissioned to examine the care and support needs of victims of human trafficking in Scotland (Malloch et al., 2012) and the specific nature and extent of Scotland's role as a market for child trafficking (Cody et al., 2011).

### **The criminal justice response to organised crime in Scotland**

Structurally, there has been a radical change in the arrangements for dealing with SOC in Scotland since devolution in 1999, encapsulated in the attempt at policy level to move away from response and reaction towards prevention and partnership. This has not always been easy to achieve in the face of a somewhat entrenched



predisposition in policing towards traditional responsive criminal justice approaches. Before devolution, Scotland had the same policy direction and activities for tackling organised crime as England and Wales. In the 1980s, the Home Office focused on drugs crime through regional crime squads and the National Drugs Intelligence Unit (NDIU). The Scottish Crime Squad was a Scottish application of this approach, focusing on cross-border crime without being specifically drugs focused. The crime squads and NDIU evolved into NCIS in the early 1990s. The National Criminal Intelligence Service operated throughout the UK but the National Crime Squad (which operated in England and Wales only) had a drugs focus but also concerned itself with other types of crime.

The Scottish Drug Enforcement Agency (SDEA) was formed in 2003 as a national agency that, as the name suggests, mainly focused on drugs. A few years later, to signify a broadening of the remit into other types of organised crime besides drug trafficking, the SDEA became the SCDEA (Scottish Crime and Drug Enforcement Agency). SCDEA was established by statute, in 2006, as a national police agency to deal with SOC, with its leadership at deputy chief constable level as a director general with responsibility for direction and control, and with operational autonomy from the eight Scottish regional forces. It also brought a new emphasis on crime that crossed force borders and required technical and specialist resources which a single force could not justify (for example, relating to surveillance).

In time these organisational developments would allow the deployment of some innovative tactics, though up to the late 2000s Scotland, in keeping with the rest of the UK (which in turn was influenced by the US), focused its organised crime efforts on conventional law enforcement and detection tactics. This approach was predicated on now outdated notions of organised crime being characterised by hierarchical groups, with leaders, or 'kingpins'. It was supposed that if the police arrested the kingpins, these groups would cease to function effectively without their leaders. The approach has now been largely discredited (Pearson and Hobbs, 2003). SOC enterprises are increasingly now thought not to take hierarchical forms always; rather they are fluid, taking the form of networks that have a capacity to adapt quickly to evolving criminal opportunities and law enforcement threats in a way 'traditional', 'hierarchical' or 'structure-controlled' OCGs might not have (Lo, 2010; Morselli, 2009; Levi and Maguire, 2004). Kingpins were often easily replaceable, and even if they were not, prison may fail to prevent these individuals from continuing to direct their criminal enterprises from behind bars. Most damagingly for Scotland, and indeed similar jurisdictions where the organised crime threat was heavily dominated by the importation and distribution of illegal narcotics, the incentives and rewards for dealing in drugs were so great (see, for example, Pearson and Hobbs, 2001) that the incapacitation of one key individual was likely to lead to fairly immediate and successful adaptations by users and other drug market players, to reconfigure drug sales to make them less vulnerable to law enforcement activity (Bouchard, 2007).

Nevertheless, the policing of organised crime under the SDEA, and then the SCDEA in its early years, continued in the vein of pursuing the 'Mister Bigs' of

## 124 Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie

gangland Glasgow in particular. Indeed, the reportage published by journalists and ex-police officers from this period amply testifies to the glamorisation of the pursuit of these underworld 'crime lords' (for example, Pearson, 2008).

The approach towards dealing with SOC in Scotland began to change in the late 2000s; from being perceived and dealt with by policing, as part of a general response towards detection and enforcement of crime, towards reflecting a better understanding of it as something distinct, with its own causes and impacts, requiring in turn bespoke and more holistic strategies centred on prevention as well as enforcement. Notably, in 2007, the Scottish Government established a policy unit on SOC and set up a 'taskforce' partnership to work on the issue.

