

Stefano Caneppele · Francesco Calderoni
Editors

Organized Crime, Corruption and Crime Prevention

Essays in Honor of Ernesto U. Savona

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 Springer

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Note from the Publisher

On a crisp spring day in the hills of Tuscany, in April 2003, I first encountered the dynamic force of nature that is Professor Ernesto Savona. I was to meet him at a seminar on crime prevention where he was speaking, a seminar held at a castle-like venue a ten minute cab ride from the old town of Siena. A fitting setting for this first meeting in a number of ways, although a steady drizzle obscured the view from the taxi from the moment we left the Siena train station. Without doubt a bright Italian sun would have been more reflective of Ernesto's character and Sicilian heritage.

Not long before, the *European Journal on Criminal Policy and Research* had come to fall under my responsibility, and at that time the journal needed some fixing. For one thing, we had a big gaping vacancy where an Editor-in-Chief was supposed to be, and the editorial board had recently thinned out a little as well. Needless to say: not a lot of papers were getting accepted under these circumstances. Because this was, and is, a criminology journal that focuses on Europe and on criminal policy and crime prevention in Europe, I thought: why not start by reaching out to the president of the newly established European Society for Criminology, and see what kind of advice he can offer? That president was Ernesto Savona, and I emailed him.

That's how things started, with a cold call. The response was warm. Unsurprising probably, to those that know Ernesto. Yes, he wrote to me, he would be happy to speak with me during my upcoming trip to Italy. Oh, and by the way: if I wanted, then apart from meeting with him in Siena, I could also visit the Transcrime office in Milan and meet with his staff there. They were all involved in several research projects and it might be interesting for me to touch base with them. As far as the logistics were concerned, it became clear that Ernesto himself was scheduled to be in eight different places in three days or something along these lines, but if I could come from Florence (where I was going to be) to Siena on April 10, then he would have an hour or so in between his talk and the conference dinner to meet with me.

The energy, flexibility and the ability to connect people in the field of criminology that are trademarks of the Savona-style had manifested themselves immediately. All that, as well as the fact that Ernesto is a warm-blooded Sicilian with a work-ethic that would put every Calvinist to shame.

So: a castle in Siena. Or was it a former monastery? I was asked to wait for Professor Savona in a dimly lit hallway that looked ancient and straight out of *The*

Name of The Rose (1986). There was someone else waiting there with me- a girl from Rome who had gotten out of another taxi at the same time I arrived, holding a giant box with what she explained was a surprise birthday cake for her father, who would be celebrating a milestone birthday at the castle, and during the seminar, that evening.

Ernesto had finished his talk and stepped out for our meeting. He was helpful and straightforward and full of ideas, and after about half an hour, I decided that now would be a good time to ask him if he didn't think that in fact he himself was the Editor-in-Chief that we were looking for, for the *European Journal on Criminal Police and Research*. By the end of our meeting, he had both accepted, and invited me to his birthday party.

By June of that same year, Ernesto had assembled an editorial board of top criminologists from every corner of Europe (including from the corners that had recently joined, or were in the process of joining the EU, which was always important to him) and was in full-on business mode, brainstorming about strategy and special issues, and grabbing (that is the word that comes to mind here. But it was a highly charming kind of grabbing) researchers at receptions and events left, right and center, convincing them to submit their work to the journal.

It has been a great pleasure to work with Ernesto over the course of the past ten years. Both on the journal and on a great number of book projects, some by Ernesto himself, others written by various researchers at his institute. It has been great to see the journal flourish, to see it grow, get read and get cited. Traditions were established in the process. There were the annual editorial board meetings, held during the annual meeting of the European Society for Criminology. Hard work and fun times in places like Amsterdam, Tuebingen, Cracow, Ljubljana. His board was a connected board: rather than just attaching their name to the journal, board members were actively soliciting articles, reviewing, coming up with ideas for special issues, guest-editing these special issues themselves. Ernesto's contagious enthusiasm just made people volunteer to do these things. It is great to see how many of these usual annual board dinner attendees have contributed a chapter to this Volume.

There were also the brainstorming sessions around the big table in the meeting room at Transcrime Milan, a framed photo of Giovanni Falcone and Paolo Borsellino on the wall behind us. Ernesto, great host, always made sure that there was a lunch or dinner plan involving some of Italy's delights, although he himself can get so into the flow of the work and the writing that at times I have suspected that if it were just him alone, he might as well not have the interruption of the meal. Quite unusual for *un italiano vero*.

Just as hard to believe Ernesto Savona's stated age was at his birthday in April 2003, it is to now visualize him "retiring". Or at least: to imagine him working a little less hard. Because the words "Ernesto Savona" and "retirement," somehow they just don't go together. Therefore, this book is in no way a goodbye. We expect to stay in touch with Ernesto, and to have all kinds of projects cooking and working dinners with him going forward, if not in the Tuscan country-side then maybe (and finally!) here in New York . . . So, this book is a collection to honor the work and research of

Ernesto Savona, someone who helped shape the field of criminology in Europe, and who we hope will find ways to continue to do so in years to come.

Executive Editor Social and Behavioral Sciences
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Welmoed Spahr

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Foreword

A glance at the contents of this book shows the vast scope of Ernesto Savona's criminological interests. It also shows that in pursuing his interests he has engaged with a wide range of eminent scholars from many countries and from many of Criminology's sub-disciplines. Each of these scholars can no doubt describe the influence that Ernesto has had on their thinking. He certainly had an important influence on mine. He invited me to present a plenary address on situational crime prevention at the annual meeting of the ESC in Bologna in 2007. I was happy to accept, but I was a bit uncomfortable with his particular request, which was to consider whether the widespread application of situational prevention could bring about a reduction in the overall amount of crime. I knew that situational crime prevention was effective—sometimes dramatically so—in reducing the specific kind of crime that was its focus in any particular case. There were dozens of evaluations to support that proposition, but I was always careful not to go beyond that evidence (which for me was significant enough) and make larger claims for the effectiveness of situational prevention.

Anyway, I agreed to think about Ernesto's question and in Bologna I briefly reviewed the huge investment in security that many sectors of society had made during the previous few decades. This led me to conclude that, if situational prevention were defined to include any systematic attempts to reduce opportunities for crime, it was "... highly likely (but not proven) that the investment in security has played a large part in reducing the rate of predatory crime in many western countries". Since then, others have made similar arguments, but in greater depth and detail, with the result that the "security hypothesis" for the crime drop is now attracting some serious academic attention. By mentioning this, I do not mean to claim any undue influence for my Bologna talk; I think many others were thinking along the same lines at this time. What is important to me is that Ernesto encouraged me to explore an idea that has been personally fulfilling and has influenced much of my thinking for the past few years.

This represents merely one example of Ernesto's influence. Indeed, it might be expected that the subject of a Festschrift such as this would have influenced many other scholars within the discipline and, in fact, I need say no more about this topic here. Instead, I will focus on Ernesto himself and will try to say why I find him so remarkable. This may be a little foolhardy because I do not really know him very

well. It is true I have known him for the past ten years or so when I have spent a few days each year giving classes to his graduate students, first in Trento then in Milan. On most days during these visits he invited me to lunch or dinner, usually with two three of his students or young colleagues. However, the conversations mostly revolved around Criminology, rarely around personal issues. So, my knowledge of him has largely been acquired in a closely circumscribed context and I know little about his personal life or his family beyond the facts that he was born in Palermo, is an enthusiastic skier and has a son who is a physicist. In fact, if I had to declare the nature of our relationship, as one is sometimes asked to do when assessing a candidate's case for receiving a grant or promotion, I would have to describe myself as a "friendly colleague".

While this might be accurate enough for bureaucratic purposes, it would not capture my admiration for him. This derives at least in part from his success as an academic leader. He perceptively identified a huge and important gap in Criminology around the topic of transnational organised crime, and he persuaded first one University, Trento, and then a second, the Catholic University of Milan, to allow him to establish a free-standing department, TRANSCRIME, that now straddles both universities. The success of TRANSCRIME is unquestioned. It has a strong record of obtaining competitive grants for a large variety of projects, of completing useful policy-oriented reports, and of publishing the findings in academic journals. At the same time, Ernesto established doctoral degree programs in both institutions that have produced a steady stream of high quality dissertations by excellent students. Much of this work is empirical and quantitative which is surprising given Ernesto's background in Law. At the same time he has insisted that TRANSCRIME's work is written up and published in English on grounds that this will likely make it more widely read and its authors more noticed. Resulting assessments and critiques will in turn serve to raise the quality and international impact of TRANSCRIME publications. To have achieved all this within a university system, like some others in Europe, that is steeped in tradition shows Ernesto's remarkable understanding of academic bureaucracies and how to obtain their agreement to new ideas.

Now I come finally to my main reason for admiring Ernesto. It is his consummate skill and aptitude as a mentor. As mentioned above, he spends much time meeting informally with his graduate students despite a travel schedule that would leave most of us gasping in the dust. He is entirely comfortable with them, as they are with him. He deals out a mixture of encouragement, admonishment and a little teasing, all served up with warmth and humor. At the same time he keeps his distance—there is no doubt he is in charge, and his students and young colleagues rarely overstep the line into over-familiarity. This same discipline is evident in the rooms where his staff and students work, crowded together, side-by-side, not gossiping or joking, but working quietly at their computers. When he calls one or other of them to his office to discuss their projects he works with them to solve problems rather than subjecting them to a display of superior intellect and experience. But it is not simply human consideration that he shows to his students and young colleagues. He also takes practical steps to help establish their careers. He finds the money to send them to international conferences as well as on extended study placements overseas in

order to improve their English, to broaden their experience and to provide them with networking opportunities. Perhaps most impressive, given the generally inflexible bureaucracy in which he operates, he has succeeded in securing teaching positions in Trento and Milan for some of his longest-serving and most able assistants.

So to conclude, this festschrift rightly celebrates Ernesto Savona's considerable contribution to Criminology, but we should also celebrate the warmth and humanity of a caring teacher and the daring and vision of a successful academic entrepreneur.

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Ronald V Clarke

Preface

While colleagues and friends were surprised by the news of Ernesto's retirement, he acted as if nothing was to change in his life. He maintained its busy schedule and impressive working pace, arguing that the retirement would have spared him some of the most boring parts of his job. Once more, this tireless but calm attitude shows the importance of Ernesto Savona's example to future generations of scholars.

This book was born from a paradox. We started this project with the goal of celebrating Ernesto's retirement, which is planned for November 2013. One year earlier, we invited friends and colleagues, with an email which started with "We know it may sound strange but, believe it or not, Ernesto will retire next November . . .". In a few hours, dozens of replies showed everyone's surprise to the news. It was hard to believe that one of today's most hard-working, frequent-travelling and innovative-thinking scholars may retire.

The paradox was that, while everybody was getting acquainted to his forthcoming retirement, Ernesto acted as if he just could not care less about it. Indeed, unmindful of the upcoming retirement, he kept on with his impressive working pace, lecturing and writing, researching and participating in international conferences and meetings; a pace that would have exhausted us, barely half his age. When asked about his future plans, he used to smile and answer that he still had plenty of time and plans for the future and that his retirement would have finally reduced the boring part of every academic's job: administrative work and faculty meetings ("... and teaching", he usually added after a few seconds!).

In the meanwhile, the project of the book had advanced and a number of contributors had adhered with enthusiasm. Also the publisher had immediately supported the project and agreed to finalise the book by November 2013, with a remarkable performance compared to the current standards in the academic publishing industry.

This book testifies the importance of Ernesto's work in different areas of Criminology and crime studies in general. Arranging the book and collecting the forty contributions from a total of fifty-two authors showed us once more the importance of Ernesto Savona's influence on many scholars and policymakers. It has been a very interesting journey over decades of development in criminology and crime policies.

Working every day with Ernesto in Transcrime is an exceptional experience which offers a young scholar a dynamic, fast-paced and stimulating environment. Considering the budgetary and bureaucratic difficulties of the Italian academy, Ernesto's

capacity to create a young, dynamic and constantly evolving research centre is astonishing. He dedicates particular attention to younger colleagues and researchers, devoting a significant part of his very busy agenda to mentor and guide the staff of the centre. Mentoring is not always pleasant and successful, possibly incurring in failures and dissatisfaction. Ernesto has never refrained from this, taking this task as seriously as doing research, discussing with policymakers and participating in conferences. We think that his commitment to mentor us and many others stems not only (if ever) from sympathy, but also from his deep awareness that science advances through generations of scholars and that it is a duty for any of us to pass the little we know to others.

Università Cattolica del Sacro Cuore
and Transcrime

Francesco Calderoni
Stefano Caneppele

Introduction

I was asked to introduce this volume devoted to the celebration of an important event in life (the seventieth birthday) and a preparation for a *rite de passage* of Professor Ernesto Savona through a personalized lens of a long standing professional association and friendship. Usually the *rite de passage* refers to an entry into a club, a profession, an association. For Ernesto, in my view this will be the *rite de passage* into the circle of wise men—those whose suggestions as to how to do certain things—may be more crucial than doing the things on his own, by himself.

His ever youthful dynamism and enthusiasm, openness to, or rather a search for the challenges, his constant zeal to promote the young, and to send to the museum the old ways and modes of thinking and doing, make him ever-young. Yet, he and his colleagues and friends of a certain age participated in and witnessed some important developments in the disciplines they work in.

My recollections may be useful to illustrate through our (Ernesto's and my own) transformation from one sociological discipline into another one, the period of a historical and academic development which marked preference for a policy-oriented branch of sociology over a more theoretical, philosophical one as the then predominant paradigm of sociology of law was, at least in Europe.

My friendship with Ernesto started in 1978 at the annual meeting of the Committee for the Sociology of Law of the International Society of Sociology held in Cagliari, Sardinia Italy. He was then a young professor of the Sociology of Law in Rome and I was a young researcher (a political dissident in the then Tito's Yugoslavia) working at the Yugoslav Institute for Criminological and Sociological Research, in Belgrade. Both of us belonged to a very small circle of professionals who were eager to promote a modern sociological approach in the making of, implementation and interpretation of laws. Our agenda—although never formalized—was to promote a socially friendly, responsible and accountable legal endeavor. It was meant to be done through a scientific approach based on both the philosophical and political considerations as well as the empirical methods that would close the gap between the law making, its policy implementation and its juridical interpretation. The group was very international and enthusiastic: yet, the academic standing of the sociology of law was not very high—it was not the leading discipline nor it has a reputation or expectation that it is able to confront, in a policy-oriented manner, the social and legal challenges of the modern world. What was then the context of such a weak position of the sociology of law?

In mid-seventies crime (and drugs) became the raising star of the national and international concerns, something similar to what later became HIV/AIDS or more recently, human trafficking. It became also an important item of the political agenda across the world: for the western-world politics how to reduce it in terms of the perceptions of safety and the cost of controlling it while respecting the banner of human rights and civil liberties; for the eastern (now ex-communist) world politics, publically asserted relatively low crime rates, or rather, no reliable, free and transparent data on crime, were politically used to exemplify the advantages of the socialist model of social, economic and political organization. It was criminology rather than the sociology of law which came into the focus of the political and academic expectations.

In Cagliari, this international group of young sociologists of law, in particular under the leadership of Ernesto, had initiated long and serious discussions about a need to transform a general sociology of law into sociology of criminal law. This, it was believed, would have made the sociology of law apt to challenges of the increasing crime concerns and would have made it both academically and politically more respectable, useful and financially better supported. This line of reasoning was accepted by a number of us, including those coming from the socialist countries. At least, in Yugoslavia at the time, crime was on increase and it was clear that the regime was at its death-bed—a bit more than a decade before it became obvious and indeed happened in the rest of the East Europe.

Various attempts to promote the sociology of criminal law were not very successful. It was difficult to introduce it as a discipline per se, and it was in a competition with the criminology. Yet, in many European countries, and some Latin American ones, criminology was medical-psychiatric discipline or close to a legal medicine and criminalistics. On the other hand, in North America and some European countries, a new branch of discipline started to develop on the workings of the criminal justice system. It was at the end the blend between the criminal justice focus and the sociology of criminal law focusing on the collective rather than the individual actors (the organized crime) which promoted a sociologically policy-oriented criminology.

To this blend Ernesto and myself belonged from the very beginning: he in Italy and I, first in Yugoslavia, and then from 1984 also in Rome, Italy as the researcher at the United Nations Social Defense Research Institute (UNSDRI) to be renamed in 1989 into the United Nations Interregional Crime and Justice Research Institute (UNICRI). Ernesto became a standing Visiting Fellow at UNSDRI/UNICRI and we worked together for almost 15 years.

Ernesto moved to the University of Trento and established Transcrime but his links with UNICRI never ceased. The topics of organized crime and corruption from a global perspective reached the peak of UNICRI agenda and also, through the quinquennial United Nations Congresses on Crime Prevention and Criminal Justice, slowly entered into the United Nations crime and drugs agenda. Ernesto was given a privileged and a very responsible task to participate, with few selected experts, in the first topical and organizational design of an integrated drugs and crime approach as an attempt at the UN global level to match programmatically and organizationally the de facto integration between the drug and crime business as in the real world

already effected by the organized crime groups locally, nationally, regionally and globally. This, after some years of political negotiations, was achieved through the creation of the United Nations Office on Drugs and Crime (UNODC), in Vienna, Austria. Ernesto's role was crucial in this process and project.

It should be noted that at a political and international legal level the approach we referred to resulted in two very important UN conventions: the Palermo Convention against Transnational Organized Crime, and then, a bit later, the Merida Convention against Corruption. In my view these two UN conventions exemplified the peak of, at that time, the dominant criminological and criminal justice approach and paradigm. However, it should be also noted that another sociology of law outlet found its proper place in the international scene. I refer to the victimological studies, or rather to the victimization survey movement (led by Professor Jan Van Dijk) which was very much supported by Ernesto, and in which I personally had a privilege to be involved through the International Crime (Victim) Survey (the ICVS). This was an innovative paradigm and Ernesto's support came from his appreciation for innovation and well founded complementarity in policy-oriented studies.

I continued my UN career within UNODC, first in its regional office for the Southern Africa (located in Pretoria, South Africa) and then in its headquarters in Vienna, until the I retired from the UN and was appointed the Ambassador of Serbia at the United Nations in Geneva (2009–2013). Ernesto also moved from Trento to Milan.

All these period Ernesto and I were cooperating in different programmes and projects. Among those which I consider of particular importance for the promotion of the type of criminology outlined above were two related projects at UNICRI. The first was the introduction of the Course on the Methodology of Criminological Research (1988) which was attended by young researchers from all the main world continents (Europe, Americas, Asia and Africa). The second was the Training Course on the Methodology of Criminological Research for young researchers and criminal justice practitioners in Cuba (1989), a year before Cuba hosted the United Nations Congress on Crime Prevention and Criminal Justice (1990)—both of us took part in the Havana Congress. These two projects exemplified what we thought at the time should be the right profile of an international policy-oriented criminology, a blend of theoretical, cultural, political and policy concepts and considerations, on the one hand, and technical assistance to the criminal justice professionals and academics/researches on the empirical and policy use and evaluation of the criminological analytical tools. I do believe that these two projects influenced both Ernesto's and mine future career orientations and philosophy of commitment to the international work.

I feel very honored and privileged to have been given this opportunity to reflect on Ernesto's significant contribution to the modern international crime and justice studies from a personal (and somewhat historical) perspective.

This is in particular important today when the old criminological paradigms have faded away and not being replaced by the new ones. Today, it appears that the sociology of (criminal) law barely survives; the same may be said of the traditional criminology. Criminal justice studies reached their peak in the late 80s and mid 90s; today they are also in a state of crisis. Some progress was made with the crime

prevention approaches but it was of a rather short breath. Victimization studies with their branching (e.g. femicide studies) seem still to hold but are somewhat short of a more powerful interpretative paradigm than just “another side of the coin” to complement the picture based on the official criminal justice data. It appears that there is indeed a paradigm crisis in the study of crime and justice.

Thus, there is today plenty of room for innovative approaches and the development and testing of new paradigms of a broader social and cultural standing. For me, this is an invitation for Ernesto to enter into the prolegomena of his new career *rite de passage*. But then again, he has every right not to accept this call; maybe, for him, this should be understood just as reflections and best wishes from the friend.

Throughout all these years very strong personal ties have been established between the two of us. We shared much, much more than a mere interest in international crime and justice. We shared our thoughts, experiences and ideas about life, cultures, politics, children; past, present and future. Ernesto, for me, is someone on whom I could have always counted. And I still do.

It was a true longstanding friendship, and, it still is.

In Lugano/Geneva
13 May 2013

Ambassador Dr Ugljesa Ugi Zvekic

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Part I
Crime Prevention

Bullying and Juvenile Delinquency: Common Risks, Different Outcomes: How to Prevent Recidivism

Anna Costanza Baldry

What Is Juvenile Delinquency and Which Are the Early Signs

Juvenile delinquency is a social and individual problem affecting youth under age. There is not a single cause of such violence; we refer to risk factors related to the individual and to the family and to the social context (Farrington 1993). Among different risk factors, bullying in school has been shown as an early precursor of future violence (Augimeri et al. 2011; Baldry and Farrington 2000; Farrington and Ttofi 2011). Bullying per se is not a crime, though some bullying behaviours are already consisting in criminal actions (e.g. stealing peers' goods, offending others' reputation, hitting others). What characterises bullying is reiteration of actions, the imbalance of power between the victim and the bully, and the intention of harming (Farrington 1993).

Bullying can be physical or psychological, it implies recurrent actions committed by one student or a group of students towards another one; between the bully and the victim there is an imbalance of power and the harmed caused is intentional (Baldry and Farrington 2000; Farrington 1993). On average, it affects 1 student in 4, either as a bully, a victim or belonging to the so called 'bully-victim' group those admitting both committing bullying and being victimised.

Longitudinal research indicated that bullying can persist over time (Aguilar 2011; Farrington 1993, 2011). Most studies conducted from the eighties onwards on bullying, showed similar numbers, varying according to the methods used and the time frame taken into consideration. Among the most cited studies, we have the early studies that showed that almost 70 % of all children who bullied in one term did it also in the previous one (Yates and Smith 1989). More persistent behaviours were found by Olweus (1978) over the period of one year both in relation of bullying others and being bullied. Stephenson and Smith (1989) found that 89 % of bullies

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started bullying at least the previous year and 72 % of victims were also victimised the previous year. More recent studies and in different European and non European domains found similar trends (Ttofi et al. 2011). Researchers found it helpful to apply also to bullying the concept of ‘*career*’ used for criminal behaviour, and bullying as a *stepping stone* to further violence (Winkel and Baldry 1997). Farrington (2011) looking up till the second generation of youth taking part in the Cambridge Study confirms the persistency of bullying as a strong precursor of delinquency further in adulthood. In this regard, he defined a criminal career as a “*longitudinal sequence of offences. It has a beginning (onset), an end (desistance), and a career length in between (duration). Only a certain proportion of the population (prevalence) has a criminal career and commits offences. During their careers, offenders commit their offences at a certain rate (frequency) and they may accelerate, decelerate, and have periods of remission*” (Farrington 1993, p. 398). According to Farrington (1993, 2011) the same definitions can be applied to the bullying career that could be a better approach to understand and to assist in intervening to reduce the duration of bullying or even prevent its onset.

Bullying as well as juvenile delinquency can not be explained by a single cause. We refer here to the concept of risk factors; risk factors are those characteristics whose presence increase the likelihood for that crime to take place, its absence does not exclude that such a crime can occur or occur again (recidivism). Most studies on early identification of risk factors in juvenile violence have focused on bullying in school (Olweus 1993; Baldry 2003; Smith et al. 1999) and are cross-sectional in nature. Loeber et al. (1998) have conducted the most extensive investigation of risk factors for multiple problematic boys, by taking into account a wide range of risk factors, showing that it is possible to identify risk factors that if present increase the risk of violence. The same was done by Farrington and colleagues with the UK longitudinal study, conducted originally by West and Farrington (1973), followed up to three generations by Farrington (2002). (See for an extensive review Farrington and Tofi 2011).

Bullying may, in fact, escalate into more serious criminal acts (Farrington 1993; Le Blanc and Loeber 1993, see also Baldry and Farrington 2000, Farrington and Ttofi 2011). From the original study by Olweus (1991) it emerged that up to 60 % of bullies were eventually convicted of criminal offences by the time they were twenty-four. To reduce the duration of bullying and prevent it from turning into a criminal career, it is important to intervene at an early stage (Menard and Huizinga 1994). Overview of effective anti-bullying programmes can be found in Ttofi et al. (2008).

How to make sure that these antisocial and disruptive behaviors do not persist in time and intensity and turn into criminal behaviors?

The best way to develop long term prevention strategies would be by adopting a career approach based on the identification of risk and protective factor but by addressing needs of the individual too, so to know what to address to reduce the risk of recidivism. Rigby and Cox (1996) identified the importance of determining how many bullies engage in other forms of delinquent behaviour while still at school.

Their study shows that there is a strong association between bullying and early signs of delinquent behaviour. The recent meta-analysis conducted by Ttofi et al. (2011, p. 86) indicated that ‘school bullying is a unique childhood risk factor for later offending and that the bullying perpetration increases the probability of adverse outcomes later in life’, stressing once more that even if we can not refer to causal effects, bullying and its persistency over years strongly leads to later offending.

This is why the most effective responses to youth being involved in criminal behaviors, is to promote and enhance education systems (Nance and Novy 2011). Failures of educational systems to identify early risk factors and tackle them, by reinforcing also the socially proactive capabilities of the individual is the best response also for those juveniles who already committed a crime.

In this respect, it is important to indentify and manage such early risk factors to prevent escalation of these behaviours and their recurrence therefore adopting a risk assessment approach.

What Is Risk Assessment of Violence

Violence has been defined by Webster et al. (1997) as the “actual, attempted, or threatened physical injury of another person that is deliberate and nonconsensual”. This approach can be used for different forms of violent human caused behaviors (Hart 2008). Violence can be avoided and most violent behavior committed by adults and young people are intentional and not committed by people who are mentally impaired (Baldry and Winkel 2008). In this respect, it is possible to identify those characteristics, risk factors related to such behaviors whose presence increase the likelihood of such violence to reoccur.

Dahlberg and Krug (2002) stated that “violence can be prevented and its impact reduced . . . is not an article of faith, but a statement based on evidence” (p. 3). Prevention programs depend in part upon the systematic identification of risk and protective factors. According to Hart (2008, p. 7): “this is true regardless of whether the programs are designed to prevent victimization among people who have never been exposed to violence (i.e., primary or “true” prevention), those who appear to be at elevated risk (i.e., secondary prevention), or those who have already been victimized in the past (i.e., tertiary prevention)”.

Identifying risk and protective factors for violence is defined *risk assessment of violence* (Hart 2008). Trying to prevent violence by influencing risk and protective factors is referred to as *risk management*, which means reducing such factors’ influence or intervening so that their negative impact on the person is reduced (Hart 2008, p. 8). Risk assessment and risk management has became the integral part of todays criminal justice and public health responses to violence because it allows to adopt preventive measures (Andrews and Bonta 2003; Kraemer et al. 1997); this approach is used for adults offenders as well as juvenile delinquency.

Bernstein (1996) has defined a risk as an “*hazard*” never fully understood and thus whose occurrence can be anticipated only with uncertainty. As Hart (2008)

clearly states “Violent acts can vary greatly with respect to such things as motivations, acquaintanceship with the victim, severity of physical or psychological harm. Accordingly, violence risk is multi-faceted and cannot be conceptualized or quantified simply, for example, in terms of the likelihood that someone will engage in violence”. The nature, seriousness, frequency or duration, and imminence of any future violence as well as the so called critical factors, those characteristics that for that person (or juvenile) in that time of his life, under certain circumstances per se are negatively affecting the violent behaviors (Hart 1998, 2001, 2008; Janus and Meehl 1997). Violence risk can be dynamic or contextual (Hart 1998, 2001; Kapur 2000). For example, as stated by Hart (2008) “the violence risk posed by patients depends on where they will reside, what kinds of clinical services they will receive, their future motivation to establish a pro-social adjustment, whether they will experience adverse life events, and so forth. In essence, then, violence risk is not a characteristic of the physical world that can be evaluated objectively, but a subjective perception – something that exists not in fact, but in the eye of the beholder”. “These opinions regarding the nature and intentivity of risk in a given case, as well as the selection of risk management strategies and tactics, are based, in turn, on judgments regarding the collective influence of myriad individual characteristics, referred to as *risk factors*.” (Hart 2008, p. 8).

What is a *risk factor*? A risk factor is a correlate that also precedes the occurrence of the hazard and therefore may play a causal role (Kraemer et al. 1997); risk factors’ presence increases the likelihood of a certain behavior to take place, but its absence does not exclude the violence. Demonstrating that something is a risk factor with a causal effect requires longitudinal research or well-substantiated theory. Risk factors may be further subdivided into three types (Kraemer et al. 1997). *Static risk factors* do not change over time in status. *Dynamic or variable risk factors* change status over time, but these changes do not influence the outcome. *Causal risk factors* change status over time, and these changes influence the outcome (Hart 2008). Differentiating among these three types of risk factors requires longitudinal designs, and, ideally, experimental or quasi-experimental longitudinal designs.

Monahan and Steadman (1994), Otto (2002), Webster and Douglas (1999) summarized the research literature and stated that there is no good research or theory that helps us to determine the nature of *risk factors*, ascertain their potency, understand how they are associated with each other, or specify what causal role they may play with respect to violence (Hart 2008, p. 9). This is the reason why research in this field still need addressing different forms of violence: against adults (see the risk assessment tool and approaches in cases of violence against women, and among adults in general).

The Nature of Assessment

Assessment means identifying information related to the individual who has committed a violent act or a series of violent actions and the context and use it in decision

making (Hart 2008). When conducting *violence risk assessment*, it is essential to identify what people have done in the past, how they are functioning in the present, and what they might do in the future: this is true for adults as well as juveniles. Hart (2008, p. 8) quotes that “risk of recidivism of violence are strategic in nature, including what should be done in clinical, social and legal settings to cope with or manage the violence risks posed by a person”. Violence risk assessment can be defined as the process of assessing people characteristics and identify who will commit violence in the future, needed to develop interventions to manage or reduce that risk (Hart 2001). The task is to understand how and why a person chose to act violently in the past and then to determine what could be done to discourage the person from choosing to act violently in the future. The specific procedures used to gather relevant information typically include interviews with and observations of the person being evaluated, as well as gathering information from other sources. Other source of information used are psychological or medical assessment of the person, review of any documented records, interviews with collateral informants (family members, friends, and service providers; Hart 2008; Webster et al. 1997).

Prevention of Recidivism. The Earn Method

The assessment of risk of recidivism in cases of juvenile delinquency is based on the identification of risk and protective factors of juveniles and on how these are associated with recidivism; it is not a new concept which has already discussed by Corrado et al. (2002). The approach that we will explain in this chapter is called EARN (European Assessment of Risk and Needs in youth) and is a derivation from the so called ‘*Cracow Instrument*’ since it is tailored for those professionals working directly with juveniles: social workers, educators, law enforcement and psychologists to screen out for the risk factors belonging to different domains (e.g. family, individual, environmental) (see also Baldry and Kapardis, 2013). This helps understand which are the most problematic characteristics correlated to violent behaviour and to the risk of recidivism and actual recidivism. Law enforcement and social workers in charge of the offenders need to have an advanced scientific structured method to learn how to manage risks/needs and set up provisions following the onset of peer violence (Corrado 2002).

To prevent recidivism we should not only focus on *problematic areas* that lead juveniles to commit a crime, but given the peculiarities of the age group under consideration and the legal provision foreseen by most EU and extra European criminal legislation with regard juvenile delinquency, the EARN approach focuses also on *needs*. Full explanation of the method and its use is described in Baldry and Kapardis (2013).

When dealing with juvenile delinquency, we cannot simply address the problem by looking at these youths as ‘criminals’: they are boys (more rarely girls) who by breaching the law are also communicating to experts, professionals, family and society that the reasons that lead to that (those) illegal actions are multiple, complex,

dynamic and not static. A juvenile who has committed a crime can step back from a criminal career: most offenders desist and only a few of them will go on committing crime in adulthood (Farrington 2006).

The approach to best handle risk and reduce it is that of looking also not only at the risk, the problems of the juvenile, but also he/her *needs*. To be able to know which are the *critical areas* where intervention should be addressed for each individual who committed a crime, we should think in terms of treatment by addressing specific *risks* and *needs*, and empower the so called *protective factors*, the personal, relational and contextual resources each juvenile has that help reducing recidivism.

We are interested in risk factors of recidivism for those juveniles who already have committed violent acts towards peers who are at most risk of recidivism and determine the positive impact of tailored intervention by focusing also on their needs, especially according to whether they have been victims themselves. This, as mentioned earlier is identified as risk assessment approach.

Violent behaviour in juveniles is related to several risk factors (Corrado et al. 2002). Research has demonstrated a number of factors that put youth at higher risk for involvement in violence and recidivism (Aguliar 2011). A systematic translation of this body of research into practice was still pending especially in Mediterranean EU countries (Baldry and Kapardis 2013). Research on peer violence has focused mainly on bullying at school and less on violent criminal behaviour among peers (even murder) and risk/need factors related to it. Canada and other Anglo-Saxon speaking countries (UK) have adopted a conceptual framework to assess risk/need factors by focusing on management strategies (Loeber and Farrington 2001). A structured risk/need approach to identify and manage factors related to violence was needed also in Mediterranean countries such as IT and CY where public and social concern about criminal violent behaviour, especially among peers, is high and where the culture of violence is different from other western countries. The same holds true for the age of criminal responsibility among youngsters that differs from country to country.

The EARN (European Assessment of Risk/Needs) approach proves to be a useful tool for practitioners working in law enforcement, social services because it is a screening guide that addresses different area of the life of the juvenile, individual, social, familiar identifying the weak/risky parts as well as the positive parts, with an approach which is not punitive but that is so to see the risk as a need to be addressed and handled to make sure that the risk he or she has is not associated with actual recidivism. If that risk is addressed and managed in a constructive way, and is looked to as a need, the approach will be that of providing help, treatment, resources to that minor so that the needs extinguish and do not lead to committing a crime again. The EARN was developed thanks to the European supported Daphne project.

The Tool

The EARN in JVO is a tool to assist juvenile justice system professionals in identifying risk and protective factors, assessing the risk of recurrence, and also identifying effective interventions, based on the needs and risks identified. This is not a psychometric test, which requires a score; the EARN is a checklist, a guide for professionals working in teams to identify the presence or absence of risk and protective factors.

Some risk and protective factors are *static*—do not change over time—and their influence (positive or negative) may also persist over time (e.g., had abusive parents or mother used alcohol during pregnancy). Other factors are *dynamic*; they can change over time. If a child who lived in a deprived environment, characterized by a high rate of delinquency, is placed in a home located in another area, in another neighborhood, the risk factor ‘deprived environment’ will no longer have an effect.

The EARN was developed in Italy and in Cyprus in accordance with international experience, including the Canadian, American and English, and adapted to our social, cultural and regulatory environment. EARN is the result of a review of the national and international literature on juvenile delinquency, treatment, prevention, and antisocial behaviour. The EARN is intended to be an easy-to-use toolkit that can be used at any time by practitioners in the juvenile justice system. The evaluation through the identification of risk and protective factors can be done at different times by different professionals. The checklist consists of 32 factors divided into 6 domains (5 risk factors: environmental, individual, familial, intervention, externalized behaviour; 1 of protection). (for an extensive description of factors see Baldry and Kapardis 2013).

Scoring

The coding of the 32 items is simple and consistent. For each of the risk factors, the compiler has to identify whether or not that factor is present and enter one of four codes: N = *not present*; P = *probably/partially present*; S = *present*; and – = *omitted/lack of information*.

Critical Factors

The impact of risk factors depends on their frequency, severity and pervasiveness as well as the psychological characteristics of the children exposed to them. There are critical factors in an absolute sense, but each risk factor could be ‘critical’ in interaction with individual, familial, and environmental contexts. Thus the EARN supports the codification of the critical factor in terms of presence/absence. Who performs the assessment has to use the information about the youth, his environment (meaning the family and the context where the minor goes to school and the peers who

hangs with), as well as his own professional expertise, to assess which of 32 factors are more critical. This is important for two reasons: (1) for the intervention, those factors are, in fact, the critical dimensions on which the project should be focused and implemented depending on the resources available and (2) for research purposes, evaluating which factors emerge as most critical is fundamental to increasing our ability to predict and prevent the occurrence of antisocial and deviant behaviours.

Final Risk Assessment

Once the tool has been completed and all the risk factors and any other factors deemed relevant to the understanding of the case assessed, the compiler evaluates the overall risk on a three-level scale (*low, medium, high*) and proposes a plan of individualized intervention based on risk factors (especially the critical ones) and needs and resources of the child, considering the available resources: the risk management stage.

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Script Analysis for Crime Controllers: Extending the Reach of Situational Crime Prevention

Benoit Leclerc

To a genuinely warm and generous man

Salute Ernesto!

Introduction

Crime script analysis has been introduced in the field of environmental criminology in 1994 by Derek Cornish. The main purpose of this contribution was to provide the field with a framework that could be used to detail the crime-commission process for purposes of situational prevention. Since Cornish and Clarke's (2002) piece on the potential of script analysis to examine organized forms of crime, very few have looked at the preventative benefits of this approach to tackle such crimes regardless of their degree of 'organization' (see for instance, Chiu et al. 2011; Hancock and Laycock 2010; Savona 2010; Savona et al. 2013). The work completed recently by Savona et al. in Italy is one exception. Savona achieved the difficult task of mapping situational prevention strategies onto scripts related to the infiltration of the public construction industry by the Italian mafia and scripts of human trafficking for sexual exploitation in Italy. As pointed out by Savona et al. (2013) (see also Moreto and Clarke 2013), organized crime is quite a challenge to investigate from a script approach because it involves a complex network, which is often international in nature, and implicates individuals of the legal economy and criminal organizations.

In this chapter, it is argued that examining scripts from the perspective of crime controllers could be beneficial for preventing complex forms of crime such as organized crime. Consistent with Savona et al.'s (2013) footsteps, the objective is to extend the boundaries of script analysis, which could assist in tackling organized crime. This chapter, however, is not a study on organized crime per se but a contribution in environmental criminology that could be useful for preventing organized crime and beyond. Indeed, it is believed that scripting the intervention process of crime controllers is relevant for preventing any forms of crime.

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Routine Activity Approach and the Problem Analysis Triangle

According to the routine activity approach, the occurrence of crime is dependent on the convergence in time and space of three elements: (1) a motivated offender, (2) a suitable victim or target, and (3) the absence of capable guardianship (Cohen and Felson 1979). The concept of 'capable guardian' is central to this approach and refers specifically to the presence of any individual who has the capacity to interrupt crime commission either directly or indirectly. Felson (1995) also indicates that a person can prevent crime simply by being visible and/or in close proximity to the offender, that is, without intervening. Conversely crime is more likely in the absence of a guardian. The power of this approach lies in its simplicity and applicability to crime problems for purposes of crime prevention.

The formulation of the routine activity approach led to the development of the first version of the problem analysis triangle (Clarke and Eck 2005). Originally, the problem analysis triangle was a theoretical figure composed of three sides (i.e., the offender, the victim and the place). A second version of the problem triangle emerged from the works of Marcus Felson and John Eck. This second formulation also includes an outer triangle characterized by what are called crime controllers, that is, a handler, a capable guardian and a place manager (Clarke and Eck 2005). Each crime controller is responsible for exerting control on one element of the original triangle, that is, on the offender, the victim or the place. Originating from Felson's work (1986), an intimate handler is someone who because of a close relationship with the offender can handle, control or contain the offender's propensity to offend (e.g., parents, relatives). As underlined in the routine activity approach, capable guardians are responsible for protecting themselves and their belongings as well as potential victims or targets. Brought to light by Eck, place managers are in charge of supervising places by controlling access to these places (e.g., bar owners, hotel maid) (see for instance Eck and Weisburd 1995). In summary, crime is less likely when handlers directly supervise offenders, guardians directly supervise potential victims or targets and place managers directly supervise places (Felson 1995).

Scripts and Crime Scripts

Schank and Abelson (1977) illustrated the concept of scripts well with the restaurant script, that is, the sequence of actions that must be taken by the customer of a restaurant. The customer must: enter the restaurant; wait to be seated; get the menu; order; eat; get the check; pay; and exit. A script is a special type of schema known as an event schema (Fisk and Taylor 1991). An event schema is a knowledge structure that organizes the sequence of actions to adopt in a particular context. Like any schemas, an event schema contains assumptions and expectations about the social world that guide a person in interpreting future experiences. In other words, a person has accumulated knowledge about what sequence of actions to adopt in order to achieve desired goals. This knowledge, in turn, assists and guides the person in

Table 1 Example of a crime script

Script scenes	Script actions
Preparation	Get a weapon, select co-offenders
Entry	Enter neighborhood
Precondition	Look for convenience stores, clerk work alone, absence of other customers
Instrumental precondition	Identify and select a suitable convenience store
Instrumental initiation	Approach and verbally intimidate the clerk working at the convenience store
Instrumental actualization	Show weapon, assault
Doing	Take money
Postcondition	Threaten the clerk to not report victimization
Exit	Walk away

everyday life. According to Schank and Abelson (1977), a person has a repertoire of behavioral sequences stored in memory ready to be activated unconsciously in the presence of familiar cues.

Crime commission also requires the adoption of a particular sequence of actions for completion (Cornish 1994). Cornish (1994) borrowed the script concept from cognitive psychology in order to: (1) provide a framework to systematically investigate all of the stages of the crime-commission process of a specific crime, decisions and actions that must be taken at each stage and the resources required for successful completion of the crime, and (2) assist researchers in identifying additional intervention points for situational prevention. A crime script simply represents the complete sequence of actions adopted prior to, during, and following the commission of a particular crime. Scripts have now been applied to understand property, interpersonal and organized crimes. However, only recently do scholars have started to complete script analysis for its main purpose, that is, to think about and design situational prevention measures (Brayley et al. 2011; Chiu et al. 2011; Clarke and Newman 2006; Hiropoulos et al. 2013; Leclerc et al. 2011; Savona 2010; Savona et al. 2013; Smith and Cornish 2006).

The typical sequence of script scenes used to break down the crime-commission process of offenders is detailed in Table 1. As an illustration, a hypothetical example of an armed robbery script in a convenient store is shown. The armed robber has to go through a series of steps from getting a weapon, selecting a suitable convenience store, and intimidating the clerk to assaulting the clerk, taking the money, threatening the clerk to not report the victimization, and walking away.

Scripts for Crime Controllers

Thinking about scripts from the offender perspective is immediately appealing for situational prevention. However, scripts can be completed from the perspective of actors who can interfere with crime as well (Leclerc 2013; Leclerc and Reynald

Table 2 The application of script analysis to crime controllers

<i>Routine activity dimensions</i>	Offender	Victim	Place
<i>Crime controllers</i>	Handler	Guardian	Place manager
<i>Focus of script analysis</i>	Intervention process as opposed to crime-commission process		
<i>Objective of situational prevention measures</i>	Facilitate script as opposed to disrupt script		

Table 3 A hypothetical handler script

Script scenes	Script actions
Preparation	Carry mobile phone
Entry	Enter the convenience store where youth is
Precondition	Look for youth in convenience store
Instrumental precondition	Identify and locate youth in convenience store
Instrumental initiation	Approach youth
Instrumental actualization	Remind the youth that stealing is wrong
Doing	Stop the youth from stealing
Postcondition	Explain situation to clerk
Exit	Leave convenience store

submitted). As argued by Leclerc (2013), script analysis does not make any distinction between the offender, the victim or any person who might be involved or intervene during crime events. Script analysis is designed to map out and understand the behavioral sequences of any forms of human behavior leading to an outcome in a particular situation (Schank and Abelson 1977). These sequences include those of crime controllers.