The development of the remit of SCDEA also mirrored this evolution in the understanding of SOC, moving from a narrower drug and enforcement remit to take on a much wider range of OCG activities and deploying a more extensive suite of tactics. Key features of SCDEA included the Scottish Intelligence Coordination Unit (SICU), established in 2010, which became the home for innovations in mapping and risk assessing organised crime threats, and the Interventions Unit, which developed partnerships (with both public and private partners) focused on educational and preventative initiatives.

These attempts at a more prevention-oriented approach to engaging with SOC are incorporated in the Scottish Government's *Letting Our Communities Flourish* (2009) strategy, which distributes responsibility and resources for dealing with SOC from police to other organisations, including private sector business organisations, housing associations and local authorities, whose work contains opportunities to deal with the business operations of organised crime. The strategy focuses on the impact of organised crime on the social and economic well-being of communities and describes an approach which reflects the changed conceptualisation of organised crime as a matter of enforcement and criminal sanction towards something that requires more complex responses. These responses are categorised under four headings: 'divert', 'detect', 'deter' and 'disrupt' (Serious Organised Crime Taskforce, 2009).

The 'divert' theme involves prevention and diversionary work with people who might be at risk of becoming more involved in criminal markets, either as the sellers or consumers of illicit goods. This includes educational work in schools and information and communications campaigns with members of the public to provide more information about the nature of organised crime markets and their risks. It also entails work targeted towards the people who may be at risk of becoming organised criminals through family links.

'Detect' includes more traditional intelligence gathering as well as improving criminal intelligence systems, risk and threat assessment, OCG mapping and improving the social science evidence base so that there is greater awareness of the nature of the problem generally. This also includes the development of financial intelligence as a more central aspect of police investigations, following money through national and international banks, and improving the abilities of recognising and investigating suspicious activity in financial institutions.

Activities under the 'disrupt' heading are based on the idea that the power and continuity of organised crime groups come from their assets and finances and this work aims to remove the financial gains that have been made through illicit activity, and also to weaken the financial base of criminal organisations by using the Proceeds of Crime Act 2002 to seize the assets of organised criminals so that illicit businesses are less sustainable.

The 'deter' strand of the strategy includes activities to protect businesses, communities and victims through enhanced collaboration between the public and private sectors to raise the awareness of threats, including the situational elements of organised criminal attacks such as loopholes in licensing and public procurement regulations.

The Scottish organised crime strategy also connects with work on organised crime in Europe and supports an 'administrative' rather than just a traditional criminal justice approach. Examples of this include a taskforce subgroup set up to consider the problem mentioned above of public sector procurement and the risks of organised crime groups being awarded contracts for goods and services, and a communications subgroup promoting public and community understanding of SOC to enable communities to protect themselves. The key driver and facilitator of these strategic and policing developments in Scotland has been the Serious Organised Crime Group Mapping referred to earlier. This has systematised police data on SOC in Scotland and developed in a unique collaboration between academics, government researchers, police officers and analysts to produce a unique information system for collecting, collating, interrogating and weighting information on organised crime nominals and groups. Its objectives are to:

- Provide better, more systematically collated and joined up intelligence to allow for a more accurate and complete assessment of organised crime in Scotland. This would have spin-off benefits in terms of identifying links between nominals and groups that were previously unknown, and in terms of identifying supporting aspects of OCGs (such as front businesses and specialists) that would respond best to more innovative and collaborative, multi-agency responses.
- Provide better evidence with which to prioritise police activity. The intention was to move away from prioritising law enforcement activity on the basis of a criminal's 'reputation' or on the basis of non-systematic judgements about whether one type of organised criminality was more serious than another. The mapping process is about making a more balanced and objective assessment of both the capability of organised crime groups and networks and the harm associated with their activities.
- Allow for emerging trends to be identified and for policing and partner performance to be assessed over time, therefore moving away from existing and simplified performance indicators that relied on distorting metrics such as 'number of nominals arrested' (even if the arrest of a batch of low-level nominals made a negligible difference to the capability of OCGs) or 'assets recovered' (which again may not be strategically related to recovering the assets that are going to have the most impact in terms of incapacitating or de-incentivising prominent OCGs).

## 126 Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie

The products that underpin the mapping are:

- A 'tracker' to collate and structure intelligence on OCGs and nominals on an ongoing basis, with periodic sweeps being submitted by police analysts across Scotland.
- A 'matrix', which is the scoring tool through which tracker information on OCGs is processed centrally, to render scores which guide subsequent prioritisation (that is, which groups are presenting the greatest threat).
- The 'activity worksheet', which drives tasking. This is essentially an analytical product that takes the matrix scoring and then asks the question, 'What are we doing about it?' The process asks questions such as what policing resources and assets were being used, what international assets and what multi-agency assets were being used to tackle a particular OCG.

The mapping exercise has been a major feature, and transformative mechanism, in the Scottish policing response to organised crime in recent years. It has been vital in incentivising law enforcement to consider and target the systemic aspects of the drug trade, and whilst continuing to focus on illicit drugs as the dominant concern, to also consider and target other types of organised crime. The evidence would suggest that a key value in doing so is that OCGs themselves fear little from law enforcement action in terms of apprehension and imprisonment, but do genuinely fear actions that may result in the confiscation of their assets (Matrix Knowledge Group, 2007). However, an equally strong motive has been on the more general deterrence aspect of weakening the influence of OCG role models, a number of whom, within the Scottish jurisdiction, have successfully disengaged from organised criminality and reinvented themselves as wealthy, 'legitimate' business leaders. Such individuals are prominent in a number of deprived Scottish communities and have a troubling potential influence, as the origins of their wealth and influence are well known (Hamilton-Smith and Mackenzie, 2011).

### **The future of organised crime and its control in Scotland**

There are a number of developments that may have an impact on the way organised crime is understood and tackled in Scotland in the future. Some of these are changes that are currently underway, while others are necessarily more speculative.

In April 2013, a major change occurred in the way policing is structured and delivered in Scotland (see Chapter 11). The country's eight regional police forces were amalgamated into one national force, called Police Scotland, and in the process SCDEA was incorporated into the new force structure. SCDEA's functions were rolled into a new specialist crime division as part of a process of centralisation which also saw the creation of a new 'crime campus', a national base for tackling organised crime and terrorism located at Gartcosh in North Lanarkshire. The transition to Police Scotland has inevitably led to some disruption and uncertainty in OC policing and the longer-term implications of this centralisation are unclear.

However, the crime campus development would seem to be more unambiguously promising. The idea is modelled on a Scottish version of multi-agency co-location inscribed in the FBI campus approach in the USA. As such, it can be seen as one of the many examples of ‘policy transfer’ (Jones and Newburn, 2007), which in Scottish policing has tended to involve looking both east and west, to the USA on the one hand and continental Europe on the other.

The European component has been part of a wider Scottish policy and political interest in progressive countries in north west Europe, considered as comparators to the Scottish case: in particular, Norway, Denmark, Finland and the Netherlands (Fyfe, 2014; Terpstra and Fyfe, 2014). If the crime campus idea came from the USA, just as the SDEA was in its inception influenced by positive perceptions within Scotland’s police and policy communities of a US-style drug enforcement agency approach, Scotland’s approach to some other attempts to regulate SOC are distinctly European in flavour. One example of the European influence can be found in the case of the control of procurement fraud (see above). The procurement subgroup has undertaken field trips to the Netherlands to learn about the laws and practices relating to SOC infiltration into public procurement processes through the creation and use of ‘front companies’ as vehicles for OCGs to access public funds through purportedly legitimate service contracts.

The crime campus approach, symbolising a fresh acceptance of the values and benefits of multi-agency partnership working, promises to overcome many of the traditional organisational and cultural barriers that have, historically, hindered organised crime policing. That said, the operational reach of organised criminals still stretches across borders to the wider UK, and to Europe and the world beyond. In particular, gaps in effectiveness may still be particularly prone to arise if the Specialist Crime Division does not have effective collaborative arrangements for sharing intelligence, and for undertaking joint operational activity, with the Regional Organised Crime Units in England and Wales, and with the new National Crime Agency (NCA). However, the presence of the NCA at Gartcosh, and the public commitment of the new body to work more collaboratively with law enforcement partners (HM Government, 2013), and thereby not to repeat the perceived mistakes of its predecessor body (SOCA), may be seen as promising.