The goal of offenders is to commit crime without getting apprehended. Therefore, the ultimate objective of scripting crime-commission processes is to obtain a fuller range of intervention-points in order to disrupt the script before completion. As shown in Table 2, the goal of crime controllers (handler, capable guardian and place manager) is rather to prevent crime through direct supervision, and intervention. Accordingly, the ultimate objective in this case is not to disrupt the script but rather to facilitate its execution.

To illustrate scripts from the perspective of crime controllers, a hypothetical example of a script for each crime controller is presented below. Table 3 shows a hypothetical and simplified example of a handler script. Specifically, in this example, an adult is aware that the youth living next door, who s/he knows personally, is thinking about stealing from the convenience store nearby. As with offender scripts, the adult (or the handler in this case) has to go through a number of stages in order ‘to grasp the handle’ (Felson 1986, p. 122) and prevent the youth from committing crime. During the preparation phase, the handler may carry a mobile phone to call the parents of the youth if judged necessary. Then the handler may enter the convenience store where the youth went. The subsequent steps may involve looking for, identifying and locating the youth in the store. The handler may then approach and

Table 4 A hypothetical capable guardian script

Script scenes	Script actions
Preparation	Carry mobile phone
Entry	Already in setting
Precondition	Capacity to intervene
Instrumental precondition	Locate youth setting up a small-scale drug laboratory
Instrumental initiation	Alert other potential guardians, approach youth
Instrumental actualization	Discourage youth to offend
Doing	Report to police
Postcondition	Inform neighbors

Table 5 A hypothetical place manager script

Script scenes	Script actions
Preparation	Use radio transmitter, capstun canister
Entry	Already in setting
Precondition	Training of employees, active supervision of place
Instrumental precondition	Identify and report suspicious activities
Instrumental initiation	Approach potential offenders
Instrumental actualization	Discourage potential offenders
Doing	Neutralize potential offenders and/or their activities
Postcondition	Report the incident to police

remind the youth of the serious consequences of stealing and that stealing is wrong. Finally, the handler may grab the youth by the arm or ‘force’ the youth to leave the store, explain the situation to the clerk at the counter and then leave the convenience store.

Table 4 shows a hypothetical and simplified example of a capable guardian intervention script enacted during the set up of a small-scale drug laboratory in a bush nearby (for a detailed script model of the intervention process of capable guardians, see Leclerc and Reynald [submitted](#)). During the preparation phase, the capable guardian may carry a mobile phone for ease of communication if needed. Then in order to intervene, the capable guardian may have to locate the youth offender setting up the laboratory, approach the youth and/or alert other capable guardians. Following this stage, the capable guardian may try to discourage the youth from proceeding with the laboratory by threatening to report the offense to the police. The next stage may involve reporting the incident to the police. A post condition may be to ensure the long term success of the intervention by informing the neighbors of this criminal event.

Table 5 shows a hypothetical and simplified example of a place manager script. In this case, the place manager is a bar owner who wishes to prevent drug dealing in his/her establishment. During the preparation phase, the place manager may benefit from a radio transmitter and tools for protection if needed (e.g., capstun canister).

A precondition for a successful intervention in this script may be to ensure that all employees are sufficiently trained to supervise, report and manage suspicious customers and their activities. Then in order to intervene, the place manager may have to identify and report suspicious activities to other employees including doormen. Following this stage, the place manager (and/or the doormen) may have to approach, try to discourage, and if necessary, neutralize potential offenders and/or their activities, which might involve banishing them from the bar. The place manager may also report the incident to the police.

After identifying the script of a crime controller, the classification table of 25 situational measures designed by Cornish and Clarke (2003) may be used to map measures onto each stage of the script in order to facilitate its completion and therefore, favor a successful intervention and prevention of crime (see Leclerc and Reynald [submitted](#)). It is important to note that because the objective of script analysis in this context is to facilitate the intervention of crime controllers, the goal of measures such as increasing risks, increasing efforts, decreasing rewards and removing excuses has to be reversed in order to be applicable. This exercise means that the purpose of situational prevention will be to decrease the efforts, decrease the risks, increase the rewards, and remove excuses to not intervene.

Conclusion

Drawing on the problem analysis triangle, the objective of this chapter was to use the script approach in criminology to extend the reach of situational prevention, which could be helpful to combat complex forms of crime such as organized crimes. Specifically, it was shown that the sequence of actions of handlers, capable guardians and place managers can be scripted for purposes of situational prevention. In this context, the script approach represents an opportunity to facilitate the supervision and intervention process of crime controllers. This development in scripts is significant because it takes into account third parties who may be present during crime events—third parties who may make a difference in whether or not crime is ultimately committed. The reality is that certain crimes such as organized forms of crime are quite complex to prevent for a variety of reasons (e.g., the number and diversity of actors involved, the hierarchical nature of some organizations, the international nature of networks, the capacity of some organizations to adapt and evolve rapidly in response to law enforcement strategies, etc.) (see Savona et al. 2013). In this case it appears sensible to think about scripting the actions of crime controllers because they have the potential to exert pressure or control over criminal organizations and the actors involved in those organizations.

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The Future of Crime Statistics

Chris Lewis

Measuring Fraud, E-Crime and Corruption

Current crime statistics need a new paradigm if they are to cope with the fast-changing nature of crime. This is a subset of the need to devise new investigate methods for such crimes, including further international co-operation.

Traditional crimes are based on reports of victims or witnesses: in person to the police, through an agency, such as a Rape Crisis Centre, a Human Rights Agency or a Trade association, by telephone, text, or internet reporting; or are discovered by the police themselves. Police investigate the crime, usually at a local level and, as a by-product, record the number of crimes reported and the number solved.

This works reasonably well for crimes such as, robbery, assault, stealing, criminal damage or sexual offences. However, crime is changing rapidly and more and more crime results from criminal acts directed towards thousands or millions of people in the hope that a small percentage of these people will respond: examples are:

- Phone calls to people on share-holding lists to encourage phoney investments. (Boiler-room fraud)
- E-mails encouraging the recipient to give personal details which could be used to commit money-yielding crimes against the recipient (identity theft)
- E-mails announcing a Lottery win to be forwarded once the recipient has sent a small administration fee. (pre-payment fraud)
- False insurance claims
- Computer Fraud that steals a small amount from many thousands of accounts
- Internal staff frauds only a small proportion of which are detected
- Exploitation of children through Internet grooming and scams

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It has been suggested that the recent fall in traditional crimes observed in many countries is closely connected with the rise in these new types of crime. Whether this is the case or not, such new types of crimes pose great problems for police forces not only in investigating such crimes but in recording their incidence: eg how many crimes have been committed when:

- 10,000 phone calls are made, 250 people respond by making ‘unsafe’ investments and 45 complain to the police they have been defrauded:
- a network of accountants, lawyers, doctors and inspectors group together to encourage 1,000 false personal injury claims as a result of motor accidents, of which 350 succeed?
- 40 out of 500 academics respond to an e-mail invitation to a non-existent conference in the USA, all expenses paid, sending a USD30 ‘facilitation’ fee in advance.
- 200 accounts in a foreign country have been granted spurious overdrafts from which the account holders benefit
- The manager of a small shop which is part of a bigger chain steals a small amount from his store’s takings each week over several years, through false accounting

The growing complexity and novelty of such crimes is such that authorities cannot even measure how many such crimes there are, let alone devise effective methods for the investigation of such crimes. In fact, the whole concept of counting probably needs a completely new paradigm.

The problem of geography adds to the complication. Crimes tend to be recorded where they occur, typically by a local police force. This is convenient, because such a force is also responsible for investigating the crime and passing on any offences caught to the prosecution authorities. However, more and more crimes do not have a sure geographical base: if money is taken from your bank account, then there are at least three areas which could be recorded: your address, where the bank is, and where the offender instigated the crime.

The development of this new paradigm is likely to take many years but is likely to have certain characteristics:

THE Setting Up of New Agencies to Receive, Investigate and Count Such New Types of Crime.

Such agencies are less likely to be on a local police force basis and more likely to be on a national basis, or, as will probably happen more and more, on a supranational basis. Two examples from the UK are:

- a. The setting up of the Child Exploitation and On-Line protection centre (CEOP)¹ which is dedicated to eradicating the sexual abuse of children. This is organised into three areas: Intelligence to manage the flow of information across the

¹ Details of the CEOP can be found on their web site at <http://ceop.police.uk/>.

organisation and to external agencies such as local UK forces or international authorities: Harm Reduction to develop guidelines that look to minimise the possibility of present and future technology increasing the risk of sexual abuse to children: Operations which focuses on identifying child victims of online abuse.

- b. The setting up of Action Fraud², which is the UK's national fraud reporting centre where fraud should be reported instead of to the local police force. This provides a central point of contact for information about fraud and financially motivated internet crime. It works with partners in law enforcement – the National Fraud Intelligence Bureau, run by the City of London Police – to make sure your fraud reports are dealt with properly.

Large Commercial Financial Organisations Setting Up Their Own Counter-Fraud Investigative Structures

These may well have different aims from the traditional police role. They may concentrate on reassurance to their customers and try to return the money defrauded to them as quickly as possible. They may also concentrate on improving their systems so that frauds do not reoccur. Such commercial enterprises regard the investigation of individual offences so that the offender can be sanctioned as of less importance that customer satisfaction and restoration of their financial systems to normality. Statistics tend to be of amounts of money lost rather than of occasions of fraud.

International Co-Operation In The Definitions Of Such Crimes, In Collecting Information About Their Extent, Enabling More Effective Investigation, Imposition Of Sanctions And Publication Of The Trends In Such Crimes.

This is likely to be very slow in developing but is likely to come about through best individual country practices being copied and co-ordinated. It is likely that international organisations will develop to improve the investigation, sanction and measurement of crimes in specific areas: examples could be:

- The trafficking of goods, people, drugs across country borders:
- The exploitation of children:
- The exploitation of women:
- The exploitation of minorities:
- Commercial fraud affecting customers of large financial institutions:
- Bribery and corruption associated with large business concerns:
- Bribery and corruption associated with international aid programmes
- Theft of historical or cultural artefacts
- Identity Theft
- Money Laundering across borders

Although police will still be the main investigating authority for many of these types of crime, it is likely that the main spur for new organisations will be within the political sphere, with supranational bodies such as the European Union, African Union or the United Nations taking the lead. This is partly because of the cost of

² Details of Action Fraud can be found at their web site at <http://www.actionfraud.police.uk>.

such new bodies and also because of the national suspicion of national police forces of allowing external bodies to set priorities for their operational activities.

Partnerships will also be needed between these supranational organisations and commercial bodies such as banks, financial institutions, multi-national companies and aid organisations, most of which already have at least embryonic policing organisations within them to manage losses due to internal and external fraud, trafficking, money laundering, or exploitation of minorities.

The investigative arm of such bodies will also need to grow its reliance on whistle blowers, with new and transparent procedures for anonymous reporting of crimes and guaranteed immunity from prosecution for such people.

The measurement arm of such organisations will have to develop new techniques and Procedures for making estimates of the numbers of crimes. The reliance on harmonised definitions of what each national police regard as a crime will no longer be possible. The counting rules in the future may well need to be based on proportions of money lost, recovered or confiscated from offenders, rather than incidents or crime. The source of such information will be an amalgam of reports from national bodies, surveys of commercial transactions such as Fraud Loss Measurement exercises, or surveys of the general public about the extent of bribery, etc that they are subject to in their normal lives.

The sanctions arm of such bodies may well need to concentrate on the victim rather than the offender, as commercial organisations dealing with fraud are already tending to do. A customer of a bank in Europe who loses 1,000 EUR through his credit card being cloned is firstly interested in getting his money back, secondly in making sure this sort of fraud does not happen again and only finally, if at all, is he concerned that the perpetrator is punished.

Preventing Crime in the United Arab Emirates

Gloria Laycock

Introduction

Professor Ernesto Savona's many interests include the evolution of criminology and the prevention of crime. Crime prevention has been described as the Cinderella of criminology but over recent years it has had something of a revival and in Italy that has been led by Ernesto. In this paper I want to describe some efforts to introduce crime prevention and in particular problem oriented policing or problem solving to the United Arab Emirates (UAE), where I worked from late 2010 to early 2013.

I will first briefly outline the policing arrangements and the social context of the UAE, then describe the crime situation there and go on to outline some of the work that has been done to try to establish problem solving as a policing task. It is a long road and it will be particularly difficult for the police in the UAE to work as we have been able to do to some extent in longer established systems, but a start has been made. The final section draws some conclusions, which may be relevant to other similar agencies attempting to strengthen problem solving as part of a police response to crime.

As will be clear the experience in the UAE is very different from that which Ernesto will have experienced in Italy, but the principle of sharing ideas is common and although in some respects the UAE exercise might be seen as a failure, there were a number of lessons, which may help others in a similar situation.

The Context of the United Arab Emirates

The UAE comprises seven semi-autonomous States or Emirates, each headed by a Sheikh. The individual Emirates were merged in 1971 under the leadership of Sheikh Zayed, the then ruler of Abu Dhabi, which is the geographically largest of the Emirates and the most oil-rich; it also now hosts the seat of government.

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The population of Abu Dhabi is unusual in that only about 20 % are Emirati or have citizenship; a further 50 % are laborers largely from Pakistan, Bangladesh or other parts of Central Asia; there are also workers and their families from the USA, Europe and Australia who generally work with large companies or are consultants employed by the UAE or Abu Dhabi Government, and those from the Philippines, Thailand and other parts of the Far East who work in various support roles. In addition the City is host to the usual number of embassies from across the world, with their support staff. There is, therefore, a highly diverse population.

Abu Dhabi Police (ADP) is a militaristic organization in that it has a strongly hierarchical management structure with relatively little delegated authority, and indeed its rank structure reflects that of the military with Generals, Majors, and Captains etc. The present Head of ADP, His Highness Sheikh Saif, is also the Deputy Prime Minister of the UAE and Head of the Ministry of the Interior. In 1993 Sheikh Saif introduced community policing to Abu Dhabi and with it problem solving. Since then there has been a concerted effort to spread the concept of community policing (although less so problem solving) and in 2010 the Sheikh agreed to the establishment of an Institute of Community Policing and Police Science as a separate entity specifically to oversee appropriate training in community policing and problem solving, first across the Abu Dhabi Emirate and later the broader country.

Crime in the United Arab Emirates

Crime is seen as low in the UAE and recorded crime figures would support this conclusion. There are however a number of reasons for doubting that it is as low as official figures suggest. As in any other country there is a 'dark figure' of unreported crime. Although difficult to prove, this is likely to be larger in the UAE than in advanced western democracies for a number of complex reasons. First there is little incentive for non-nationals to report crime unless it is very serious. There is a perception, rightly or wrongly, that complainants will be deported, which many particularly poorer workers fear. The Emirati themselves, whilst they may report a crime to the police, are required to go through a complex 'form-filling' process in order to have the crime recorded and then investigated. Many simply do not bother. To compound this, there are strong cultural reasons why women in particular would not want to be seen entering a police station—they would be embarrassed and their husbands would not approve. There is still relatively little research in the UAE to substantiate or refute these perceptions—it is a young country—but the consequence is that crime data, which are the basis of problem solving, are unreliable and fragmented.

All that said, having lived in the center of Abu Dhabi for over two years it certainly *feels* safe and anecdotal evidence suggests that there is less opportunistic crime than in the UK. For example, a police trainer who left his mobile phone in a taxi had it returned within the hour by the cab driver who took it to the hotel. I am not sure that would happen in many countries!

This scenario makes it difficult to persuade the police that they need to take a problem solving approach to their work. Their first response is that they do not have any problems, so why bother?

Introducing Problem Solving

What do we mean by problem solving? Problem solving in the context of policing draws heavily on the ideas of Herman Goldstein whose insights led to the problem oriented policing (POP) approach (Goldstein 1990). Goldstein argued that rather than continuing to respond to crime incidents the police should step back and see each incident as an indication of a ‘problem’ that needs to be solved. In this way, he argued, crime would be reduced as repeat incidents at the same place, or against the same object or person would be recognized and action could be taken to reduce the likelihood of a further offence.

In support of problem solving, and in the course of actually doing it, Eck and Spelman developed the SARA process as a systematic method for implementing POP (Eck and Spelman 1987). SARA stands for Scanning, Analysis, Response and Assessment and it is, in effect, scientific method. Scanning involves identifying the exact characteristics of the problem; analysis requires a more detailed look at just what is happening and in particular identifying the opportunities that facilitate the crime or disorder problem; the response is what is implemented in order to reduce the problem and assessment or evaluation determines whether the intervention did indeed have the desired effect. A comprehensive description of this approach is given on the US website at www.popcenter.org.

The police in Abu Dhabi, like their colleagues across the world, were comfortable with the reactive role of the police. An offence is reported and recorded and the task is to identify the offender and carry out an arrest: Problem solving is not their first thought.

The Strategy

Two arguments were put to ADP in making the case for problem solving despite their view that there was no perceived crime problem. First, let us assume that crime is indeed low at present. What might happen in the future? In answering this question UK data were used to demonstrate the importance of prevention and to illustrate what could happen if action were not taken now to prevent crime. Figure 1 below shows the recorded crime rate per 1,000 population in the UK through much of the 20th Century. It shows a steady rise from around the mid 1960s to the mid 1990s. It was argued that this growth in crime was not caused by poor education, which was improving throughout the 20th Century and was freely available to all; nor was it caused by increased poverty—in fact the population as a whole became wealthier

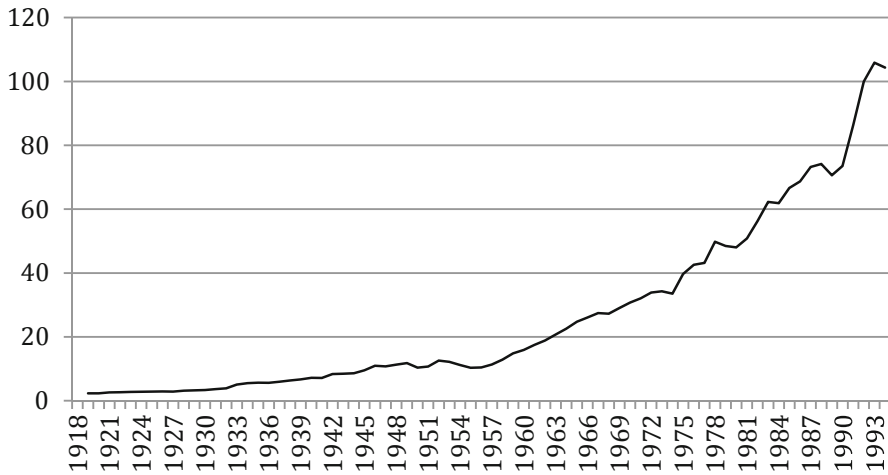


Fig. 1 Crime rate per 1,000 population in England and Wales 1918–2004. (Source: Website: Office of National Statistics, UK)

(although there were periodic increases in the gap between the rich and poor); nor was it caused by a collapse of the social structure to any significant extent, although divorce rates did increase over the period. There were, however, two highly significant changes during that time—first, there were more things to steal, and secondly young males, who are most prone to criminal activity, had more free and unsupervised time to get up to mischief.

Figure 2 shows the dramatic reduction in UK crime, which began in the early 1990s and was also seen in some other advanced western democracies. These reductions are attributed in the UK to a general increase in security (see Farrell et al. 2010 for an overview and Farrell et al. 2011 for a specific discussion in relation to car crime) much driven by a problem solving approach (see for example Laycock 2004). The first point made to Abu Dhabi Police was, therefore, that they would be well advised to adopt a more proactive approach to crime if they were to avoid the significant rises seen, for example, in the UK.

This proposition is not as simple to action as it might seem. Accepting the point that opportunities cause crime, a view frequently recognized by Professor Savona in relation to organized crime, then the UAE and Abu Dhabi Police were being asked to look at their structures, systems and broader environment and ask themselves not where are the crimes occurring so that opportunities might be blocked, but where *would* the crimes occur if motivated offenders were to be introduced into the equation, or if existing guardians were to be removed—are there any features of the current financial, structural or cultural nature of the UAE, which provide opportunities for crime that at present are not being taken but which might be in the future? This approach requires a good understanding of the drivers of crime and particularly of situational crime prevention and opportunity reduction (see e.g. Clarke 1995).

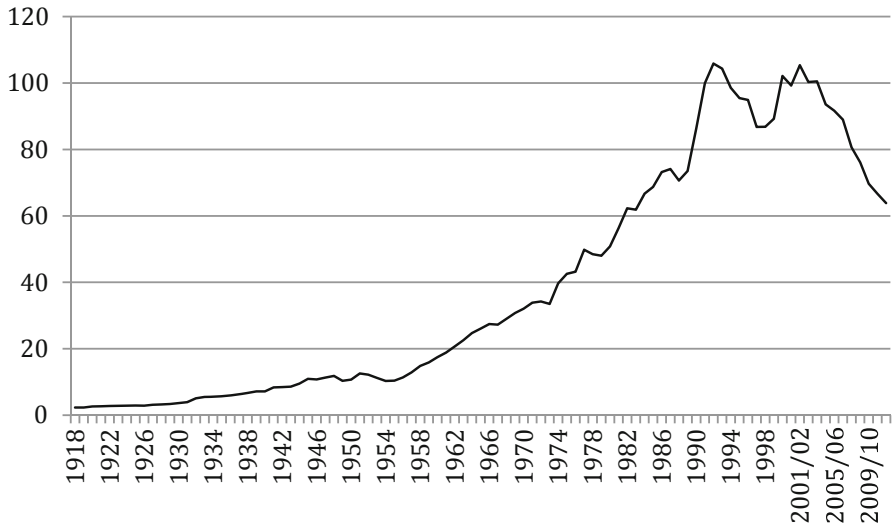


Fig. 2 Crime rate per 1,000 population in England and Wales 1918–2011/12. (Source: Website: Office of National Statistics, UK; NB The rise around 2001/02 is attributed to changes in recording practices)

It also requires some familiarity with the ideas of Felson (1994), who argues that when a motivated offender comes into contact with a vulnerable victim in the absence of a capable guardian an offence will happen. Because labor is cheap in the UAE there are at present plenty of capable guardians working as security guards, concierges, road sweepers, gardeners and so on. Not all are employed in a security role directly, but their simple presence can act as a deterrent to offending.

Taking domestic burglary as an example, many of the Emirati homes are large and inhabited by extended family members who, together with maids, or other support staff provide constant guardianship. The properties themselves might also be within a secure compound with security guards on the gate, barriers and CCTV. Taken together these factors are a considerable deterrent. Apartments for relatively wealthy expatriot workers are similarly secure with concierges, secure doors and CCTV. The poorer workers are often living in relatively overcrowded conditions, where again there is a fairly constant presence of some form of guardianship. Here there is also less to steal of course. So under the present arrangements it is probably true that burglary, by which we mean breaking and entering into a home, is relatively rare. (Stealing by housemaids is, however, allegedly far more common.) It is not difficult to imagine a time when the cost of cheap labor might rise and at that point there could well be a sea change in the nature and rates of crime in the country.

The second argument put to Abu Dhabi Police in support of adopting a problem solving approach was that crime might already be much higher than it was thought to be but that it was largely unrecorded. This was illustrated by the use of data from a problem solving project that was carried out by one division of Abu Dhabi Police

where fraud related to car rental companies was thought to be a growing problem. Using data from one car rental company the police were able to show that over the period 2008–2011 the company losses had risen from around 1million AED (around USD270,000US) to almost AED 6million (USD1.6millionUS). This appeared to be driven by the permanent loss of high value vehicles, which had been rented and were then assumed to have left the country.

Both arguments were felt to be persuasive and on their basis His Highness Sheik Saif endorsed the adoption of problem solving in Abu Dhabi. As part of the promotion of problem solving it was agreed that an award would be introduced to encourage its adoption by front line staff. This is intended to be similar to the US Goldstein Awards (see <http://www.popcenter.org/library/awards/goldstein/>) or the Tilley Awards in the UK (see <http://www.homeoffice.gov.uk/crime/partnerships/tilley-awards/>). Plans are now underway to establish the scheme.

Like both the Goldstein and Tilley Award applicants, those working on problem solving in the UAE were encouraged to adopt the SARA process. Each element of the SARA process presented difficulties, however, some of which are reviewed briefly below.

Adopting the SARA Process

As noted above good crime data are a rarity in the UAE and such information as is available is not widely shared within the agency or with potential partners in other parts of government. This is not uncommon in police services in other jurisdictions although the trend is increasingly toward sharing information. For example, in the UK many police areas now publish crime maps on the Internet showing the distribution of offences. These are suitably anonymised and considerably more detail may be needed for a thorough analysis but it is illustrative of greater openness. The UAE is some distance from this point. Geographic information systems are in their infancy and are not well integrated into problem solving. That said, data can be found, perhaps from the private sector as was noted above in relation to car rental fraud, or from the community police officers who collect considerable amounts of information as part of their routine patrols but which may not be formally recorded.

A second problem is that there are few trained crime analysts in the UAE with expertise in problem solving. Although there are analysts employed in local police stations they tend to be used to monitor performance against centrally set targets leaving little room for the kind of detailed problem solving analysis that is a necessary requirement of the SARA process. This requires investment in training.

As with many police agencies the first thought in response to a crime problem is detection and arrest. The ideas associated with problem solving are radical and not particularly easy to ‘sell’ to traditional police staff. Broadening the response options, which might involve working with potentially reluctant partners from municipalities or the private sector, is again difficult to establish—the more so since in the UAE it is difficult to point to a pressing problem using current crime data. There is, again, a considerable training issue.

The last element of the SARA process, assessment, is not well understood amongst the community police staff in the UAE. Indeed there is a notable lack of assessment and evaluation in police forces more generally. The assessment element of SARA is probably the most neglected requiring as it does some knowledge of research methods and maybe of statistics.

Finally most of the research in this field is written in English. This is a problem in introducing the ideas of POP and situational crime prevention in many non-English speaking countries although one publication (Become a problem solving crime analyst by Clarke and Eck 2003) is available on the POP Center website in almost 20 languages.

Conclusions

In a review of the take up of problem oriented policing (Knutsson 2003) it was consistently observed that despite the force of Goldstein's arguments its adoption across police agencies was at best patchy and in some cases, despite decades of effort, non-existent. Expecting it to be adopted in the UAE might, therefore, seem optimistic if not foolhardy! Scott (2003) identified three 'blocks' to the greater integration of POP into routine police work: 1) officers lack a complete understanding of the basic elements of POP; 2) they do not have an adequate skill set or knowledge base, and 3) they have insufficient incentives to take it seriously. All three points apply in Abu Dhabi although training is now in place and the agreement that there should be a POP Award was intended to deal with the lack of an incentive. In addition however, there is the paucity of data and the basic conviction that there is no crime problem.

These last two issues may prove, for the time being at least, to be the nail in the UAE POP coffin. As we know from elsewhere carrying out POP projects is at best a challenging exercise and to do this successfully in the UAE would require creativity and some persistence to acquire data that is suitable for analysis, carry out that analysis and implement relatively radical solutions. At this stage in the development of the country it is perhaps an optimistic aim but on the positive side initial exposure to the ideas of problem solving were well received and have laid a foundation on which future efforts might be built.

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Providing Opportunities: A Sixth Column for the Techniques of Situational Crime Prevention

Joshua D. Freilich and Graeme R. Newman

Introduction

This paper adds to Situational Crime Prevention's (SCP) techniques that are used to prevent or reduce criminal behavior. We create a sixth column of techniques to "provide opportunities" for offenders to do something else, i.e., to commit a less serious crime or a legal behavior. Our chapter is divided into two parts. We first outline the theoretical evolution of SCP from its initial eight opportunity reducing techniques to the current 25 techniques. We then set forth our sixth column of crime reducing techniques that we title, providing opportunities. This column includes five additional crime-reducing techniques (for a total of 30 techniques). We conclude by discussing the theoretical underpinnings of our new sixth column. Our orientation is based upon a "hard" SCP approach. We respond to recent developments in SCP that have incorporated "soft" strategies and somewhat deemphasized the rational choice assumptions of SCP's initial formulation.

The Theoretical Evolution of Situational Crime Prevention¹

The core concept of SCP is "opportunity reduction." Mayhew et al. (1976) first set forth the concept of "opportunity" in a Home Office paper and rescued this concept from the then reigning framework of social opportunity (or lack of it)

¹This section draws upon our earlier work (Newman and Freilich 2012).

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(Cloward and Ohlin 1960; Cohen 1955). The paper re-formed the concept by emphasizing (1) the immediate physical environment which made particular crimes possible and (2) the situational conditions that were “stimulus conditions, including opportunities for action presented by the immediate environment, . . . to provide—in a variety of ways—the inducements for criminality” (Mayhew et al. 1976, p. 2). The paper outlined other studies that illustrated this aspect of opportunity in a series of settings:

- steering locks that prevented car theft,
- changes in the physical environment that reduced boys absconding from borstal,
- reductions in the toxicity of coal gas that resulted in the decline of suicide by inhaling coal gas, a common method of suicide at the time,
- carelessness of victims that made stealing cars and burglary easier,
- the poor design of housing estates that reduced surveillance by neighbors thus increasing opportunities for crime and vandalism, and
- damage on busses resulting from poor supervision.

Thus, opportunity explained many crimes, including suicide, which has usually been thought to be the domain of psychiatrists because of its “obvious” deep psychological motivation. The general applicability of “opportunity” and the situational environment are built into the origins of SCP. The same 1976 paper outlines opportunity’s essential components:

1. Offender based opportunities such as lifestyle, experience, age and sex
2. Patterns of daily activity (clearly a precursor to routine activity theory)
3. The abundance of products that are available for theft (e.g. cars or items displayed in retail stores) or that may cause injury (e.g. guns).
4. Environments where there is reduced security, such as dark streets, lack of surveillance or supervision in public places such as busses or housing estates, or retail stores.

These four types of opportunity were connected to eight opportunity reducing techniques (Clarke and Mayhew 1980) classified into three types: target hardening, target removal, and various forms of surveillance. Subsequent research on routine activity theory (Cohen and Felson 1979), inducements to crime and issues of access control and defensible space (Poynor 1991; Hough et al. 1980) resulted in 12 techniques, organized under three headings: Increasing the effort, increasing the risks and reducing rewards of offending (Clarke 1992, p. 11). Clarke and Homel (1997) added a column of “removing excuses” for crime to incorporate “folk crimes” that “everybody does” (e.g., traffic offenses) unlike the predatory crimes of “hardened criminals” (Clarke 1997, p. 16). Finally, in response to criticism by Wortley (1997, 1998, 2001, 2002), who argued that situational aspects of the social and physical environments may precipitate criminal acts, Cornish and Clarke (2003) added another column, “reducing provocations” to make 25 techniques (see Table 1; a complete and interactive version is available at <http://www.popcenter.org/25techniques/>).

Table 1 Twenty five techniques of situational crime prevention

Increase the effort	Increase the risks	Reduce the rewards	Reduce provocations	Remove excuses
<i>1. Target harden</i>	<i>6. Extend guardianship</i>	<i>11. Conceal targets</i>	<i>16. Reduce frustrations and stress</i>	<i>21. Set rules</i>
Steering column locks and immobilisers	Take routine precautions: go out in group at night, leave signs of occupancy, carry phone	Off-street parking	Efficient queues and polite service	Rental agreements
Anti-robbery screens	“Cocoon” neighborhood watch	Gender-neutral phone directories	Expanded seating	Harassment codes
Tamper-proof packaging		Unmarked bullion trucks	Soothing music/muted lights	Hotel registration
<i>2. Control access to facilities</i>	<i>7. Assist natural surveillance</i>	<i>12. Remove targets</i>	<i>17. Avoid disputes</i>	<i>22. Post instructions</i>
Entry phones	Improved street lighting	Removable car radio	Separate enclosures for rival soccer fans	“No Parking”
Electronic card access	Defensible space design	Women’s refuges	Reduce crowding in pubs	“Private Property”
Baggage screening	Support whistleblowers	Pre-paid cards for pay phones	Fixed cab fares	“Extinguish camp fires”
<i>3. Screen exits</i>	<i>8. Reduce anonymity</i>	<i>13. Identify property</i>	<i>18. Reduce emotional arousal</i>	<i>23. Alert conscience</i>
Ticket needed for exit	Taxi driver IDs	Property marking	Controls on violent pornography	Roadside speed display boards
Export documents	“How’s my driving?” decals	Vehicle licensing and parts marking	Enforce good behavior on soccer field	Signatures for customs declarations
Electronic merchandise tags	School uniforms	Cattle branding	Prohibit racial slurs	“Shoplifting is stealing”

Table 1 (continued)

Increase the effort	Increase the risks	Reduce the rewards	Reduce provocations	Remove excuses
<p>4. <i>Deflect offenders</i> Street closures Separate bathrooms for women Disperse pubs</p>	<p>9. <i>Utilize place managers</i> CCTV for double-deck buses Two clerks for convenience stores Reward vigilance</p>	<p>14. <i>Disrupt markets</i> Monitor pawn shops Controls on classified ads License street vendors</p>	<p>19. <i>Neutralize peer pressure</i> "Idiots drink and drive" "It's OK to say No" Disperse troublemakers at school</p>	<p>24. <i>Assist compliance</i> Easy library checkout Public lavatories Litter bins</p>
<p>5. <i>Control tools/weapons</i> "Smart" guns Disabling stolen cell phones Restrict spray paint sales to juveniles</p>	<p>10. <i>Strengthen formal surveillance</i> Red light cameras Burglar alarms Security guards</p>	<p>15. <i>Deny benefits</i> Ink merchandise tags Graffiti cleaning Speed humps</p>	<p>20. <i>Discourage imitation</i> Rapid repair of vandalism V-chips in TVs Censor details of modus operandi</p>	<p>25. <i>Control drugs and alcohol</i> Breathalyzers in pubs Server intervention Alcohol-free events</p>

Table 1 summarizes the expansion of SCP from its simple beginnings to a complex social psychological theory of human behavior. Cornish and Clarke's (2003) reply to Wortley initially emphasized commonality, but subsequently demonstrated how their approach differed. They showed that the first three columns were primary in a causal sequence of behaviors that led to criminal offending and that Wortley's precipitators were secondary. Wortley had argued the opposite, that characteristics of the environment provoked internal dispositions in the offender. Wortley claimed that without such conditions, offenders would not have the motivation to commit the crime. Wortley identified the controlling conditions that invoked these behaviors and implied that certain conditions were embedded within the psychology of individuals that may remain dormant, unless the external (situational) conditions of provocation or invocation were in place. The difference in Cornish and Clarke's model of causation rests on the primacy given to "rational choice" and its relationship to motivation. The essential differences in their models are:

Clarke and Cornish: Assumed motivated offender → rational choice → situational environment → choice structuring properties → offender "ready" → offence committed. Here the situational cues including provocations and precipitators modify rational choice, or feed into the choice structuring properties.

Wortley: Internal states awaiting provocation → situational environment → motivated offender → choice structuring properties → offender "ready" → offence committed.

Cornish and Clarke's acceptance of Wortley's critique opens the door for applying SCP techniques without the assumption of rational choice, but instead invoking psychological (or even biological) states.²

Providing Opportunities: A Sixth Column

In this section we put forth our expansion of SCP that builds upon the 25 techniques of SCP. We develop a sixth column that "provides opportunities." We first outline our sixth column's five new techniques (for a total of 30 SCP techniques) and then provide the theoretical underpinnings for it.

Our five new techniques are:

1. *Facilitate*—Here our focus is facilitating compliance to the law. This technique is similar to technique 24. Examples of facilitating would be providing easy to fill income tax return forms; no fee credit card for payment of income tax; and the automatic filing of tax returns;

² The theoretical differences as to how these models operate must be inferred from their tables for the control of offending behavior and situational environments. In fact, a number of Wortley's intervention techniques had already been included in Clarke's 16 techniques (Cornish and Clarke 2003, p. 66).

2. *Forgive*—This technique is premised upon forgiving past criminal offenses. Two examples, that have been used by governments, are amnesty for tax evaders and amnesty for illegal immigrants;
3. *Offer alternatives*—This innovative technique seeks to proactively displace the illegal behavior to less harmful or more controlled alternatives. For example, a strategy to reduce the occurrence of street or “drag” car racing would be to provide “official” racing opportunities for youths. Similarly, an intervention to reduce illegal graffiti would be to designate selected panels and walls that could be used for graffiti.
4. *Subsidize*—The strategy of subsidizing is again based upon past interventions. Examples include implementing carbon trading, paying illegal loggers not to log, and providing research grants to design crime prevention into products.
5. *Legalize*—This technique also originates from past practices that recognize the law is often a work in progress. One strategy to reduce illegal behavior, and the costs associated with controlling it, would be to legalize and regulate the former crime. This strategy could be applied to prostitution (enacted in countries such as the Netherlands and in New Zealand) where this action would be regulated and health and pension benefits possibly provided for prostitutes. Similarly, legalizing marijuana for medical purposes or possibly recreational purposes, but regulating the venues where it could be sold and the taxing of the industry is an idea that continues to gain in popularity.

We now discuss our logic and the theoretical underpinnings behind these new techniques. Again, Cornish and Clarke’s (2003) response to Wortley’s critique expanded the techniques to 25 and included most of Wortley’s complex theoretical assumptions about human motivation. The fourth and fifth columns of the 25 techniques are “soft” on rational choice and appear to jettison the need for this assumption. These techniques make presumptions about offender motivation and behavior. Columns four and five, like Wortley, assume that offenders go through mental machinations that allow them to carry out what they know to be a forbidden task.

Our view is that columns four and five may unnecessarily make the techniques grid more complex. The first 3 columns of 25 techniques are not developed on the basis of a psychological assessment of the likely offender. But, rather on the simple assumption of limited rational choice that assumes that if an opportunity is made available for a likely offender, then he will take advantage of that opportunity. Our new sixth column fits more closely with the logic of the original three columns because it is focused on (a) crafting a specific intervention that will have actual effects on likely offender behavior without making any additional assumptions about offender psychology and (b) is much more focused on manipulating the environmental setting in the standard Situational Crime Prevention way of removing opportunities. The one exception is where we provide opportunities to do something else, including committing a less serious crime.

Thus, our new column seeks to continue SCP’s approach of manipulating the environment, rather than the psychology of the offender. It is enough to know that an intervention changes behavior. We do not need to know why. Instead of reducing

opportunities, we provide opportunities with the aim of manipulating likely offender behavior. In sum, our approach is the logical extension of opportunity-based hard Situational Crime Prevention: We remove opportunities by providing alternative, non-criminal, ones. Further, as we show next in our rethinking of the concept of crime prevention, an argument could be made for offering alternative opportunities that were also criminal, but less harmful than the original crime!

Rethinking the Concept of Crime Prevention

To understand our approach, it is necessary to understand that any intervention is not a zero sum game (Clarke and Newman 2006). A rethinking of the components of crime prevention produces something like the following:

Situational Crime Prevention: An intervention in the environmental setting where a specific crime occurs with the aim of eliminating all opportunity to commit that crime. This is the ultimate and pristine approach of traditional Situational Crime Prevention.

Crime Reduction: In the case of less than successful removal of opportunities, SCP intervention seeks to at least reduce the *amount* of the specific crime.

Crime Mitigation: An intervention in which the specific crime is neither reduced nor eliminated, but in which the harm done by the crime is minimized. For example, designing redundant computer systems so that if a hacker destroys one system, the other will kick in, or creating redundant electricity grids to minimize harm caused by terrorist attacks.

Crime Displacement: Intervention that intentionally displaces a specific crime on to a different target or victim where the harm done is less than with the original crime. Examples here may include legalizing prostitution or marijuana or protecting highly valuable targets from terrorists, knowing that offenders may change their target selection to one that is easier, but the loss if successful less severe.

Crime Control: An intervention, such as arresting an offender. This response satisfies the demands of the criminal justice system for punishment. This is the most common view in traditional law enforcement of how crime prevention is achieved. SCP and Problem Oriented Policing recognize that this intervention, while it does manipulate the environment by removing one offender, it does not remove the opportunity. Nevertheless, when understanding crime prevention, this approach should be recognized because it so patently does not reduce crime, and therefore acknowledges that we should not expect (nor does society require) that all crime be eliminated. Rather, many criminologists and sociologists have come to the conclusion that a certain level of crime must be maintained (e.g. Durkheim 1982). So the important emphasis here is on *control*, that is *maintenance*, not elimination. Space does not

allow us to further elaborate on this complicated issue. Suffice it to say that the primary emphasis of our approach is to reduce harm rather than to eliminate crime. We will briefly revisit this idea in our concluding section.

The solid empirical basis of the above is the extensive accumulation of SCP reviewed by Guerette and Bowers (2009). They examined the effectiveness of Situational Crime Prevention interventions in changing likely offender behavior. Guerette and Bowers looked at 102 evaluations of SCP projects that included 574 observations. They found that displacement occurred in 26 % of observations, while the opposite of displacement, diffusion of benefit, occurred in 27 % of the observations. Further, Guerette and Bowers, in their examination of 13 studies, which took into account spatial displacement and diffusion effects, found that when spatial displacement did occur, it was usually less than the treatment effect. This finding indicates that the intervention was still beneficial. Thus, the traditional criticism of SCP is that “if you block opportunities offenders will simply displace their criminal activity somewhere else” has been shown by these studies to be over blown (see also Weisburd et al. 2006).

Importantly, these criticisms ignore the immense power of SCP intervention because even when displacement does occur, it is a clear demonstration that *intervention changes offender behavior*. Fifty three percent of observations resulted in either displacement or diffusion of benefits. To repeat, these findings show clearly that *interventions often change likely offender behavior*. We argue that we should take the next step and design interventions that *exploit the idea of displacement* and channel likely offender behavior in other directions by creating opportunities for them to do so. While the empirical case studies have shown that many likely offenders will simply desist and not carry their criminal behavior elsewhere. In those cases where displacement occurs, further study should be conducted to understand the mechanics of displacement so that interventions can be tailored to channel likely offender behavior into other non-criminal or even less serious criminal enterprises. For example, legalizing prostitution, as New Zealand has done, brings the behavior under the purview of work environment regulations. Thus, the conditions of work (including remuneration, health and safety) for prostitutes can be more carefully regulated. Of course, legalizing the behavior completely eliminates it as a criminal activity. However, those who consider that it ought to be a crime, may be mollified by the mitigation of the harm of the behavior when the health and safety of prostitutes is improved.

Conclusion

In sum, this chapter extended SCP techniques and created a sixth column of techniques to “provide opportunities” for offenders to do something else (i.e., to commit a less serious crime or a legal behavior). We began by describing the theoretical evolution of SCP from its initial opportunity reducing techniques to the current 25 techniques. We then outlined our sixth column of crime reducing techniques that

“provided opportunities.” This column includes five additional crime-reducing techniques (for a total of 30 techniques). We also discussed the theoretical underpinnings of our new sixth column that we based upon a “hard” SCP approach. We encourage SCP proponents to not only make use of strategies that prevent crime entirely but to also investigate the possibility of encouraging offenders to “displace” to less serious offenses.

The further far reaching implication of this approach is that it shifts the focus of crime prevention even further away from the traditional idea of punishment (i.e. arrest, prosecution and punishment of an individual offender and the resulting accumulation of such offenders to form a mass of those punished in prison). There are tremendous implications buried in this approach, not the least of which is the relationship between regulation (prostitutes regulated by health and safety laws) and criminal punishment. It is true that many regulatory laws do require penalties, even punishments, but for the moment, at least, such punishments seem to be less stigmatizing than are criminal punishments. Further, there is much more flexibility in the ways in which regulation can solve problems and effect compliance, and in the long run reduce harm (see for e.g. Sparrow 2000). It remains to be seen whether the dramatic expansion of regulation in modern society that appears to be under way, will eventually reduce harm and at the same time reduce criminal punishment.