In terms of the future of evidence production through research, it seems fair to say that although there are systems being put in place which aim to improve the operational delivery of SOC policing, the social science research evidence base on the scale and nature of SOC remains relatively underdeveloped nationally and internationally compared to what we know about other types of crime. There is at present a distinct lack of information about the differential impact of organised crime markets on various sections of society. Key emerging concerns are with the identification, understanding and measurement of the types of ‘harm’ organised crime causes on a community level, and working towards a suitable metric for harm involves considering organised crime’s impact on the physical and social well-being of communities, on processes of democracy (for example, corruption of government officials) and on life chances of people who live in locations where

there are active illicit markets. These impacts may also, of course, be conceived of as 'benefits' in communities where weak social capital and sustained economic marginalisation may make the presence of OCGs and illicit markets (with cheap illicit goods, reinvested criminal profits, alternative 'social order' and often glamorised criminal role models) attractive to local residents. Research elsewhere in the UK (notably Hobbs, 2002; Tilley and Hopkins, 2008) has begun to explore how OCGs, even when global in reach, can nevertheless be deeply rooted and integrated into local communities and local legitimate economies. Given the intractable, concentrated and geographically stable nature of social exclusion, poverty and criminality in Scotland (see Houchin, 2005), a better evidenced understanding of the impact of OCGs in key communities, and more robust evaluations of current legislative and criminal justice interventions to mitigate these impacts would seem long overdue.

## References

- Abadinsky, H (1981) *Organized Crime*. Boston: Allyn and Bacon.
- Audit Scotland (2009) *Drug and Alcohol Services in Scotland*. Edinburgh: Audit Scotland.
- Beare, M (2010) *Women and Organized Crime*, report to Organised Crime Division, Public Safety Canada, at [http://publications.gc.ca/collections/collection\\_2012/sp-ps/PS4-106-2010-eng.pdf](http://publications.gc.ca/collections/collection_2012/sp-ps/PS4-106-2010-eng.pdf).
- Bouchard, M (2007) 'On the resilience of illegal drug markets'. *Global Crime* 8(4): 325–44.
- Campana, P (2011) 'Eavesdropping on the mob: the functional diversification of mafia activities across territories'. *European Journal of Criminology* 8(3): 213–28.
- Campbell, L (2013) *Organised Crime and the Law: A Comparative Analysis*. Oxford: Hart.
- Caneppele, S, Calderoni, F and Martocchia, S (2009) 'Not only banks: criminological models on the infiltration of public contracts by Italian organised crime'. *Journal of Money Laundering Control* 12(2): 151–72.
- Casey, J, Hay, G, Godfrey, C and Parrott, S (2009) *Assessing the Scale and Impact of Illicit Drug Markets in Scotland*. Edinburgh: Scottish Government Social Research.
- Cicourel, A V (1968) *The Social Organization of Juvenile Justice*. New York: Wiley.
- Cody, C, Lawson, E, McNab, M, Taylor, M, Wallace, R and Wylie, K (2011) *Scotland: A Safe Place for Child Traffickers? A Scoping Study into the Nature and Extent of Child Trafficking in Scotland*. Edinburgh: Scotland's Commissioner for Children and Young People.
- Communities Analytical Services (2013) *Scottish Government Equality Outcomes: Ethnicity Evidence Review*. Scottish Government Social Research, at <http://www.gov.scot/Resource/0042/00423305.pdf>.
- Curtol, F, Pesarin, G and Vander Beken, T (2007) 'Testing the mechanism on EU public procurement legislation'. *European Journal of Criminal Policy and Research* 12(3/4): 337–64.
- Dorn, N, Levi, M and White, S (2008) 'Do European procurement rules generate or prevent crime?' *Journal of Financial Crime* 15(3): 243–60.
- Francis, B, Humphreys, L, Kirby, S and Soothill, K (2013) *Understanding Criminal Careers in Organised Crime*. Research report no. 74. London: Home Office.
- Fyfe, N R (2014) 'A different and divergent trajectory? Reforming the structure, governance and narrative of policing in Scotland'. In: Brown, J (ed.), *The Future of Policing*. Abingdon: Routledge.
- Green, A E and Owen, D (2006) *The Geography of Poor Skills and Access to Work*. York: Joseph Rowntree Foundation, at: <http://www.jrf.org.uk/sites/files/jrf/1859354300.pdf>.
- Hamilton-Smith, N and Mackenzie, S (2010) 'The geometry of shadows: a critical review of organised crime risk assessments'. *Policing and Society*, 20(3).