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Preventing Crime and Evoking Altruism

Ken Pease

An Indian folk tale describes an encounter between six blind men and an elephant.¹ “The elephant is a pillar,” said the first man who touched his leg. “Oh, no! it is like a rope,” said the second man who touched the tail. “Oh, no! it is like a thick branch of a tree,” said the third man who touched the trunk of the elephant. “It is like a big hand fan” said the fourth man who touched the ear of the elephant. “It is like a huge wall,” said the fifth man who touched the belly of the elephant. “It is like a solid pipe,” said the sixth man who touched the tusk of the elephant.

Universities are organised into departments and faculties specialising in particular subjects, just as the blind men ‘specialised’ in different parts of the elephant. The reason for the specialisation is the same, namely that the subject studied is too big to comprehend as a whole. The last *homo universalis* was arguably an Italian of the 15th century.

The true nature of the elephant only reveals itself when the blind men start to communicate with each other. Likewise, much, arguably most, progress in scientific understanding is made by collaboration in the interstices between scholarly disciplines. Such collaboration is flagged by the appearance of new journals with titles indicating their mixed discipline parentage (the Journal of Nanobiotechnology, the International Journal of Quantum Chemistry) and so on. The process of advance appears to have three stages;

1. Colleagues from different disciplines identify issues where potential solutions to problems in one specialism are afforded by advances in another.
2. Open-minded scholars from the disciplines learn how to talk to each other.
3. Inter-disciplinary research proceeds apace.

The more disparate the disciplines induced to collaborate, the more profound the insights afforded. An exciting recent example of a major cross-discipline development

¹ <http://www.jainworld.com/literature/story25.htm> accessed March 8th 2013.

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is the emergence of quantum biology. No reference is given here because by the time this piece is published, the hybrid field will be much more developed, such is its promise and gathering pace. The astonishing idea that quantum effects may permeate biological phenomena was first mooted in a radio broadcast by Erwin Schrodinger (he of the undead, unalive feline fame)² and its promise is now being realised in studies of photosynthesis, smell, and bird navigation, with other areas of application being mooted.

The excitement of working in interstitial areas seems to elude most social scientists, not least criminologists. Robert Trivers provides a withering (and hopefully overstated) analysis using cultural anthropology as an illustration of the problem (Trivers 2011). He writes of the impact of theory and research from other specialisms on the discipline as follows.

Social anthropologists had a choice: accept the new work, master it, and rewrite their own discipline along the new lines, or reject the new work and protect their own expertise (such as it was). As has been noted 'Faced with the choice between changing one's mind and proving that there is no need to do so, almost everyone gets busy on the proof (p. 314).

The consequence is that "Most US anthropology departments consist of two completely separate sections, in which . . . 'they think we're Nazis and we think they're idiots'—hardly a platform for synthesis and mutual growth!" (p315).

If criminologists, like social anthropologists, are in general as insular in outlook as the writer believes, how may things be remedied? The route suggested here would be to reframe the discipline. Criminology is concerned with behaviour proscribed by law in which the state is the adversary in the administration of justice. This distinguishes crime from wrongs where the state merely adjudicates on disputes between citizens. Behaviours criminalised are roughly those which are deemed (at a given place and time) seriously to harm individuals (eg murder and rape) or the state (e.g. treason). Which behaviours are deemed to fall within the range of the seriously harmful will change from time to time to reflect current social mores but will always span the range of the behaviourally possible. That surely means that attempts to prevent or limit crime must draw on the widest possible range of sciences. The attempt to realise this vision is gaining pace. The Jill Dando Institute at University College London (with which the writer is loosely affiliated) represents an attempt at discipline integration in the service of crime reduction. The early days of the Institute were interesting in demonstrating the extent and subtlety of the pressures pulling the Institute back towards the criminological heartland of sociology and law. For example, the Institute had to be placed somewhere within the Faculty structure. This determined with which other academics the Institute staff would have daily contact, and with whom common cause would have to be made in dealings with the College hierarchy. In the words of the adage, 'birds of a feather flock together' and universities have to decide on feather (actually discipline) similarity to allocate birds to flocks. Thanks to the charismatic and forceful first Director of the Institute,

² <http://arstechnica.com/science/2012/12/schrodingers-gardenia-does-biology-need-quantum-mechanics/> accessed Feb 25th 2013.

Gloria Laycock, and the College Provost, and in the interests of preserving and nurturing the JDI's scientific aspirations, the Institute was located in the Faculty of Engineering Sciences where it is, indeed, heavily and imaginatively supported. Looking outwards, other obstacles to inter-disciplinary work came into focus. It became clear how research tenders from public bodies were shaped by a traditional criminology perspective. Even those wishing the nascent Institute well put work its way which conformed to conventional discipline perspectives. With hindsight, all this is unsurprising. Researchers who take up posts in the public sector do so from single discipline backgrounds, and it was the dominance of single disciplines in the study of crime that the Institute sought to undermine.

The paradigm shift in the study and reduction of crime remains a work in progress. Its tendrils have advanced further towards some disciplines than others. The background of many of the original Institute staff in environmental criminology has meant that the disciplines with which collaboration has been most extensive are mathematics, geography, engineering and design. The manipulation of places, systems and objects in the cause of crime reduction has taken centre stage during the first decade of the Institute's life. The argument below is that special effort should now be made to engage with some branches of psychology. Ultimately, environments are perceptions. The criminal targeting of places and people is an imperfectly reasoned choice based on anticipation of likely risks and rewards (Cornish and Clarke 1986). Places and systems vary in their vulnerability to crime because of the way they are processed through the cognitions of those involved in crime events, anticipated or realised.

Criminology and Positive Psychology

This brief contribution in honour of Ernesto Savona advocates communication between criminologists and proponents of the sub-discipline known as positive psychology, which has so far not been included among the disciplines contributing to crime science. The choice of topic was informed by Ernesto's most evident attribute, his passionate engagement with people and concern to enhance their quality of life.

Criminology deals with perpetrators and victims of behaviour which falls towards the seriously harmful end of a continuum. But what is at the other end of that continuum? The answer is arguably altruism. Placing altruism at the contrasting pole to crime places it in stark contrast to the measures of success prevalent in criminology. Evoking altruism is also absent from theory and research addressed to changes in places and systems. What is it about a place or system that induces people to help each other rather than merely to stand by in indifference when others are being harmed?

The language and measures of current criminology are telling in their implicit placement of the contrasting pole. For example, those who have suffered sexual attack or domestic violence are generally termed 'survivors'. Although there were good reasons for the use of that term in its assertion of the seriousness of such offences, it implicitly sets the limits for victim improvement at survival, rather than growth or

happiness or something similarly upbeat. Likewise, success in relation to domestic violence is measured as the police not receiving repeat calls, rather than a subsequent happy relationship or civilised separation of perpetrator and victim. Similarly, the measure of success in relation to those officially processed as offenders is the absence of reconviction, rather than engagement in prosocial behaviour thereafter.

In short, the proposal offered here, as part of the integrative purpose of crime science, is to reconfigure crime science so that the aspiration, for victims, perpetrators and their communities, is of altruism and thriving rather than the mere cessation of involvement with police and criminal justice.

The proposal requires collaboration with the sub-discipline known as positive psychology, whose origins lie in clinical practice with a theoretical base in evolutionary psychology. Evolution-informed thinking is just beginning to be applied to crime (Wortley 2010). The fundamental insight of positive psychology is that focusing only on disorder results in a partial, and limited, understanding of a person's condition and aspirations for future quality of life. The titles of papers in the most recent (at the time of writing) issue of the *Journal of Positive Psychology* (Volume 7, Issue 1, 2013) provide a succinct way of giving the flavour of positive psychology.

Subjective temporal trajectories for subjective well-being

Humble persons are more helpful than less humble persons: Evidence from three studies

The happy face of mindfulness: Mindfulness meditation is associated with perceptions of happiness as rated by outside observers

Maturity is explicit: Self-importance of traits in humanitarian moral identity

Reflecting on acts of kindness toward the self: Emotions, generosity, and the role of social norms

The preference for experiences over possessions: Measurement and construct validation of the Experiential Buying Tendency Scale

It takes little imagination to see the links between these topics and the management and support of perpetrators and victims of crime, and crime-challenged communities. Some earlier papers in the *Journal* have still greater direct relevance (e.g. Benson and Scales 2009).

The objections to collaboration between criminologists and positive psychologists are clear. First, changing people is difficult, and more often met with failure than success in crime contexts. Raising the bar by aspiring to secure a crime victim's competence, happiness and fulfillment may seem unrealistic (though it should be noted that the reframing takes in more actors than the erstwhile offender). Second, the language of positive psychology sometimes spills over into psychobabble. Third, there is a tension between evoking altruism and allowing maximum freedom of citizen choice. What are the arguments which serve to offset these real and substantial concerns? They derive from locating crime within an evolutionary context (Roach and Pease 2013). Just try to think as a visitor from Mars. The aspect of *Homo sapiens* that it (assuming Martians are asexual) would find most remarkable is the lust for company and communication, for living and doing things together rather than alone. In prisons, solitary confinement is a punishment rather than a privilege. The recent mushroom growth of social networking would astonish our Martian visitor. People

having spent a day at school, college or work interacting with others come home, and choose to interact digitally! We seem, as a species, designed to favour group communication and collaboration. The default setting of human nature appears to be sociability. No other mammal is as sociable as us. Only ants and termites are as sociable as people, and they lack language (though not the capacity to communicate)

Altruism is the behavioural phenomenon which has most exercised evolutionary scientists. If altruists die in the course of being helpful, why haven't altruists ceased to exist? Darwin himself recognised altruism as a central problem for evolution at the level of the individual organism. What is in it for an individual to be altruistic? Altruism towards those to whom one is related can be explained by kin selection, where genes held in common explain altruism. Worker bees from the same hive are clones, so sacrificing one's life to save your identical sister is no loss at the genetic level (Hamilton 1963). J.B.S.Haldane allegedly put the essence of the kin selection argument by saying that he would not give his life to save his brother, but he would to save two brothers or eight cousins. The notion of selection by reputation is a relative newcomer to the scene but sits well with the positive psychology approach. A good reputation can be converted (Pagel 2012) into money, acceptance and sexual success. When you buy something on eBay, do you look at the seller's reputation box in the top right of the screen before deciding whether to go ahead? Of course, the calculation of advantage in everyday life is a complex matter. One insight is that selfless behaviour can work to one's advantage if there is a continuing relationship with the recipient of altruism. In groups that are stable over time and where there is memory of previous encounters endures, altruism to non-relatives can be the best way to go. This reciprocal altruism (Trivers 1971) results in trust, the glue of crime-resistant communities. To expand the point, we see that people live in groups. *Within* each group, predators have higher fitness than altruists (i.e. they have more children surviving to reproductive age). However, *groups* containing more altruists cooperate more and in consequence have a higher *group* fitness (D. S. Wilson 1975). Edward O. Wilson, a scholar as controversial as he is distinguished writes (E.O.Wilson 2012). 'A group with members who could read intentions and cooperate.. would have an enormous advantage over others less gifted. There was undoubtedly competition among group members, leading to natural selection of traits that gave advantage to one individual over another. But more important for a species entering new environments and competing with powerful rivals were unity and cooperation within the group.'(p224) Although neither law nor crime appear in the index to Wilson's book, these ideas fit neatly into the Wilson world-view, in which social groupings whose cohesion is secured by the (imperfect) glue of individual altruism. If we apply this evolutionary perspective on altruism espoused by Edward Wilson to the problems of managing crime, the route appears to lie through positive psychology. Indeed, the originator of positive psychology invokes group selection as the mechanism underpinning human motivation (Seligman 2011 0029. The website of D.S.Wilson's Evolution Institute describes its evolution-congruent initiatives to improve the quality of life, but its pronouncements could equally well be taken from a positive psychology textbook. "Evolution is supposed to adapt organisms to their environments, but the human species seems bent upon its own destruction.

Everyone is familiar with the drumbeat of potential calamities: violent conflict . . . weapons of mass destruction . . . overpopulation, economic collapse . . . extreme inequality . . . environmental degradation. . . . We expect . . . a new agenda for basic scientific research, policy formulation, and policy implementation. High-risk activities in adolescence—unprotected sex, substance abuse, violence, and other forms of risky behavior—remain a pervasive and costly problem in Western societies, despite extensive efforts to prevent or reduce these activities through intervention programs. An evolutionary perspective provides a fresh alternative to the mental health model.”³ The nexus between positive psychology and evolutionary thinking may also be illustrated by some of the research of Martin Daly and Margo Wilson. We start with the incontestable fact that crime (involving as it does the exploitation of others by force or fraud) is disproportionately committed by young males. Daly and Wilson address the notion of ‘future discounting’ in driving the behaviour of individuals. In evolutionary terms, the purpose of life is to maximise your genetic legacy, ie to ensure that as many of your genes as possible survive to the next generation. There are two strategies by which this may be achieved, colloquially known as ‘dads’ and ‘cads’ strategies. Dads have one (or a few) sexual partners and stay around to nurture the resulting offspring into adulthood. ‘Cads’ impregnate as many women as possible but do not stay to share the tasks of nurturance. Cads will have more children, but (in the period of evolutionary adaptedness, or the environment to which we evolved to be optimally suited) dads will bring more of their children to reproductive maturity. The decision whether to be a dad or a cad depends upon estimation of one’s own prospects of longevity and success (the degree of not ‘future discounting’). What are the implications of this? Efforts at rehabilitation which stop at the point when offenders are just prosocial enough not to burgle and attack, but are still heavy future discounters, are likely to persist in predation on others to fuel the means towards short-term reproductive success. This does not make for cohesion in the communities in which they live, and loyalty to the sexual partners they encounter. If we nurture victims to the point at which they do not put themselves in harm’s way but do not engage with the community as altruists, this too will not make them contributors to a cohesive community. Perhaps the most remarkable thing about crime is how it clusters in space, with crime-ravaged communities suffering many times the volume of crime as their more cohesive counterparts, and with those who are economically able to do so, relocating their homes elsewhere.

Conclusion

The argument, then, is as follows.

- The integration of a range of disciplines in the service of understanding and reducing crime is under way, currently badged as crime science.
- Circumstances have led to emergent crime science being most heavily infused by the disciplines of engineering, geography, mathematics and design.

³ <http://evolution-institute.org/> accessed Oct 1st 2012.

- There is a case (likely to be opposed fiercely by mainstream criminologists) for incorporating an evolution-informed psychology into crime science. The sub-discipline known as positive psychology adequately serves this purpose.
- The consequences of such inclusion would be to insert more ambitious aspirations for victims and offenders, extending to altruism and personal thriving. It would have the incidental effect of placing aesthetic considerations more centrally in situational crime prevention measures. Most succinctly, it would place the achievement of personal altruism as a central goal transcending the more modest goals of dealing with crime.

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Policing and the Problem of Trust

Roberto Cornelli

Introduction

In a sociological perspective trust is considered an essential component of all social relationships. The importance of trust in interpersonal relationships has been recognised also by criminologists: scholars of community policing and crime prevention believe that raising levels of trust between residents and police is crucial for the success of current crime control and security strategies. But how do police increase people's trust?

A document of the Danish Presidency of the Council of European Union (7521/03 ENFOPOL 19) on "Best practice concerning neighbourhood and community policing" shows that implementing strategies to enhance people's trust in the police is a key task for Member States police and that the major strategy focuses on the physical proximity between police and community. Frequent foot, bicycle or motorised patrols make the public aware of a police presence and increase people's trust and sense of security. But are we sure that more police visibility (police-citizens contacts and police presence) enhances people's trust in the police?

In tribute to Prof. Savona, this article aims to answer this question by reconsidering the results of my Ph.D. thesis tutored by Ernesto. Thanks to him, I could use data from a survey on residents' attitudes towards the police held by Transcrime in April 2002 in Trentino, a Northern Italian province.¹

¹ R. Cornelli, "Why People Trust The Police. An Empirical Study", Ph.D. Thesis University of Trento (Italy). 2003.

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A New Goal for Policing

Policing, as an activity of providing security through physical constraint², is undergoing a historic restructuring. For several centuries, policing has been the quintessential function of government, which exerted it through a state police force. Recently something has changed. A multiplicity of agencies, private and public, have been involved in providing safety; local authorities and non-governmental groups have assumed responsibility for guaranteeing citizen security; transnational cooperation among police forces has developed rapidly in order to fight transnational crimes. These trends in policing are badly affecting the state police's ability to provide security. As a result, state police are now suffering a crisis of legitimacy (Loader 2000; Cornelli 2008). But it seems they have realized it early. In several countries, among which Italy, police are trying to recover public support and, therefore, their legitimacy by strategies specifically directed at increasing trust in the police. The last two decades have produced new policing strategies based around the idea of Community Policing or *Police de Proximité*. The central goal of Community Policing is establishing and maintaining mutual trust between citizens and police (Community Policing Consortium 1994, p. 15), on the assumption that: "Without trust between police and citizens, effective policing is impossible." (Community Policing Consortium 1994, p. vii). In other words, police success in that mission depends heavily on their legitimacy (Sherman 1998). So, increasing trust in the police may be viewed as an intermediate (and achievable) goal for police strategies aimed at preventing crime and reducing insecurity.

Empirical studies on insecurity have shown that the more people trust the police, the safer they feel (see Baker et al. 1983; Box et al. 1988; Smith et al. 1999). That is why, very often, feeling unsafe is linked to a sense of distrust in the capacity of institutions, among which mainly the police, to solve problems in the neighbourhood (Sampson and Raudenbush 1999). Several other studies have shown that the higher the trust in the police, the less people break the law, and the more police are able to reduce the amount of crime, and the more likely police are to make arrests (see Tyler 1990; La Free 1998; Pino 2001; Bayley 1994).

But can police achieve the goal of increasing people's trust, and, if they can, how?

The Problem of Trust

In human and social sciences, scholars do not agree on why people trust someone. Assuming that trust is an individual's mental state, what is its origin? Does it come from the truster's subjective characteristics, general beliefs and life style? Or does

² The concept of policing is closely related to that of social control. It is commonly defined as 'the function of maintaining social control in society, but this definition misses the specificity of the idea of policing: providing security through surveillance and the threat of sanctions. As Reiner (1997, p. 1005) states: "Policing is the set of activities directed at preserving the security of a particular social order (although the effectiveness of policing is a moot point). Policing does not encompass all activities intended to produce order. It excludes post hoc punishment, as well as activities intended to create conditions of social order (for example, socialization, measures to secure family stability, encouragement of religion, or other forms internalised ethical controls)".

it come from the truster's assessment of the trustee's behaviour? In other words, people expect something from someone because they have a particular position in social space (are male or female, are younger or older, have or do not have a high level of education, are rich or poor, have or do not have a proactive life-style, live in urban or rural areas, and so on), which induce them to do so? Or is it because they focus on their relationship with the trustee, which provides inputs for trusting or not?

In the first case, people trust someone because they have an inclination to do so. Personality theorists, for example, conceptualised trust as a belief, expectancy, or feeling that is deeply rooted in one's personality and has its origins in the individual's early psychosocial development (Lewicki and Bunker 1996, p. 115). Here, the tendency to trust is influenced by an individual's dispositional tendencies (Brockner and Siegel 1996, p. 405); the relationship between truster and trustee is not crucial in determining the decision to place trust in someone. This perspective emerges also in Simmel's notion of trust as quasi-religious faith³: someone trusts another because he or she needs to do so. In his view, while confidence is based on knowledge between individuals who know each other, trust compensates the difficulty of possessing personal knowledge in modern societies with a 'socio-psychological quasi-religious faith', a sort of optimistic acceptance that is not based on observation of what others do.

In the second case, people trust someone because the trustee's conduct persuades them to do so. Social psychologists, for example, focus on the interpersonal transactions between individuals that create or destroy trust at interpersonal and group levels. They note that trust is more than simple expectations: it is expectations set within particular contextual parameters and constraints (Lewicki and Bunker 1996, p. 116). Here, the antecedents of trust reside within the situation (Brockner and Siegel 1996, p. 405); the particular relationship between truster and trustee provides the truster with inputs for assessing the trustee's behaviour. This perspective also emerges in Luhmann's notion of trust as a choice from several options, according to which people trust on the basis of a careful and conscious assessment of the other's conduct. In his view trust is the result of a choice from among several alternatives, and differs from confidence, which is the result of aprioristic acceptance (Luhmann 1991). In another way, rational choice scholars suggest that the decision to place trust in someone is based on a rational calculation of the probability of the trustee keeping the trust. Thus, before trusting, the truster carefully observes the object of trust (individual, group of individuals or institution) in order to decide whether the trust will be kept. Also rational choice scholars believe that the decision to trust or distrust depends more on the characteristics of the object of trust, rather than on the characteristics of the subject who trusts.

³ In Simmel's perspective, trust is 'weak inductive knowledge'. In fact, because of the unpredictability of social events, besides the calculation of the reliability of likely future events, Simmel identifies a further element within trust: a "socio-psychological quasi-religious faith", which allows one to overcome the impossibility of knowing everybody and verifying everything. Simmel describes it as 'believe in someone' without calculation in rational terms, a mental state which has nothing to do with knowledge (Simmel 1971, 1978). On Simmel's work see also Misztal 1996, p. 50.

Why People Trust the Police

The problem of trust in the police has received little attention in the policing and criminological literature (Goldsmith 2005). In addition, studies on factors affecting people's attitudes towards the police have considered single independent variables with bivariate analysis, without simultaneously controlling other theoretically relevant factors (Hale and Uglow 1997). Only a few studies (for example: Hurst and Frank 2000; Preist and Carter 1999) have analysed the influence of different groups of variables on trust in the police, in order to find out which group affects trust more than others. However, some of them do not consider variables regarding police work (see, for example, Cao et al. 1998).

Factors affecting trust in the police may be classified in two types: individual variables and relational variables. Individual variables consist of variables based on an individual's characteristics; relational variables consist of variables based on situations in which citizens have a relationship with police officers, personal (direct relation) or mediated by what they see or hear about other people's contact with police (indirect relation).⁴

Therefore, trust in the police is an individual's state of mind which may be affected by variables regarding the individual's characteristics: socio-demographic variables—such as age (Hale and Uglow 1997), gender (Taylor et al. 2001; Correia et al. 1996), ethnicity (Fustenberg and Wellford 1973, p. 405; Scaglione and Condon 1980; Leiber et al. 1998), education (Correia et al. 1996)—, attitudinal variables (such as political orientation, personal satisfaction with life), and other variables regarding individual characteristics, such as victimization (Priest and Carter 1999) and social integration in the neighbourhood (Hope et al. 2002). So, people may trust or distrust the police because they are younger or older, male or female, 'white' or 'non-white'; because they have a higher or lower level of education or because of their view on political matters or their level of general trust in institutions; because they are or not victims of crime, and they are highly or poorly integrated in the neighbourhood.

With regard to relational variables, people may trust the police because they have frequent contact with them, because they see often them in the neighbourhood, because they positively assess police conduct and activity on the basis of what they have experienced (direct relationship), or on the basis of what they see or hear (indirect relationship)⁵.

⁴ A similar distinction is suggested by Correia, Reisig and Lovrich (Correia et al. 1996) and by Murphy and Worrall (1999, p. 330), who separated individual variables from contextual-level variables. Murphy and Worrall, however, also included community-level variables (such as neighbourhood disorder) and victimization in contextual factors.

⁵ See Hurst and Frank 2000, p. 192; Wirths 1958; Cheurprakobkit 2000; Correia et al. 1996; Reisig and Chandek 2001; Chandek 1999; Coupe and Griffiths 1999; Fustenberg and Wellford 1973; Sherman 1995; Shapland and Vagg 1987, p. 54; Skogan and Hartnett 1997, pp. 205–209; Cumming et al. 1965, p. 276; Punch and Naylor 1973, p. 359; Kelling 1978, p. 174; Matrofsky 1983, p. 33; Hough 1987, p. 70; Goldstein 1979, p. 257; Scott 2000, p. 36; National Institute of Justice 1999; National Institute of Justice 2000.

The Relevance of What Police do

The analysis of the literature suggests that relational variables have a major explanatory power compared to individual variables. In fact, the difference in trust levels between juveniles and adults, males and females, 'non-Whites' and 'Whites', victims and non-victims, seems to be caused by the different likelihood of having negative contact with the police. Juveniles may have less trust in the police because they are stopped more often and more likely to be badly treated by the police (Griffiths and Winfree 1982). Females may have a significant likelihood of having less favourable attitudes towards the police than males because their expectations are likely to be less fulfilled by the police (Wachholz and Miedema 2000). 'Non-Whites' may have less trust in the police because they are more likely to have negative contact with the police (Murty et al. 1990; Fustenberg and Wellford 1973), they are more likely to be badly treated by police officers (Bayley and Mendelson 1969), and their expectations are more likely to be unfulfilled by police officers: the latter are found to be less disposed to explain what they are doing to minorities than they are to 'Whites' (Fustenberg and Wellford 1973). A victim's negative attitude toward the police may be often caused by how police actions meet the victim expectations (Chandek 1999, pp. 675–695). Therefore, when individual and relational variables were analysed jointly, the relational variables seemed to have more predictive power on trust in the police.

But not all the relational variables seem to have a similar explanatory power: 'police officer behaviour' and 'citizens' expectations fulfilled by police performance' seems to be the two most important predictors of trust in the police. In fact, a significant body of literature (among other see Dean 1980; Cheurprakobkit 2000; Correia et al. 1996, Hurst and Frank 2000; Tyler 1990; Cao et al. 2000; Reisig and Chandek 2001; Chandek 1999; Coupe and Griffiths 1999; Percy 1980, p. 66; Fustenberg and Wellford 1973; Bayley 1998, p. 26; Smith and Hawkins 1973; Hough 1987, p. 70; Cumming et al. 1965, p. 276; Punch and Naylor 1973, p. 359; Kelling 1978, p. 174; Mastroski 1983, p. 33; Bittner 1967, p. 699) has suggested that the type of contact one has with the police, rather than the contact itself, exerts a significant influence on positive attitudes toward the police. Contacts may be positive or negative. People assess a contact with police as negative when police conduct is unfair, incorrect or unfriendly, but also when violence has been used during the contact. Furthermore, contact may also be negative when police activity is ineffective in fulfilling citizens expectations during the contact. Positive contacts are generally associated with higher satisfaction levels, while lower levels of satisfaction are reported by those who have experienced negative encounters with the police.

Police conduct and activity are recognised as being crucial in producing positive attitudes not only during face-to-face encounters, but also during police encounters with other citizens when an individual acquires information for assessing police conduct and activity (Hohl 2010). Research findings suggest that the 'quality' and the 'effectiveness' of the police presence in the neighbourhoods, more than police presence itself (visibility), affect positive attitudes toward the police. 'Quality' has

been generally defined as ‘fairness and politeness of police officer conduct’, while ‘effectiveness’ has been defined as ‘police capacity to fulfil citizens’ expectations’. Therefore, on the one hand, people trust the police because they perceive police officers to be fair in their relations with residents, on the other, people trust the police because they perceive police officers as able to fulfil residents’ expectations, and quick in responding to calls.

Police Officers Behavioural Style and Policing Models

Different behavioural styles of police officers when patrolling the neighbourhood and handling contacts with citizens may produce different levels of trust in the police. This issue has been addressed in studies conducted mainly in the U.S.A. and Australia, countries dealing with problems of the excessive use of force by the police and civilian complaints against the police (see, for example, Terril and McCluskey 2002; Wilson et al. 1994; Wilson and Braithwaite 1996; Cooper 1997). In order to build effective policing strategies, the focus should be on the reason why police officers behave in different ways under different circumstances, and the influence of these behavioural styles on people’s trust in the police.

Furthermore, according to the Lundman theory on police misconduct (see Cao et al. 2000), named the ‘organizational product thesis’, it could be that police officer behaviours are partially the result of the specific organizational model adopted by the police. Police officer behaviour might reflect the police culture existing in a particular police organization. Building upon the previous works of Bittner and Sherman, Lundman (1980) argues that police misconduct is organizational deviance when actions violate external expectations of what the department should do. Simultaneously, the actions must conform with internal operating norms, and be supported by socialization, peers, and the administrative personnel of the department. Therefore, police-officer behaviour may not only be a problem regarding individuals in the police, but mainly a problem regarding the police’s structure, which includes law, organizational and ‘climate’ (or organizational culture) aspects in each department. The importance of the organizational aspects on a single police officer’s behaviour has been pointed out by other scholars (see Boni and Wilson 1995); for example, the presence of women officers on the force may act to reduce the likelihood of violence in police-citizen encounters. Dunham and Alpert (1988) suggest that pre-service psychological examination, competent training officer programs and supervision of officer behaviour decrease the likelihood of police use of excessive force. In a study comparing the rate of citizen complaints against the police in different U.S. departments, Cao et al. (2000) provide some support for the Lundman theory: there is evidence that both organizational characteristics and organizational behaviour are important in predicting the complaint rate. Therefore, not only different police officer behavioural styles, but also different policing models (regarding law aspects, organizational aspects, and climate aspects) may have a different influence on the levels of people’s trust in the police. Scholars have identified and compared different

policing models (see, for example ‘policing styles’ in Della Porta and Reiter 1998, pp. 3–5; Smith and Klein 1983, pp. 66–69; Jiao 1998). In order to build effective policing strategies, criminological research should carefully analyse the influence of these models on people’s trust in the police.

Finally, it should be borne in mind that knowing why people distrust the police (inter alia specific groups of people, such as juveniles, immigrants, victims of crime) may provide important cues to improve policing models and behavioural styles. Extant literature recognised at least three possible meanings of distrust. Trust as a low level or absence of trust. Trust as the opposite of trust, that is having anxious or pessimistic views of expected results. The third meaning has to do with a more complex view of distrust under which it is possible to be both trustful and distrustful. In this last perspective distrust is a complement to trust: distrust that generates caution and verification (“trust but verify”) can substitute trust or can enhance trust if initial experiences are positive (Hall et al. 2001, pp. 618–619). Future studies should focus more specifically on distrust not only as the absence of trust, but also as a feeling that is opposite or complementary to trust. This may provide clues to develop democratic policing strategies.

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Social Capital and Crime

Uberto Gatti

The Concept of Social Capital

According to Putnam (2000), the term ‘social capital’ was independently coined at least six times during the course of the 20th century. The first to use the expression was Hanifan (1916), a Virginia school inspector, who emphasised the importance of friendship, co-operation among individuals and families, and relationships with neighbours in improving the life of the community and the school system. Later, the term ‘social capital’ was adopted by some Canadian sociologists (Seeley et al., 1956), by the urban planner Jane Jacobs (1961), by the economists Loury (1977) and Schlicht (1984), and finally by Bourdieu (1980).

In its chief theoretical developments, which began to be increasingly widely endorsed at the end of the 1970s, social capital has been defined as that set of resources accruing to a social actor by dint of relationships of mutual knowledge or recognition (Bourdieu 1980); in other words, as interpersonal relationships that facilitate action. Social capital therefore represents an aspect of social reality that individuals (or groups) utilise as a resource in order to further their own interests and to achieve goals that would otherwise be beyond their reach (Coleman 1990); that is to say, it is the investment and instrumental use of the resources inherent in social networks (Lin 1999). Or again, it has been seen as interpersonal trust (Fukuyama 1995), or the civic commitment and solidarity that characterise the culture of a given community (Putnam 1993).

In general, however, it has to be admitted that the definitions proposed for social capital are very numerous; indeed, debate is currently under way with a view to clarifying and defining the concept, the excessive extension of which may compromise its heuristic value (Portes 1998).

It is also clear that the choice of one indicator rather than another may lead to very different conclusions. For instance, Paxton (1999) points out that, while membership of associations and trust in institutions have not declined in the USA in recent years, trust in other individuals has diminished.

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The Protective Role of Social Capital Against Crime

At the beginning of the 1980s, Sampson and Groves (1989) elaborated data from 238 localities in Great Britain with a view to ascertaining whether some parameters of community life, drawn from a national survey of 10,905 residents, were able to predict crime rates. The authors did not make explicit reference to the concept of social capital, but rather to the perspective of social disorganisation. They demonstrated that some features of the community, which today would be identified as social capital (friendship networks, participation in community activities, and supervision and control of adolescent groups), were associated with lower crime rates, as measured both through self-reported data and through victimisation surveys.

Focusing on a micro-social dimension, Sampson et al. (1997) subsequently utilised the concept of “collective efficacy” (defined as social cohesion in a neighbourhood combined with the willingness of residents to act in favour of common interests) to interpret differences in the occurrence of violence in Chicago neighbourhoods. “Collective efficacy” was measured on the basis of a scale of social control and a scale of social cohesion and trust. On controlling for race, age and homicide rates in the previous years, these researchers found that “collective efficacy” at the neighbourhood level correlated inversely with homicide, violence as perceived by citizens, and violence assessed through victimisation surveys.

Using the same indexes as Sampson et al. (1997), another researcher (Browning 2002) found that collective efficacy was negatively associated with both intimate homicide rates and non-lethal partner violence, and that, furthermore, in neighbourhoods displaying higher levels of collective efficacy, women were more likely to disclose relationship conflicts to potential sources of support.

In order to understand the origins of collective efficacy, Sampson et al. (1999) conducted a subsequent study, in which they tried to identify three aspects of social organisation that influence children’s lives, development and adaptation: the bonds between different generations, reciprocal exchanges, and the degree of informal control combined with reciprocal support. These authors elaborated the data obtained from investigation conducted in 1995 on a sample of 8,782 residents in 342 different Chicago neighbourhoods. The results showed that residential stability and wealth were good predictors of the bond between generations and of reciprocal exchanges (the statistical correlation was stronger than that displayed by poverty or ethnic make-up). Socio-economic concentrated disadvantage on the other hand, correlated strongly with low expectations of shared social control over children. Spatial aspects proved to be very important, in that proximity to an area with strong bonds between generations, frequent reciprocal exchanges and good informal control had a favourable impact above and beyond the structural features of the neighbourhood.

An interesting and innovative research method was used by Bellair (1997) with a view to investigating the effect of various types of social interaction on crime across 60 urban neighbourhoods. This author found that getting together once a year or more with neighbours had a strong protective effect against burglary, motor vehicle theft and robbery, and that this form of interaction mediated a significant proportion

of the effect of ecological characteristics on crime. Bellair hypothesised that even infrequent interaction and the simple fact of knowing one another could prompt neighbours to engage in supervision and guardianship. This infrequent interaction corresponds to what Granovetter (1973) defined as “weak ties”, which can strengthen the community by creating linkages across networks.

The preventive effect of social bonds may not, however, be homogeneous. For instance, Warner and Rountree (1997) showed that strong social ties exerted a preventive effect with regard to assault rates in predominantly white neighbourhoods, while in predominantly minority and mixed-race neighbourhood such ties were largely ineffective.

A particular form of violent behaviour, child maltreatment, has been seen to be associated, at the neighbourhood level, with the lack of social resources, when income levels are equal (Vinson et al., 1996; Korbin and Coulton 1997).

Another relationship between antisocial behaviour and scant social bonds was identified by Dubet (1987) through ethnographic studies. This author ascribed the outbreaks of youth violence seen in recent years in the suburbs of some French cities to the disappearance of the traditional working-class culture, which used to organise in working-class neighbourhoods a whole range of meeting places, spare-time activities and groups, which provided the young with role models and common objectives.

In the light of the social capital theories, it may be claimed that what has disappeared from these neighbourhoods is that set of social networks, shared expectations and community commitment which is so essential to the social life and socialization of the young, and that this has facilitated the outbreaks of violence that have afflicted many urban districts in Europe. The relationship between social capital and homicide has been examined by Putnam (2000). In a cross analysis that included all 50 states of the USA, this author found that the index of social capital that he had worked out was inversely correlated with homicide rates.

The relationship between social capital and violent crimes was also analysed by Kennedy et al. (1998) through a study of homicide and armed robbery in the 50 US states. These researchers found a correlation between a low level of social capital (measured by means of two items from the well-known US General Social Survey: membership of groups and associations and social trust) and marked inequality on the one hand, and violent crimes on the other.

Focusing their analysis on a more restricted territorial area, Rosenfeld et al. (2001) investigated the relationships between social capital and homicide in 99 geographical areas of the United States. Their investigation involved two aspects of social capital: civic commitment and social trust; the former was measured through voter turnout and membership of voluntary associations, and the latter through respondents' replies to the well-known U.S. General Social Survey of 1993, 1994 and 1996. Their analysis revealed that a low level of social capital was associated with a high homicide rate, after controlling for a range of socio-economic variables; that social capital mediated the effect of the area's being located in the southern states, while it did not seem to mediate the effect of economic deprivation; and that the statistical relationship between social capital and homicide was not due to the influence of homicide on

social capital. Subsequently, Messner et al. (2002) broadened this focus to include robbery and assault and demonstrated that these crimes were also inversely related to social capital.

Kawachi et al. (1999) using state-level ecologic data on violent crimes and property crimes within the USA found that homicide, assault, robbery and burglary were consistently associated with relative deprivation (income inequality) and indicators of low social capital.

In Netherland, a country with relatively low homicide rates and geographically equal distributed social circumstances, Nieuwbeerta et al. (2008) found an inverse association between social cohesion and homicide.

In Italy, with reference to the concept of “civicness”, which Putnam (1993) worked out in order to study the functioning of Italian regional governments, we have undertaken research into the relationships between the civic sense of citizens and juvenile delinquency, homicide and suicide, and crimes against property.

At the start of our research, we hypothesised that a high level of civic sense had a preventive effect on crime (Gatti et al. 2002). Broadly following Putnam’s method, we measured the civic sense of citizens, first at the regional level, and then at the provincial level, in order to collect a larger number of cases and therefore to extend the statistical analysis.

For each of the regions, and subsequently for each of the provinces, we utilised a particular index constructed from the mean of the standardised values of the indicators considered by Putnam. These consisted of voter turnouts in referendums or elections, the percentage of citizens over the age of 13 years who read a newspaper every day, the number of recreational, sporting and cultural associations per 100,000 inhabitants, and the percentage of voters in political elections who cast preference votes (this variable was inversely correlated with voter turnout and was regarded as manifesting an attitude of favouritism).

During the course of our research, this last indicator was eliminated as a change in electoral legislation rendered it unusable.

The results revealed a negative correlation between civic sense and the number of some types of serious crimes of violence reported to the police, as recorded in the 1970s, ’80s and ’90s, at the regional level. Data taken from the vast victimisation survey conducted by ISTAT confirmed the negative association between civic sense and violent crimes.

At the provincial level, we carried out multiple regression analysis using some control variables, such as unemployment, family breakdown and urbanisation in the period 1992–1995, in addition to civic sense, as predictors of homicide (Gatti et al., 2003, 2007). Notwithstanding the introduction of these control variables, civic sense continued to be negatively associated with homicide; however, an analysis of the interactions among variables revealed that the protective effect of civic sense was only exerted in the southern provinces, where homicide rates are higher.

The criminogenic effect of urbanisation and unemployment was also observed only in the southern provinces, while family breakdown was associated with homicide in the whole of Italy.

Finally, we examined the preventive effect of civic sense with regard to robbery and car theft (Gatti et al., 2002).

Also Bonanno et al. (2009) found that both civic norms and associational networks have a negative and significant impact on property crimes across Italian provinces.

A further explanation of the relationships between civic sense and homicide emerges from the results of a recent US study which found an inverse relationship between social capital and the possession of firearms (Hemenway et al., 2001).

Conclusion

Not all forms of social capital act in the same way, and several studies have found that social capital seems to exert a preventive effect on deviant behaviour only in certain circumstances and only with regard to some types of person.

Other studies found that only some dimensions of social capital does exhibit a negative association with crime. For example Robbins and Pettinicchio (2012), in a cross-national investigation, found that only one element of social capital, social activism, was linked with lower rates of homicide within countries; other components, as secular membership and generalized trust, were not associated.

In general, the social capital perspective has proved useful in helping us to understand antisocial behaviour and violence, though research methods should be improved and reinforced to better investigate the complexity of the relationship between different forms of social capital and different forms of crime.

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Part II
Measuring, Accessing and Estimating
Crime and its Cost

Women Victimization Risk of Violence in Poland

Beata Z. Gruszczyńska

Introduction

Honoring the achievements of my respected colleague and friend Professor Ernesto Savona, I have a great pleasure to be able to present a summary of the results obtained from the International Violence Against Women Survey, conducted in Poland. Having stirred public opinion in a rather unprecedented manner, these results provide new impetus for the prevention of violence against women.

Violence against women is a worldwide phenomenon, regardless of the local culture, customs or economic development. The reasons can be discussed widely but it's hard to deny that the sources are primarily a social and economic inequality based on gender and the patriarchal model of the family settled in the tradition (Dobash and Dobash 1979; Yllo 1984). Thanks to the activities of many individuals and international organizations since the 70's of the twentieth century, violence against women has become the subject of many important documents, declarations, resolutions, recommendations in United Nation, Council of Europe, European Union and others. It was pointed out that the violence meets a woman in various forms and places, including her own home and her intimate partner as a perpetrator. The consequences are very serious both for the individuals and the society. It is well known, that the real magnitude of violence against women is unknown and difficult to estimate. Because many acts of violence are often unreported by women, the *dark number* is exceptionally high. This is especially true in Central and Eastern Europe, where the official number of violence is much lower than in Western Europe, where official statistics are more accurate (Gruszczyńska and Heiskanen 2012).

International Violence Against Women Survey (IVAWS) was a response to the needs of the research at the cross-national perspective. Project was coordinated by HEUNI, with major contributions from the United Nations Office on Drug and Crime (UNODC), UNICRI and Statistics Canada. In its first stage, the IVAWS carried out the middle of the first decade of XXI century and included studies from Australia,

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Hong Kong, Costa Rica, the Czech Republic, Denmark, Greece, Italy, Mozambique, Poland, Philippines and Switzerland (Johnson et al 2008; Gruszczyńska 2007; Killias et al 2005; Mouzos and Makkai 2004; Mayhew 2008). In most countries the research was funded by national state funds, in Poland—by Committee of Scientific Research (Gruszczyńska 2007).

The IVAWS Project was based on well designed methodology, including a standardized questionnaire, large representative random samples, and specially-trained interviewers (Gelles 2003). The experience of International Crime Victims Surveys and many research on victims of violence was taken into account (Van Dijk et al. 2007; Alvazzi del Frate 1998; Mayhew and van Dijk 1997). The results of the IVAWS study conducted in Poland were groundbreaking in terms of changing the public perception of the extent of violence against women. The publication of the results has led to the improvement of programs developed for the protection of female victims of male-perpetrated violence, and for the further development of strategies meant to prevent it. The extent of violence experienced by women in Poland turned out to be much greater than it was previously thought. Results showed that the real number of victims is nearly several times higher than the number of violent acts against women recorded by the police. Major result shows 6% one-year victimization rate for Poland. This means that, annually up to approximately as many as 800 thousand women in Poland may be experiencing violence. Police statistics, as well as a special “Blue Card” registration system of police intervention shows much lower numbers of victims. The 800 thousand estimate as the result of IVAWS has been widely published in Poland and became the benchmark for policy making.

To this day, the IVAWS study results are an important argument to stress that help is urgently needed for women who are the victims of violence. In Poland, assistance for female victims of domestic violence is provided mainly by non-governmental organizations, such as Feminoteka Foundation or Women’s Right Center. A good example of a comprehensive assistance to victims of domestic violence is the activity of “Blue Line” with joint projects of local governments and non-governmental agencies. Other steps undertaken by the Polish government include the national programme for the Prevention of Domestic Violence Victims, and network of Local Help Centers, intervention telephone and intervention programs. The Charter of Domestic Violence Victim Rights was developed. Furthermore, the legislative steps have also been taken, including the passage of the Domestic Violence Prevention Act in 2005 (amended in 2011). Poland also has signed the Council of Europe’s Convention on Preventing and Combating Violence Against Women (in December 2012) and is going to ratify it in foreseeable future.

Risk of Violence in Women’s Lifetime in Poland

International Violence Against Women Survey (IVAWS) in Poland was conducted in 2004–2005. Major results have been published in 2007 (Gruszczyńska 2000).