- Hamilton-Smith, N. and Mackenzie, S (2011) *Supplementary OCG Impact Indicators and Intelligence from Inverclyde i-sni Pilot*. Restricted report for Strathclyde Police.
- Hamilton-Smith, N and Patel, S (2010) *Determining Identity and Nationality in Local Policing*. Research report no. 32. London: Home Office.
- Hay, G, Gannon, M, Casey, J and McKeganey, N (2009) *Estimating the National and Local Prevalence of Problem Drug Misuse in Scotland*. Glasgow: University of Glasgow.
- HM Government (2013) *Serious and Organised Crime Strategy*. London: HMSO.
- Hobbs, D (2002) 'Going down the Glocal: the local context of organised crime'. *Howard Journal of Criminal Justice* 37(4): 407–22.
- Houchin, R (2005) *Social Exclusion and Imprisonment in Scotland*. Glasgow: Glasgow Caledonian University.
- House of Commons Library (2013) *Prison Population Statistics*, at [www.parliament.uk/briefing-papers/SN04334.pdf](http://www.parliament.uk/briefing-papers/SN04334.pdf).
- Huling, T (1995) 'Women drug couriers: sentencing reform needed for prisoners of war'. *Criminal Justice, American Bar Association* 9(4): 15–20.
- Ipsos Mori and Scottish Government Social Research (2013) *Public Perceptions of Organised Crime in Scotland*, at <http://www.gov.scot/Resource/0043/00434422.pdf>.
- Jones, T and Newburn, T (2007) *Policy Transfer and Criminal Justice*. Maidenhead: Open University Press.
- Kleemans, E R and de Poot, C J (2008) 'Criminal careers in organized crime and social opportunity structure'. *European Journal of Criminology* 5(1): 69–98.
- Lebov, K (2009) *Human Trafficking in Scotland, 2007/08*. Edinburgh: Scottish Government Social Research.
- Levi, M (2014) 'Thinking about organised crime: structure and threat'. *RUSI Journal* 159(1): 6–14.
- Levi, M and Maguire, M (2004) 'Reducing and preventing organised crime: an evidence-based critique'. *Crime, Law and Social Change* 41(5): 397–469.
- Lo, T W (2010) 'Beyond social capital: triad organized crime in Hong Kong and China'. *British Journal of Criminology* 50: 851–72.
- Mackenzie, S and Hamilton-Smith, N (2011) 'Measuring police impact on organised crime: performance management and harm reduction'. *Policing: An International Journal of Police Strategies and Management* 34(1): 7–30.
- Malloch, M, Warden, T and Hamilton-Smith, N (2012) *Care and Support for Adult Victims of Trafficking in Human Beings: A Review*. Edinburgh: Scottish Government Social Research.
- Matrix Knowledge Group (2007) *The Illicit Drug Trade in the United Kingdom*. Online report, 20 July. London: Home Office.
- Molidor, C E (1996) 'Female gang members: a profile of aggression and victimisation'. *Social Work* 41(3): 251–7.
- Morselli, C (2009) *Inside Criminal Networks*. New York: Springer.
- Murray, K (2010a) 'Dismantling organised crime groups through enforcement of the POCA money laundering offences'. *Journal of Money Laundering Control* 13(1): 7–14.
- Murray, K (2010b) A Scottish Perspective on Cross-border Cooperation against Organised Crime. Presentation given at the *60th Political Studies Association Annual Conference*, 29 March–1 April, Edinburgh.
- Murray, K (2012) 'A suitable case for treatment: money laundering and knowledge'. *Journal of Money Laundering Control* 15(2): 188–97.
- National Records of Scotland (2012) *Drug-related Deaths in Scotland in 2011*, at <http://www.gov.scot/files2/stats/drug-related-deaths/2011/drug-related-deaths2011.pdf>.
- Pearson, G (2008) *The Enforcer: A Life Fighting Crime*. Edinburgh: Black and White Publishing.
- Pearson, G and Hobbs, D (2001) *Middle Market Drug Distribution*. Research study 227. London: Home Office.
- Pearson, G and Hobbs, D (2003) 'King Pin? A case study of a middle market drug broker'. *Howard Journal of Criminal Justice* 42(4): 335–47.
- Police Scotland (2014) *Confidential Briefing on Serious Organised Crime Mapping Data*. June.