Polish IVAWS results indicate that over one in three women (35%) has at some time in her life been the victim of violence perpetrated by a man (Table 1). Violence

Table 1 Lifetime women victimization risk of violence in Poland

Percentage	Any male (n = 2009)	Partner (n = 1916)	Non partner (n = 2009)
Physical Violence	30,0	15,1	19,1
Sexual Violence	16,5	5,1	12,5
Total	34,6	15,6	25,3

denotes mostly physical abuse, but in many cases the abuse is also sexual. Women also indicated that they have been the victims of psychological and/or economic abuse.

In Poland, in nearly one out of six abuse cases, the perpetrator is the woman’s current or previous partner. The partner’s violent behavior usually includes pushing, tugging, kicking, slapping and punching the victim, pulling the victim by the hair, and/or throwing potentially dangerous objects at her. Women have also reported being wounded with a knife, strangled, or burned with acid. They reported that physical violence perpetrated by a previous partner, which caused physical injuries, required medical help (including being taken to the hospital) more often than violence perpetrated by the current partner. Violence within an intimate relationship also included sexual abuse—most often rape or attempted rape. Women reported that they were more often sexually abused by previous partners than by current partners. Half of the cases required medical help.

Among the various acts of violence, in about 60 cases firearms were used and over 50 acts strangulation or burning by acid, most often by a former partner. One of an example is described by women the situation like this: *“He was in a drunk and tried to strangle me with a shirt, wrapping it around my neck. I began to suffocate. Had my father-in-law not come to cut off the fabric, I would have died.”*

Of women abused by their partners, every other one said that she felt she was in danger of losing her life due to the abuse. This was reported twice as often in case of abuse by previous partners, as opposed to by current partners. The reports showed that in two out of three incidents, the partner was intoxicated. Apart from injuries requiring medical help, the women faced equally serious psychological consequences, such as depression, sleep disorders, panic attacks, low self esteem, feelings of humiliation and helplessness. Often, the female victims had to change jobs, since their professional careers had been destroyed. Costs of violence against women are very high.

In 60% of the cases, witnesses of violence against women were children. This figure is much higher than for other countries, such as the Czech Republic (44%) or Denmark (20%). This is all the more disturbing, since studies have shown that children experiencing abuse have a greater chance of becoming both victims and perpetrators in adulthood. Thus, the cycle of abuse continues from one generation to the next. According to IVAWS data, many perpetrators do not face punishment for their crimes. Only about 30% of the victimized women in Poland reported violence perpetrated by a partner to law enforcement authorities (Gruszczyńska 2008).

One woman out of four experienced violence perpetrated by non-partner (e.g. relative, friend, schoolmate, neighbor or a stranger). While abuse by a partner most commonly involved physical violence, abuse by other men was most often sexual.

Whether the event was viewed as serious, a crime, or a threat to life, depended on the sort of violent act and on who was the perpetrator. While those women who had been assaulted by a stranger most often reported feeling that their life had been in danger, the greatest physical injuries were the result of abuse perpetrated by a relative. When asked about the sexual abuse they had experienced at the hands of relatives, women identified nearly all instances of sexual abuse as crimes. Women who had been assaulted by strangers most often reported having felt that their life was in danger. Violence perpetrated by strangers most often took place on the street, in parks, on public transport or at the workplace. Women assaulted by acquaintances reported that abuse most often took place on the street, at the workplace or at the woman's home. Abuse by relatives most often took place at the woman's home or their own.

Because only 15 % of women informed the police about the incident, the dark figure for non-partner perpetrated violence is even higher than for violence perpetrated by a partner. The reactions of law enforcement upon receiving a report of a violent act committed by a non-partner were rated much more negatively by the women than in cases of partner-perpetrated violence. This outcome is a significantly different in Poland than in other countries.

Reasons for Not Reporting Abuse to the Police

Women responses indicated that they did not view law enforcement as an institution in which they could find help and support. Often, when the woman did not report the violent incident, particularly if it was committed by a stranger or someone other than a partner, it was out of fear of being secondarily victimized by being questioned at length about mortifying details, in addition to being perceived as having somehow provoked the incident. Women answered that they did not report the incident to the police, because they felt threatened by the perpetrator and unconvinced that the authorities will be of any effective help (*"While the case is going to drag on and on, I am going to get hurt even more"*). Since many women are economically dependent on their partners, they may have additional reasons to fear the consequences of reporting partner-perpetrated violence. If convicted, the perpetrator may lose his job, which may deprive the woman of her means to live. Police were also not notified because the women felt shame, and were convinced that abuse is a private matter, which needs to be resolved behind closed doors.

Victimization Risk Factors

In order to determine which factors have a greater or lesser effect on the probability of a woman becoming the victim of abuse, an econometric method based on logistic regression analysis was used. In order to take into account the various risk factors, individual logit models were developed for every combination (type of violence and perpetrator). In all of the models reflecting various configurations, the binary Y

variable was assigned the value of 1, if the woman had been a victim of violence within the past five years, or 0 if she had not. Forward Stepwise algorithms was used to identify statistically significant victimization risk factors through the application of the Wald test.

Estimates obtained from the logit risk models enabled to identify statistically significant explanatory variables, best suited to predict one's chance of becoming or not becoming the victim of violence, i.e. one's victimization risk. Due to limited space, in this text we can only call attention to our main findings regarding the predictors of physical and sexual abuse of women by their partners and by strangers.

The strongest predictor variables for partner-perpetrated physical abuse were the woman's age, economic situation and alcohol consumption. Women aged 35–44 were three and a half times more likely to be physically abused by their partners than women in other age groups. The woman's economic situation also played an important role. Women from households with the lowest income were more than twice as likely than women who were better off to become victims of abuse. Alcohol abuse by a woman (getting drunk from time to time) increased her victimization risk more than two-and-a-half fold. Negative experiences in childhood constituted another risk factor. Those women who had experienced violence at the hands of their parents were almost twice as likely to also be victimized by their partners. Marriage (being married) and religion (following religious practices) decreased the woman's likelihood of being abused physically by her partner. Sexual abuse by one's partner was found to be most robustly predicted by the experience of severe child abuse. Women who had been abused by one or both parents were nearly three times as likely to be sexually abused by their partners. Boyfriends (cohabiting or not) were significantly more likely to be sexually abusive than husbands.

The woman's young age was a predictor of physical and sexual abuse perpetrated by strangers. Women with medium incomes, living in moderately large to large cities, were significantly more likely to experience acts of physical violence committed by strangers. Lifestyle factors, including alcohol abuse by the woman, and her childhood experience of seeing her mother being abused, were strong predictors of sexual abuse committed by a stranger.

As stated earlier, many women never reported the violent incidents to the police. As far as acts perpetrated by a partner, the reason for this was that women believed it was a private matter, which they have to deal with on their own. Almost one in four women reported feeling ashamed or disconcerted. Nearly one in five did not believe the actions of the police to be effective. Almost 10 % said they were afraid of reprisals on the part of the partner and 5 % did not want him to be arrested.

The reaction of law enforcement—as described by women in the IVAWS—left much to be desired. Even following serious incidents of violence, many women did not report them to the police. The woman's economic situation had a significant effect on whether she reported partner-perpetrated violence. Women whose economic situation was difficult, more often said that they had reported the crime. Violence perpetrated by a stranger was more often reported by women in moderately large and large cities. It was noted that reactions of the police upon the woman's decision to report the crime were often rated negatively by the woman. One in three women

victimized by a non-partner reported that the police “did not do anything.” Two in three women victimized by a partner and 4 out of 5 women victimized by a non-partner did not receive satisfactory information about how to get legal help. Proportions were the same with regard to whether or not they received adequate protection from the police. Women victimized by a non-partner who reported the incident, rated the reaction of law enforcement officials much more negatively than women victimized by a partner. These results illustrate a stark contrast between Poland and other countries, such as the Czech Republic and Denmark.

Concluding Remarks

At least one out of three women living in Poland experience violence perpetrated by men. One in six is victimized by a partner, one in four by another man. Female victims of violent acts committed by men face serious consequences, including physical injuries, panic attacks, loss of self-respect and of employment, leading to a destroyed professional career. There are also consequences for children in the family. Only one in three cases of intimate partner violence is reported to the police, which is still twice as often as in the case of non-partner-perpetrated violence. One of the reasons why women do not turn to law enforcement is because the institution has the opinion of being ineffective and outright unwilling to help female victims of violent acts. Police does not provide women with adequate protection, especially if they have been victimized by a non-partner. State and local-level government institutions, together with non-governmental organizations, need to include in their standard procedures support for victimized women, proper police intervention, and the raising of public awareness regarding the need to prevent violence. The systematic study of victimization is essential, because the problem cannot be properly diagnosed, and violence prevention strategies cannot be developed, without reliable data.

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Criticising Social Indicators

David Nelken

We will have a kind of symbolic and secularized society based on the premise that people voluntarily conform to the decisions of authorized expert knowledge. But while order is being established, responsibility may be vanishing.

(Jacobsson 2000)

Social indicators are increasingly influential tools used in global as well as domestic settings for shaping decision-making over a wide range of topics. The information they provide certainly seems an advance on acting on guesswork and their league tables about relative levels of performance often seem broadly convincing. But they are also seen by many as troubling examples of a new technique with ‘knowledge’ and ‘governance’ effects (Merry April 2011; Merry August 2011), as a way of exercising power without responsibility. The object of this paper is to examine the kind of criticisms that are made as seen in some recent wide-ranging collections of case studies of social indicators (See Davis et al. 2012; 8th Viterbo Global Administrative Law Seminar 2012). The topic also seems an appropriate one in a volume dedicated to honoring Ernesto Savona, given his life long effort to create and improve the use of social indicators of crime and the responses to it¹ (See Elbaum 2013).

Discussing how best to regulate indicators presupposes that indicators may have bad as well as good effects—that indicators may be misused. Most of the case studies in the collections under consideration do in fact point to problems in the construction or use of indicators. But the type and degree of their criticism varies and it is not always clear why this is (nor whether more legal regulation would be the answer). Case studies having to do with bankruptcy arrangements, with monitoring global health, with showing which pharmaceutical companies are socially responsible, or measuring action against human trafficking, are broadly positive, and there is increasing support for constructing an index of happiness which goes beyond mere

¹Although most discussion of indicators in criminology tend mainly to discuss problems of validity and reliability there are also interesting examples of papers that go on to offer more fundamental normative and political critiques.

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gross national product. On the other hand, case studies of greenhouse gas emissions, 'better business' ratings, 'fragile states' or corporate responsibility are highly critical. Progress reports of the protection of refugees or women's rights are more mixed.

More perplexing still, the more one reads about indicators the more one discovers that what some see as their best assets others appear to treat as their defects. Many authors argue that indicators help make social practices knowable and comparable, have the virtues of impartiality, simplicity, efficiency, and consistency, encourage transparency, overcome relativism, produce change, and allow learning from experience. Other writers insist, on the contrary, that indicators oversimplify, are misleading and partial, make for false comparisons and bogus harmonization, are too far from local knowledge, are ideologically biased even as they de-politicize. How are such different views possible? Are the authors really talking about the same instruments, being used in the same ways? Some progress in answering these questions may be made by studying the kind of criticisms our authors make in their detailed case studies of particular indicators, even if deciding exactly what sort of criticisms we are being presented with is not always easy. Some for example have to do with the larger projects that these tools are intended to serve (though we should not forget that even where the exercise is one that we may approve of there may still be problems associated with the use of indicators).

Recent discussion has been especially focused on the overall move to neo-liberalism that has coincided with and helped further the processes known as globalization. Some even see the obsession with gross national product as one of the main causes for the recent financial crash, extreme levels of social inequality as well as the neglect of the environment. An allegedly doctrinaire approach to removing state control over economic action especially in poorer countries turns out to be an important element of many indicators. Critics of the 'better business' indicator argue that this helps block land reform and is implicated in the 'land grabs' which lead to the displacement of populations, impoverishment and the loss of livelihoods. Whilst promising to create work what actually happens is that the best jobs go to foreigners and the dangerous, poorly paid, jobs go to the locals. What is more, much of this development involves producing food for others when there is not enough locally so that dependence on foreign economic interests increases. Other more specific criticisms, however, discuss the suitability or otherwise of indicators for the tasks they are assigned to do, and some even illustrate the way they can be misused.

The most common complaint relevant to so-called 'knowledge' effects has to do with the validity or reliability of the indicator as a tool of measurement. This applies both to the facts that they purport to reveal and others that they conceal. We are shown for example the poor value of the data currently being gathered for measuring greenhouse gas emissions. But the difficulty lies not only, as here, in the quality of the information being provided by the targets of indicators. It may also arise with those gathering the information. What purport to be objective assessments, for example by World Bank officials or rating agencies, in fact rely on subjective judgements, as in deciding whether or not States are honest about repaying their debts. Ranking exercises may also rely on the subjective perceptions of other people, as in public opinion barometers that seek to estimate levels of corruption or levels of public services. Those providing data for indicators often have to combine this with their

main responsibilities in resolving problems on the ground. Not surprisingly they tend to give priority to the doing the job over reporting results, especially where they consider it impossible to do both. Refugee protection field officers, we are told, are asked to collect information on one hundred and fifty four detailed indicators. Can they really be expected to count the number of latrines per forty thousand refugees, given the lack of access and security inside the camps? Typically too, raw information that is supplied by those at the bottom of the hierarchy is distorted as it goes up the line.

Other authors complain that the wrong things are being measured. When it comes to refugee provision we are given measures of the water supply but not the number of evictions (this would risk alienating host states). We are not informed that in some indicators a weight of only 0.5 % is given to assessing how women are treated. Many indicators are set up to measure what can most easily be measured, irrespective of whether or not this gets at the heart of the 'problem'. Can the health system of a country be judged from deaths in childbirth, or the state of women's equality be properly judged by counting the number of girls who attend school? It is certainly implausible to give too much credence to the number of Conventions a State has signed up to as evidence of its political will to deal with problems of discrimination in society. These questionable choices are made worse in the way information is later processed. Fundamental errors are introduced by working with false assumptions or confusing causes with consequences. Binary options are imposed on complex and contested materials. Questionable choices are made in adding or multiplying different sources of data that have been gathered using competing methodologies.

The plausibility of indicators is even more challenged when they are used in comparative ranking exercises of places or practices which may in some respects be incommensurable. The risk of what we might call 'junk comparisons' is in part a practical issue of the uneven quality of information available in different places. But it is also a result of obstacles in translating meaning and significance. Values such as the rule of law or judicial independence may have different interpretations in different places—or at least be assessed differently because of different circumstances. To have cross-cultural application, those doing the measuring must understand other places and have applied the right standards to them. Indicators applied to different cultures then have to make things similar enough to be counted and then placed in categories. If local actors are relied on to do this they may be trapped in their parochial views, but using 'outsiders' requires them to have long term experience and engagement if they are to be able to act successfully as cultural mediators. Consider the difficulties in defining what is meant by severe and moderate violence against women in cultural contexts with differing ideas of kinship, discipline and duty. Should we, as a matter of principle, accept victims' own definitions of harms? But what if, as is likely, these are not homogenous and vary across places.

Law itself works differently in different cultures (also because there are likely to be a variety of other mechanisms that may substitute for it or conflict with it). But a common feature of indicators is the assumption of what has been called 'legal universalism'. Studies of the 'better business' indicator again provides ample evidence of this. Those who created this indicator appear to have missed the importance of

criminal prosecution in many countries for debt collection. It takes local knowledge to understand that countries where it is apparently more simple to set up a business may be the same places where it is more difficult to keep them up and running without a tortuous process of getting licenses. By contrast, elsewhere, bribes, lawyers and personal connections may be the expeditious, if less than ideal, methods of getting round apparent bureaucratic impediments.

Cultural differences also affect the likely success of proposed solutions to the problems being indicated. In some societies, people affected by state domestic laws (including those in high positions) are well experienced in pretending to follow rules but then not actually implementing them. In others, powerful people are better able to avoid passing laws that might ever penalize them. Indicators are widely supposed to bring about greater transparency. But, again, under some conditions, greater transparency can lead to not to increasing levels of virtuous conduct but rather to encouraging people to persist in improper behaviour. When people, in societies with relatively high levels of corruption, learn how widespread such practices actually are they may become even more convinced that they would lose out if they try to compete for resources without using the same methods!

Finally, as far as knowledge effects go, it is alleged that what indicators purport to describe is often only a constructed object, an artefact (like IQ tests) of the very attempt at measurement. This is easily seen with notions such as ‘better business’, ‘corruption’ and ‘fragile states’. But the same could also be applied to concepts such as ‘the rule of law’, ‘human rights’ or ‘human capacities’. With respect to the ‘fragile state’ index we are told that ‘state-ness’ is a theoretical construct, an assemblage that brings many things into connection based in part of prototypes of influential Western states and Weberian notions of the monopoly of violence. Where the rule of law is concerned, procedural, substantive or institutional definitions can all be used. But each of these emphases some political concerns over others. By ranking different places, indicators also actually help create the units they are comparing as if they existed independently and as if the post-Westphalian international state system had not been affected by globalisation. The act of monitoring one place in relation to another itself represents an aspect of such interdependence. And the whole point of ranking is to make units even more aware of this. In general, indicators mobilise questionable categorisations of actors, actions, problems, diagnoses, solutions.

Evidence of so-called ‘governance effects’ are also found throughout the case studies. Indicators are expressly intended to produce self-management—often to shift responsibility to States and other targets to monitor themselves. But many other aspects are even more controversial. According to Merry (Merry April 2012) indicators replace judgments on the basis of values or politics with apparently more rational decision-making on the basis of statistical information. They do not eliminate the role of private knowledge and elite power in decision-making but represent it as technical, statistical expertise. Global indicators (especially, but not only, those of International Financial Organisations) are almost always created in the ‘global North’ which sets the agenda, names the indicator, and assembles the criteria—while data collection typically takes place mostly in the ‘global South’.

On this view, any use of indicators represents a vehicle of neo-liberal, or at least managerial, thinking rather than neutral mathematics. Being identified as a fragile state or having a poorly functioning health system may get you more or less help depending on the circumstances. But there may be little that the targets of indicators can do to affect those circumstances. Indicators may provide some accountability to stakeholders but most of those whose conduct is being measured participate too late in making indicators to have a say in deciding the criteria to be applied to them. Indicators may also encourage ‘a race to the bottom’ for example in seeking to attract investment. Even when what needs to be monitored has to do with matters such as human rights or the rule of law, the method used is taken from business models designed to provide for satisfactory auditing of how far goals have been met and whether money has been spent wisely. Accountability is not assured merely by looking only at what can be counted. When it comes to human rights indicators there are also some who worry about the consequences of trying to weigh up different forms of suffering.

Different criticisms carry different implications for finding answers. Is the problem that indicators provide unhelpful information or that they furnish all too persuasive data? That they fail to effectuate change or that they produce the wrong changes? If the complaint is inaccurate measurement we can search for more accurate measurements. But what if worries us is commensurability? Yet criticizing what indicators say about foreign (legal) cultures presupposes that there may be better ways of doing this. Even qualitative researchers try to describe other places. On the other hand, where the criticism (if it is meant a criticism) has to do with the way indicators construct social categories and social objects the issue becomes less clear. Can there be any objects or classifications that are not so constructed? How could indicators be geared to finding rather than making them? Is the problem the making of stereotypes in general or these ones in particular?

For some commentators the possibility of raising criticisms concerning indicators is itself a necessary part of their function insofar as it opens up issues for contestation by users and (even more needed) by those being evaluated. Indicators should therefore provide for their own internal critique (Rosga and Satterthwaite 2012). This is clearly fruitful in human rights indicators where there are important issues of conflicting values and political choices. But can it also work in the same way for indicators of health issues, the fight against malaria, the rating of credit worthiness or the empowerment of human capacities? If targets can contest every evaluation what would follow? Would anyone want an indicator that put itself radically in doubt?

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Self-Reports as a Measure of Crime? A Theoretical Approach to Understanding its Strengths and Weaknesses

Ineke Haen Marshall

It is a characteristic of the design of scientific research that exquisite attention is devoted to methodological problems that can be solved, while the pretense is made that the ones that cannot be solved are really nothing to worry about.

(Lewontin, 1995, p. 25)

Introduction

Ernesto Savona is a man of many interest and talents. This is evident in the open-minded way in which he has managed the European Journal of Crime Policy and Research. Under his editorship the EJCPR has published a wide variety of articles, ranging in topic as well as in method. Ernesto has never shown a bias towards or against any particular view or method. His motto as an editor appears to be “let a thousand flowers bloom.”¹ While, on first blush, the topic of self-report surveys (SR) is not something immediately associated with Ernesto’s personal professional and scholarly interests, it fits squarely with Ernesto’s keen concern with promoting critical discussion among proponents of different viewpoints.

In the view of many, discussions about the pros and cons of standardized self-reports (SR) as a measure of crime² is a rather tedious, boring and dry endeavor, best reserved for the hard-core methodologists who are far removed from the real life world of crime policy and substantive issues. The large and fast-growing

¹In deference to Ernesto’s nationality, it may be more appropriate to say here: “There are many roads that lead to Rome”.

²The self-report method (SR) is used to make estimates of victimization (victim surveys) or of offending. Here I focus on SR of offending and its correlates, but the arguments are also applicable to SR in general.

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volume of empirical research on the validity and reliability of the self-report method (eg. Junger-Tas and Marshall, 1999; Krohn et al. 2010) will never succeed in making this method believable to the fervent opponents of survey research (eg. Young n. d.). For many ethnographers and qualitatively-oriented criminologists the methodological-technical debate about validity and reliability is meaningless, because it does not answer the 64,000 USD question: Is it reasonable to assume that people are *willing* and *able* to provide personal (often painful or embarrassing) information asked by means of a standardized questionnaire?

In this brief essay, I attempt to provide a bridge of sorts between the two opposing positions. I approach the self-report method theoretically as a sociological phenomenon, making use of the rational choice theory (e.g. Coleman 1990). I argue two points: (1) the self-report method has essential limitations for which there is no technical or methodological solution, and (2) the self-report method does have an important position in the field of crime research, provided that it is aimed at the proper target populations, and implemented under the proper conditions.³

Learning from Experience

More than two decades ago, I participated in the first sweep of the International Self-Report Delinquency Study (ISRDI) (Junger-Tas et al. 1994; Junger-Tas et al. 2003; Junger-Tas et al. 2010; Junger-Tas et al. 2012). At that time, I had a reasonable degree of experience with the use of self-report method, through a face-to-face personal SR survey administered among some 1,000 incarcerated adult felons in Nebraska, USA (Horney and Marshall 1991, 1992). In the Nebraska study, we designed a methodological experiment, comparing different methods of asking questions in a structured interview.⁴ To our surprise, the results failed to show the expected difference in estimates of self-reported offending between the two approaches (suggesting the robustness of the basic questionnaire). At the time, we were struck by the apparent eagerness of many of the inmates to participate in the SR study. Some of the inmates appeared to exaggerate their criminal career, while others denied any criminal involvement (in spite of their incarceration). The bulk of the inmates, however, appeared to provide reasonable answers (fairly compatible with their official files), and many seemed to try hard to remember the many details we asked about their past life. A possible explanation for this high level of cooperation may be that the inmates were bored (there were no structured activities), we did provide a small monetary reward for participation (and money was scarce in the institution), the interviewers primarily were young female graduate students, and we provided some soft drinks during the interview. This experience increased my confidence that SR method, in

³ Parts of my arguments in this essay are drawn from an earlier publication Ineke Haen Marshall, *De Method van Zelfrapportage*, Tijdschrift voor Criminologie, 1996, 38, 1, 2–20.

⁴ In the experimental condition, the basic instrument was expanded to include a more detailed life-event and criminal history calendar.

spite of its flaws, is a reasonable method to elicit information about deviant and criminal behavior, even among incarcerated respondents.

This confidence was shaken somewhat when, a few years later, we examined the results of the fieldwork for the ISRD1, an international collaborative study of juvenile delinquency in which 13 nations participated.⁵ Here, we questioned three different groups using the same instrument: (1) a random sample of high school students; (2) all juveniles incarcerated in a juvenile detention center; and (3) a convenience sample of youth (12–21) from a number of *housing projects*. Housing projects in the US have notoriously high levels of crime and victimization; they tend to be areas of ‘concentrated disadvantage’ with a disproportionate number of high risk youth. We were quite surprised, therefore, when our analysis showed that the *lowest* level of self-reported delinquency was found among the third group (living in the high risk areas, with the highest levels of crime according to police records and emergency room data). On the other hand, consistent with expectations, the *highest* levels of delinquency were reported by the incarcerated youth, followed by the high school pupils. I lack the space to go into details, except to say that the unexpected results found in the ‘high crime’ area residents suggested that these obviously aberrant findings were not the product of unrelated *random* measurement errors, but rather, that the survey in the projects was suffering from *systematic* measurement error. How we came to this conclusion—through the theoretical lens of rational choice theory—is briefly explained below.

Motivation, Truth and Accuracy: A Classification of Respondents

There are many reasons for response error: (1) the respondent does not have the needed information; (2) problems of communication; and (3) motivational factors (Wentland and Smith 1993, pp. 15–16). Oppenheim (1992) succinctly states: “Perhaps the most important determinant of both response rate and of the quality of the responses is the subject’s motivation.” Motivation is not only very important when respondents deliberately lie (*truth*), but is also important for the provision of accurate details (*accuracy*). The detailed and careful answering of questions demands a mental, psychic and physical effort, and not every respondent is willing to provide that effort. The SR method tries to maximize both honesty and accuracy. The respondent has to be willing to admit to certain offenses, but he also has to be willing (and able) to specify when, where and how. Some careless or inaccurate reporting may be unintentional (confused by the question, or a poor memory), but sometimes there is intentional incorrect or sloppy reporting by the respondent. And in those cases, *motivation* (or lack thereof) is the major culprit.

⁵ The second International Self Report Study of Delinquency (ISRD2) was conducted in 2005–2007 in 30 nations. The third sweep (ISRD3) is currently underway in 25 countries, and expects to conclude field work in 2014.

Motivation is a major determinant of the ultimate validity of the SR results. Based on our experiences with the inmates, high school youth, and youth in the projects, I grouped the respondents in 'low' and 'high' on two motivational dimensions: (1) willingness to tell the truth, and (2) willingness to invest time and effort, and the likely degree of validity of the responses.

The highest level of validity is the 'Good Respondent' (willing to be honest, and willing to invest time and energy in the interview), the least valid are the responses from the 'Active Liar' (not willing to be honest, but eager to spend ample effort in misleading the interviewer). Between these two extremes are the 'Sloppy Liar' and the 'Minimal Respondent'. The Minimal Respondent is willing to answer the questions honestly, but is not motivated to really focus on providing the correct, detailed and accurate answers. The Sloppy Liar, on the other hand, does not want to answer truthfully, nor does he even pretend (we found a lot of those in the ISRD1 project sample). Are there theoretical reasons to believe that types of SR respondents (Good Respondent, Minimal Respondent, Sloppy Liar, and Active Liar)—and thus variations in the validity of self-reports—are *not randomly* distributed over different population groups? The rational choice theory provides an affirmative answer to this question.

Rational Choice Theory and SR

The assumption in rational choice theory is that people act purposefully, they make a choice from among behavioral alternatives: "The actor takes the 'optimal' action, the action that maximizes the differences between benefits and costs" (Coleman and Fararo 1992, p. xi). Because people are limited in their ability to evaluate all possible costs and benefits, we usually talk about 'bounded rationality.' Participation in a SR survey may be viewed as an example of human action that will be shaped by rational arguments (See also Esser 1990). People who participate will decide "... how [they] intend to behave and then follow through on that intention when [they] enter the situation . . ." (Dovidio and Fazio 1992, p. 206).

The SR interview situation may be conceived as a *system of action* (cf Coleman 1990, p. 37), minimally composed of two actors (interviewer and respondent). Two major concepts that influence the cost/benefit considerations are (1) resources and (2) risk and trust. *Resources* are the glue of the most fundamental system of action (Coleman 1990, p. 33–34). The primary resource of the respondent is information; the primary resource of the interviewer may be a monetary reward (material), or attention or social approval.⁶ The relationship between respondent and interviewer should be based on *trust*. The researcher assumes that the information she gets is complete and reliable; the respondent has to trust that she will indeed receive the promised

⁶ The relative value of information increases if the respondent belongs to a difficult to reach population, or is a serious offender.

reward, and that the information is treated confidentially. Most SR interviews are one-time transactions, where there is no possibility to gradually develop a relationship based on mutual trust. The flipside of trust is *risk* (a potential cost). How then to decide (for the respondent) that it is rational to put one's trust in the other (the interviewer)? Rational choice theorists posit that actors weigh the ratio between (positive) gains (G) and (negative) losses (L), combined with the perceived odds that the other actor is trustworthy (p).⁷ Simply stated, (quality of) participation in self-report research depends on the degree of trust one has in the interviewer, combined with an assessment of the ratio between potential costs versus benefits related to participation.

Setting, Context and Historical Background

The best situation for SR research exist if the respondent trusts the interviewer, and feels that there is more to gain than to lose by participation. Under which circumstances is this most likely? First and foremost, we have to realize that the interview does not take place in a social vacuum. The interview is 'situated activity'. It takes place—against an historical backdrop—in a particular setting (immediate surroundings) and within a (macro) context (e.g. social class, gender, or ethnicity) (Layder 1993, p. 8, 114). Differences in setting, (macro) context and historical backdrop result in systematic variations in the 'choice structuring conditions' (i.e. the conditions which influence the manner of participation of different groups of respondents). The values of L (potential costs), G (potential benefits) and p (chance that one can trust the researcher) will differ significantly between, for example, high school pupils, inmates, or kids living in the housing projects. Respondents from marginalized groups will have a lower "standard estimate of the probability of trustworthiness" of others than middle-class high school students. They are more likely to perceive researchers as 'them' (outgroup) rather than 'us' (ingroup). They also will have a different cost/benefit calculus than their more advantaged counterparts.

An interesting argument in favor of the integration of rational choice theory, symbolic interactionism ("definition of the situation"), and routine behavior ('habits') has been made by Esser (1990). He claims that the decision-making process (of the respondent) starts with the selection of a particular *frame* (definition of the situation), that forms the backdrop of subsequent assessments of costs and benefits. He argues that (in 1990) the 'proper' behavior of respondents (i.e. answering questions truthfully) is part of a "Kollektive Vorstellung uber die Situation des Interviews und das derin erwartete Verhalten" (Esser 1990, p. 243). He argues then that one may assume that most respondents enter the interview situation with this frame about proper respondent behavior (i.e. our Good Respondent, category 4 in Table 1). I argue instead that there will be systematic variations in the likelihood that respondents

⁷ Coleman expresses these ratios in exact terms, suggesting an unrealistic possibility of quantification (Coleman 1990, p. 104).

Table 1 Classification of respondent motivation and likely validity of self-report (SR) answers

		Willingness to spend time and effort	
		Low	High
<i>Willingness to be honest</i>	Low	<i>Sloppy liar</i> (2)	<i>Active liar</i> (1)
	High	<i>Minimal respondent</i> (3)	<i>Good respondent</i> (4)

The numbers 1–4 in the cells rank the likely degree of SR validity of the responses

enter the SR situation with Good Respondent as the primary frame. The definition of the (SR) situation is not only determined by social background of the respondent, but also by the setting (school, prison, community center) where the interview takes place. The setting reinforces social differences between respondent and interviewer, differences which may be directly related to motivation (and thus validity). This leads to the suggestion that the *distribution* of the four types of respondents (Good Respondents, Minimal Respondent, Sloppy Liar, and Active Liar) will vary by the particular population group that is targeted by the SR:⁸

- School. Here the Good Respondent is most likely; the school is a neutral setting, the primary role is ‘student’, and the interview is relatively low cost for the average respondent.
- Housing projects (or ‘high risk’ communities). The Minimal Respondent and Sloppy Liar are most likely; setting is one of marginality, primary experience is one of social exclusion; interview is high cost (longer interviews represent cooperation with ‘them’); no reason to be a Good Respondent, but it takes too much effort to be an Active Liar.
- Prison. Active Liars are more likely. Primary role is ‘inmate’, interview is high cost, potential costs of refusal is high, low trust in interviewer, respondents are used to talk about their criminal behavior; they have ample time and the interview provides a break in routine.

The Rationality of Deceit: ‘Pockets of Validity’

In every questionnaire, even that completed by the Active Liar, there will be some answers that have been answered truthfully. To consistently provide incorrect answers requires a lot of energy. Most respondents are not motivated to do this. For the average respondent, consistent lying is not the optimal action. This is also true for the most marginalized groups. Participation in an interview involves a number of strategic decisions on how to answer. Minimum cost/benefit analysis suggest that even among

⁸ We assume that in any situation, there will be a number of Good Respondents, Minimal Respondents, Sloppy Liars, and Active Liars. We argue, however, that the proportion of each will vary by target population (prison, school, or impoverished community).

the least motivated respondents there will be ‘pockets of validity’ in their responses. More empirical research is needed to identify what kinds of questions are more likely to be valid.⁹

How useful is the self-report method as a measure of crime?

The literature about the SR emphasizes too much the structure and content of the questionnaire, the characteristics of the interviewer or the method of administration. Systematic response errors are not (only) artifacts of imperfect questionnaires, careless interviewers, or reluctant respondents. More often than not, measurement errors mirror the essential limitations of the SR, in particular for the most marginalized groups. The SR must be viewed as ‘situated activity’ in a particular setting within a historical context. The data obtained through the SR reflect the (limitations) of this setting and context. The SR is a process of social interaction, guided by conscious choices by both the respondent and the researcher. Answering standardized questionnaires must be viewed as purposeful, conscious action: the respondent chooses between alternative answering strategies, weighing (social and material) gains and costs. The costs and benefits of participation in SR differ systematically between different social groups. Incorrect or incomplete responses should not be viewed primarily as a result of individual predisposition to lie, but rather as a *social* phenomenon: Considering their social position, for members of the marginalized population the most rational choice is to not (always) respond truthfully or completely.

The SR method may be used—under certain conditions and in particular population groups—as one measure of crime. Of course, one cannot expect to ever be able to arrive at an objective, ‘true’ measure of the amount of crime. Instead, what the SR method *can* provide is useful, reliable and valid information on the social *correlates* of crime. SR data provide a wealth of information on attitudes, experiences as well as behavior, allowing the testing of crime theories. I do not pretend to have provided any new insights into the SR method as a way of measuring crime. What I have tried to show is the value of the use of a theoretical framework to understand the SR method as a sociological phenomenon. The rational choice perspective is but one possible theoretical framework that may be used. What the rational choice view provides, though, is some clear options on how to increase the likelihood that one obtains valid and reliable SR results, by increasing benefits, minimizing potential costs, and investing more in building relationships of trust with the respondent. All too often, disadvantaged or marginalized groups are viewed mainly as ‘data sources’ to be used by researchers merely for academic publications. No wonder such groups have become cynical about the value of research; they do not share the knowledge or profit from their cooperation by improved living conditions.

⁹ We know that ‘neutral’ questions such as age, marital status are more likely to be answered truthfully than questions about criminal involvement or victimization.

Concluding Comments

As a social phenomenon, the SR method has not remained immune to the profound changes in the social and physical world. The rapid growth of the electronically-administered (web-based) surveys, combined with the now-common routine use of surveys present new challenges as well as opportunities for crime researchers. No longer may we assume, as was the case in 1990 (Esser 1990, p. 243) that most respondents will approach self-report surveys through the ‘frame’ of ‘correct’ respondent behavior. SR surveys are now so ubiquitous, and so often done sloppily violating all the rules of proper methodology, that they have lost ‘respectability’, or – in rational choice theory terms – the public has lost trust in the researcher.¹⁰ How to overcome this obstacles is a major challenge.

Electronic SR surveys (often web-based) are dramatically changing the dynamics of the SR ‘interview’; still, the potential respondent will continue to think in terms of possible benefits and costs of participation, and will weigh these considerations against the assessment of the trustworthiness of the researcher, institute or agency that ask for his cooperation. This requires a re-assessment of the optimal conditions of administering the SR survey.

This brings me back to the beginning of this brief essay. As a scholar and as the editor of the EJCP, Ernesto Savona has shown that adherence to the basic principles of high quality research and the stimulation of scholarly debate allows the much-needed continuous adaptation to a world in rapid and constant flux. So the Good Respondent says.

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¹⁰ For one recent example of fraudulent fabrication of data, see the case of the Dutch social psychologist Stapel.

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How to Record Data on Community Sanctions and Measures and the Work of Probation Agencies across Europe: The Approach of the European Sourcebook

Jörg-Martin Jehle and Stefan Harrendorf

Introduction

The European Sourcebook of Crime and Criminal Justice Statistics (ESB) is an endeavor to collect comparable crime and criminal justice data across Europe (for details, see Jehle 2013). Its origins date back to the early 1990s, when the Council of Europe (CoE) commissioned an experts group with a feasibility study for such a sourcebook (Killias and Rau 2000). Meanwhile, the ESB has seen four editions (CoE 1999; Aebi et al. 2003, 2006 and 2010) and a fifth one is currently under way. We dedicate this article to Ernesto Savona, who is an active member of the group and has considerably added to the success of this data collection initiative in the last years.¹

The upcoming edition will particularly focus on community sanctions and measures (CSM) and probation agencies. The data collection is funded by an EU action grant² for a project aiming at “*Developing a Methodology to Collect Data on Community Sanctions and Measures and Attrition Rates in Europe*”. This *DECODEUR* project is carried out by the ESB experts group together with the CEP, the European Organisation for Probation.³ The project can rely on the network of correspondents the group has in almost all countries represented in the CoE. In this article we will focus on the part of this project relating to CSM, while the aspect of attrition is not further elaborated on here (but cf. e.g. Jehle 2012).

¹ Not to forget his commitment to the aim of giving the ESB group a more stable structure by turning it into a legal entity. Since 2012, the ESB group indeed is a registered non-profit association according to German law (European Sourcebook of Criminal Justice e. V.).

² Under the ISEC 2010 program. The project is managed by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI).

³ The CEP is represented in the project group by its Secretary General and two probation experts (A.v.Kalmthout & I.Durnescu).

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The definition and categorization of CSM in adult and juvenile criminal law from a comparative statistical perspective is a complex issue that has not been solved satisfactorily yet, while such data would be highly policy-relevant within the EU context. This is especially true with respect to certain framework decisions on mutual recognition of alternative sanctions and probation measures (Council framework decision 2008/947/JHA of 27 November 2008) and of supervision measures as an alternative to pre-trial detention (Council framework decision 2009/829/JHA of 23 October 2009).

The project seeks ways to improve and complement the standards developed so far for the definition and categorization of CSM. Based upon the comprehension of the national complex of measures and institutions involved, categories appropriate for a European comparison and data collection are being developed and data availability is being documented. Figures on probation agencies and CSM will be published in the project report and the ESB 5th edition and will also be made available to the public online—presumably in spring 2014. In this article, we will concentrate on the methodology used.

Definition of “Community Sanctions and Measures” and “Probation Agencies”

What is meant by the crucial terms of “community sanctions and measures” and “probation agencies” in an international context? Since the types of available sanctions and the underlying penal systems (in detail on the problems of data comparability Harrendorf 2012 and 2013) differ significantly between countries, the approach has to go beyond the national level. A comparative European perspective is needed.

Starting with the European rules on community sanctions and measures (Rec(92)16E), the CoE issued several recommendations⁴ with respect to CSM and probation, the CoE Probation Rules (CM/Rec(2010)1) being the last one so far. In the Probation Rules, CSM are defined to be “*sanctions and measures which maintain offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment.*” As can be seen from Rec(92)16E, which has to be read together with CM/Rec(2010)/1, monetary sanctions in principle do not fall under this definition (Glossary Nr. 1),⁵ since CSM must involve some kind

⁴ Apart from those mentioned in the text above, these are especially: Rec(99)22E concerning prison overcrowding and prison population inflation, Rec(2000)22E on improving the implementation of the European rules on community sanctions and measures and CM/Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures. For a full list of recommendations of relevance for CSM and probation, see recommendation CM/Rec(2010)1.

⁵ But any supervisory or controlling activity carried out to secure the implementation of such sanctions does.

of assistance or supervision (Tournier 2002, p. 15). Finally, Appendix 2 Nr. 1 of Rec(2000)22E lists the most relevant examples for CSM.

Summing up, CSM can be imposed during the pre-trial stage, the trial and sentencing stage and the post-sentencing stage⁶ for such different aims like the avoidance of pre-trial detention, for conditional disposals, as a sanction in its own right, as a condition for the suspension of a prison sentence, as a condition for release from prison or even as a security measure after release from a fully served prison sentence.

The Tokyo Rules (United Nations Standard Minimum Rules for Non-custodial Measures)⁷ do not use the term CSM, but refer to all non-custodial measures⁸ instead. The main difference is the inclusion of “simple”, non-supervised sanctions like fines (see 8.2.(d) of the Tokyo Rules). CSM are also not mentioned in the Council framework decisions (cited above), which refer to “alternative sanctions”, “probation measures” and “supervision measures”. Thus, the CoE recommendations will have to be the reference point for any European comparative study on this topic.

The implementation of CSM is finally closely related to probation agencies, since this is part of their tasks. The term “probation agencies” is defined in the CoE Probation Rules with reference to the term of “probation”. Reading both definitions together, “probation agencies” are bodies designated by law to implement sanctions and measures in the community, especially by supervision, guidance and assistance aiming at the social inclusion of an offender. They also contribute to community safety. *“Depending on the national system, the work of a probation agency may also include providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime”* (Appendix I of CM/Rec(2010)1).

So the recommendations use the widest possible terminology for “probation”⁹ and “probation agency” and also provide a relatively wide definition of CSM. This reflects the diversity of systems in use across Europe. If international comparisons, however, only used these general concepts they could not provide truly comparable figures: Countries will be able to easily assign their data to these broad definitions, but in doing so the existing vast differences between CSM and probation systems across Europe will only be hidden, not overcome. Hence it is necessary to break down data by specific CSM and probation activities, wherever possible.

⁶ This differentiation by stages is also used in the United Nations Standard Minimum Rules for Non-custodial Measures, General Assembly resolution 45/110 of 14 December 1990.

⁷ General Assembly resolution 45/110 of 14 December 1990.

⁸ A term which includes sanctions, too.

⁹ “Probation” in the recommendations is therefore used without any notion to the English (former) legal model of probation (which is now legally known as a community order with supervision, cf. Burnett 2007).

The Annual Penal Statistics of the Council of Europe (SPACEII)

In the last years some very useful comparative legal and criminological studies on CSM and probation have been carried out (see, inter alia, Flore et al. 2012; Dünkel and Pruin 2009; van Kalmthout and Durnescu 2008a; Albrecht and van Kalmthout 2002). But still the only source of comparative statistical data on CSM and on the activities and workload of probation agencies is part II of the Annual Penal Statistics of the CoE (SPACE II). From 1992 on, the Annual Penal Statistics featured a section on non-custodial sanctions and measures which became a separate publication in 1997. The most recently published surveys refer to the reference years 2010 and 2011 (Aebi and Delgrande 2012; Aebi and Marguet 2013). They were carried out using a fully revised questionnaire, taking into account the problems encountered in the earlier survey waves.

SPACE II in principle adopts the definitions referred to above, but it clarifies that it refers to “alternatives to imprisonment”, and only most of them will be CSM. The statistics are also “not designed to cover all the existing CSM” (Aebi and Marguet 2013, p. 5), but in principle those referred to explicitly in the CoE recommendations. Sanctions and measures according to juvenile law or applicable only to juveniles shall be excluded from SPACE II; the same is true for persons under the aftercare¹⁰ of probation agencies. It is, however, obviously not always possible to exclude juvenile sanctions (see Aebi and Marguet 2013, p. 6 and 60).

In detail, SPACE II for 2011 provides information and data about

- the administrative status of the probation agencies (Table A),
- the number of persons serving CSM or being under probation on 31st December 2011 (stock; including alternatives to pre-trial detention) (Tables 1.1 to 1.3),
- the number of persons having started to serve CSM or probation in 2011 (flow; including alternatives to pre-trial detention) (Tables 2.1 to 2.3),
- socio-demographic characteristics of the population under the supervision or care of probation agencies (Tables 3.1 and 3.2),
- the number of persons that ceased to be under the supervision or care of probation agencies during the year 2011 (flow of exits) (Tables 4.1 to 4.3),
- staff employed by probation agencies or working for probation agencies on 31st December 2011 (stock) (Tables 5.1 to 5.2), and
- reports produced by probation agencies in 2011 (Tables 6.1 and 6.2).

In addition, the survey for 2011 features a special (one-time) module on electronic monitoring. The latest two SPACE II issues focus solely on the implementation of CSM by probation agencies. They are more in line with the SPACE I methodology than earlier editions, which just provided data on CSM orders by the courts or prosecution authorities (see for example Aebi 2003), while the 2007 and 2009 editions used a mixed model (cf. Aebi and Delgrande 2010; Aebi et al. 2011).

¹⁰ According to recommendation CM/Rec(2010)1, aftercare “means the process of reintegrating an offender, on a voluntary basis and after final release from detention, back into the community in a constructive, planned and supervised manner.”

The New Approach of the European Sourcebook

What is the added value of the new data collection initiative within the ESB framework? Obviously, it would make no sense to replicate the SPACE II data collection under another umbrella. On the other hand, there is no need to reinvent the wheel. Hence the ESB data collection builds on the methodology and experience of the SPACE II project. A starting point for improvements can especially be found with respect to the scope of data covered: The ESB, differently from the SPACE data collections, is an endeavor to collect comparable crime and criminal justice data on all levels of the criminal justice process. Therefore, it is also consistent to apply this comprehensive approach to CSM. The ESB survey asks for data on CSM in three different chapters: The prosecution chapter includes data on CSM that were imposed on an offender as a condition for a conditional disposal (i.e. a diversionary measure by the prosecution agency), while the court chapter includes data on CSM ordered by the court (including penal orders). Data on the implementation of the different types of CSM and on the work of probation agencies are included in chap. 4, the former prison chapter, which is now also devoted to “probation agencies and supervision”. Finally in some countries the police are allowed to conditionally dispose of a case under the condition of a CSM. In this respect, the prosecution chapter just collects metadata on separate police powers to dispose of cases conditionally.

Differently from SPACE II, all CSM data in the ESB are collected for adults and juveniles together (= total CSM) and for juveniles separately. Countries which cannot clearly differentiate between adults and juveniles can at least fill in the “total” tables.

While in chap. 2 data on CSM and other diversionary measures are collected as separate subcategories of conditional disposals (of which: fine, restitution, victim-offender-mediation, community service, supervision, order to undergo a specific therapeutic treatment, other measures, mixed measures), the court chap. (3) uses a more sophisticated approach:

All sanction tables collect data on CSM not only for the total of convictions, but also broken down by offence types. Apart from that, chap. 3 uses two different types of sanction tables. One of them records only the most severe sanction. The respective tables feature CSM as specific non-custodial sanctions and measures (community service; supervision; probation as a sanction in its own right) and as conditions connected to a suspended prison sentence (of which: with community service; with supervision).

For a more detailed breakdown of CSM, the questionnaire also provides separate tables on ordered CSM. In these additional tables a principal sanction rule does not apply, i.e. in the case of multiple CSM imposed on the same offender, all are counted. These tables collect data for the categories total sanctions and measures (as a reference category), total community sanctions and measures, community service, supervision, restitution, ambulant therapeutic treatment, probation as a sanction in its own right, and other community sanctions and measures.

Finally, chap. 4 (prison, probation agencies and supervision statistics) records the largest part of CSM and probation agency data. Regarding the implementation of

Table 1 Reasons for ordering supervision, community service or electronic monitoring

Supervision	Community service	Electronic monitoring
Total	Total	Total
Supervision before a final sentence	Community service as a condition for dismissal in pre-sentence stage	Electronic monitoring as an alternative to pre-trial-detention
Probation as a sanction in its own right	Community service as a non-custodial sanction in its own right	Electronic monitoring as a sanction in its own right
Other forms of supervision of a non-custodial sanction	Community service as a condition of a suspended/conditional sentence	Electronic monitoring as a condition of a non-custodial or suspended custodial sanction
Supervision of a suspended custodial sentence	Community service as a condition of conditional release	Electronic monitoring as part of the execution of an unsuspended custodial sanction
Supervision in connection with the execution of a prison sentence outside prison (including semi-imprisonment)	Community service as a way of serving a custodial sentence	Electronic monitoring as a condition of conditional release
Supervision after conditional release from prison	Community service for fine defaulters	Electronic monitoring after having fully served a prison sentence or other form of detention
Supervision as a security measure after having fully served a prison sentence or other form of detention		
Other		

CSM, it features separate tables on supervision, community service and electronic monitoring. For all these measures the stock on 31 December 2010 and the input and output of cases in 2010 are collected. The reasons for ordering supervision, community service or electronic monitoring are recorded in great detail, as Table 1 shows.

This categorization provides individually adapted subcategories for the different measures. Therefore, it can be expected that the categorization used better reflects the diverse reality of CSM across Europe than other data collection approaches before. In addition, for all three measures the reasons for ending them in 2010 are recorded in a separate Table (total; of which: completion; revocation or replacement by another sanction/measure [of which: resulting in imprisonment]; other [e.g. death]).

Chap. 4 also features questions on the structure and personnel (similar to the Space II model: Aebi and Marguet 2013, pp. 73–76) as well as tasks and workload of probation agencies.

The tasks are recorded as differentiated as possible in order to reflect the vast differences between criminal justice systems with respect to probation work. Separate tables for adults and minors feature the following general tasks:

- providing information and/or reporting to the prosecuting authorities/court,
- monitoring and enforcing the conditions and/or measures imposed/ordered by the police/public prosecutor/court,
- assisting/providing guidance to the suspect,
- finding alternatives to pre-trial-detention,
- finding possibilities for diversion (e.g. alternatives to a formal sentence),
- supervision during authorized leave from prison.

For a comparative list of tasks see van Kalmthout and Durnescu (2008b, pp. 17–20).

In addition it is recorded at which level these tasks apply:

- at the pre-sentence stage or
- at the execution stage of
 - non-custodial,
 - suspended custodial or
 - unsuspended custodial sanctions and measures
- while in prison or
- after conditional release.

Finally, the questionnaire includes a table on reports provided by the probation agencies since these have been identified to constitute the main task of probation officers in most countries (cf. van Kalmthout and Durnescu 2008b, p. 21–22). Data availability on this item is quite good, as the SPACE II example shows, and the number of reports might indicate the workload of probation agencies (also cf. Aebi and Marguet 2013, p. 82). Reports are a vague concept, though: They may consist of two brief sentences on the current status of supervision, but they might also be a detailed professional opinion on the prerequisites of conditional release. This *quality* of reports cannot clearly be assessed or even estimated. The only way to shed some light on the diverse reality across Europe is to record the reasons for providing the report as differentiated as possible. While SPACE II only knows two (or three, if counting “other”, too) different categories, the ESB tries to collect data for the following items:

- total,
- pre-sentence-reports,
- reports concerning supervision during the execution of community sanctions,
- reports during the execution of a suspended prison sentence,
- reports concerning the prerequisites of a conditional release, and
- reports after a conditional release.¹¹

¹¹ All of these are also differentiated by total, adults and minors.

Outlook

The *DECODEUR* project within the structure of the ESB tries to improve the data collection on the diverse reality of CSM across Europe. However, the success of an international data collection initiative does not only depend on a qualified and sophisticated methodology, but also on data availability and quality. Judging from the *SPACE II* experience, more and more countries are able to provide at least some data on CSM and the work of probation agencies, but the data availability rate will be much lower for many specific items of the survey. This is not only or primarily due to poor statistics in the respective countries, but to the diversity of national CSM concepts, which reflect the still quite disparate legal and practical frameworks for CSM in the CoE member states. Yet the project will help identify the common ground for all countries in that field and also show the variety of specific concepts that are followed.

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Old and New Criminality: Territory, Society and Immigration in Italy

Luigi M. Solivetti

Introduction

Since the early 1980s, several research projects carried out in most of the Western European countries have reached the conclusion that immigrants have been markedly over-represented in crime statistics (Solivetti 2010). During the past decades, this immigration-crime link has fuelled the most heated debate, both in the political arena and among social science scholars. Almost all the investigations in this field, however, focused on the immigrant share among people arrested or jailed. Investigations dealing with the territorial relation between immigration and crime were few and, besides, mainly based on US data. These two facts should be regarded as undesirable, because territorial analyses could clarify not only whether immigrants' distribution coincides with crime rates distribution, but also whether there are territorial features that have a greater influence than immigrants on crime rates. Moreover, the results of the abovementioned investigations are far from being convergent. Reid et al. (2005), studying US urban data, found a significant immigration-crime link only with regard to robberies. Nielsen et al. (2005), using data on sections of two US urban areas, found that the immigration factor was of low significance. Comparable results had been reached by Butcher and Piehl (1998). In the US, again, Ousey and Kubrin found a negative relation between territorial variations of immigrants and crime rates (2009). In Europe, the results of Entorf and Spengler's study on Germany's Länder (2000) showed a correlation between immigration and only theft and total crime rates. Aoki and Todo (2009) found a low correlation between immigrants and the total number of crimes in France's departments, whereas Hooghe et al. (2011) found in Belgium's municipalities a positive association between immigrants and thefts. Buonanno (2006), using Italian regional data, found a weak association between immigrants and crime against property. Cracolici and Uberti (2009), using

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Italian provincial data, by contrast, found a strong association between immigrants' distribution and both theft and fraud rates.

Italy, in any case, could represent an ideal context for examining in depth the territorial link between immigration and crime. Italy, in comparison with other Western countries, has been characterized by a recent but definitely tumultuous migratory flow, which has possibly posed difficulties for immigrants' integration. Such a migratory flow has mainly concerned the Central and Northern regions of the country, where the permits-of-stay share of the resident population was 2.6 % on average from 1995 to 2005, compared to approximately 1 % in Southern Italy. On the other hand, Italy is well known for being characterized—especially in the South—by the sizeable presence of violent criminality and of time-honoured criminal organizations deeply rooted in the local context (Mafia, Camorra etc.). It is therefore definitely interesting to wonder whether the immigration factor is changing this long-established picture.

Data

The present investigation focuses on the 103 Italian provinces (pre-2001 boundaries). These territorial units each comprise on average 550,000 pop. on 2,900 sq. km. With regard to crime, we took into consideration theft (by far the most common offence) and some of the most serious crimes: intentional homicide, rape, robbery, extortion, criminal organization, plus a crime often associated with grievous violence against the person, namely exploitation of prostitution, and last the total number of crimes. All of them as average crime rates from 1995 to 2005. Immigration was measured by means of the share of permits-of-stay for adult immigrants during the same period, variation over time of permits-of-stay, share of adult illegal immigrants (based on the 2002–2004 regularization), share of the most criminal national groups of immigrants, and underage immigrants (an indicator of radication). Four explicative/control variables were used: GNP per capita, chief town population, male population aged 15–24 years, and male unemployment. We further considered many other explicative variables: among them, estimated income concentration (Solivetti 2013), residential instability, people employed in the services sector, those employed in the manufacturing sector, professionals & entrepreneurs, graduate population and those without compulsory education, deaths due to drug abuse, the 2001 referendum voters (an indicator of social capital) and, last, Mafia-type organizations (Table 1). The period covered is 1995 to 2005 as above, exceptions being represented mainly by census data (2001).

Results

The homicide distribution is negatively associated with all the main indicators of immigration. It is positively and closely associated instead with male unemployment, people lacking compulsory education and Mafia-type organizations; as well as with

Table 1 Dependent and independent variables used in the analysis: descriptive statistics

Variables	All the provinces (N = 103)				Central & Northern provinces (N = 67)			
	Mean	Std. dev.	Min	Max	Mean	Std. dev.	Min	Max
Intentional homicide (per 100k pop.)	2.54	2.17	0.45	10.67	1.66	1.18	0.45	7.12
Rape (per 100k pop.)	6.53	1.71	3.59	12.77	6.75	1.86	3.59	12.77
Exploitation of prostitution (per 100k pop.)	2.29	1.72	0.17	10.25	2.73	1.57	0.46	8.87
Theft (per 100k pop.)	2,261	946	936	6,233	2,473	1,038	1,094	6,233
Robbery (per 100k pop.)	51	52	9	419	44	30	9	156
Extortion (per 100k pop.)	13.16	9.91	3.28	56.30	8.17	2.48	3.28	12.99
Criminal organization (per 100k pop.)	1.48	0.87	0.20	4.40	1.23	0.68	0.20	4.00
Total number of crimes (per 100k pop.)	4,361	1,336	2,423	10,397	4,495	1,523	2,423	10,397
Permits of stay for adult immigrants on resident pop. (%)	2.01	1.15	0.34	5.47	2.59	0.91	1.19	5.47
Variation of permits of stay on resident pop. 1995–2005 (%)	2.49	1.63	-0.41	9.50	3.34	1.30	0.91	9.50
Illegal immigrants on resident pop. (%)	1.22	0.76	0.10	4.10	1.55	0.63	0.50	4.10
Six most criminal national groups, males on resident pop (%)	0.67	0.41	0.09	2.11	0.87	0.33	0.38	2.11
Underage immigrants on total resident immigrants (%)	20.23	3.30	12.50	28.00	21.35	2.84	14.30	26.10
Residential instability, changes of residence internal or from abroad, on res. pop. (%)	2.42	0.74	1.05	3.93	2.82	0.53	1.57	3.93
Chief town population (ln)	11.47	0.86	9.96	14.75	11.51	0.87	9.98	14.75
Population per sq. km.	245	332	37	2,635	258	277	37	1,903
Male population aged 15 to 24 years on total m. & f. pop. (%)	6.00	0.94	4.33	8.19	5.41	0.51	4.33	6.91
GNP per capita (EUR, 2003–2005)	21,062	4,895	12,667	33,248	24,103	2,953	17,965	33,248
Income concentration (proxy Gini)	0.29	0.05	0.21	0.46	0.26	0.03	0.21	0.32
Employed, services sector, on total employed pop. (%)	62.99	8.03	47.40	84.50	61.70	8.50	47.40	84.50
Employed, manufacturing sector, on total employed pop. (%)	23.11	9.34	9.20	43.47	27.01	8.55	9.20	43.47
Professionals & entrepreneurs on total employed pop. (%)	5.56	1.19	3.95	11.01	6.02	1.21	4.38	11.01

Table 1 (continued)

Variables	All the provinces (N = 103)				Central & Northern provinces (N = 67)			
	Mean	Std. dev.	Min	Max	Mean	Std. dev.	Min	Max
Unemployed, males > = 15-year old on same age total labour forces (%)	6.85	5.92	0.60	23.00	3.28	1.66	0.60	8.73
Graduate population on > = 6 year old pop. (%)	6.84	1.27	4.57	12.25	7.00	1.42	4.90	12.25
No compulsory education, people aged 15 to 24 years on same age pop. (%)	2.93	1.35	1.23	7.65	2.31	0.49	1.23	3.70
Separated or divorced people on married pop. (%)	6.13	2.54	1.95	14.72	7.51	2.01	3.82	14.72
Infant mortality, m. & f. (per 1,000 born alive)	4.54	1.37	1.80	9.50	3.92	0.98	1.80	6.60
Deaths due to drug abuse (per 100k pop.)	1.51	0.70	0.40	3.71	1.76	0.67	0.87	3.71
Voters, 2001 referendum, on registered electors (%)	33.94	8.56	16.10	53.30	38.92	6.05	25.70	53.30
Mafia-type organizations (per 100k pop.)	0.34	0.82	0.00	6.42	0.04	0.06	0.00	0.26

the 15–24 year old male population, infant mortality, income maldistribution and South. Moreover, the homicide distribution is negatively associated with per capita GNP, the share of people employed in the manufacturing sector and the 2001 referendum voters. Therefore, homicide in Italy is particularly common where there is underdevelopment, limited education, unemployment, limited social capital, and larger juvenile age groups, as is typically the case in a pre-modern population. Variables of urbanization are not statistically significant. In such a picture, the presence of immigrants is limited, since they are instead attracted by the richer, more developed and usually also more urbanized areas, where there are better opportunities. The multiple regression models (Table 3) show in particular, controlling for other variables, the significant contribution of “male unemployment” and “no compulsory education” to homicide rates.

The extortion and criminal organization backgrounds are very similar to that of homicide. Also extortion and criminal organization are associated with limited development and socio-cultural decay. The variable “Mafia-type organizations” seems to play a relevant role in both these offences (Table 2).

With regard to robbery, we found positive and negative correlations with the same variables associated with homicide. However, the correlations for robbery are less close. Instead, robbery correlations with urbanization and population density are strong, whereas the correlation with immigration is not significant. From all this we can infer that robberies are more common in urbanized areas that are relatively less developed and with less educated population. These areas, in any case, are relatively less attractive to immigrants. The regression models emphasize the contribution of the variables “chief town population” and “no compulsory education”.

The distribution of rapes on the territory shows characteristics that are dissimilar—or even opposite—to those of the abovementioned crimes. Rapes are positively correlated with income, graduate population, professionals/entrepreneurs, urbanization, people separated or divorced, and illegal drugs diffusion (as measured by deaths due to drug abuse). Moreover, rapes are correlated with the immigrant share. In other words, rapes are associated with a context of material wellbeing, urbanization and education, where also the level of individualism is high and where, in association with the latter, deviant behaviour (drug use) and marital anomie are rife. The regression models (Table 3) show in particular the contribution of “separated or divorced people”.

The territorial distribution of cases of exploitation of prostitution shows features similar to those underlying the distribution of rapes. In particular, the exploitation of prostitution is associated not only with the immigrant share but also with a higher and better distributed income, higher education, presence of professionals/entrepreneurs, limited juvenile population (which is equivalent to low birth rate), separations & divorces, diffusion of illicit drugs and urbanization.

It should be taken into account, on the other hand, that this offence implies the activity of prostitution (which is not itself a crime in Italy), and in turn the activity of prostitution implies clients, who on average are more numerous where wealth is abundant and the scope for non-conformist or deviant behaviour larger.

Table 2 Correlations between crime rates (logarithmized) and independent/control variables: all the Italian provinces ($N = 103$)

Independent/control variables (abbr. labels)	Dependent variables							
	Intentional homicide	Rape	Exploitation of prostitution	Theft	Robbery	Extortion	Criminal organization	Total crimes
Permits of stay	-0.398	0.272	0.529	0.422	0.095	-0.568	-0.150	0.192
Variation of permits of stay	-0.511	0.016	0.437	0.287	-0.011	-0.624	-0.365	0.024
Illegal immigrants	-0.359	0.053	0.453	0.398	0.128	-0.476	-0.257	0.200
Six most criminal national groups	-0.402	0.112	0.435	0.189	-0.101	-0.555	-0.116	-0.034
Underage immigrants	-0.453	-0.026	0.222	-0.045	-0.105	-0.458	-0.300	-0.296
Residential instability	-0.343	0.097	0.442	0.392	0.084	-0.579	-0.405	0.141
Chief town population (ln)	0.112	0.329	0.366	0.666	0.762	0.099	0.266	0.537
Population per sq. km.	0.087	0.194	0.153	0.407	0.583	0.084	0.191	0.402
Male population aged 15 to 24 years	0.521	-0.249	-0.565	-0.344	0.178	0.684	0.316	-0.160
GNP per capita	-0.548	0.279	0.504	0.421	-0.039	-0.710	-0.296	0.165
Income concentration	0.556	-0.067	-0.396	-0.128	0.259	0.598	0.266	0.050
Employed, services sector	0.399	0.341	0.081	0.370	0.324	0.288	0.333	0.537
Employed, manufacturing sector	-0.609	-0.140	0.276	0.020	-0.090	-0.537	-0.357	-0.244
Professionals & entrepreneurs	-0.203	0.395	0.490	0.673	0.394	-0.316	-0.086	0.547
Unemployed, males >= 15 year old	0.725	-0.075	-0.449	-0.200	0.306	0.763	0.416	0.054
Graduate population	-0.073	0.352	0.400	0.483	0.328	-0.038	0.214	0.447
No compulsory education	0.672	-0.038	-0.326	-0.071	0.393	0.591	0.304	0.040
Separated or divorced people	-0.246	0.436	0.554	0.522	0.070	-0.516	-0.166	0.380
Infant mortality	0.445	-0.152	-0.304	-0.232	0.144	0.614	0.316	-0.051
Deaths due to drug abuse	-0.143	0.280	0.517	0.554	0.250	-0.265	-0.027	0.488
Voters, 2001 referendum	-0.586	0.161	0.477	0.334	-0.041	-0.703	-0.281	0.002
Mafia-type organizations (ln)	0.638	-0.066	-0.339	-0.117	0.311	0.679	0.508	0.085
South (dummy)	0.546	-0.157	-0.491	-0.324	0.122	0.739	0.345	-0.107

All the absolute values > 0.194 are statistically significant (prob. < 0.05). Since Mafia-type organizations >= 0, then $x = \ln(\text{Mafia-type organizations} + 1)$.

Table 3 Multiple linear regression models: crime rates of all the Italian provinces, and variables relating to features of the abovementioned provinces; semi-logarithmic models, t and probability level; "robust" errors estimation

Independent/control variables (abbr. labels)	Intentional homicide	Rape	Exploitation of prostitution	Theft	Robbery	Extortion	Criminal organization	Total crimes
Permits of stay	1.00	1.70	1.10	-1.60	0.61	-0.76	-1.72	-1.84
Variation of permits of stay		-1.30		2.54*				3.38**
Illegal immigrants		-1.09						
Six most criminal national groups		-2.11*						
Residential instability		0.72	3.20**	4.79**	4.20**	2.36*	-1.96	1.88
Chief town population (ln)	-0.33	-0.30	-2.49*	1.48	0.94	-0.69	3.07**	1.68
Male population aged 15 to 24 years	-1.66	0.98	-1.89	0.08	-2.73**	-1.15	0.27	-0.17
GNP per capita	0.77						-1.79	4.73**
Income concentration				3.29**				
Employed, services sector	-2.01*							
Employed, manufacturing sector	2.94**	1.16	-1.06	-2.48*	0.70	0.12	-0.01	-1.48
Unemployed, males > = 15 year old	3.36**				2.54*		-1.25	
No compulsory education		2.29*	0.33	2.14*				2.29*
Separated or divorced people			1.54	0.94	1.38			1.64
Deaths due to drug abuse						-1.87		
Voters, 2001 referendum	-1.71					1.67	4.40**	2.57*
Mafia-type organizations (ln)	0.93					2.27*		
South (dummy)								
Constant	1.46	2.44	-0.22	6.44	-6.04	3.38	-0.07	10.19
R ²	0.631	0.348	0.497	0.678	0.749	0.674	0.397	0.580
VIF	4.24	5.22	4.78	4.94	3.35	4.36	3.85	4.77
N	103	103	103	103	103	103	103	103

* probability < 0.05

** probability < 0.01

VIF: Variable Inflation Factor, average value for the independent variables

The multiple regression models (Table 3) emphasize in particular the contribution of urbanization and population features. Once we introduce the control variables, the immigrant share is no longer significant.

With regard to theft, the very close association between this offence and the urbanization indicators is striking. A similar association is shown between the share of professionals/entrepreneurs and thefts. Other variables known for being correlated with urbanization follow: income per capita, education and separations & divorces. The association between illicit drugs diffusion and thefts is positive and close. The association with unemployment instead is negative. All the three main indicators of immigration are significantly correlated with theft.

When we move from correlations to multiple regressions, we find that, controlling for the variations in income, unemployment becomes positive and both the variables are significant. This suggests that income does not affect the theft motivational factors (greater income = lesser interest in stealing), but it does affect theft opportunities (greater income = more goods that can be stolen); whereas, controlling for income, unemployment affects theft motivations. Apart from this, immigration indicators—and especially the illegal immigrant share—remain significant in more complex models in spite of the introduction of further explicative/control variables.

The total number of crimes, namely the *index of criminality*, all in all follows the theft distribution pattern. After all, thefts represent approximately half of the total number of crimes. On the other hand, the research results show that the association between the index of criminality and the immigrant share is less close than that recorded between the latter and theft and is significant only with regard to illegal immigrants. The multiple linear regressions confirm *inter alia* the contributions given by the illegal immigrants' share, urbanization and separations & divorces.

At this point, we thought it opportune to check whether the results obtained from the analysis of all the provinces match the results relating to the sole provinces of Central and Northern Italy, namely those where the immigrant share is much higher. Our results show that the correlations between immigrants and rapes, exploitation of prostitution, theft, robbery, criminal association and total crimes are all significant in the Central and Northern provinces. The correlation of immigrants with homicide from markedly negative becomes positive. The underage immigrant share is negatively correlated with most of the crimes (Table 4). In the multiple regression models, the associations between immigrants and both thefts and total crimes are confirmed and strengthened. Those between immigrants and rapes and robberies—which were non-significant for Italy's provinces as a whole—become significant in those of the Centre and North. That between immigrants and criminal organizations, from negative becomes positive and significant (Table 5).

When controlling for the immigrant share, the unemployment contribution to the regression models is significant for thefts, robberies and total crimes: this suggests that, at least with regard to crimes against property, lesser economic opportunities are associated with higher crime rates.

Table 4 Correlations between crime rates (logarithmized) and independent/control variables: all provinces ($N = 67$) belonging to the regions of Central and Northern Italy

	Dependent variables							
	Intentional homicide	Rape	Exploitation of prostitution	Theft	Robbery	Extortion	Criminal organization	Total crimes
Permits of stay	0.156	0.366	0.291	0.310	0.410	0.004	0.293	0.214
Variation of permits of stay	-0.121	-0.094	0.111	0.099	0.273	-0.145	-0.143	-0.078
Illegal immigrants	0.029	0.082	0.246	0.388	0.521	0.042	-0.066	0.248
Six most criminal national groups	0.055	0.100	0.196	-0.023	0.059	-0.134	0.235	-0.097
Underage immigrants	-0.294	-0.317	-0.153	-0.358	0.030	-0.183	-0.228	-0.496
Residential instability	0.344	0.034	-0.060	0.144	0.234	0.049	-0.236	0.027
Chief town population (ln)	0.132	0.396	0.472	0.684	0.775	0.178	0.293	0.561
Population per sq. km.	0.141	0.434	0.254	0.413	0.577	0.237	0.183	0.404
Male population aged 15 to 24 years	-0.319	-0.317	-0.347	-0.229	-0.123	-0.132	-0.106	-0.246
GNP per capita	0.069	0.316	0.160	0.328	0.374	-0.099	0.158	0.164
Income concentration	0.104	0.270	0.364	0.446	0.493	0.195	0.167	0.413
Employed, services sector	0.317	0.472	0.338	0.489	0.166	0.222	0.331	0.623
Employed, manufacturing sector	-0.318	-0.324	-0.167	-0.317	0.042	-0.148	-0.228	-0.464
Professionals & entrepreneurs	0.237	0.465	0.366	0.667	0.699	0.236	0.155	0.629
Unemployed, males > = 15 year old	0.209	0.217	0.137	0.250	0.147	0.320	0.202	0.411
Graduate population	0.205	0.489	0.415	0.486	0.505	0.200	0.363	0.481
No compulsory education	0.241	0.075	0.020	-0.010	0.117	0.216	-0.035	-0.016
Separated or divorced people	0.528	0.526	0.317	0.407	0.270	0.239	0.282	0.459
Infant mortality	0.051	-0.163	-0.023	-0.057	-0.037	0.063	-0.132	0.068
Deaths due to drug abuse	0.380	0.325	0.416	0.523	0.453	0.292	0.247	0.552
Voters, 2001 referendum	-0.113	0.050	0.048	0.097	0.169	-0.259	0.035	-0.161
Mafia-type organizations (ln)	0.097	0.236	0.236	0.432	0.415	0.182	0.095	0.418

All the absolute values > 0.246 are statistically significant (prob. < 0.05). Since Mafia-type organizations > = 0, then $x = \ln(\text{Mafia-type organizations} + 1)$.

Table 5 Multiple linear regression models: crime rates of all provinces belonging to the regions of Central and Northern Italy, and variables relating to features of the abovementioned provinces; semi-logarithmic models, t and probability level; “robust” errors estimation

Independent/control variables (abbr. labels)	Intentional homicide	Rape	Exploitation of prostitution	Theft	Robbery	Extortion	Criminal organization	Total crimes
Permits of stay	1.49	2.27*	2.13*	-1.73		-0.55	2.02*	-1.33
Variation of permits of stay		-1.15						
Illegal immigrants		0.83		3.81**	2.63*			3.84**
Underage immigrants				-1.61				-1.28
Residential instability	3.58**				3.04**			2.46*
Chief town population (ln)	-0.34	-0.39	3.59**	2.85**	5.22**	2.15*	0.01	1.96
Male population aged 15 to 24 years	0.50	-0.63	-4.33**	1.13	0.47	-1.94	-0.67	1.41
GNP per capita	-1.52	0.94	-0.64	0.20	-0.79	-0.48	0.71	-0.62
Income concentration			1.83					
Employed, services sector	0.77		0.90	1.49				2.90**
Professionals & entrepreneurs		0.87						
Unemployed, males > = 15 year old	1.97	2.04*	-0.92	-0.72	0.85	0.97	2.07*	0.66
Graduate population			-1.58					
No compulsory education								
Separated or divorced people	2.20*	1.10		1.45	1.39	3.00**		1.37
Infant mortality			1.01					
Deaths due to drug abuse			-2.19*				-0.76	0.35
Voters, 2001 referendum								
Constant	-1.71	2.02	-0.98	5.17	-3.55	1.96	-0.70	6.12
R ²	0.474	0.431	0.413	0.668	0.747	0.276	0.180	0.688
VIF	2.63	3.32	3.34	3.12	1.83	1.75	1.77	3.08
N	67	67	67	67	67	67	67	67

* probability < 0.05

** probability < 0.01

VIF: Variable Inflation Factor, average value for the independent variables

Summary and Conclusions

All in all, the territorial distribution of crime rates that emerged from the present analysis shows some conflicting traits. Some serious offences, such as homicide, extortion, criminal organization and, to a lesser degree, robbery, are definitely more widespread in the Southern provinces—where immigrants are much less numerous—and are associated with economic and educational backwardness and limited social capital. Unsurprisingly, the associations between the immigrant share and these offences are statistically negative. By contrast, thefts and total crimes (closely correlated with each other), as well as rapes, are all positively associated with immigrants, also when provinces belonging to the South are included in the analysis. Theft, total crimes and rapes are correlated with a background of development, material wellbeing and education. In particular, higher income levels seem to increase theft opportunities, while the inclination to steal seems to be encouraged by higher unemployment.

However, if we exclude the Southern provinces and analyse only those of the Centre and North, i.e. those on average more developed and with a higher immigrant share, a different picture emerges. The positive associations between immigrants and thefts, rapes and total crimes are confirmed; but also significant associations between immigrants and both robberies and criminal organizations materialize. Our results show that, among the most serious or most common crimes taken into account, only homicide and extortion are *not* associated with the immigrant share. However, even with regard to these two offences, their association with immigrants—negative and significant when all Italy's provinces are considered—becomes positive though non-significant when the analysis is confined to those of the Centre and North. The significance of unemployment and underage immigrants suggests that adjustment and integration could be relevant; however, the fact that the immigration-crime association regards *instrumental* crimes (e.g. theft) as well as *expressive* crimes (such as rape) hints at a background that can hardly be reduced to mere lack of material opportunities.

In conclusion, the territorial analysis of the distribution of crime in Italy revealed the surprising presence of two conflicting scenarios. The territorial distribution of almost all the most serious or most common crimes in Central and Northern Italy, i.e. where the immigrant growth has been more tumultuous, mirrors the immigrants' presence. In turn, the limited immigrant share in the South indirectly helped preserve a different picture, which one might call "traditional" and which has little to do with immigration. When the analysis is carried out on all the provinces, the two scenarios overlap each other, and generate misleading results. However, by focusing on only the Central and Northern provinces, it is possible to detect the real situation. The image of a new criminality, associated with immigrants and their problems of integration, then comes into view.

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Analyzing Bank Robbery in Italy

Marco Dugato

Introduction

The idea that crime tends to concentrate in time and space because of the unevenly distribution of the criminal opportunities is widely recognized (Chainey et al. 2008; Eck 2005; Lersch and Hart 2011). Therefore, the analysis of the spatio-temporal patterns and evolution of crime events is nowadays a common approach in criminological analysis. Both academic researchers and law enforcement agencies commonly use concepts like hot spots, crime clusters or repeat victimization for understanding, counteracting and preventing criminal behaviors (Braga 2008; Chainey and Ratcliffe 2005; Chainey and Tompson 2008; Ratcliffe 2010). In this strand of research, this study wants to investigate bank robbery from an event-based perspective in order to detect the specificities of this crime.

Bank Robbery as a Neglected Issue

Bank robbery is an interesting and relevant phenomenon. According to the last available data provided by the European Banking Federation (EBF), during 2010 more than 3,800 robberies against bank branches occurred all over Europe. Likewise, the FBI stated that almost 8,000 similar crimes occurred in the US in the same year (EBF 2011; FBI 2013). However, academia has largely neglected this type of crime. The studies focusing on this topic are very few, use stale information and are generally conducted by public or private institutions, such as the EBF or the FBI, whose purposes are usually more descriptive than analytical. Moreover, the largest part of these researches does not focus on disaggregated data on single events and overlooks any consideration of the spatial and temporal dynamics of this crime. Most of these

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studies concentrate on the offenders, dealing with their socio-economical characteristics, motivations and modus operandi (Borzycki 2003; Buchler and Leineweber 1991; De Leo et al. 2006; Leineweber and Buchler 1991; Mastrobuoni 2009; Nugent et al. 1989; Weisel 2007). Some researches focus on the efficiency and efficacy of the security measures and procedures adopted by the branches (Hannan 1982; Ozene 1974; Weisel 2007). Others analyze how some general contextual factors, such as the socio-economic conditions of a country, can influence the number of crimes committed (Samavati 2004; Samavati and Dilts 2003). Finally, only few researches investigate this crime focusing on the characteristics of the single crime event to identify any regular or systematic patterns. Among them the most relevant contribution is the one by Matthews, Pease and Pease (2001). Analyzing event data regarding bank robberies occurred in the UK between 1992 and 1994, they demonstrate the relevance and the peculiarities of repeat victimization as a fundamental concept for interpreting and counteracting this type of crime.

Using these findings as a starting point, the following study wants to move forward in the analysis of bank robberies introducing three main developments. First, it focuses on Italy, which is the European country where this type of crime is more widespread. Indeed, although decreasing in recent years, Italy still has the highest number of bank robberies in Europe considering both the absolute number of events and the incidence rate on active branches. As an example, by comparing the data provided by EBF and ABI¹, it emerges that more than one third of the European bank robberies carried out in 2010 occurred in Italy (ABI 2012; EBF 2011). Even considering the possible distortions connected with the use of two different data sources, these data express clearly the weight and the extent of the issue in this country. Historic, socio-economic and cultural factors are the causes of this uniqueness. On the one hand, bank robbery was traditionally very common and widespread in Italy, especially during the '70s and '80s, because of the presence of a large number of organized criminal gangs of robbers. Therefore, the actual diffusion of this crime can be partially seen as a sort of heritage in the Italian "criminal culture". On the other hand, the widespread cultural mistrust towards alternative payment systems and the extensive presence of illicit economical behaviors (e.g. "under the table" payments) foster the relevance of cash money circulating in Italy (Ardizzi and Iachini 2013; Ardizzi et al. 2011). Consequently, Italian bank branches are particularly attractive for robbers since they still manage and store a significant amount of cash money.

The second improvement proposed in this study is methodological as it introduces the spatial component in the analysis. For doing so, the spatio-temporal distribution of robberies in the city of Milan has been selected as specific case study. The main theoretical ideas guiding this analysis are two. The first one is the relevant role of repeat victimization in bank robbery as demonstrated by Matthews, Pease and Pease (2001). Using the information available on Italian robberies, this analysis wants firstly to confirm some of their findings and, secondly, to verify the applicability of the "boost" and "flag" effects theory, as proposed by Pease (1998), to this crime.

¹ Italian Banking Association—Associazione Bancaria Italiana (ABI). This association includes the majority of the banks groups active in Italy.

This theory suggests that crime repetition can be caused by two different effects: on the one hand a previous successful attempt boosts the perpetrator to repeat the crime (boost effect), while on the other some specific characteristics of a target attract a large number of criminals causing multiple attacks (flag effect) (Pease 1998; Tseloni and Pease 2003). The second idea used for structuring this research is the concept of hot spot. A hot spot is a place or an area where the incidence of crime is higher than the average of a given territory (Chainey and Ratcliffe 2005; Lersch and Hart 2011). The aim is to understand whether also bank robberies tend to concentrate in specific areas of the urban fabric as widely demonstrated for other predatory crimes (Chainey and Ratcliffe 2005; Eck et al. 2005).

As third relevant improvement, this research uses data about crime events committed between 2005 and 2010. Therefore, it represents one of the most updated studies on this topic. This last point is particularly important and interesting. The absence of recent analytical studies on the patterns of bank robberies creates a substantial lack of knowledge. This is relevant if we consider that during the last decades the modifications of several contextual factors involved significant changes also in the robbers' modus operandi. From the data available and previous researches, it emerges clearly how bank robbery evolves mainly in connection with the changes in the banking systems. Indeed, after the '70s the incidence of this crime rose constantly in most Western countries in connection with the increase and diffusion of local bank branches (Cook 1983; Weisel 2007). However, in recent years bank robbery has been experiencing a decreasing trend in most European and American cities. This fall is mainly due to the introduction of some technological improvements that reduce the importance of bank branches as collectors and distributors of cash money (e.g. the diffusion of ATMs, home banking services or electronic payment systems) and improve the efficacy of the security measures adopted. These changes led to a progressive reduction in the number of direct heists against branches and partially caused a tactical displacement to alternative or new types of crime (e.g. attacks against ATMs or armored trucks) (EBF 2011). Moreover, recent analysis show that another relevant transformation regarding the robbers' modus operandi is underway. Indeed, there is a significant reduction in the number of attacks committed by organized groups of professional robbers while the incidence of unprofessional criminals is increasing. This emerges clearly if we observe the rising proportion of attempted robberies and the number of robbers arrested not previously involved in similar activities (Borzycki 2003; EBF 2011; FBI 2003; Weisel 2007). To some extent, the increasing risk and the lower profitability of the heists could have pushed the more rational and skilled offenders towards other criminal alternatives (Gill 2001). This shift could explain the reduction of organized attacks in the incidence of the crime and could make the crime committed by non-professionals proportionally more relevant. Obviously, these trends involve also Italy, although, as described before, bank robbery remains a serious and widespread problem in this country.

This research uses data provided by ABI about single robberies committed in Italy between 2005 and 2010. These data belong to the OSSIF database, which aims at collecting information about all the robberies suffered by the bank branches associated with ABI. Each branch robbed directly enters information about single events. All these records include basic information, such as the identification code

of the bank branch, the date and hour of the robbery and the total amount taken. Other secondary characteristics of the crime, such as the number of robbers, are also included on voluntary bases. Using the identification code associated to each branch, for most of the branches robbed it is possible to retrieve the related bank group and address by joining this database with the one provided by ABI and containing all the active Italian bank branches².

The first part of the analysis presents a general introduction containing the main features and peculiarities of the Italian bank robberies. Afterwards, this research maps the bank robberies committed in the city of Milan to identify the presence of relevant spatial concentrations for this type of crime. Moreover, this study proposes some considerations on the possible causes of these clusters taking into account the targets distribution and the near repeat phenomenon dynamics.

The Italian Peculiarities

According to the OSSIF database, 15,744 bank robberies occurred in Italy between 2005 and 2010. As already noticed, these data confirm a significant decreasing trend in the number of annual events. Data show a decrease of almost 49 % in 2010 in comparison to 2007, which was the year with the highest value in the timeframe considered. Likewise, the percentage of unsuccessful robberies doubled from 8 % in 2005 to 16 % in 2010. Even though this value is still lower than 20 %, which is the EU average (EBF 2011), these findings are consistent with the hypothesis that a decrease in the absolute number of robberies results in an increasing incidence of the unprofessional perpetrators. Another interesting outcome confirming the attractiveness of the Italian branches to robbers is the average haul stolen for each robbery. Indeed, the higher the amount of cash stored in the bank, the higher the possible profit and its allure for criminals. During 2010, the average amount of money taken in each successful event was around 23,600 EUR. This value is noticeably high if we consider that the same value in the US was almost equal to 6,000 USD (FBI 2013).

Repeat Victimization

The factor that seems to characterize the most this type of crime is the incidence of the repeat victimization. In particular, 32 % of all the 34,722 bank branches under study suffered at least one robbery in the 6 years considered. Additionally, although only 9 % of the Italian branches suffered more than one attack in this period, these targets concentrate almost a half of all the robberies recorded (48 % of the total). Not only a previous victimization increases the likelihood of a new attack, but also this probability is considerably higher in the months immediately after the first robbery and rapidly decreases over time. Figure 1 shows how almost a half (47 %) of the repeated robberies occurred within 6 months from a previous crime. These findings are largely consistent with the results of Matthews, Pease and Pease (2001) and confirm the importance of repeat victimization for this crime type.

² Due to missing or misspelled information, the name of the bank group and the address of the robbed branch have been obtained for almost 74% of the recorded crime events. This percentage rises to 85% if considering only the city on Milan.

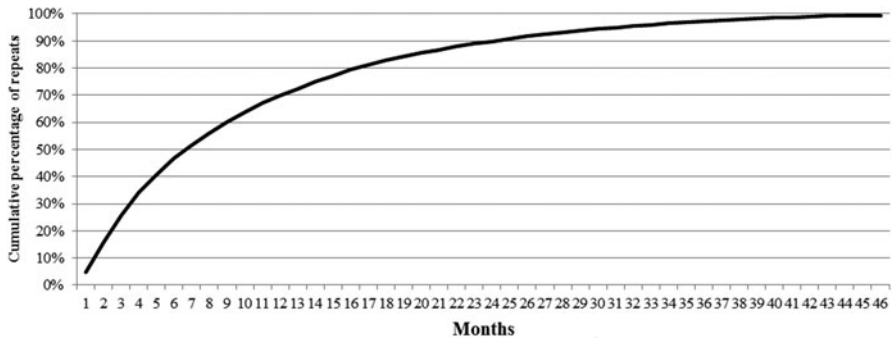


Fig. 1 Repeat victimization by elapsed time from a previous attack. (Source: Author’s elaboration of ABI data)

Boost and Flag Effects

The “boost” and “flag” effects can be useful concepts for better understanding the role of repeat victimization for bank robberies (Pease 1998). Unfortunately the information available on the branches structure and characteristics are not enough complete or reliable to allow a meaningful analysis of the “flag” effect. Still, the fact that some bank groups present incidence rates significantly higher than the average suggests that specific features or security procedures could increase their likelihood of being victimized regardless of their position or previous victimization. This hypothesis is based on the assumption that branches belonging to the same bank group share similar internal procedures and furniture design. As an example, in the city of Milan 4 bank groups out of 23 present an incidence rate³ higher than 2.0, while the average for all the other groups is about 0.7 each.

The percentage of success of the first robbery⁴ against a branch and the average haul obtained are useful indicators for analyzing the relevance of the “boost” effect. According to this theory, a successful first attempt with a high taking should boost the robbers to repeat the crime. The data show inconsistent results. On the one hand, the supposed relationship is confirmed since there is a positive and significant relationship between the successful rate of the first heist and the presence of repeated offences (Chi Square = 52.81 df 1; $p \leq 0.001$). It is also interesting to notice that the percentage of unsuccessful attempts rises significantly for the following events. This could indicate that the branches victimized improved their security systems after the first attack. On the other hand, the average haul obtained is slightly higher for those robberies that are not followed by other attempts, even if the difference is not statistically significant. Therefore, in Italy the total amount stolen does not seem to be a relevant incentive for boosting the robbers to repeat a crime. (Table 1).