**130** Ben Cavanagh, Niall Hamilton-Smith and Simon Mackenzie

- Scottish Government (2014) *Scottish Crime and Justice Survey 2012/13: Main Findings*, at <http://www.gov.scot/Publications/2014/03/9823/downloads>.
- Scottish Police Authority (2013) *Scottish Organised Crime, Agenda Item 5*. SPA board meeting, 4 December, at <http://www.spa.police.uk/assets/126884/199545/item5>.
- Scottish Serious Organised Crime Group Mapping Project (2009) *Preliminary Findings on the Scale and Extent of Serious Organised Crime in Scotland*, at: <http://www.gov.scot/Resource/Doc/254429/0098144.pdf>.
- Serious Organised Crime Taskforce (2009) *Letting Our Communities Flourish: A Strategy for Tackling Serious Organised Crime in Scotland*. Edinburgh: Scottish Government.
- Sheptycki, J W E (2007) 'Police ethnography in the house of serious and organized crime'. In: Henry, A and Smith, D J (eds), *Transformations of Policing*. Aldershot: Ashgate, 51–78.
- Steinko, A F (2012) 'Financial channels of money laundering in Spain'. *British Journal of Criminology* 52(5): 908–31.
- Terpstra, J and Fyfe, N R (2014) 'Policy processes and police reform: examining similarities and differences between Scotland and the Netherlands'. *International Journal of Law, Crime and Justice* 42(4): 366–83.
- Tilley, N and Hopkins, M (with the assistance of Adam Edwards and John Burrows) (2008) *Business Views of Organised Crime on Business in Three High Crime Neighbourhoods*. RDS research report no. 10: London: Home Office.
- Turner, J and Kelly, L (2009) 'Trade secrets: intersections between diasporas and crime groups in the constitution of the human trafficking chain'. *British Journal of Criminology* 49: 184–201.
- United Nations (2000) *Convention against Transnational Organized Crime*. Palermo: UN.
- UNODC (2014) *Organized Crime*, at <https://www.unodc.org/unodc/en/organized-crime/index.html>.
- Vere van Koppen, M, De Poot, C J, Kleemans, E R and Nieuwbeerta, P (2010) 'Criminal trajectories in organized crime'. *British Journal of Criminology* 50(1): 102–23.
- Von Lampe, K (2004) 'Measuring organised crime: a critique of current approaches'. In: van Duyne, P C, Jager, M, von Lampe, K and Newell, J T (eds), *Threats and Phantoms of Organised Crime, Corruption and Terrorism: Rhetoric and Critical Perspectives*. Nijmegen: Wolf Legal Publishers, 85–116.
- White, S (ed.) (2000) *Procurement and Organised Crime: An EU-wide Study*. London: Institute of Advanced Legal Studies.
- Wright, A (2006) *Organised Crime*. Cullompton: Willan.