³ The incidence rate expresses the average number of robberies suffered by each branch of the bank group in the considered timeframe.

⁴ For considering these robberies as “first” ones, this research assumed that the bank branches did not suffer any victimization before January 2005.

Table 1 Percentage of attempts and average haul for type of robbery. (Source: Author's elaboration of ABI data)

	% Attempts	Average Haul (EUR)	N
<i>Single Robbery</i>	13.0	22,536.08	8233
<i>Repeated robbery (first one)</i>	8.0	20,383.49	3047
<i>Repeated robbery (following ones)</i>	13.9	16,091.85	4464

The Milanese Case

This second part presents an analysis specifically conducted in the city of Milan. This is the second largest Italian city, it is located in the northern part of the country and it is the administrative and economical center of Lombardy, the richest Italian region. Two main considerations drive the choice of this case study. On the one hand, bank robbery is typically an urban crime (Weisel 2007). Therefore, it is valuable to analyse it in one of the largest Italian urban areas. On the other, the Italian data show that bank robberies are mostly concentrated in the northern and richest part of the country and that the province of Milan records the highest number of events. In particular, this area registered 2,093 robberies in the timeframe considered, which represents almost 13 % of the total recorded crimes in Italy. This value is particularly noticeable if we consider that the average value registered in all the other provinces is about 125 robberies each (0.8 % of the total).

Repeat Victimization

The first analyses on the Milanese sample of events confirm the trends emerged at national level. Above all, they ratify the relevance and incidence of the repeat victimization. The bank branches hit more than once represent the 17 % of the Milanese branches and suffered about 57 % of the total robberies recorded. Moreover, almost 28 % of the repeated offences occurred within 3 months from the first event and 50 % within 6 months.

Spatial Patterns

Getis-Ord G^* statistics is a technique used to analyse the spatial distribution of events in a given space. This method is useful not only for identifying the existence of unusual concentrations of crime, but also for determining how much this patterns are significantly different from the general distribution of the phenomenon across the whole area (Chainey and Ratcliffe 2005). In particular, this study divides the city of Milan using a regular square grid (500×500 m) and assigns to each cell the number of robberies and bank branches located in the corresponding area. The Getis-Ord G^* method has been applied defining the Z-scores for the distributions of crime and targets. Higher values of the Z-score identify a positive and significant association

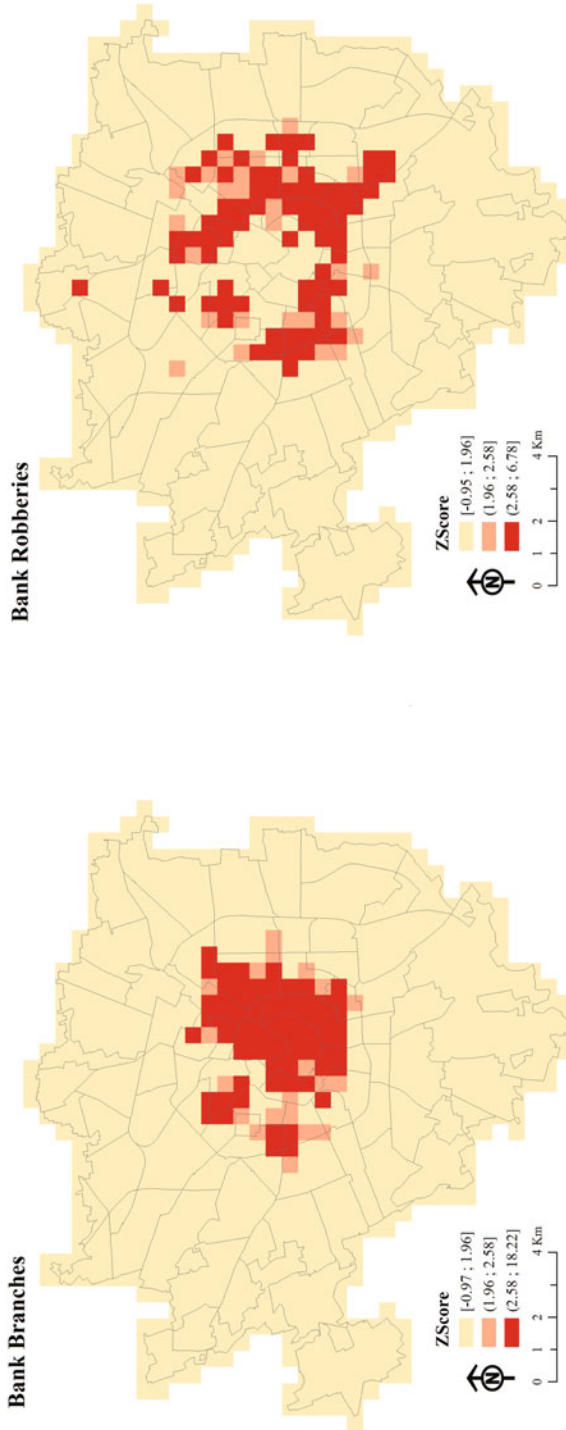


Fig. 2 Spatial distribution of bank branches and bank robberies. (Source: Author's elaboration of ABI data)

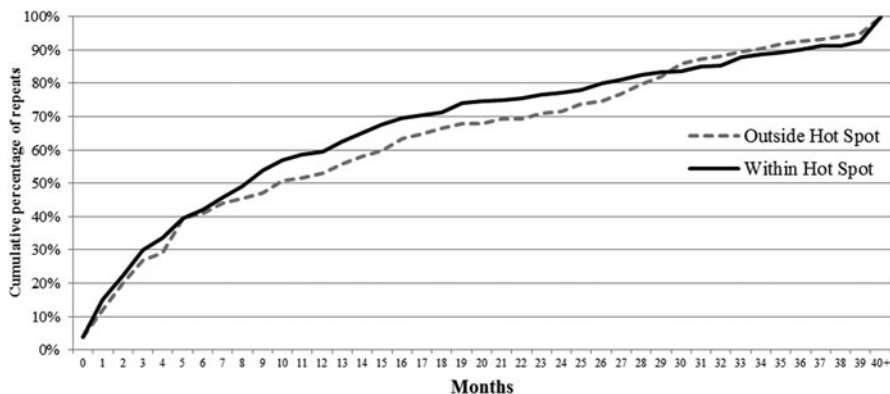


Fig. 3 Repeat victimization within and outside hot spots by elapsed time from a previous attack. (Source: Author's elaboration of ABI data)

between the cell considered and the surrounding ones⁵. The two maps (Fig. 2.) show the statistically significant clusters at a level of 0.05 for both the distributions. The darker the color; the higher the Z-score.

The significant hot spots identified for bank robberies form a sort of “ring” around the city center. This pattern is partially corresponding to the concentrations of possible targets clustering around the city center. Obviously, the presence of bank branches is a crucial factor for explaining the spatial distribution of bank robberies. Actually, the robbery hot spots include 12 % of the cells dividing the city. These areas count 48 % of the Milanese bank branches and 61 % of the offences. Nevertheless, this is probably not the only relevant factor. The incidence rates show that the victimization risk within the hot spot (0.89) is significantly higher than the one calculated in the rest of the city (0.54), irrespective of the number of existing branches. Similarly the probability of repeat victimization is slightly greater within the hot spots (Chi Square = 5.83; df 1; $p < 0.05$). Therefore, the concentration of potential targets is one of the main but not the only relevant factors for explaining spatial concentrations of bank robberies. It is likely that also the characteristics of the surrounding environment could have a significant influence on the presence of crime clusters (Dugato 2011).

Hot Spots and Victimization Frequency

Farrell and Sousa (2001) suggest that the presence of hot spots could be partially explained by a higher frequency of repeat victimization. A high concentration of events over time could determine even a high concentration in space. If this is true, the comparison of the distribution of the time lags between repeat offences within and outside the hot spots should highlight a significant difference. The analysis of the data indicates a slight dissimilarity between the two distributions, in accordance with the hypothesis proposed. Nevertheless, the differences emerged are very little and not significantly relevant (Fig. 3.)

⁵ In this case a bandwidth of 500 m has been used.

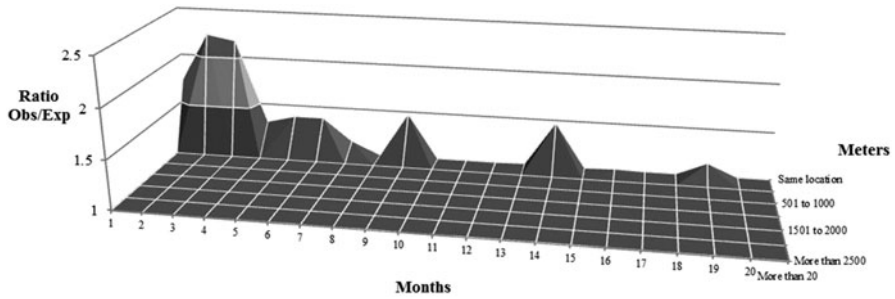


Fig. 4 Distribution of the ratio between observed and expected robberies by time and distance from a previous crime. (Source: Author’s elaboration of ABI data)

Near Repeat

Finally this research investigates whether bank robberies can be characterized by the so-called contagious or near repeat effect. According to this theory, the risk of victimization is directly proportional to the spatial and temporal closeness with a previous crime event (Johnson and Bowers 2004; Ratcliffe 2010). Thus, this analysis aims at understanding whether a robbery in a bank branch has an influence on the security risk of the branches nearby and how long this effect persists. The parameters chosen for this analysis (1 month and 500 m) are consistent with the previous analysis⁶. The following graph (Fig. 4) shows the results obtained. For each spatio-temporal combination, the height of the surface represents the ratio between the counts of events observed and those expected in a casual distribution. The higher the surface, the greater the risk. The near repeat does not seem to be a relevant pattern for the Milanese bank robberies. Once again, the only significant regularity emerging is the repeat victimization against the same target. This effect appears to be relevant mainly within the first 3 months and then decreases sharply.

Conclusion

The results emerged reveal how repeat victimization is crucial for understanding both spatial and temporal patterns of bank robbery. These findings are substantially in line with the work of Matthews, Pease and Pease (2001). This outcome is interesting since it reveals that this crime maintains continuity in its features and dynamics despite the relevant transformations of the banking systems and the characteristics of robbers. Having said that, the conclusions of this study also highlight that repeat victimization is fundamental, but not sufficient, to explain the phenomenon of bank

⁶ Other values of the parameters and combinations were tested and all of them return results comparable or less significant than the presented one. These analysis were carried out using the near repeat calculator (Ratcliffe 2009).

robbery and its concentration in time and space. Therefore, the implementation of more researches is required for understanding the other contextual or structural factors influencing the risk of victimization for each branch. Furthermore, this research suggests once more that understanding the spatio-temporal patterns is fundamental for the implementation of useful and effective security measures.

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Patterns of Theft and Fraud by Employees Against the Commercial Sector in Switzerland and in Italy

Giulia Mugellini, Giang Ly Isenring and Martin Killias

Forward

The authors of this paper are attached colleagues of Prof. Ernesto Savona. They worked closely on many different challenging projects, among others: the *European Sourcebook of Crime and Criminal Justice Statistics* and the recent *Italian, European and Swiss Surveys on Crime against Business*. They especially esteem the Ernesto's capacity of balancing a professional working conduct with an agreeable and stimulating behaviour. They are grateful to have had the opportunity to contribute to this book and hopeful to continue working with him.

Introduction

Businesses are key actors for the development of societies, and the consequences of crime against them could strongly hamper the economic growth of a given country. Crimes against businesses committed by employees are even more awkward because they often go undetected and they could strongly damage the enterprises' reputation.

Understanding the level and features of criminal offences affecting enterprises could provide valuable information in order to allocate resources for prevention, inform public policies in this regard, and, thus, contribute to the business and social development.

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Official crime statistics usually provide poor information on this issue, therefore, in the last few years, more sophisticated instruments to analyse the phenomenon have been developed across different countries.

Italy and Switzerland are among the few European countries¹ which have developed large scale surveys, at national level, on the victimization of businesses. The Italian Business Crime Survey was carried out in 2008 by Prof. Savona and Transcrime, on the behalf of the Italian Ministry of the Interior. The Swiss investigation was developed, in 2009–2010, in close cooperation with the Italian one, under the coordination of the University of Zurich and of the second and third author of this article. Both surveys were designed to be in line with the content and methodology of the first pilot European Business Crime Survey (EU BCS).²

This paper analyses the results of these two national surveys, focusing on the main patterns of theft and fraud committed by employees against commercial businesses³, with the purpose of better depicting the problem and providing valuable information for crime prevention.

Why Analysing Crime Against Business Committed by Employees?

Crime committed by employees against firms is classified, by Green (1997 [1990], p. 15), as a specific type of “occupational crime”. Friedrichs further elaborated the original Green’s classification and defined occupational crime as “any illegal and unethical activities committed for individual financial gain—or to avoid financial loss—in the context of a legitimate occupation” (2002, p. 243). Among occupational crimes Hagan distinguished the specific category of “crimes by employees against organizations” (2010, p. 220). Among them, many different types of offences can be listed, such as theft, fraud, unfair competition, bribery and corruption, insider trading, violation of the company secrecy (see also Bressler 2009, p. 4).

These crimes are usually committed by employees against firms, but their effects and damages could also affect some other subjects, such as other employees or individuals, the general public and the entire society at large.

¹ At European level eight countries have developed national victimization surveys on crime against business: the Netherlands (1989, 1992, 2004–2011), England and Wales (1994, 2002, and 2012), Scotland (1998), Ireland (2004, 2008), Finland (1994/1995, 2010), Estonia (2007), Italy (2008), Switzerland (2010). Moreover, a survey on seven Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, Kosovo under UNSCR 1244, FYR of Macedonia, Montenegro, and Serbia) has been developed in 2012, with the main aim of measuring corruption against the private sector, but collecting also data on other specific types of conventional crime.

² The EUBCS was financed by the European Commission and piloted, in 2012, by Gallup Europe and Transcrime, on 20 EU member states (Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom).

³ The focus is on the Wholesale and retail trade sector, partly because this is one of the economic sectors most affected by employee offences, partly because of data comparability’s reasons.

Analysing the features and patterns of crimes committed by employees is relevant for two main reasons:

- a. These crimes often represent a high share of all the offences experienced by businesses, with extremely high economic costs, both in terms of monetary losses and reputational damages.

According to the EU BCS, 33 % of the businesses in the wholesale and retail trade, across twenty European countries, had experienced at least one theft by employees and 38 % of them at least one fraud by employees. This is even more frequent than the European average level of all crimes against enterprises (37 %) (Gallup & Transcrime 2012).⁴

The U. S. Chamber of Commerce reported that an employee is 15 times more likely than a non-employee to steal from an employer (Inc. Magazine 1999).

A study in 1989 reports that, in the U. S., employee theft accounts for between 5 and 30 % of business bankruptcies each year (Dickens et al. 1989, p. 332).

- b. These crimes are very often not reported to the police, and, as a consequence not properly analyzed and studied.

The last Commercial Victimization Survey (CVS), carried out on businesses in England and Wales in 2012, shows that only 25 % of thefts by employees and around 38 % of frauds by employees were reported to the police. In particular, theft by employees is the least reported offence after online crimes (Home Office 2013, p. 22).

Also in Europe, theft and fraud by employees are the least reported crimes to the police, after bribery and corruption and “being offered stolen and/or counterfeited goods”, with a rate of 11 % (Gallup & Transcrime 2012).⁵

The U.S. Chamber of Commerce reported that in the U.S. 75 % of employee-related crimes go unnoticed (Inc. Magazine 1999).

This data demonstrates the urge to obtain further information on the level and patterns of these offences, which are frequently hidden or undetected, but which could cause serious damages to companies, including their bankruptcy.

Methodological Caveats

The following analyses consider the existing cases of theft and fraud committed by employees against Swiss and Italian businesses, in the wholesale and retail trade sector, as collected by the Swiss Business Crime Survey (SBCS) and by the Italian Business Crime Survey (ItBCS). The comparison of the two survey’s results presents some limitations, mainly due to some differences inherent in the surveys (scopes of

⁴ Data presented at the American Society of Criminology conference in Chicago, November 2012.

⁵ *Ibidem*.

the investigations⁶, reference periods⁷ and sample size⁸, operational definition of the offences⁹, response rates and reporting behaviours¹⁰).

Therefore, the following results, even if useful for the criminological field, should be interpreted with due caution, taking the abovementioned caveats into consideration.

Features of Theft and Fraud by Employees in Switzerland and in Italy

Among the commercial sector in Switzerland, theft and fraud are the most frequent crimes committed by employees. Respectively, 16.7 and 12.7 % of companies interviewed have suffered at least one of these offences between 2008 and 2010. On average, around 6 % of commercial firms experienced a theft, and 4 % a fraud, annually.

In Italy, on a total of 509 businesses victims of theft, 35 (7 %) declared that the last incident of theft was committed by an employee, and only 9 out of 272 (3.3 %) that the last incident of fraud was perpetrated by an employee.^{11,12}

Theft from the cash register is the most serious and most frequent incident of employee theft against Swiss companies (Fig. 1), followed by office supply theft. In Italy, even if the victimization rate for theft of money is very close to the Swiss one (46 and 48 %), this offence is only the third most frequent type of theft by employees (Fig. 2). Among the Italian commercial sector, employees tend to more frequently steal goods or products from the business premises or storehouse (Fig. 2).

⁶ The ItBCS is focused on all the types of crime against enterprises, independently from the type of offender, while the SBCS considers only offences committed by employees.

⁷ The data presented for Italy refers to the last incident of theft and fraud experienced by businesses in the calendar year 2008. Any information on crimes by employees has been recorded only if the last incident of theft or fraud was committed by an employee. The data for Switzerland considers the most serious incident of theft and fraud by employees experienced by businesses between 2008 and 2010.

⁸ The Italian final sample counted 2311 commercial companies, the Swiss one 865.

⁹ The ItBCS defined theft “when somebody steals any property from the business premises, storehouse, vehicles belonging to the business premises, or to the employees” and fraud “when someone gets an unlawful benefit by damaging somebody else, deceiving him/her through simulation or distortion of the facts, leading him/her into error by trickery or deception. Computer fraud is also included”. The SBCS defined theft by employees as “Theft committed by employees inside the firm can be either cash theft or office supplies theft”, and fraud as “Examples of fraud or dishonest behaviour adopted by an employee: Cheating on working hours, vacation or sick days, etc.; Unjustified use of the company’s credit card; Falsification of accounts or documents; Embezzlement; Breach of trust/Asset misappropriation (seek to take advantage of the relationships with clients or competitors for personal gain)”.

¹⁰ The response rate of the SBCS is 27 %; the one of the ItBCS is 14 %.

¹¹ The most serious incident experienced by businesses between 2008 and 2010.

¹² The most recent incident experienced by businesses in 2008.

Fig. 1 Types of theft by employees. Switzerland, 2008–2010. Percentage on the total *N* of theft by employees. (Source: Authors' elaboration of SBCS data)

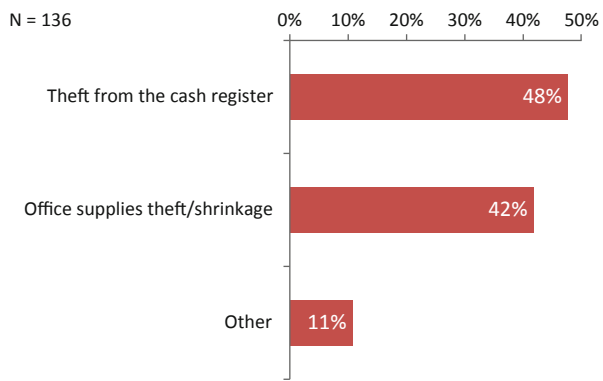
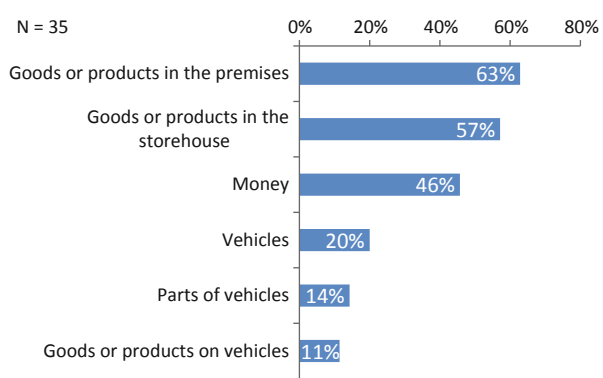


Fig. 2 Types of theft by employees. Italy, 2008. Percentage on the total *N* of theft by employees. (Source: Authors' elaboration of ItBCS data)



This could be a matter of crime opportunities. Indeed, even if in both countries more than 30 % of businesses interviewed adopted a CCTV system as measure for crime prevention, in Switzerland, almost 40 % of wholesale and retail companies declared to run also regular controls of stocks and merchandise. It could be hypothesized that among the Italian commercial sector, there are more frequent controls of the cash register rather than of products and goods in storehouses.

With regard to frauds by employees, the most serious and frequent incident, in both countries, is cheating on working hours, holidays, sick days, etc., by using false certificates (Figs. 3 and 4).

Even if the majority of thefts among both Italian and Swiss businesses are perpetrated during working hours (77 and 95 %), in Italy a quite high share (23 %) is committed outside working hours, even if during working days (Fig. 5).

With regard to the reporting to the police, in both countries the highest rate is registered for theft (69 % in Italy and 33 % in Switzerland) while fraud is reported only in 13 % of the cases in Switzerland and in 22 % of the cases in Italy (Fig. 6). Considering both types of crime in both countries, the likelihood of businesses to reporting an offence to the police is more than two times higher than the average European rate for the same incidents (11 %).

Fig. 3 Types of fraud by employees. Switzerland, 2008–2010. Percentage on the total *N* of fraud by employees. (Source: Authors' elaboration of SBCS data)

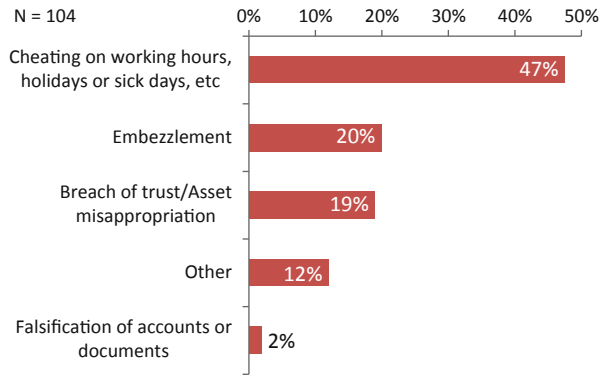


Fig. 4 Types of fraud by employees. Italy, 2008. Percentage on the total *N* of fraud by employees. (Source: Authors' elaboration of ItBCS data)

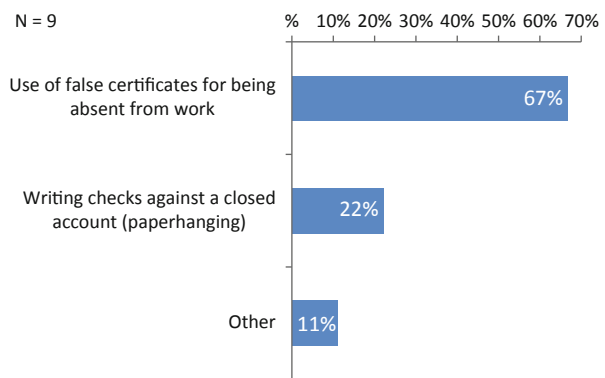
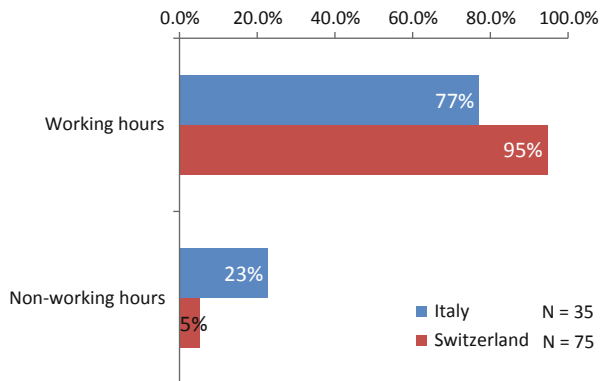
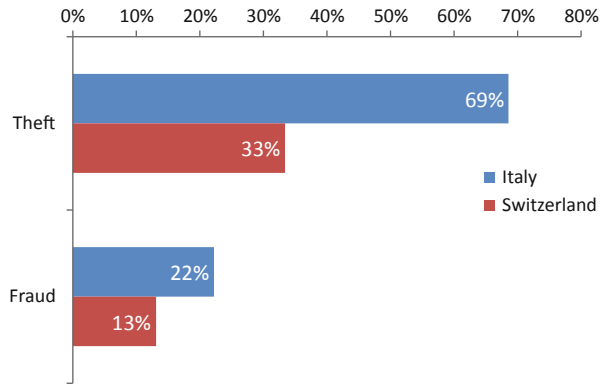


Fig. 5 When was committed the theft by employees. Percentage on the total *N* of theft by employees. (Source: Authors' elaboration of SBCS and ItBCS data)



The most frequent reasons for not reporting crime by employees to the police (which are: the employee responsible either paid back, resigned or was dismissed; a lack of evidences to be shown to the police; the police wouldn't have been able to solve the matter) suggest that the businesses prefer to deal with the incident themselves, through their own internal processes (e.g. private investigations, resorting to law firms, settling out of court).

Fig. 6 Reporting to the police by type of crime. Percentage on the total *N* of crimes by employees. (Source: Authors’ elaboration of SBSCS and ItBCS data)



Conclusions

The analysis of the data collected through the Italian and Swiss business victimization surveys offers a valuable example of how this information could be interpreted, and how they could provide useful suggestions to business managers, in terms of crime investigation and prevention. Indeed, it emerges that, in Italy, theft by employees tend to be perpetrated during working days and hours, and are mainly targeted on goods or products located in the business premises or in the storehouses, rather than on money. Therefore, in this case, what is needed is an increase of systems of control, both formal and informal, during working hours. Moreover, 23 % of these thefts were committed during working days, but outside working hours. This share of crimes could also be prevented by considering a more efficient planning of the activation of security systems. These findings advance the idea that strengthening informal and formal control and/or security systems is not only useful but necessary to prevent theft of goods and products.

Among Swiss commercial sector thefts are mainly targeted on the cash register, and perpetrated during working hours. This result suggests a lack of both informal control and regular checks of the cash register, which increases the opportunities for employees to steal money from it.

In the case of fraud, in both countries, it emerges the need to run further controls on the employees when they are absent from work, and on the certificates or receipts they exhibit to justify their absence.

The data on the reporting to the police shows how the private sector, in both countries, prefers to “keep quiet its private business”, especially when its employees are concerned. This could suggest both a scarce trust in the police or a lack of cooperation between the public and the private sector in the prevention of crime events. As a consequence, it further highlights the crucial importance of victimization surveys as alternative sources of information to police statistics.

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Immigrants as Victims of Crime

William F. McDonald

There is a tendency all over the world to make the foreigner bear blame for others. Their different appearance, their poverty, the life in slums, all render them suspect.

Hans von Hentig (1948)

Introduction

Wherever immigrants go they are perceived to be potential criminals. Rarely noticed is the extent to which they are the victims of crime. Hans von Hentig (1948) noticed, however, not only because he was a pioneer victimologist but also because he was an immigrant, himself, an experience he described as quite painful. Since his time, victimology has developed into a full-blown specialty and migration at the global level has burgeoned to unprecedented levels. We are living in the “age of migration” (Castles and Miller 2003). International migration today is part of a transnational revolution that is reshaping the globe and creating ample opportunities to criminally victimize immigrants. Thus there is a need to understand how, why and to what extent immigrants are victimized. Unfortunately, research on the criminal victimization of immigrants has not kept pace with these developments (McDonald 2010).

Immigrants are the victims of all kinds of crime—from serious violence (murder, rape, robbery) to property crime (larceny) to fraud (numerous kinds, many designed specifically to fleece immigrants) and even to minor offenses such as violations by landlords of city ordinances regarding the conditions of rental properties. The list of types of criminal victimizations of immigrants goes on and on: unlawful business practices such as theft of services (refusal to pay for work done), hate crime, human trafficking, indentured servitude, and domestic assault.

Individual studies of the criminal victimization of immigrants have not tried to cover the full panoply of types of victimization. Rather they focus on one or another type. Collections of those studies are available (Erez et al. 2004; Erez and McDonald 2007; McDonald 2009). Consequently, we will point to only a few studies that illustrate the main patterns.

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Immigrant vs. Native-born Victimization Differentials

Studies in several (but not all) countries indicate that immigrants experience higher rates of criminal victimization than natives for certain serious crimes. This general pattern varies by several variables: type of crime, country of origin, neighborhood, age, race/ethnicity/nationality, sex and other variables including whether the immigrants are first- or second-generation. Variations among ethnic groups in their risk of victimization reflect differences in their demographic profiles, including their socio-economic status as well as their residence in high crime neighborhoods (Clancy et al. 2001). Some studies that have been able to hold constant these demographic variables have found that immigrant status *per se* does not explain much, if any, of the differential risk of victimization between immigrants and natives (FitzGerald and Hale 1996; Martens 1997; de Haan 1997). By way of exception to the rule, immigrants to certain countries (Australia and Canada) experience lower risks of victimization than do natives.

Sorenson and Shen (1996) found that compared to California residents, immigrants were consistently over-represented among victims of homicide. However, those patterns differed substantially by ethnicity. Foreign-born, non-Hispanic Whites and Hispanics had higher homicide victimization rates than their US-born counterparts. On the other hand, foreign-born Blacks had lower rates than US-born Blacks. Similarly, in a study of death records for 1988 to 1992 in New York City, foreign-born blacks were substantially more likely than US-born and foreign-born whites to be the victims of homicide; but, in all categories except males under 25 years old, foreign-born blacks were less likely than US born blacks to die by homicide (Fang et al. 1997). A study of immigrants from developing countries who were in Italy found that immigrants from poorer countries were far more likely than Italians as well as foreigners from wealthier countries to be robbed, intentionally injured, sexually violated and murdered. The study calculated the ratio of the immigrant victimizations compared to those of Italians (Barbagli 2002). In contrast to findings that immigrants are more often victimized than natives, a few studies have found no differences or even the reverse, namely, lower rates for immigrants than natives in Australia (Makkai and Taylor 2009) and in Canada (Canada. Statistics Canada 2008).

Intra-group Immigrant Victimization

Virtually all studies that touch upon immigrant criminality and include information about the demographic characteristics of immigrant victims of crime indicate that for most serious crimes (personal violence and personal theft) the offenders are either other immigrants or co-ethnics (Martinez 1997). Mukherjee (2002) reports that the great majority of homicides, assaults, and sexual assaults against immigrant/ethnic/minority individuals in Australia are perpetrated by offenders from the same immigrant/ethnic/minority groups. This same general pattern of intra-group

victimization has been found in other places: Italy (Barbagli 2002), Germany (Albrecht 1984), Switzerland (Killias 1997), Los Angeles (Song 1992; McLaughlin and Jesilow 1998); Miami (Martinez 1997b), New York City (1750–1874) (Monkkonen 1989).

Ethnic enclaves have been found to provide immigrants with some protection against inter-group victimization (Biafora and Warheit 2007) but enclaves can also promote intra-group victimization (Song 1992; McLaughlin and Jesilow 1998).

Special Vulnerability Immigrant Victimizations

Certain crimes represent special hazards for immigrants due to their greater vulnerability owing to the fact that they are strangers in a foreign land and often unable to speak the language and being without support or resources. Examples are: violence against mail order brides; domestic violence against immigrant women; theft of wages; hate crime; and human trafficking.

One old practice associated with female migration and linked to a high risk of violent victimization in intimate settings is the “mail-order brides” business. The internet has turned this into a growing industry. Connecting men with prospective wives has become a lucrative business. By May 1998 there were 202 agencies and an estimated 150,000 women from various countries annually advertising themselves as available for marriage (Scholes 2002).

The risky side of this business is evident in the statistics about what happened to Philippine women who migrated to Australia as mail order brides (Cunneen and Stubbs 2002). Filipino women were almost six times over-represented as victims of homicide compared to other women. Research has not determined whether mail-order bride marriages are more prone to domestic violence than other marriages. A few studies, however, suggest that they are (Ferry 2006; Porter 2006).

Domestic abuse among immigrants is primarily against women. For abused immigrant women, immigration laws, welfare laws and various cultural and practical obstacles to gaining access to civil and criminal remedies leave them exposed and virtually without capable guardianship (Erez and Globokar 2009).

V. Theory

Several theories have been used to account for the criminal victimization of immigrants: opportunity theory in its various forms—lifestyles (Hindelang et al. 1978), routine activities (Cohen and Felson 1979), population heterogeneity (Blau 1977)—minority threat theory (Dollard et al. 1939; Blalock 1967; Liska 1992; Willems 1995); and culture conflict theory (Sun and Reed 1995). Generally the patterns of immigrant victimization conform well to the expectations of the lifestyles and routine activities theories. Except for “hate crime” and those conventional crimes that

require the victims to possess property, immigrants are usually victimized by their own kind. They live in the same neighborhoods and follow the same lifestyles. Thus the victim-offender relationships usually meet the opportunity theory's criteria for explanation. The immigrants are in close proximity to the offenders; they possess something of economic or symbolic value; and they are not protected by capable guardians.

Conclusions

Studies confirm von Hentig's account of the painfulness of being an immigrant. Immigrants are the victims of all kinds of crime but are especially prone to those crimes that exploit the relative helplessness of the situation of immigrants, namely, being in a foreign land, unfamiliar with the language and customs and without the support of extended family and friends. For many violent and property crimes, immigrants are victimized by other immigrants. This can be explained by opportunity theories of crime which account for crime on the basis of victims being accessible; unprotected by capable guardians and remunerative targets. Contrary to public beliefs, the main connection between immigrants and crime is their experience as victims, not as offenders.

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Part III
Corruption, Money Laundering
& Economic Crime

Prevention of Corruption: Slovenian Perspective

Gorazd Meško, Bojan Dobovšek and Branko Ažman

Introduction

It goes without saying that the suppression of corruption should be one of the leading challenges of contemporary democratic societies. Corruption is developing into a global phenomenon, and the news of its spreading is not bound to come only from the developing countries and the countries in transition but also from the world's leading industrial economies (Shah 2011). Corruptive practices in the areas of social life create a belief that society cannot function without corruption. Here we would like to present a summary of the studies on phenomenal forms of corruption in Slovenia and some possibilities for its suppression and prevention based on said integrity plans as a tool originally implemented in Slovenia according to the United Nations Convention against Corruption (2012).

Globalisation and global transition of societies produce such circumstances that are favourable to the development of corruptive practices throughout the world, not only in the countries in transition (e.g., former socialist countries), turning corruption into a global problem, indeed. As a matter of fact, it was recognized as a negative social phenomenon and a criminal offence as early as in the Roman law (*Lex Iulius Repetundae*), defining it as an act of offering, receiving, or demanding some benefits in the view of influencing a public official's acts. Aristotle, Machiavelli, and Montesquieu (Pusić 1989) defined it as a sign of bleeding of society's moral values. They considered corruption an immoral and harmful social phenomenon, for public-function holders must plead for common interests, not their private ones. Savona

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& Mezzanotte (1997) exposed corruption trends and patterns in Western, Eastern, and Central Europe as manifesting in political instability, privatization processes, the extent of organised crime, low salaries to public officials, and their discernible links with corruption. He also pointed out that anticorruption strategies should focus on both aspects of the problem, the prevention and the control.

From the aspect of social damage, it is the institutional corruption that is the most hazardous one, entailing disintegration of social values and fostering similar processes in politics and state governance. The influence of institutional corruption on the public opinion and public awareness is severe, inducing fear and uncertainty showing in demoralization in the vast majority of citizens (Transparency International 2012).

Most countries' legislations incriminate corruptive behaviours of public officials/civil servants and politicians, what they do not incriminate are deviant behaviours of businessmen. Economic investments are not limited to a single country; on the contrary, contemporary trends feature internationalization, trans-national interests, and globalization. International organizations, especially the European Union and GRECO, have determined that Slovenia's reactions to the presence of corruption and its dangers have so far been merely repressive and aimed at eliminating the consequences only, not the original circumstances providing favourable conditions for the emergence and development of this phenomenon.

The first appearance of Slovenia as a corruption research subject was that in the 1996 World Bank's Control of Corruption Indicator. In those times, Slovenia was analyzed almost every year, and its score was quite good. On the ± 2.5 index range (the higher the better), Slovenia consistently scored around 1.0. Its lowest percentile rank was that from 2002, amounting to 77.9; according to Worldwide Governance Indicators (2012), all other years showed better results. In 1999, it first appeared in Transparency International's Corruption Perception Index, where, again, its scores were quite good, said index settling about 6.0 (in 1999), never falling below 5.9 (in 2003 and 2011). In 2012, it was ranked lower (at 37), while the best score in all previous years was that of 1999 (set at 25) (Corruption Perceptions Index 2012).

All aforementioned results indicate deterioration in various indexes. Pessimistic views also reflect in different perception studies where the general public, on the one hand, believes that there is a lot of corruption and that it is widespread, while the respondents, on the other, claim not to have a lot of personal experience in giving or receiving a bribe. This ratio appears consistently in different studies across different periods of time (ICVS Participating countries 2012, ICVS SPSS Data file—All surveys (2012), ICVS Codebook 2012, ICVS Questionnaires 2012, ICVS Questionnaires 2008, Special Eurobarometer 374—CORRUPTION 2012, Special Eurobarometer 245—Opinions on organised, cross-border crime and corruption (2006), Special Eurobarometer 291—The attitudes of Europeans towards corruption (2007), Special Eurobarometer 325—Attitudes of Europeans towards Corruption Full report 2009, Special Eurobarometer 374—Corruption—Factsheets (national language 2012), Global Corruption Barometer 2011, Pojav korupcije med novinarji 2008, KORUP—Stališča o korupciji (opis serije 2012), Raziskava o gospodarskem in poslovnem okolju, poslovni etiki in neuradnih plačilih na Slovenskem

2002, Raziskava o gospodarskem in poslovnem okolju, poslovni etiki in neuradnih plačilih na Slovenskem 2004, Raziskava o gospodarskem in poslovnem okolju, poslovni etiki in neuradnih plačilih na Slovenskem 2006, Raziskava o gospodarskem in poslovnem okolju, poslovni etiki in neuradnih plačilih na Slovenskem 2009). Slovenian respondents see political parties and legislative processes as the most corrupt sectors of Slovenian society (Global Corruption Barometer 2011). The local political parties are especially problematic as regards the influence of transparent financing and the lack of it (Habič 2012; this problem was also noted by GRECO). Corruption bears impact on the economic development, competitiveness, and overall business performance. Unfortunately, Slovenia is recognized as a country where systematic corruption heavily influences economic performance (KPK—Letno poročilo 2012). The World Economic Forum states, in its Global Competitiveness Report, that the 2012–13 report respondents ranked corruption among the top five obstacles in doing business (Global Competitiveness Report 2012–2013).

The official statistics shows a lower number of personal corruption acts, but the official statistics of the Commission for the Prevention of Corruption indicates that Slovenian citizens report a vast number of cases they believe to be incidents of corruption, and the Commission, not a typical repressive institution, submits the great majority of these cases to the police for subsequent investigation. Nevertheless, only a few of these cases ever see its epilogue in a courtroom. According to the five necessary corruption prevention recommendations drafted as a response to these indicators, Slovenia should (i) focus on developing strong institutions and the rule of law instead of on state capture; (ii) develop independent journalism and provide for adequate education of investigative reporters; (iii) foster the transparency of the assets for curbing grand corruption; (iv) redesign the independent preventative institution now without executive power; (v) and establish a public official career system to reduce clientelism (KPK—Letno poročilo 2012; Letno poročilo o delu policije 2012).

Prevention of Corruption

An effective fight against corruption cannot stem in the activities of repressive social control institutions only. The contemporary crime control trends bring to the fore the role of prevention, either social or situational. One of the applicable models of crime prevention is based on situational measures: Clarke (2012) focuses on minimizing the volume of opportunities for crime by generating such circumstances and conditions that would discourage execution of criminal offences. As a result of these measures, perpetrators are railroaded into investing considerable additional efforts in their execution of a criminal act, consequently facing higher risks of getting caught in the process, on the one hand, and reaping lesser profits in return, on the other. Further, the latest measures focus on “combating ignorance of one’s rights and obligations”, aiming at achieving a higher level of professionalization, acquiring good knowledge of legal acts governing certain social activities, enticing moral

condemnation of deviancy, elaborating and raising awareness of precise definitions of the relevant declarations and procedures, as well as providing adequate public support to exemplary behaviours and activities (Clarke 2012).

Benedek, Daase, Dimitrijević, and van Duyne (2010) focus, in particular, on the impact corruption and white-collar crime bear on the development of the repressive institutions responding to crime and the peace-building process. Emphasizing that repression does not provide sufficient answers to peace-building issues, they claim the answers must be sought elsewhere, especially in prevention, strong civil society, and the corruption-free state. Further, some of these tackle the problem of the so-called crimes of the elites in young democracies, where there are yet no mechanisms in place to detect such crimes. In these societies, the media as the fourth branch of government are bound to play the courageous role of the supervisor and whistle blower.

Preventative measures of corruption (Council of Europe 2012) stem in the understanding of security factors as originating in the research on organized crime, terrorism, corruption, and other sophisticated forms of crime. As far as corruption prevention is concerned, state institutions, local communities, and individuals should pool their strength and resources in implementing the preventative measures spanning ever increasing levels of transparency, checking, and control; encouraging competitiveness and eliminating monopoly practices; dissemination of relevant information to the public; creating appropriate economic and social policies; simplifying numerous procedures and ensuring thereto related transparency; exercising effective control of financial transactions; encouraging transparency and competitiveness in political processes; and ensuring freedom of press and the conditions favourable to the development of independent media.

When Slovenia was adopting the standards of its accession to the EU, one of the requirements was the establishment of an independent institution for preventing corruption (pursuant to the United Nations Convention against Corruption (2012)). According to this Convention, the Commission for the Prevention of Corruption was established as an independent and self-governing state agency. Its members represent all branches of the state and are elected by the Slovenian parliament. Their autonomy is assured and their tasks and duties stipulated in the Integrity and Prevention of Corruption Act, pursuant to which the Commission:

- prepares expert grounds for strengthening the integrity of public officials, as well as designs their training programmes;
- performs trainings of the persons responsible for integrity plans;
- provides adequate advice to strengthen the integrity and prevent or minimize the risks of corruption in both the public and the private sector;
- monitors and analyzes any data on the state of corruption in the Republic of Slovenia and the implementation of the tasks aimed at preventing corruption in the Republic of Slovenia;
- ensures that the resolution on corruption prevention in the Republic of Slovenia is implemented; and
- performs control tasks regarding lobbying.

The new Integrity and Prevention of Corruption Act (2010) (Official Gazette of the RS, No. 45/10) entered into force on June 5, 2010, and adopted a comprehensive, interdisciplinary approach to preventing corruption. For the purpose of strengthening the rule of law, the Act prescribes the measures and methods aimed at strengthening integrity and transparency levels, as well as at preventing corruption and promoting the efforts to avoid conflicts of interest in promoting integrity plans seen as a new tool for the prevention of corrupt practices.

The Act requires that all state and local authorities adopt integrity plans and inform the Commission thereof. The Commission also organizes anticorruption trainings for all state and local authorities in the Republic of Slovenia and plays an advisory role, providing relevant guidance in the implementation of aforementioned integrity plans while exercising another of its duties, that of providing advice and assistance in preparing plans for integrity improvement and their implementation.

Integrity Plans

Due to the problems and practical issues faced with in prevention of corruption, particularly to those stemming from the lack of political will needed for the implementation of the anticorruption legislation, the new Integrity and Prevention of Corruption Act was adopted in 2010 to stipulate new requirements and define good practices regarding whistle-blowing, lobbying, anticorruption clauses, conflicts of interest, and other measures and methods, all clearly aiming at strengthening the integrity of the public sector and ensuring higher transparency and general prevention of corruption (KPK—Letno poročilo 2012).

The integrity plan may be regarded as a method to facilitate legal, ethical, and professional aspects of work in various governmental and non-governmental organizations. Its operational character is one of the basic facets of the Slovenian national strategy against corruption. It consists of “legal and actual measures that eliminate and prevent the possibility of the emergence and development of corruption within the authority.” The state and local administrative bodies have approved it, as well. Generally, the integrity plan includes:

- an estimate of the corruption exposure of the institution;
- the information on the person responsible for the integrity plan;
- a description of the work process and the type of decision-making with an exact description of duties; and
- preventative measures to narrow the opportunity for corruption and dangers resulting therefrom.

The integrity plan consists of measures of legal nature, such as the establishment of missing internal rules in a given sensitive/vulnerable area, as well as other effective measures, such as the installation of a system of physical or electronic security at the workplace. The integrity plan at its essence is an attempt to systematically assess strong and weak points of the defence mechanisms for fighting corruption

built into the structure, measures, and rules of an organization and its constituting processes. The institutions, especially their managements, should look for and detect the areas exposed to risk. Once these are identified, counter-measures that protect their institution against corruption need to be developed. Therefore, the integrity plan is an important institutional project and instrument an organization applies to raise its awareness of strong and weak points of its operations, particularly focusing on the development and maintenance of its integrity and uncorruptedness. As such, it is a relatively new phenomenon in the public sector. Furthermore, integrity plans serve not only as a tool ensuring prevalence of uncorrupted civil servants, but also as a means of encouraging public debate on certain public services, as well as a conscience raising tool unveiling their vulnerability and outward exposure to potential risks that could, somewhere down the line, lead to the emergence of corruption in a specific organization and its operations.

Conclusions

The lack of transparency and the alleged corrupt practices of politicians and high-ranking public officials pose a threat to the Slovenian integrity system. The networking of private business, political parties, and government and public administration officials negatively affect and downgrade the level of national integrity, as the informal networks of the powerful are not used for the common good or altruistic purposes. It often happens that politically likeable candidates far from being the most professional/competent choices manage to get themselves elected/appointed to influential public positions. Such negative selection, when combined with other factors of systemic corruption, plunges Slovenia into the economic and business chaos. So far, the majority of anticorruption efforts of our politicians still seem a mere lip service. Recent protests in Slovenia against the corrupt politics coupled with public cries for the effective, professional, honest, and legitimate politics and public services are a resolute step forward towards a more democratic Slovenia. On the other side, there are some politicians claiming still that the Commission for the Prevention of Corruption exaggerates in their perception of and reports on corruption in Slovenia. Be as it may, it is by all means necessary to trace and facilitate the development of investigative journalism and independent news coverage.

Notwithstanding the fact that a comprehensive evaluation of integrity plans is not yet available, it is quite obvious that the debates on risk factors and corruption threats have already begun at least on the micro level, i.e., in the institutions. We firmly believe they are a significant step forward, as they promote preventative activities instead of mere prosecution of corrupt practices. They represent an important shift in changing organizational culture in the public sector and help increase efficiency and work quality through preventing any emergence of damaging practices by the employees or the management. They require active participation of every member of the institution and encourage them to develop strong intolerance to any corrupt

professional behaviour of their colleagues or, particularly, the management staff; in this capacity, they help enhance trust in the organization.

To conclude, integrity plans are an important effort in promoting efficiency and quality of work in an institution, as they are expected to reinforce professional and ethical conduct and improve and maintain confidence and professionalism. Nevertheless, it goes without saying that a thorough study on integrity plans is yet to be conducted to shed light on all facets of the real impact of this innovative preventative activity.

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An International Approach Towards Corruption

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Introduction

In this article I want to make some remarks on corruption as an international phenomenon. Each society always has to deal with corruption. We have an international approach to fighting corruption based on the UN anti Corruption Convention 2003 (UNCAC)¹. I am going to start with some examples and talk about the TI-corruption Perception Index. Then I want to discuss the Corruption Convention itself. And in the end I will discuss possible solutions of the problem, realizing that corruption cannot be completely banned from our societies.

Before I start I have to restrict my subject to bribery, being defined as “the promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties”². Of course I am aware of the fact that the term corruption is being used in a broader way, including nepotism and misuse of power. Although the UNCAC also deals with those (more or less regarded as minor) subjects³, it is better to explicitly limit this article to the main and most clear part of corruption: bribery.

¹The convention was adopted by the General Assembly of the United Nations on 31 October 2003 in New York. It was open for signature in December 2003 in Merida, Mexico during a so called high level signing conference. The convention entered into force on 14 December 2005.

²Article 15 UNCAC. In this article is also mentioned the solicitation or acceptance of that advantage by a public official.

³Articles 18–20 UNCAC.

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In some States bribery of an official is the biggest problem, but in other States private bribery in the business world is more problematic. According to the UNCAC this form of bribery should be *considered* to be criminalized⁴:

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

- a. The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;
- b. The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector 13 entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

That means that the Convention does *not oblige* States to criminalize this form of bribery, obviously because of the lack of consensus during the negotiations⁵ regarding the text of the treaty. However, in a lot of States that form of bribery draws a lot of public attention and is the cause of public dismay. We can think of the recent publications about the possible corruption within the football world having people fixing the outcome of European- and even World cup-matches⁶. And for example in Indonesia, there is a lot of attention for corruption cases involving politicians, having being bribed by local businessmen in order to look after their interests⁷.

Transparency International

What are the disadvantages of corruption? Could we not say that corruption benefits both parties (the bribe giver and receiver) and that it only contributes to the economy? According to Transparency International⁸, the well known anti-corruption watchdog, there are a lot of disadvantages of corruption, such as: that it creates and maintains an unfair society, it interferes with free competition, it debases human rights and dignity, it can degrade the environment, it could derail developments, also in the private sector, it destroys confidence in democracy and it deepens the poverty of people. Taking this into account one could easily see why there cannot be another conclusion than that corruption has to be counter-acted and, possibly, defeated.

⁴ Article 21 UNAC.

⁵ The text of the Convention was negotiated during seven sessions of the Ad Hoc Committee for the Negotiation of the Anti Corruption Convention between 21 January 2002 and 1 October 2003 in Vienna at the headquarters of the United Nations Office on Drugs and Crime.

⁶ The Independent, 4 February 2013.

⁷ The Economist, 2 September 2011.

⁸ www.transparency.org

Speaking about Transparency International: it publishes a yearly Corruption Perception Index, giving a list of almost all countries (174), at the top of which figure the countries supposed to be the best practicing or, in other words, the cleanest, most corruption-free countries in the world. In the top-5 of the year 2012 we see 3 European countries (Denmark, Finland and Sweden), together with New Zealand and Singapore (90 till 87 points out of 100). Above Italy (42 points) on the 72nd place, we see the next European Countries: (6) Switzerland-86; (8) Norway-85; (10) the Netherlands-84; (11) Iceland-82; (12) Luxemburg-80; (13) Germany-79; (16) Belgium-75; (18) United Kingdom-74; (23) France-71; (25) Austria and Ireland-69; (29) Cyprus-66; (30) Spain-65; (32) Estonia-64; (33) Portugal-63; (37) Slovenia-61; (41) Poland-58; (43) Malta-57; (46) Hungary-55; (48) Lithuania-54; (54) Czech Republic and Turkey-49; (62) Croatia and Slovakia-46; (66) Romania-45 and (69) Macedonia-44. At the same level as Italy we have Bosnia and Herzegovina and the next European countries are placed lower: (75) Bulgaria-41; (80) Serbia-39; (94) Greece and Moldova-36 and (123) Belarus-31. The conclusion could be that the perception of people is that the state of the art concerning counter-corruption in Italy is rather meager.

The Un-conventions

In 1970 the United States started to act on this issue by establishing the Foreign Corrupt Practices Act. Later the UN took over the initiatives with the Convention against Transnational Organized Crime (CATOC) 2000⁹ (with special attention for corruption¹⁰) and the already mentioned Convention against Corruption in 2003. In the last-mentioned Treaty we have a chapter with preventative measures, one with regulations about obliged criminalization and law enforcement, one about international cooperation, and further about asset recovery and technical assistance and information exchange.¹¹

According to the UNCAC member States should develop and implement effective and coordinated anticorruption policies including the promotion of the participation of society, reflecting the principles of the rule of law, proper management of public

⁹ The United Nations Convention against Transnational Organized Crime has been adopted by the General Assembly on 15 November 2000 and was opened for signature at a high-level political Conference in Palermo, Italy, from 12–15 December 2000 and was entered into force on 28 September 2003.

¹⁰ Articles 8 and 9 of the CATOC.

¹¹ In this article I leave aside the for the EU-members important other treaties, like the EU-anti corruption protocol, 1996; the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 1997 and the Anti Corruption Convention of the Council of Europe 1999.

affairs and public property, integrity, transparency and accountability¹². Further examples of preventive measures are a proper ruling of the funding of political parties¹³, codes of conduct for public officials¹⁴ and the prevention of money laundering¹⁵.

I want to highlight the importance of codes of conduct, mentioned in different articles of the UNCAC. Too often people do not fully realize the illegality of their acts. Professionals, among whom I also include university professors and judges, should make such a code public after internal deliberations. It should be clear that the starting point for professors and judges is that they would not accept any undue advantage in relation with their job. I could imagine that professors would allow themselves to accept very small presents (in the sphere of a bottle of wine) from a student *after* graduation, but that should be open and clear to anyone. At the same time it should be clear that a professor is not allowed to accept any present in any other situation. For the judiciary the rules are even stricter: under no condition it could be allowed that judges accept any advantage from a party, including from third parties. The only legal income they can earn is their normal and public salary. Although these rules seem to be so clear that one could question the necessity to create and publish codes of conducts, the advantage of doing that is the fact that the professionals will develop stronger and shared ethical convictions when they produce firm guidelines that form a factual basis to evaluate each other's conduct. And, of course, codes of conduct also can include a lot of other subjects, related to integrity.

Now the obliged criminalization according the UNCAC: the bribery of national and foreign public officials and officials of public international organizations:

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- a. The promise, offering or giving, to a (*foreign*) public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties (*in order to obtain or retain business or other undue advantage in relation to the conduct of international business*);
- b. The solicitation or acceptance by a (*foreign*) public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.¹⁶

Although these rules sound tough, the additions for a foreign official seem to exclude the so called facilitation payments, which are payments 'only' to facilitate the procedure. It goes without saying, however, that it will be difficult to prove that payments having been made were not meant as a reward for a foreign officer acting in a certain illegal way, but just for facilitating (for example to accelerate) the procedure.

¹² Article 5 UNCAC.

¹³ Article 7 UNCAC.

¹⁴ Article 8 UNCAC.

¹⁵ Article 14 UNCAC.

¹⁶ Articles 15/16 UNCAC.

It is a pity that the member States could not conclude to a similar obligation regarding bribery in the private sector, as mentioned in the introduction.¹⁷ The obligation of the Treaty is not far reaching: sufficient is that member States *consider* taking criminal measures. Other measures to consider are the criminalization of the embezzlement of property in the private sector, abuse of function by officials and illicit enrichment by officials¹⁸. ‘Considering’ implies that member States can deny criminalizing those acts (officially after having considered it). Those paragraphs articles make, in my view, no sense, because of the easy possibility of not following those recommendations. But, on the other hand, one could say that it has been suggested, which is better than keeping silent.

Member States are, according to the UNCAC also obliged to criminalize laundering of proceeds of corruption¹⁹. A few remarks on this point: it seems to be useful to criminalize laundering of proceeds of certain crimes (so called *predicate crimes*) but much better is to criminalize the money laundering of each crime. The reason to underline this point is the difficulty to prove the crime of money laundering if it is necessary to prove the underlying crime as well. If you can prove the underlying crime, why bother about money laundering? In the Netherlands it is not necessary to prove a direct relation between the assets and the *predicate* crime: if the prosecution can prove that there is no other possibility than that the money came from an illegal and criminal source, it is sufficient for a condemnation.

Another difficult point is the liability of legal persons²⁰. According to the convention member States must provide criminal, administrative or civil liability of corporations. This is a normal way of formulating this obligation because of the fact that certain countries, like Germany, do not accept criminal liability of legal persons, because of the fact that legal persons cannot have a real ‘mens rea’. Accepting an international obligation to establish criminalization of legal persons is a *no go* for those countries and therefore the international compromise in all conventions is to speak about criminal, administrative or civil liability. Even the recommendations of the FATF, not having the status of an international Treaty, but belonging to the so called *soft law*, speaks about criminal liability as a (preferable) option²¹.

Related with money laundering is asset recovery. A fundamental principle of the UNCAC is not allowing the perpetrators to keep their illicit proceeds²². Actually it is the first treaty addressing this issue. It should be possible to trace the illegal money, so member States have to address the national financial institutes²³. Those institutes have to verify the customers, to disclose the beneficial owners and to conduct scrutiny of accounts of high placed persons and their families and friends. These obligations

¹⁷ Article 21 UNCAC.

¹⁸ Articles 19,20 and 22 UNCAC.

¹⁹ Article 23 UNCAC.

²⁰ Article 26 UNCAC.

²¹ Recommendation number 2.

²² Article 31 UNCAC.

²³ Article 39 UNCAC.

are especially mentioned and elaborated in the FATF recommendations²⁴, but as said before, recommendations belong to the *soft law*.

So far the law in the books and now the practice: how can we solve the problem, what are the best solutions to fight corruption? Preventive measures are indeed better than repressive, without having said that one could miss the latter: criminal provisions are a necessary precondition. One should have the possibilities and the strong intent to fight corruption: police and prosecution service, but also the judiciary, should pay sufficient attention to this phenomenon. In some countries anti-corruption committees (ACC) have been established²⁵.

These anticorruption committees face the same kind of problems everywhere, mainly due to the special position of those committees between the prosecution and judiciary. What is the relation of the anti corruption committee to those institutions? Is there any competition between the ACC and the normal police-agencies? There are examples of arrests made by the police of ACC-members²⁶, officially made on suspicion of corruption, but it is said that the arrests have been made because of the fact that the police do not accept the power of another investigation organ. Another question regards the procedure of nomination. Of course, the members of the ACC should not be corrupt themselves. But how can you check this and who could be in charge of this scrutinizing process? Last but not least is the local acceptance a point of interest. How greater the level of acceptance, how greater the chance of success.

In some countries there is a special corruption court as well²⁷. The same remarks can be made here. There are difficulties with the appointments, with the relation to the normal judiciary and the national acceptance of their rulings. Having special courts to deal with corruption problems, leads to the wish to have special regulations²⁸. Here is a great danger. Of course, we would like to disclose as many corruption affairs as could be possible, but I am convinced that there should not be special regulations, like a less heavy burden of prove. We fight corruption in the name of the rule of law, and from that perspective it could not be acceptable, that we lower our standards of the regulations in specific cases. Above that, if that should be the case, we give the prosecution or the ACC the power to decide about the applicable rules in court, because of the fact that they decide about the indictment and so indirectly about the procedure rules. The standard of fair trial must stay as high as possible: even for, or *especially* for enemies of the State, like corrupt politicians, officers or other people.

Now about other than repressive solutions: we already have mentioned preventive measures. An example could be: to bring the salaries to a proper level²⁹. That action deprives people of the option to use insufficient salary as an excuse for being corrupt. We realize how bad the circumstances or the personal situation of an official can be, but reality shows that people do not stop after having brought their income to a—in

²⁴ Recommendations number 9-23.

²⁵ Accordance to article 36 of the UNCAC.

²⁶ Jakarta Globe, 6 Oktober 2012.

²⁷ For instance Pakistan, Philippines, Kenya and Palestine.

²⁸ For instance Ethiopia.

²⁹ For example: in the former Soviets States the salaries of officials are very low.

their eyes—proper level to survive in an illegal way: they continue being corrupt trying to cash as much as possible. This process of habituation to illegal earnings could be blocked by providing for a sufficient legal income to those officials on whom the state's action is dependant.

Another preventive measure to be taken is the promotion of ethical behavior, like I have dealt with above, including codes of conducts, but we also could think of the (transparency of) financing of political parties. On this very moment the EU tries to make a law³⁰ regarding this subject, but some countries are not very willing to accept this law, because of the fact that it is said to be too strict. In this regard we can see that countries (political governments) decide about *and* make rules about their own conduct and that they are not willing to restrict themselves in accepting dubious payments in favor of themselves, their parties, for example for their election campaigns.

A very important measure is having protection programs for whistleblowers³¹. Of course, this measure can only have a function in countries with freedom of press. Regularly, the whistleblowers, those who ring the bell, who disclose the illegal situation, are in the end the only victims of the case. They will often be expelled from their job, having talked about business secrets. For sure, if there are more perpetrators involved, and especially if those are high ranking people, is it very difficult for whistleblowers to survive. To prevent the situation that the illegal situation continues after the whistleblower has been thrown out the company or institution, it is necessary to have a strong regulation on this point, regulation not only on the manner in which those people can complain about certain putative crimes, but also on the manners in which those people can be assured of a proper—safe and secure—life situation and income in the future for themselves and their families: In the US the goal of the new act is to ensure the scope of protected disclosures; to tighten the requirements for non-disclosure agreements; to expand the penalties imposed for violating whistleblower protections; and to establish a Whistleblower Protection Ombudsmen. Having transparency in official decision making processes is another requirement to reduce the chance of corruption. Before starting a procurement procedure it should be clear that there are certain criteria for the potential winner published beforehand and also the results should be accessible for the public. The construction and housing industry is a very important and corruption prone field. Here companies can easily influence the procedure by making hidden contracts between themselves regarding using fixed prices or using the phenomenon of illegal contracts between tendering companies to all increase their tender with a certain amount of money, and to divide that extra money after the tender has been awarded to one of them. And, above that, it is said that in the stage of making contracts between companies and public institutions there is a lot of room for bribery by giving the companies the opportunities not to fulfill their duties according to the contract, but to save money (to bribe officials) by using qualitatively lesser materials in the project. Who can scrutinize and assess this? And now, the most important measure to be taken: a proper level of education,

³⁰ Ref: IP/12/951 of 12/09/2012.

³¹ F.i. the whistleblower law in the US of 2012.

starting at primary schools. In some countries the level of corruption is that high and bribery is taken place on such a scale, that it is almost impossible to eradicate it. Especially when also the judiciary is not free from corruption, where should you start? The only answer can be: with the unspoiled youth! In schools, as said from the level of primary schools, during the education in the secondary schools, at colleges and universities, there should be attention paid to this phenomenon. Children and students should discuss about it, should be made aware of the disadvantages and should be tough about solutions. Simulations of bribery in connection with exams could function as lively examples. If a whole society is full of corruption, the only hope we can have is our youngest generation.

To conclude: corruption deepens inequality and poverty; anti corruption measures have to be taken; preventive measures are better than repressive ones, but one cannot do without the repressive and tough reactions. Most important is making people and especially children aware of the phenomenon and of the great disadvantages of it. I have tried to make a contribution in this book not only as a professor of criminal law, but also as a member of the society. Law professors should not act only as typical lawyers by studying and interpreting texts in order to give a 'law in the books' judgment. Their package should be broader and they should have the possibility to widen their scope into the field of criminology. On the other hand, criminologists should have an eye for legal questions and respect lawyers on their turn. This respect from both sides has been the basis of the long relationship between me and Ernesto Savona now having his 70th birthday. I am convinced that my academic retirement in the Netherlands (at the age of 65!) will not be the end of a long personal and business friendship between us!

Corruption Dutch style

Hans Nelen

Introduction

Like many contributors to this book, I've known and worked with Ernesto Savona for a long time and have vivid and pleasant memories of our co-operation. Ernesto not only has a lot of expertise with regard to a variety of criminological themes, he is a great organizer, has a tremendous network, and knows how to get international projects started and done. On top of that, Ernesto is a very nice guy and I always enjoyed his company during a conference, editorial meeting, dinner, or any other social event. During the years, we have discussed many issues, including various aspects of organized crime, money laundering and the ways how to respond to these societal problems. However, I've come to realise that we hardly discussed the topic of corruption, that is to say, the Dutch manifestations of it. Of course, in the context of corruption it is tempting to focus immediately on the Italian situation, as an abundance of examples is available of entwinement between the business industry, public administration (and the mafia). In contrast, the Netherlands have a reputation of being a corruption-free country. The Transparency International Corruption Perception Index shows a stable picture of the Netherlands being among the least corrupt nations, also in comparison to many other western democratic countries.¹

Despite the good reputation of the Netherlands, Dutch empirical research on the extent of both public and private forms of corruption is still scarce. However, the empirical findings that do exist as well as the expert opinions confirm the impression that corruption increasingly has become an alarming phenomenon in Dutch public administration and various lines of businesses. In this essay, I will give a brief overview of current developments with regard to both the corruption problem in the Netherlands and the ways the Dutch try to contain this problem. The analysis confirms

¹The Netherlands is ranked 7th on the latest Transparency International Corruption Perception Index (2011).

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the notion that corruption should not be treated as a phenomenon characteristic of developing countries, authoritarian regimes or “Mediterranean” societies in which the value system favours *clientelism*, vertical relationships and *neo-patrimonialism*. (Della Porta and Vanucci 1999). Also in the Netherlands, more attention should be paid to corruption, not only by academics, but also by politicians and society at large.

Definition

Like fraud and money laundering, the concept of corruption is not clearly defined in the Netherlands. Many authors, both in the Netherlands and abroad, have tried to define the phenomenon. The central element in all definitions is that, due to decay in the process of decision taking, the resources of an organisation or the state are abused for private gain. However, the theme of corruption is much more complex than a simple lack of respect for the distinction between public and private (Van de Bunt and Nelen 2012). For example, if we look at culturally rooted phenomena in some countries as *Guanxi*² and *Blat*³, it becomes clear that the moral codes of different societies vary in the extent to which social interactions are accepted as ‘normal’ behaviour. In the Western world, the (secret) understanding between two parties, such as a government agency and a private company, is called collusion. This may involve situations where contacts of many years’ standing have led both parties to sympathize with each other’s position, in which case ‘public’ and ‘private’ tend to converge. This would be the case when, for instance, the environmental inspectorate no longer acts in the public interest in its decision-making, but instead strives to accommodate the interests of private companies (Van de Bunt and Nelen 2012). However, it is not always clear where mutual understanding degenerates into a conflict of interests. In different contexts, different issues will be featured. The parliamentary inquiry into cartels in the Dutch construction industry revealed in 2002 that the relationships between the controllers (*Nederlandse Mededingsautoriteit*; external auditors) and construction companies were strongly affected by collusion. The Parliamentary Commission painted a picture of an all too accommodating public sector, which had consistently ignored indications of cartel behaviour in public tender proceedings. Although only four hard cases of corruption (with traceable services rendered in return) were uncovered, the Commission did encounter a wide range of cases of ‘winning over’, including air trips to Scotland (to play golf) or Switzerland (to watch ice-skating), the use of yachts with crew, visits to brothels, the use of vacation homes, maintenance of gardens and homes and so on.

² Guanxi refers to the practice in some East-Asian cultures of building long-term business and political relationships through the exchange of favours. The term is also used to describe a network of contacts, which an individual can call upon when something needs to be done, and through which he or she can exert influence on behalf of another (Fan, 2002).

³ *Blat* is a Russian word for informal networks and contacts used to obtain goods and services, especially during the era of Soviet Russia.

Manifestations of Corruption in The Dutch Context

The aforementioned parliamentary enquiry on fraud and corruption in the construction industry gave a boost to criminological research into corporate and organizational crime, and corruption in particular. This enquiry was triggered by allegations in the media of a former director of a huge construction firm that, instead of competing one another, Dutch construction businesses made pre-arrangements in tender procedures and, as a result, defrauded the state for hundreds millions of Euros. Furthermore, high ranked civil servants had been bribed.

In 2007 another major case came to light, when it emerged that pension fund bosses had enriched themselves by taking bribes in return for passing on confidential information and by selling property at below market-rates. To date, this is the largest corruption affair ever to hit the Dutch real estate world. In the end, fifty persons, most of them senior real estate managers, were accused of fraud, bribery, and forgery. The profits, around EUR 200 million, were channelled into secret private accounts.⁴

In contrast, criminological research has hardly revealed a strong link between corruption and (Dutch) manifestations of organized crime. Publications on organized crime almost always point to the role of organized crime groups in the corruption of public offices. This corrupting influence is often seen as one of the greatest threats posed by organized crime. In some countries, organized crime groups are intent on influencing the public administration or the political system in order to gain control over certain sectors or territories. It has been well documented how in Italy and the US organized crime groups infiltrated labour unions and how they acquired positions of power to sideline the authorities. In the Netherlands, fear of infiltration by organized crime of companies and the public administration also existed (and still exists). The BIBOB Act, which gives the administrative authorities an important role in preventing infiltration of the underworld, is based on this concern about criminal penetration.⁵

However, organized crime in the Netherlands seems to be more interested in the proceeds of crime (through the trade in illegal commodities such as guns and drugs) than in acquiring positions of power in the underworld (Van de Bunt and Kleemans 2007). Corruption at a strategic level is by no means a *conditio sine qua non* for organized crime, although some sectors—i.e. prostitution, coffee shops,

⁴ This case and the first stages of the criminal proceedings have been documented by the investigative journalists Van der Boon and Van der Marel in two books: *De Vastgoedfraude. Miljoenezwendeel aan de top van het Nederlandse bedrijfsleven*, Amsterdam, Nieuw Amsterdam Uitgevers 2010 and *De Ontknoping. De Vastgoedfraude voor de rechter*, Amsterdam, Nieuw Amsterdam Uitgevers 2012. Also a research group of criminologists, supervised by Henk van de Bunt, scrutinized this case. Their findings are published in the report *Bestuurlijke rapportage vastgoedfraudezaak 'Klim-op'*, Rotterdam/Utrecht, Erasmus School of Law/Verwey-Jonker Instituut, 2011.

⁵ This act, which came into effect on 1 June 2003, allows the refusal or withdrawal of approval decisions and the refusal of participation in public tenders, subsidies or contracts. This is applicable if there is a serious risk that the approval will also lead to criminal acts or to financial benefits which have been or are to be gained through criminal activities. Examples include the licensing of bars, coffee shops, sex establishments and amusement arcades.

catering—seem to be at risk. Examples of corruption are mostly found at either an executive level—as a means to commit crimes—or at the law enforcement level—as a means to shield or conceal criminal activities. In daily practice this means that when criminal entrepreneurs face logistical problems (how to move the contraband across the border?) in *some* cases, corrupting customs or a lorry driver can provide a solution. But most of the time, even this type of petty corruption can be avoided. The number of reported cases of corruption in relation to organized crime is small, which is in itself not a reassuring fact, as it indicates that it is fairly easy to accomplish smuggling in the Netherlands (Kleemans, Brienen and Van de Bunt 2002).

Nature of Corrupt Interactions

In order to understand the mechanisms and logic of corruption it is necessary to analyse not only the relationship between the *agent*, e.g. the person delegated to take decisions, and the *corrupter* but also have a critical look at the relationship between the *agent* and the *principal*, the organisation on whose behalf that agent acts, and the environment in which this principal operates. Endemic forms of corruption may easily occur in a business or social environment that lends itself very well to an entwinement of regular and irregular activities. The cultural setting of such an environment to a large extent influences the ways in which business is being done. The report of the aforementioned parliamentary inquiry commission into cartels in the Dutch construction industry pictured a world of written and unwritten codes of conduct to which the participants in this market have to comply. These findings have been confirmed in research that focused on the Dutch real estate sector. A study by Nelen et al (2008) revealed the following main features of the commercial real estate industry: a closed circuit, hard to access for outsiders, strong internal ties, old boys' networks, frequent contacts on a one-to-one basis, and reciprocity. Business relations are forged and maintained at informal meetings and in places such as golf courses, restaurants and real estate fairs. Important business deals are 'precooked' during these meetings and vital information is shared with other key players on a reciprocal basis: business associates are expected to give you vital information in return for your information, now or in due time. The profit margins in the real estate sector are highly dependent on the moment in time when reliable information is available about zoning plans or other governmental plans, as well as information on the plans that are being devised by potential business partners and major corporations. Once a project developer or real estate agent is able to receive this kind of information earlier than his competitors, he has a major headstart. It is obvious that in such a cultural setting key players are inclined to push back frontiers in order to get access to vital information in time. Of course, close contacts between real estate agents and high ranking public and private officials may easily turn into corruption and collusion (Nelen et al. 2008).

These research findings confirm the notion that the individuals involved in a corrupt transaction usually know each other well before the violation of integrity occurs.

This is not confined to business or instrumental relationships, because an element of friendship or affection is regularly involved. Trust is pivotal to prolonged corruption relationships. It is no coincidence that bridges are sometimes built between the participants in a corrupt transaction via partners, family members or friends. The connection between doing something and something being done in return is often indirect. Services or favours are exchanged in a prolonged relationship, but the exchange does not occur at the same time or as a direct *quid pro quo*. In the Netherlands, the nature of corruption is one of officials ‘sliding down’ towards corruption; most processes of becoming corrupt can be qualified as a *slippery slope* (De Graaf et al. 2008).

Responses to Corruption

A striking feature of the corporate culture in which corruption can flourish is that most actors are in a constant “state of denial” (Cohen 1993). Van de Bunt (2010) describes participants’ shared interests in keeping silent about rumours of misbehaviour among their colleagues as ‘conspiracies of silence’. The key to a successful conspiracy of silence is that no one has an interest in asking what is going on, and the violators have no interest in telling. Very likely the situation in the real estate sector can be labeled with what Van de Bunt (2010) identifies as “inaction in the face of knowing”—participants and bystanders know something is wrong but have no interest in taking action. According to Van de Bunt (2010), people in this position need to manage their ignorance. This can be done by making sure to have a story ready to explain this ignorance, a type of reasoning Katz (1979) defined as *concerted ignorance*. One way of realizing such concerted ignorance is to look the other way in the face of misdemeanour and to censor your (official) information.

The logical consequence of the analysis above is that more is invested in strategies that compromise the stronghold that is created by the strongly-developed own organisational capacity. In the context of combating and preventing corruption, this means that efforts are made from the inside out to weaken the secret understanding that exists between those offering bribes, the recipients of bribes and bystanders. Amongst other things, concepts like *compliance* and *integrity management* have been developed to reach these goals. In the Dutch context, compliance is a rather broad concept. It not only refers to external rules and regulations, but also to ethical standards within an organization. Compliance is considered as an ultimate responsibility of management, while the compliance officer has to advise and control. In short the task and duties of a compliance officer are:

- To implement the compliance policy of the administration
- To implement, monitor and review compliance operating procedures
- To perform checks on compliance with applicable laws, rules and ethical standards
- To prepare compliance reports and advise management and other relevant officers on compliance issues
- To increase the awareness of employees on compliance operating procedures’.

All major banks, businesses (and even some public authorities) have their own compliance/integrity departments and private investigators. Despite the emphasis that has been put in the business industry and financial market on self-regulation, the general belief in society is that self-regulation only is inadequate. Thus, the last decade more executive power has been given to administrative supervisory boards. With the breach of financial rules these institutions may impose severe administrative sanctions.

Integrated Approach

Another important development in the process of the management of the integrity of the business world and public administration is that the participants are convinced that co-operation, maintenance, conveyance of knowledge and exchange of information are necessary ingredients in the management process. Authorities, both at a local, national and international level, have become more aware of the necessity of eliminating opportunities to committing corruption by means of screening and auditing of the economic environment. The basic assumption that lies at the root of this strategy is that authorities don't want to facilitate criminal activities and don't want to do business with criminal entrepreneurs. When criminals (both individuals and organizations) can be excluded from public contracts or from receiving subsidies or licenses for certain economic activities, the investment of criminal capital and the infiltration of the legal economic sectors will be to a large extent hindered. For this purpose, administrative bodies have become involved in combating a form of crime that previously had been the sole reserve of the police and the judiciary (Nelen and Huisman 2008).

Screening and auditing activities take place at different levels. The experiences in Italy and the Netherlands show that in both countries the emphasis is put on activities at the micro-level: most efforts are directed at the screening of individuals and corporations. Additionally, in the Netherlands examples can also be found of screening and auditing activities that are related to whole sectors, branches or geographical areas (meso-level). With regard to the latter, an interesting example is the *Emergo*-project, that took place between July 2007 and July 2011, involving a programmed approach to tackling criminal power concentrations and underlying opportunity structures in the Red Light-district, the notorious prostitution area in Amsterdam's inner city (Fijnaut 2010). The innovative aspect of this project was related to the structure that was established to share intelligence in between public administration and various law enforcement agencies and the presence of a team of criminologists. These social scientists provided the other participants to the *Emergo*-project—the municipality of Amsterdam, the city centre district, the police, the public prosecution service, the tax and custom administration—with the results of their risk analysis and crime mapping activities. Based upon this analysis, the various partners could decide what interventions in the area were most appropriate. The information obtained was used to take specific action through a combination of administrative, fiscal and criminal law enforcement, to seize every possibility to break concentrations of power and opportunity structures, and prevent future recurrence. (Projectgroep Emergo 2011, p. 292).

Criminal Law Enforcement

The emphasis in many anti-corruption toolkits is on the use of criminal law as a major weapon in the fight against corruption (Van de Bunt and Nelen 2012). However, research indicates that only in a limited number of (grand) corruption cases a criminal investigation is started (Nelen 2005). This fact is inextricably linked with the complexity of this type of crime. Corrupt practices may not leave a paper trail. Often it remains unclear whether something was exchanged between parties in a corrupt transaction, and if so: what was exchanged. None of the parties has an interest in disclosing the specificities, and therefore the investigating authorities have to rely on the presence of witnesses and their willingness to testify. Yet, these witnesses may be reluctant to do so because of their loyalty towards persons in their social environment, fear of expulsion from society as well as repercussions, including threats, harassment and physical violence. Adequate whistleblower protection should therefore be put in place, yet this may not always be sufficient, due to the dangers and uncertainties to which whistleblowers may be exposed (Nelen 2005).

What should also be noted is that frequently, quite some time will elapse between the moment when rumours of corruption first emerge, and the start of the actual investigation. The investigating authorities then have to deal with situations that occurred a few years ago, which may negatively affect the quality of witness testimony. Moreover, hearing suspects in cases of grand corruption requires special skills on the part of the interrogator (Nelen 2005).

Criminal investigations on corruption in the Netherlands are most frequently conducted by the regular police. The National Police Internal Investigation Department (*Rijksrecherche*) is also an important player in this field. In addition to regular police authorities, Dutch law enforcement consists of numerous special agencies. Many of these agencies fulfill supervisory and monitoring tasks over and above their investigative activities. The development of this patchwork quilt of special law enforcement agencies has often been explained as a product of the different tasks that these agencies fulfill in specific areas (agriculture, housing, social securities, taxes and so on).

One third of the criminal investigations on corruption result in the prosecution of one of the primary suspects. On average, every year 33 persons receive a subpoena in relation to corruption (Huberts and Nelen 2005). The main reason for the public prosecution department to waive prosecution is the execution of a disciplinary sanction by the employer of the corrupted official. If the latter is suspended or fired, and the public prosecution department is convinced that prosecution is not in the general interest, the (criminal) case will be closed. The expediency principle in Dutch procedural law allows public prosecutors to refrain from criminal proceedings in such cases.

In nine out of ten cases the prosecution of a suspect leads to a criminal conviction (Huberts and Nelen 2005). Most people who are convicted for a corruption crime are sentenced to probation service and/or a fine. Over a period of ten years, only 77 persons were incarcerated, most of them were sent to prison for a relatively short

period of time (Huberts and Nelen 2005). However, recently a tendency can be observed that Dutch courts have started to punish corporate crime, and corruption in particular, more severely. For instance, the main suspect in the aforementioned case on fraud and corruption in the real estate sector, was sentenced (in the first instance) to four years imprisonment. Many of his fellow convicts face long-term imprisonment as well, if their sentences are confirmed by the courts of appeal.

Epilogue

This short essay shows that corruption has specific features, pending on the specific social-cultural context in which it flourishes. In a number of Dutch economic sectors, the way the entanglement between public officials and private interested parties was taken for granted for decades, has created a breeding ground for collusion and corruption. It seems to be that, due to a number of *causes célèbres*, the awareness in the Netherlands has grown that its financial and economic system is prone to serious corrupting influences. However, so far these malpractices have mainly been studied from a national perspective. One of the challenges of the near future will be to conduct comparative, empirical studies on irregularities and corruption in economic sectors in various (European) countries. I would be glad if Ernesto Savona and his team would participate in such an international project, as Ernesto's know how, expertise and organizational skills undoubtedly will be of added-value and increase the quality of the study.

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Psychology and Psychopathology of White collar crime

Isabella Merzagora, Ambrogio Pennati and Guido Vittorio Travaini

Psychology and Psychopathology of White-Collar Crime

One of the most common assumptions of studies in this field is that economic crime cannot be explained by psychology or psychopathology. In most cases, clinician criminologists seem to have left the issue to criminologists who deal with the fact, not with who committed it.

Sutherland, famous for having coined the term “white collar crime”, argues that social or individual pathology does not explain such behaviors, and this idea has accompanied all subsequent criminological research. According to him the great entrepreneurs are capable, emotionally balanced, and pathology, in this case, does not play any role. One cannot think, he says, that General Motors has an inferiority complex, the Aluminum Company of America has an Oedipus complex, the Armour Company has death instincts or the DuPonts wants to return to the womb (Sutherland 1949), but he misses the point that only a single subject can be burdened by mental disorder, not a company.

The question that remains would then be: if, as we believe, not all entrepreneurs, managers, CEOs, etc., in the same position and with the same opportunities, are offenders, then the difference could be in different psychological characteristics and even psychopathology.

In fact, in the papers of criminologists after Sutherland, psychological traits and psychopathology of white-collar criminals are described.

For example, according to an approach in terms of rationality of delinquent choice the subject tends on the one hand to the maximization of utility or profit, and on the

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other to reduce the risk intrinsic to every behavior, and even stronger if it is an offense. But what if the economic criminal was a pathological risk-lover?

For example, Sombart describes initiative and boldness (1994) in terms similar to the pathological ones. In his opinion, the speculator is a visionary, dazzled by titanic ventures, living in a permanent hectic state. This is the description of those who are defined as hyperthymic, if not hypomanic, in psychopathology.

Terpstra et al. (1993), however, show almost opposite characteristics in their culprits of insider trading. Moreover, there could be “traits” shared by different personality structures or at least exterior different behaviors. The description provided for Roberto Calvi—insecure, tending to social withdrawal, prone to persecutory beliefs (Gurwin 1984)—is the exact opposite of the one provided for the other great protagonist of the IOR, Banco Ambrosiano Affaire, Michele Sindona, who was a great communicator, as well as a fascinating, vibrant and witty man (Cornwell 1984).

Alalehto (2003) studied the white-collar criminals using the model of the five fundamental dimensions of personality (*Big Five*), and his conclusion is that there are three different types of white-collar criminals: the *positive extrovert*, whose illegal behavior is supported by his being manipulative, egocentric, prone to control; the *disagreeable business man*, suspicious, jealous, competitive, ready to use dishonest tactics when things do not go as he wished or his status is threatened; the *neurotic anxious*, characterized by low self-esteem, anger, hostility, proneness to self-blame. In the latter case, criminal behavior would serve as a balance of the feeling of not being sufficiently capable in their work and not being able to achieve their objectives. Extroversion is one of the traits found in economic crime also by Collins and Schmidt (1993) and Ben-David (1991), together with cunning arrogance, assertiveness, intolerance, presumption and aggressivity.

An element considered by many authors as a key to explain economic crime is “opportunity” or “chance”. This is reflected in the reconstruction formulated by Horoszowski (1980) of the *Special Economic Opportunity Conduct (ESOC-crime)*, highlighting the other element which is of central importance for the configuration of occupational crime: the breach of trust. According to Braithwaite (1984) the breach of trust is at the heart of the definition of corruption.

In a study of crime in the medical field, Ceretti and Merzagora (1993) suggested that opportunities may also be the particular vulnerability of the victims. Mutually, the characteristics of the perpetrator are “Opportunity”, particularly its ability to inspire confidence. An example of it is the conviction of a Chief Medical Officer who, in the exercise of its functions, directs patients to his private practice, “relying on the exploitation of moods and psychological conditions of desperate people, to desperate requests for admission he gave the chilling response that there was no chance, predicting long and uncertain waiting time, but immediately he rushed to say that M. visited at the Private Clinic VG, and gave immediate appointment. Illuminating, also, the negotiation of compensation depending on the condition of the client or the reactions of the same” (Court of Appeal of Rome 19 November 1985).

Even in this case, the question we might ask is: who takes advantage of the opportunities in such an unscrupulous way, without any remorse for the suffering

of victims, and nevertheless manages to inspire confidence, does not find a place in psychiatric nosography?

For Baumhart (in Paradise 1983) the most important psychological characteristics of *white-collar criminals* are cynicism and aggressivity; for Clinard egocentrism, emotional insecurity, a negative attitude towards the others (in: Ceretti 1987); also, according to other authors, the others are viewed with cynicism and contempt, according to the old saying that everyone has a price (Alalehto 2003); furthermore other Authors refer about narcissism, self-centeredness, selfishness, lack of empathy, antagonism, and although we do note that narcissism is a prerequisite for the social positions of success, Blickle et al. (2006) found significantly higher scores in narcissism of white-collar criminals than in those managers who are not criminals.

Another feature many authors identify among such criminals is competitiveness: it is an even desirable quality in an area such as business, but the excess can lead too often to prefer competition to cooperation, unable to make to work with others. Spencer (1965) identifies among the 30 inmates for economic crimes he studied the tendency to an exaggerated social climbing which would be compensatory for the lack of appreciation received in childhood.

Moreover, Bromberg (1965) emphasizes the characteristic of the self, the narcissistic structure, the experience of omnipotence and invulnerability, the hubris, which facilitate the illegal act and provide the feeling of being right and unpunished, and also the compulsion to accumulate money, as a compensatory experience for early emotional deprivation.

If they are accused of crimes, these individuals deny having acted badly, but in court they know to behave wisely, the more they are able to control emotions (Alalehto 2003).

Another feature, which will be taken into account also when dealing with psychopathy, is being manipulative, having the tendency to control and manipulate others to achieve their goals, and even be “Machiavellian”: the others are seen as a means to achieve their ends without any emotional resonance for potential victims of their tricks (Jones and Kavanagh 1996; Rayburn and Rayburn 1996; Verbeke et al. 1996). This reminds that crime is not synonymous with uncontrolled violence, but it can also be fed by the conduct of controlled opportunism.

Alalehto concludes his research of 128 businessmen in Sweden, at least 55 of whom had violated the law, saying that the most important result was that the personality is a relevant factor in economic crime, although it is difficult to say how much, and although it is not the only factor at play; he added that to consider it may be useful to those who have the task of conducting recruitment interviews.

The Psychopath and the Corporate Psychopath

Cleckley describes the concept of psychopathy for the first time in a book published in 1941 evocatively titled: “*The Mask of Sanity*”. A mask, in fact, because the psychopath comes free from coarse psychiatric symptoms and sometimes is

even well adapted. Cleckley's description does not focus on those aspects of violence, explosion, cruelty that will make it later known as synonymous with the term psychopath.

Subsequently, the scholar who worked the most on the topic was Robert Hare; his Psychopathy Checklist-Revised (PCL-R), which is the instrument universally recognized as the gold standard for the assessment of psychopathy, distinguishes four dimensions of this disorder: the *interpersonal* dimensional, which includes unscrupulousness, superficial charm, grandiose sense of self, pathological lying, manipulative tendencies; the *Affective* dimension, characterized by lack of remorse, emotional shallowness, lack of empathy, inability to take responsibility for their actions; the dimension relating to the *Style of life*, with constant need for stimulation, ease of boredom, parasitism, inability to stand realistic long-term goals, impulsivity, irresponsibility; and finally the *Antisocial* dimension, with poor behavioral control, behavioral problems at an early age, juvenile delinquency, recidivism, criminal versatility, promiscuous sexual behavior, relationships of short duration (Hare 2003).

However, the antisocial dimension is not always present, so, despite its popularity in the media, we have to get rid of the image of the psychopath as a person not only cruel but also unable to control instincts and behaviors, fatally destined to stumble in the net of justice system.

According to Skeem et al. (2013), it is possible to distinguish between two different types of psychopathy: the "à la Cleckley psychopathy" (*cleckleyan psychopathy*), or "primary", and *criminal psychopathy*, or "secondary", characterized by impulsive and reactive aggression which easily ends into a serious and persistent criminal career.

However, the traits distinguishing primary psychopaths from secondary psychopaths are the emotional coldness, the lack of empathy, and the personological way of functioning based only on a cost-benefit approach without any regard to the cost for the others. However, this personological pattern also gives some advantages: the "paradox of the psychopath" (Skeem et al. 2012) is that he may occupy prestigious positions in several social environments.

This distinction is similar to the one between "*unsuccessful psychopaths*" and "*successful psychopaths*", where success is defined by the fact that they don't end up in jail (Lynam 1997), because their coldness allows them to have sufficient self-control to avoid legal troubles.

In particular, successful psychopaths do not undertake the classic criminal career marked by physical aggression, but rather they are more engaged in acts of "relational aggression," and in white-collar crimes rather than conventional crimes (Schmeelk et al. 2008).

Neuroimaging studies evidentiate in Psychopaths peculiar abnormalities that suggest that their amoral behavior can be related to specific malformations of the brain structure. Gao and Raine (2010) have looked for neurobiological differences between successful and non-successful (including some serial killers) psychopaths. The latter are defined as "*semi-successful*" psychopaths; for the Authors, in fact, the killing of several people over a long period of time without being identified can be considered as a success. Some of them have the same features as the successful

psychopaths, namely the features that allow them to lure victims first, and then to escape the arrest: superficial charm, intelligence, and lack of remorse. A suggestive analogy between the “corporate psychopaths”, which will be discussed later, and a psychopathic serial killer of success is found in the figure of John Gacy, who sodomized and killed 33 people, 27 of them were buried under his house, but looked like a reliable and charming man, and was elected “Man of the Year” by the local Chamber of Commerce.

Successful psychopaths have the same neurological abnormalities that can be found in pathological liars (Yang et al. 2005), and in fact the possibility to lie naturally is a great advantage for both manipulating others and standing an interrogation with ease.

Successful psychopaths, therefore, can be white-collar criminals, but today there’s some more.

We owe the recent theory of *Corporate Psychopaths* to Boddy (2005); this theory combines the psychiatric observations about psychopaths with the studies carried out within the companies. Boddy partly attributes the current global financial crisis to the presence of people with many psychopaths features, or even true psychopaths, at the top of many major corporations, especially the financial ones.

According to this author, some psychopaths are violent and end up in prison, while others build their careers in companies (Boddy 2011b).

As well as other psychopaths, the Corporate Psychopaths are charming, elegant, charismatic, outgoing, ingratiating, self-confident, Machiavellian, narcissistic, parasites, liars, arrogant, untrustworthy, manipulative, incapable of remorse (Boddy 2011a; Clarke 2005). They are predators (Boddy 2011a), but can control themselves . . . and can control the others, who are seen as mere objects, useful only to achieve their goals.

Also in analogy with the “other” psychopaths, among the characteristics of their behavior there are promiscuous sexual behaviors, the propensity to embark on short-term relationships, which in the workplace can result in attempts to seduce relying on their power, and therefore in sexual harassment (Clarke 2005). Boddy (2011a) points out that the legal costs and compensations paid by companies in case of documented sexual harassment can intrinsically be a damage.

The damages of psychopathic behavior are, however, more than this: even large companies fail, thousands of employees are deprived of work and livelihoods, investors lose their investments, and capitalism loses credibility (Boddy 2011a).

Many authors describe the real work of erosion that the behavioral and relational style of psychopathic leadership does on companies, starting with the demoralization and demotivation of employees. A person incapable of empathy is in fact ready to humiliate subordinates or colleagues, to lie to them and about them, to mistreat them, to blame their mistakes and vice versa to take credit for the successful tasks accomplished by others (parasitism), and to subject them to various forms of harassment. Another devastating effect is that, since these individuals hold positions of prestige, the example of their immorality ends up infecting the ethics of the entire company (Clarke 2005).

In spite of the confusion they caused, corporate psychopaths are not at all shocked by the destruction of the company, they are superficially unaware of the chaos created around them, not at all worried about the fate of those who have lost their jobs and savings, and without any remorse. They lie about their involvement, and they are very convincing in externalizing the blame to others, the self-perception of their value being not at all affected (Boddy 2011b).

Since, as we have said, they are charming, elegant, charismatic, outgoing, ingratiating, self-confident, Machiavellian, we can explain their professional success in spite of the fact that their work has a negative effect, even devastating, on the Company in which they work.

Moreover, given their inclination to lie, they show their best, even if fake, at job interviews. And because they are skilled at manipulating others, they say what the other person wants to hear. Babiak and Hare (2006) add that they have a special talent for “reading people” and quickly modelling the interviewer; they are as chameleons.

Sometimes they rapidly reach the top of organizations thanks to their open-mindedness and ability to create the more convenient alliances, on the one hand by moving the pieces right, and on the other by using disreputable means, getting rid of those who overshadow them (Boddy 2011a). In the end, they surround themselves with *yes-men* rather than people who are capable but not obsequious, and this is not an advantage for the company.

Furthermore, they prefer those companies in which the climb is faster; such companies, to shine further light on their role in the financial crisis, are often the financial ones. In the choice of work environments they favor the ones where they can earn more, but also those in which it is easy to gain power, for example public companies. However, corporate psychopaths are found nearly everywhere (Boddy 2011a).

Moreover, again according to Boddy (2010), the very spirit that lingered for several decades in the business environment rewards them, because there is a philosophy based on the speed of change rather than respect for the experience, the success rather than the accuracy. So, as already said by Merton to explain a certain type of deviance, the important thing is to win the game, not to win according to the rules of the game.

Babiak et al. (2010) measured the psychopathic traits of 203 employees from different companies: the results suggest that, although the subjects on average have quite low psychopathy rating scales scores, such scores were higher than those found in the general population. Among those who had obtained the highest scores there were also those who were considered “promises” of companies, or individuals in higher management positions. The authors add that it is easy to mistake some of the traits of psychopathy for traits of their leadership; manipulative skills can be seen as ability to persuade, a characteristic that leaders must have, the lack of empathy can be interpreted with the necessary know-how to make someone unpopular if needed and by being cold-blooded.

A prominently wide research was conducted by Boddy (2011a), who has also developed a test for psychopaths business, the *Psychopathy Measure-Management Research Version (PM-MRV)*. Depending on the score obtained in this test among managers one could find true psychopaths (119), such as managers with psychopathic

traits called “dysfunctional Manager” (104), and 264 “Normal Manager”, who presented no psychopathic features. Boddy found several areas in which the adverse effects of psychopathic leaders were more evident: a high level of conflict in the organization due to the “divide and rule” style adopted by the executive psychopath, in an unfair and aggressive way. Another negative effect found was a diminished sense of responsibility towards society of the entire company: if the psychopath has no capacity for empathy and ethics, then he sees no reason why the company should act in an ethical and socially responsible way. Moreover, since these people do not feel responsible towards the fortunes of the company itself, and since they are risk lovers, it is likely that they take risky decisions for their company. Boddy highlighted that corporate psychopaths’ employees have to work harder and faster, which ends in a higher turnover of employees, higher shares of absenteeism, and more absences due to false illnesses. Finally, Boddy (2011a) defines the working environment of psychopaths as “toxic.”

In 2005, Boddy, describing for the first time the corporate psychopaths, predicted the risk that they might lead to “social disaster”; today, he not only finds that his dire predictions have come true, but also pointed out that those same Corporate Psychopaths who caused the global crisis are now being asked by governments to give their expert opinion about the way out of this crisis. There is actually a lot to worry about.

So: what to do?

Understanding the problems that the lack of ethics of some managers creates in civil society and the firms they work for, since a long time companies have developed codes of ethics; it is very important, of course, but if you do not assess the personality of the leaders, and in particular their greater or lesser propensity to break the rules, they are not sufficient to ensure respect for these.

One strategy could be to identify psychopaths, and then to prevent them from occupying senior and strategic positions in companies; however, some companies seem to be not particularly collaborative (Babiak, Neumann, Hare 2010).

Nevertheless, screening procedures aimed to identify those individuals who may cause damage to the company too may, in future, prevent more severe troubles than a temporary scandal.

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Crime, Development and Corruption: Cultural Dynamic—Global Challenge?

Mark Findlay

Focusing on globalising as the context of corruption relationships, the paradoxical economic and political messages of globalisation generate corruption relationships as business options, when modernisation is brought up hard against customary obligation. Even so, world financial agencies and international organisations still tend to blame the corrupt, rather than analyse their part in the corruption process within particular cultural contexts. These characteristics are highlighted in the following case study on corruption, and their consequences both for promoting effective control within more realistic global development paradigms, are critiqued

What is Corruption

Besides the common normative representation of corruption as some moral failing in the individual and some cancer in free-market enterprise, being a business reality:

- Corruption is a relationship between self-interested parties enjoying different degrees of power in the relationship.
- Corruption is a market reality often facilitating legitimate and illegitimate commerce.
- Motivations for corruption are influenced by common profit priorities.
- Morality is not an essential consideration for the definition of corruption.
- Networks of trust (Fukuyama 1995) are distinctly culturally relative—violation of trust as corruption is heavily dependent on cultural location.
- Corruption is a natural by-product of cash economies.
- Corruption arises from power imbalance.

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Understanding these characteristics will enable a market focus for corruption control to prevail over programmes of problematic commercial moralising (Transparency International 2012).

Corruption as a Unique Crime Type

Because of its heavy moral overlay, and its assumed challenges to good governance or public probity, corruption is treated in many jurisdictions and within many crime control agendas as a unique problem demanding unique solutions (Findlay 1994). In such representations, corruption is criminal, more than criminal, and outside crime. Besides having the characteristics of a substantive offence in itself, corruption acts as a facilitator of associated crime. For instance, many large-scale criminal enterprises could not profit or be sustainable without the assistance of corrupted and compromised market regulators (Findlay and Hanif 2012).

One of the challenges in understanding the reality of corruption as crime is to disentangle the nature and the dynamics of the phenomenon from the characteristics of control directed against it. Recent corruption control agendas work from the assumed uniqueness of the phenomenon and thereby require control powers which often far exceed what would be available to standard criminal investigation projects (Findlay, Odgers and Yeo 2009; chap. 3).

Criminalising relationships as corrupt has a political benefit through utilising the language of criminal law. Sanction tends to *de-legitimate*, *commercially ostracise*, and *de-politicise* the motivations for and the consequences of corruption. Using the device of criminal liability, the control of corruption through investigation related to possible prosecution focuses on the individual rather than the organisational reality of corruption as a commercial dynamic involving several players and interests. In this respect, the discourse and procedure of criminalisation emphasises pathology and illegality, rather than commercial and social utility. In so doing, there is an avoidance of the need for a wider conceptualisation and context for corruption, by emphasising its criminality and the unique responses to its control.

Criminalisation, rather than a more sophisticated market analysis of the conditions for corruption particularly as a consequence of modernisation, suggests power over corruption through control institutions and language, rather than a more realistic need to adjust the dynamics of socio-economic development and relationships of commercial domination and dependency. In this situation of underplaying commercial conditions, successful corruption control can be marketed as a product of political strategy, rather than corruption being a product of political and economic power relations (Johnson 2012).

Representation of Corruption Control

As mentioned above, where the major anti-corruption NGOs, such as *Transparency International*, represent corruption as a critical challenge to good governance through criminalising breaches in public probity, the control of corruption becomes the natural

province of nation-state government through their *independent agencies* (Findlay, Odgers and Yeo 2009; chap. 3). A failure by states to acknowledge and initiate the independent agency control approach might be judged by international organisations and their global corruption indices as a failure to address the governance challenges of corruption, and even as evidence of corruption within these states.

One clear limitation in the good governance/political control nexus is the absence of the dynamic commercial dimension of corruption relationships as they operate particularly in developing economies (Findlay 1999; chap. 5). Additionally, in missing the market imperatives of corruption when representing control responses, nation-states are vulnerable in that even the market-based imperatives for the government, where the government is a monopolist player, a monopolist regulator, and a trustee of market conditions, are under-recognised.

Complicating this, if we are seeking a more effective role for government in corruption control, is the reality that government takes up the role both as the broadcaster of corruption problems and the regulator of its consequences. This duality is particularly problematic in national governance settings where independent control agencies are anything but independent, and the state is an active player in corruption relationships. With these conditions in mind, it is still difficult to displace the state out of the corruption control project. Partly, the inevitability of state influence over regulating corruption rests in the recognition that through its sponsorship of law, the state, and its legal institutions and processes stand generally as the legitimate regulator of property relationships and the guarantor of compliance over property transactions and obligations. This centrality is paradoxically a critical reason why the state is a valuable player in corrupt relationships, and politicians can be rewarded handsomely for their facilitation of these relationships. Take for instance a state with an active expressive legality which condemns anti-competitive behaviour, while at the same time, through preferential licensing, subsidies and market positioning, limits market competition in favour of corrupt players. Where the authority to dispense regulatory favour is delegated to state control functionaries who exercise discretion, then these individuals have much to sell in the corruption marketplace.

So far, we have not ventured too specifically into global corruption control and its regulation besides mentioning the discourse of NGOs in the field. If we examine the *UN Convention against Corruption* (UN Convention against Corruption 2003) two features seem consistent with the critique of nation-state control representation discussed above. Firstly, the control discourse is constructed around criminalisation and languages of individual liability. Secondly, responsibility for corruption control, consistent with conventional public international law obligations, is couched in terms of nation-state law enforcement capacity.

As with state control conceptualisations, the Convention under-represents corruption from the interests of legitimate market and consumer communities as economically anti-competitive and dangerous to legitimate market preferencing, thus ineffectively individualising responsibility for vast networks of corrupt commercial influence in developing market economies. If international criminal justice is to have a role to play in the regulation of trans-national and global economic corruption through convention-centred mechanisms, then there is a critical need to:

- Understand corruption relationships as commercial realities beyond the jurisdictions of nation-states;
- Appreciate that many disaggregated states and delegated politicians are induced into corruption relationships, and thereby, the capacity of the state to control is compromised. Complementarity in such circumstances might shield, rather than facilitate, control outcomes where both local and international commercial interests are aligned against successful investigation/prosecution (Findlay 2013a; chap. 3);
- Develop within international criminal law a conception of global corruption, with a greater capacity to criminalise collective and corporate responsibility, and confront layers of complicity (Beare 2003; chap. 8);
- Recognise that because of the high level politicisation and multi-national commercialisation of global and trans-national corruption, and the manner of its victimisation, restorative processes of responsabilisation might prove more effective through international criminal justice (ICJ) than individual criminalisation;
- Counteract the opportunity-generating conditions within modernisation and development that flourish corruption, beyond a narrow deterrent strategy; and
- Due to the institutional and process limitations of contemporary international criminal justice (ICJ) options, there could be a case for developing a particular corruption control facility at the global level.

Symbolising Corruption—Dangers of Creating Monsters

A natural consequence of presenting corruption as a unique crime requiring unique control solutions, rather than as an all too familiar commercial preference, is to broadcast offenders and offences through selective public exposure in order to confirm the *rotten apple* theory. It is much more convincing for community consumption to individualise corruption through scape-goating, rather than to explore the institutional and process dynamics in a more conventional market analysis.

By objectifying and externalising corruption in terms of actions by individuals with deviant and destructive motivation, it makes understanding and responding to the behaviour simpler and more distant from more troubling situational contexts. Individualising the offence lends the state and its institutions the credibility to propose the market dominance of state regulators, and their neutrality. The alternative to *monstering* corruption players, particularly when considering the relationship between crime and development, is to investigate potential opportunities and locations for corruption. A situational analysis requires looking away from individuals and their moral failures, to processes and relationships wherein corruption becomes *good business*.

The discourse surrounding global corruption as a dangerous challenge to some model of good global governance requires the orchestration of public expectations about corruption. For many of the recent anti-corruption institutions and initiatives, a symbiosis with a compliant media is essential. If the media is willing in any

way to discuss corruption as a social by-product, it does so by suggesting that its prevalence and prevention are community responsibilities, rather than predictable consequences of modernisation in transitional cultures, or disaggregated states and commercial markets (Findlay 2013).

Globally or trans-nationally, it is through externalising corruption threats in the same way hegemonic interests externalise organised crime and terrorism (Ramraj et al. 2005) that it is possible to create and endorse a symbol of good global governance, and an atmosphere of necessity and moral panic within the symbolic global community. Corruption receives a communitarian treatment without in anyway requiring the analysis to confront actual features of community socialisation (such as bonds of obligation (Findlay 2007)) that may enable interpretations of commercial arrangements that otherwise are easily branded as corrupt. By employing a model communitarian location for corruption, it is against symbolic communities rather than real markets that the success or failure of corruption control is measured. In this way, simply the extent to which a prevention Convention is ratified by Member States of the UN can be presented as a victory for control. In this artificial location, the commitment of governance institutions to good governance can also be symbolised by ascribing to narratives of control that express honesty over commercial self-interest.

Market Model for Corruption and Control

Preceding any convincing market model for corruption, whether it be culturally or trans-nationally located, is the existence of market structures over property rights largely pre-determined by government regulation. Corruption would not likely be a problem in communitarian or subsistence societies where universal private property is not an exclusive measure for wealth or its transaction. If there were no material profit in it, then corruption would not be actively pursued in commerce and trade.

Accepting this, the enquiry then turns to the source of opportunity for corruption through discretion-based regulation. If there is a control interest in individual players, it is in what motivates them to interact, and what makes corruption an attractive, over a risky, business association. In such an analysis, two levels of market engagement emerge which *negotiate* regulation:

- corruption as a market variable; and
- corruption as a commercial alternative.

Making a market determination for or against corrupt commercial arrangements invites a cost/benefit measure of the profit potential in corruption relationships, and their likely cost through successful regulation.

Interestingly, consistent with any state regulation over lucrative markets (especially through law enforcement when supply is limited and demand is inelastic), by orchestrating entry restrictions to any markets for legitimate or illegitimate players, governments generate opportunity to:

- subvert regulation through corruption; and
- facilitate corruption outcomes using regulation as a facilitator.

In this way, corruption control strategies meant to set entry hurdles into illegitimate business enterprises or for illegitimate business into the general market, in fact, may predetermine the attractiveness of moving across the legitimate/illegitimate commercial divide courtesy of corruption relationships. Regulation becomes the opportunity.

To overcome the risk of regulation creating market opportunity through corruption, control strategies must try to shift the benefit/detriment balance towards legitimate market practice, and sensitive regulation with integrity. In addition, the attitude of the community within which any market operates must generate a strong anti-corruption consciousness which backs up the benefit/detriment balance.

Limitations of Control Response

For international criminal justice to engage with global or trans-national corruption stimulated through the opportunities presented by selective modernisation and socio-economic development, a more holistic control approach will be constrained by:

- prevailing ideologies of nation-states and of multi-national commerce;
- micro-level controls which conceal the institutional significance of opportunity;
- regulatory methods and mechanisms over which governments (corrupt or not) have a monopoly in terms of who controls control discourse;
- creation of *false limits* in the market by legitimate and compromised regulators;
- control strategies based on *failure theory* in conventional regulation modes, and promoting unhelpful dichotomies in assumed market divisions (legitimate/illegitimate); and
- the expansion of discretion at all levels of market regulation and commercial engagement.

A holistic approach to control will move the conceptualisation of corruption away from individual failures of trust, political failures of propriety, prudential failures of regulation, to circumventing illicit commercial advantage. Through a repositioning of corruption as a feature of certain trading and commercial cultures, business will be implicated in corruption prevention, and the control of market conditions for its proliferation.

Corruption and Development

The key factors we suggest in understanding how socio-economic development has facilitated corruption (and its misunderstanding) in transitional cultures and fragmented states need to be viewed outside a modernised normative lens. Otherwise,

control strategies at the international level will not develop without the capacity of exacerbating what they set out to regulate. Essentially, the key factors on which control should rest include recognition of:

- a-cultural representation of corruption
- community-centred corruption and regulation
- politics of development and dependency which foster corruption
- post-colonial political processes which also foster dependency and influence ripe for corruption
- commercial exploitation as a by-product of development
- environmental degradation characteristic of development
- colonial imposition of economic modelling in which universalised corruption definitions victimise dependent developing economies

Conclusion

Through the pressure to modernise, the crime development nexus presents a pervasive challenge for international criminal justice and global governance. In keeping with a more expansive understanding of global crime and international criminal justice (Findlay 2013a; chaps. 7 and 8), it is fair to say that crime generated through relentless and culturally dislocated socio-economic development in the modernisation mode demands a justice response that goes further than national interest or international economic priorities. That said, there lies a danger in generalising or dislocating from specific cultural contexts the crime/development nexus, and thereby creating a regulatory frame which may exacerbate rather than ameliorate the problem of crime and control which misconstrues cultural bonds as crime opportunities (Findlay 2013a: organised crime case-study in chap. 8).

The preconditions for an international criminal justice response to the crime/development nexus (Findlay 1999; chap. 2) include recognising, within both justice and development policy at the global level, that development is not sufficiently appreciated as a natural context for crime. As the central international imperatives for development are beyond local control and crimes that accompany development are often not known in the original culture or at least to the same degree, then managing the crime/development nexus is beyond the development policy of individual nation-states. This is particularly so when, in certain developing economies where the state is weak and commerce is exploited from beyond local markets, crime thrives in cultures of dependency. Ultimately, to develop an effective prevention and control approach which will maximise social capital and minimise the criminogenic consequences of development, crime must not continue to be misrepresented as naturally determined within customary relationships of obligation, leading to control strategies which damage cultural integrity, and cloud the real causes of crime.

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A Review of the Causes and Effects of Corruption in the Economic Analysis

Maurizio Lisciandra

Introduction

Only after the 1980s economists have turned their interest to corruption. Although initially confined to the investigations of other social sciences, scholarly research in economics has made important steps ahead in the understanding of this phenomenon.¹ Important surveys on the economic analysis of corruption can be found in Andvig (1991), Rose-Ackerman (1999), Bowles (2000), Andvig et al. (2000), Jain (2001), Tanzi (2002), and Aidt (2003). The following review wants to be an updated version of the previous surveys and a rapid guide to the main achievements in the economics of corruption in the public sector accessible also to non-economists. In particular, the review focuses on the causes and consequences of corruption leaving aside much of the theoretical issues especially revolving around the principal-agent, the rent-seeking, and the institutional approaches. It is divided into two parts: the first part introduces to the main causes of corruption, whereas the second part to the effects of corruption in terms of economic performance. There is still contrasting evidence on some causality nexus and even on the signs of correlation according to both theoretical and empirical investigations, especially about the relationship between corruption and economic growth.² For instance, Treisman (2007) does not find any significant correlation between GDP per capita and the rankings in corruption

¹ As noted by Treisman (2007), the growing attraction of corruption studies by economists can be gauged from a quick search of the article database JSTOR.

² See in particular Aidt (2011) on the problems of causality as well as correlation in the empirical literature.

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indices, whereas Seldadyo (2008) finds a significant negative correlation.³ Unfortunately, correlation does not mean causality, and this thorny issue is explained by Paldam (2002), who identifies a sort of seesaw dynamics in which corruption and economic development feed on each other. Here, however, we want to present a systematic view of the results achieved by all scholars involved in this analysis—which are sometimes conflicting—bearing in mind that there is already a vast quantity of studies performing especially cross-country empirical analyses of the cause-effect issue of corruption, and consequently only the most relevant ones are considered.

Causes of Corruption

According to Jain (2001) corruption requires the existence of three elements: (1) the discretionary power, intended as the power to define rules and policies or to apply them; (2) the expected economic rent associated with discretion; (3) the expected cost of corruption. In particular, the latter element consists of a few components: the psychological cost of committing the offence, the opportunity cost of using time and resources in a legal activity, and the conditional probability of being caught, prosecuted and punished composed with the severity of punishment. The discretionary power and the economic rent act as incentives for corruption, whereas the expected cost as a deterrent. Thus, according to economic theory, these elements mainly explain the presence and the degrees of corruption. In more detail, both empirical and theoretical economic analysis has identified among the observed or predicted causes of corruption the following factors:

High levels of regulation and reduced level of competition The main idea here is that bureaucrats can allocate contracts, permits, licenses, services and tax benefits, and by exploiting their discretionary power and any likely asymmetric information, they can extract part of the rents accruing to the beneficiaries. Ades and Di Tella (1999), Tanzi (2002), Dreher and Schneider (2010), and Goel (2012) find evidence that, on the one hand, greater degrees of legislative and regulative complexity, and on the other hand low competitiveness in the markets bring about more episodes of corruption. However, these issues are typical examples of reverse causality, in which there is a reciprocal impact among variables, in other words, the indiscriminate extension of bureaucracy and the several constraints to competition may also depend on a deliberate strategy pursued by public officials to increase the willingness to pay of government clients (i.e., businesses and citizens) as observed by Macrae (1982), Bliss and Di Tella (1997), and Schleifer and Vishny (1998).

³ About some measurement indexes of corruption see for instance the Corruption Perceptions Index, the Global Corruption Barometer, and the Bribe Payers Index, all from Transparency International. The Control of Corruption Index by the World Bank, and the Corruption Index by the International Country Risk Guide are other indexes used. About the weaknesses of the measurements of corruption see Lambsdorff (2006).

High levels of public spending Goel and Nelson (1998), and Tanzi (2002) argue that a large government involvement in economic activity, especially through investment projects and procurement spending, increases corrupt acts, although much depends on how the public sector works. However, this is a disputed argument. In fact, Elliot (1997) finds the public spending argument in contradiction with the low rates of corruption existing in high public spending countries such as the Netherlands, Canada, and the Scandinavian countries. Moreover, it seems that corruption has increased in countries such as China, Russia or Tanzania which came across extensive liberalizations (Shleifer and Vishny 1993); nevertheless, as noted by Cartier-Bresson (1995), this is not surprising because the liberalization process requires the government intervention, and consequently wide discretion.

Growth of international trade Tanzi (2002) accounts for large bribes that are often paid to get foreign contracts or get privileged access to internal markets, whereas quite the reverse Ades and Di Tella (1996, 1999) and Elliot (1997) find that the openness to trade implies lower levels of corruption. An inverse causal relationship is found in De Jong and Bogmans (2011), who suggest that corruption hampers international trade.

Low salaries of public officials Klitgaard (1988), Besley and McLaren (1993), Mookherjee and Png (1995), Chand and Moene (1999), and Akçay (2002), they all show a negative correlation with a clear causal relationship between the level of salaries of public officials and the extent of corruption. In particular, Van Rijckeghem and Weder (2001), in a sample of 28 countries, find a statistically significant negative influence of low salaries on corruption, but at the same time a considerable reduction in corruption would require important increases in salaries, which can be extremely expensive and thus should be combined with other corruption-fighting measures.

Investments in deterrence The same investments in deterrence can encourage criminals to invest into more sophisticated corruption mechanisms, thereby contributing to an “evolution of species” (Davigo 2003).

Further causes Law press freedom (Brunetti and Weder 2003), endemic corruption itself (Cadot 1987; Andvig and Moene 1990; Murphy et al. 1991; Mauro 2004; Sah 2007), government involvement in promoting industrial policy (Elliot 1997; Ades and Di Tella 1997), widespread poverty (Akçay 2002), unfair recruitment and promotion procedures (Rauch and Evans 2000), and high levels of taxation (Tanzi 2002), they are all further variables impacting on corruption levels.

Effects of Corruption

With regard to the economic effects of corruption, we can distinguish negative effects but surprisingly also positive effects. In fact, Leff (1964), Huntington (1968), and Leys (1970) claim that corruption can theoretically produce benefits to economic systems, especially in the developing world. In auction models, Beck and Maher (1986)

and Lien (1986) show that corruption promotes efficiency since the most efficient firms can afford the highest bribe. In standard models of queuing, Rose-Ackerman (1978) and Lui (1985) show that corruption can be efficiency enhancing because it minimizes the waiting costs for those who put more value to time.⁴ Dreher and Gassebner (2011) find evidence that corruption facilitates firms' entry in highly regulated economies. In sum, by overcoming the slowness of an inefficient bureaucracy, by improving the economic welfare of the middle class, and by speeding the money (i.e., easing financial circuits) corruption would be a "second best" or a "grease the wheels" solution.

In general, all these arguments are based on the consideration that the economic costs of extensive public regulation may be reduced or avoided through corruption. However, poor empirical evidence supports these theories. On the contrary, several empirical studies confute them. For instance, Kaufmann and Wei (2000) examine the relationship between bribes, time spent by management in paperwork and cost of capital, and found that companies paying more bribes are those which lose more time on paperwork as a result of negotiation with public officials and face at the same time a higher cost of capital. As noted by Ades and Di Tella (1997) and Aidt (2009) corruption acts primarily as "sand in the gears". In more detail, the observed and predicted negative consequences of corruption are:

Reduction in investments and economic growth Most empirical evidence agrees in identifying corruption as an important cost-increasing and uncertainty factor, thereby reducing investments and consequently the rate of economic growth (Mauro 1995; Ehrlich and Lui 1999; Wei 2000; Li et al. 2000; Mo 2001; Aidt et al. 2008). In particular, Méon and Sekkat (2005) corroborate this hypothesis by showing that corruption is detrimental to growth and investments especially in countries with an unreliable institutional framework. Bardhan (1997) observes that the channel impacting on economic growth is the reduced incentive of private investments. Murphy et al. (1993) show how corruption would discourage innovation since ruling oligarchies tend to bar entry to innovators in exchange for bribes from established firms. However, Assiotis (2012) finds contrasting evidence by pointing out that no significant causality between corruption and income exists when country-specific fixed effects are taken into account.

Alteration of price mechanisms and distortion of property rights Corruption impinges on free competition and forces out of the market law-abiding companies. Additionally, it distorts the enforcement of contracts and the protection of property rights (Tanzi 2002).

Overregulation and slow down of the bureaucratic process As observed above, bureaucracy tends to be cause and effect at the same time. In fact, bureaucrats are induced to expand regulatory practices and slow down bureaucratic processes in order to persuade government's clients to pay bribes (Myrdal 1968; Rose-Ackerman 1978).

⁴ It must be noted that Kaufmann and Wei (2000) contest the empirical validity of this result.

Alteration of the labor market Corruption brings about the recruitment of unsuitable human resources; this would affect productivity as well as distort investments in education, as found in Mauro (1995, 1997) and in Gupta et al. (2002b). In fact, human capital tends to prefer rent-seeking rather production activities (Baumol 1990; Murphy et al. 1991; Lui 1996; Lambsdorff 1998).

The growth of the informal economy Johnson et al. (1998) and Hessel and Murphy (2000) find a causal relationship between corruption and the size of the underground economy, which eventually drains also tax revenues.

Ineffective and uncontrolled public spending Tanzi and Davoodi (1997) and Mauro (1997) find that politicians tend to divert public resources towards activities more vulnerable to corruption through distortive interventions in public procurements. For example, Tanzi and Davoodi (*ibid.*) find a bias benefiting high-cost and large-scale construction projects rather than high-return value or small-scale decentralized projects.

Misallocation of private financial resources Krueger (1974), Bhagwati (1982), and Murphy et al. (1991) show how profits from corruption are invested in further activities of rent-seeking and not in productive activities. This would explain why countries with higher rates of corruption are those with the lowest rates of private investment (Mauro 1995) or foreign direct investments with respect to GDP (Wei 2000; Habib and Zurawicki 2002; Lambsdorff 2003).

Income redistribution to the affluent population Gupta et al. (2002a) find that high levels of corruption are associated with higher income inequality, showing that corruption causes poverty, unequal distribution, and a reduction in tax progressivity.

Further effects Underreporting of corruption itself (Andvig and Moene 1990; Soares 2004), reduction in international trade (De Jong and Bogmans 2011), and pollution increase (Welsch 2004) also through a negative effect on environment policy making (Pellegrini and Gerlach 2006) have been included among the detrimental consequences of corruption.

Concluding Remarks

The purpose of this paper was to outline the main contributions of the economic analysis of corruption. There are however a few issues to emphasize. First, as noted by Treisman (2000), corruption is hard to study empirically. In particular, many empirical studies have serious difficulty in identifying appropriate indexes of corruption. Treisman (2007) argues that indicators of corruption do not measure corruption *per se* but rather its perception, whereas proxies of corruption utilizing objective data such as the number of public officials convicted for abuse of public office may reflect the anti-corruption effort of the judicial system, and additionally suffer from the underreporting problem due to endemic corruption levels. Second, the causality nexus

is not yet disentangled for variables such as economic growth, regulation, competition, and public spending. Scholars hardly observe simple unidirectional and linear relationships between proxies, and the Paldam's conjecture of a seesaw dynamics seems to fit well to corruption. Third, we should not neglect that beyond the causes and consequences depicted above there are also historical and cultural determinants feeding corruption and influenced by corruption that this review has not surveyed.⁵ Probably, these variables give the indeterminacy we have just accounted of and would represent an important elaboration for future investigations.

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⁵ About this issue, see in particular La Porta et al. (1997).

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When Criminals Invest in Businesses: Are We Looking in the Right Direction? An Exploratory Analysis of Companies Controlled by Mafias

Michele Riccardi

“The truth is rarely pure and never simple”

—Oscar Wilde, *The Importance of Being Earnest*

The Misuse of Businesses by Criminals

For the last 15 years the use of companies by criminals and criminal organizations has been receiving an increasing attention from policy makers, governments and authorities worldwide. It has become a priority in the agenda of international organizations such as FATF, OECD, IMF, World Bank and the WEF which, as a result, have issued numerous recommendations in this regard (Riccardi and Savona 2013, p. 20 for a review; World Economic Forum 2012; van der Does de Willebois et al. 2011; OECD 2002; OECD 2001).

The issue has been massively addressed also in terms of regulatory developments. At EU level the Directive 2005/60/EC, pivot of the entire EU anti-money laundering (AML) regulatory framework, requires a range of financial and non-financial intermediaries (including banks, auditors, notaries) to identify, under certain circumstances, the beneficial owners behind client-companies in order to detect their links with criminals, criminal groups and terrorists.

The proposal for a fourth EU AML Directive, issued in February 2013, even strengthens this approach by requiring the same legal persons to hold information on their beneficial ownership and to disclose it, whenever requested, to both competent authorities and obliged entities.

The Interest of Researchers, so Far

However, in some sense, AML regulators have gone much beyond what researchers have produced on this topic. And this not only because of the lack of quantitative data in this field, as pointed out by several authors (e.g. Reuter and Levi 2006; Reuter and Truman 2004).

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The fact is that the study of criminals' investments in businesses has been often intended as a sub-category of the study of money laundering. Adopting the traditional paradigm seeing money laundering as a sequence of three components—*placement, layering and integration* (Reuter and Truman 2004, p. 25 for a review)—it could be said that the attention of researchers has focused only on the first two phases, while the third—*integration*, i.e. where and how illicit money is finally and actually invested in legitimate businesses—has often been neglected.

Most of the literature has in fact either estimated the amount of proceeds available for money laundering and that could be *placed* into the legal economy (e.g. UNODC 2011; Schneider 2010; Walker and Unger 2009; Walker 2007) or studied how companies could be used as *layers* to conceal illicit funds.

In this latter direction are, for example, researches such as van der Does de Willebois et al. (2011), OECD (2001), Riccardi and Savona (2013) and Transcrime (2013a) that, through a review of case studies, reveal the wide use made by criminals of shell companies, cross-shareholdings, “Chinese boxes” schemes and figureheads for disguising the illicit origin of their proceeds.

Why and Where do Criminals Invest in Businesses?

But money laundering—and *layering*—are only part of the story. The interest of criminals and criminal organizations for companies may respond to other reasons too.

Unfortunately only few studies have analyzed *why* criminals invest in businesses. Even less are those trying to identify *where* these investments occur, i.e. in which regions, in which business sectors or in which type of companies.

Most of them focused on Italian Mafia groups. Some authors explained the conversion of Mafia from a racketeering-based organization to an *entrepreneurial* one (Santino 2006; Fantò 1999); some theorized the features of an ideal Mafia company (Arlacchi 1983; Catanzaro 1988); others focused on traditional Mafia activities, such as the construction sector (Sacco 2010).

Looking outside the Mafia community, need to be mentioned the analyses of criminal investments in businesses in Canada (Schneider 2004), in Bulgaria (CSD 2011) and in the Netherlands in the real estate sector (Unger and Ferwerda 2011; van Duyne and Soudijn 2009).

Trying to summarize, criminals' investments in companies may be explained by five drivers:

- a) *Concealment of criminal activities*: as mentioned above, businesses could be used by criminals as *layers* for hiding their proceeds and concealing incoming and outgoing illicit flows;
- b) *Profit maximization*: as any other entrepreneur, criminals could invest in businesses to obtain considerable earnings and profits. This would explain for example, the interest for high-margins protected markets or with significant public subsidies (e.g. renewable energy, health services, etc);

- c) *Social consensus*: especially for Mafia-type organized crime, to obtain support from the local population is crucial. Establishing businesses may allow to distribute jobs and to share subcontracts with friendly enterprises;
- d) *Control of the territory*: investing in certain businesses and sectors with a high territorial specificity (e.g. hotels and restaurants, gas and water supply, constructions) could serve both for maximizing the physical control of the territory and to strengthen the relations with the local public administration and the political elite.
- e) *Cultural/personal reasons*: criminals could invest in certain businesses because close to their culture, education background, family tradition. This could explain, for example, the infiltrations of some Nordic motorcycle OCGs in mechanic garages, sex shops and tattoo shops (Police College of Finland 2013) or of Camorra groups in the wholesale of typical local food products such as dairy products and vegetables (see below).

These five drivers could influence the decision of criminals to invest in businesses but also the selection of which territory to invest in, which economic sector, which management model to adopt or which legal form. Not all the drivers should apply at the same time and some may prevail over others (Savona and Riccardi 2011).

An Analysis of Mafia Companies

To test this five drivers model, an analysis, briefly reported here¹, of 2,000 companies controlled by Mafia groups in Italy is carried out. Aim is to explore which of the drivers listed above could explain the distribution of Mafia companies across territories and economic sectors in Italy.

In particular it is hypothesized that businesses controlled by Mafia groups would concentrate:

- In territories characterized by strong Mafia presence, so as to benefit from the power already kept by the criminals in these areas and to maximize the control of the territory;
- In economic sectors characterized by higher profitability;
- In protected markets, characterized by inelasticity of demand (Gambetta and Reuter 2000; Fiorentini 1999) and low openness to international investments (Daniele and Marani 2008) so as to benefit from a condition of monopolist;
- In traditional sectors characterized by low technological level, low labour productivity and high labour intensity, so as to distribute jobs, widen the array of potential beneficiaries and increase the social consensus (Calderoni and Riccardi 2011; Gambetta and Reuter 2000);
- In territories characterized by fragility of the industrial, commercial, financial and banking system, where Mafia groups could better exploit their potential of infiltration and also act as last resort creditor to other businesses in the area (Masciandaro and Ruozi 1999; Bertoni and Rossi 1997);

¹ The full-length analysis can be found in Transcrime, 2013a, pp. 149–211.

- In sectors characterized by small firms, where Mafia groups could more easily infiltrate (Transcrime 2013a, p. 420).

In addition, a positive correlation is hypothesized between the presence of Mafia businesses and the level of suspicious money laundering activities and of tax evasion in the area.

Methodology

As a proxy of Mafia businesses, the universe of 1,742 companies² finally confiscated from Mafia groups by the judicial authority in Italy since 1983 to February 2012 is considered. Although criticalities exist³, seized and confiscated assets still represent the proxy most frequently used in this kind of studies (Transcrime 2013a, pp. 365–367; Van Duynne and Soudijn 2009; Calderoni and Riccardi 2011).

For each confiscated company, information about its location—address, municipality (LAU 2), province (NUTS 3) and region (NUTS 2)—economic sector of activity (classified according to NACE 2002 code 1 digit and NACE 2002 4 digits⁴), legal form, shareholders' composition and criminal affiliation⁵ is collected, so as to allow an analysis of the distribution of these companies from a territorial, sectorial and criminal point of view.

In particular, the linear partial correlation is calculated between the number of confiscated companies (per Italian province and per economic sector NACE 1 digit), assumed as dependent variable y , and the characteristics of the same provinces and economic sectors, assumed as independent variable x and operationalized through specific proxies or range of proxies⁶. The correlation is calculated with the effect of some controlling variable z that is assumed to intervene in the relation between y and x .

² Including 1,533 possessions of shares higher than the 50% of the issued share capital and 209 possessions of shares lower than 50%.

³ First of all, it may be possible to find a greater concentration of confiscated assets in areas characterized by a stronger activity of the police or the judicial authorities; secondly, statistics on seized and confiscated assets may lead to overestimation of goods more easily traceable and hence seizable as tangible goods, real estate or companies operating in more closely controlled sectors (e.g. construction, restaurants, etc); finally, confiscations could provide a “vintage” picture of criminal investments, since years can pass since the initial criminal investment to the final confiscation.

⁴ While information about NACE code 1 digit was available for 1,530 companies, information on the NACE code 4 digits is available for 503 companies.

⁵ For 1,545 companies it was possible to obtain, through a review of open sources (Transcrime 2013: 165–169), an indication of the criminal organization (e.g. Camorra, ‘Ndrangheta, Cosa Nostra, etc). For 301 companies, of the single group (e.g. clan Casalesi, Morabito group, Cesarano group, etc).

⁶ For example, the technological level of a province j has been proxied with the number of R&D patents issued in province j , controlled by the number of companies registered in the same province j . To test the hypothesis, above discussed, that mafia businesses concentrate in low-tech markets, it is calculated the partial correlation between the number of companies confiscated and the number of R&D patents issued in the 107 Italian provinces.

Results of the Analysis

Table 1 reports the results of the correlation analysis. Other analyses follow thereafter.

The results of the correlation analysis confirm the hypotheses above discussed about the distribution of Mafia companies. In particular it seems that Mafia businesses concentrate in territories already marked by significant Mafia presence and characterized by low technological level, low openness to international trade and investments, poor infrastructural and financial development, high levels of tax evasion and of money laundering, and in business sectors characterized by small-sized companies and low labour productivity. Interestingly, the correlation with the profitability of the sector seems not to be significant, hence suggesting that profit maximization, at least in a strict economic sense, could not represent a crucial driver in determining Mafia investments in businesses.

But what are these territories and business sectors? In terms of territorial distribution, Fig. 1 shows the rate of confiscated companies every 10,000 registered companies in the 107 Italian provinces, which could be also taken as a proxy of the weight of Mafia investments on the legal economy.

Most of confiscated companies concentrate in 6 regions: Apulia, Calabria, Campania, Sicily—regions with an historical presence of Mafia groups—Lazio and Lombardy. At NUTS 3 level, the province with the highest rate is Palermo (39.4 confiscated companies every 10,000 registered), followed by Reggio Calabria (22.5), Vibo Valentia (11.5) and Caserta (10.0). Northern provinces such as Lecco (7.3) show rates even higher than southern areas as Naples (6.8) and Salerno (5.9), while Milan (3.4) ranks third in terms of number of confiscated companies (138).

However, the level of infiltration varies depending on the business sector. Table 2 below shows the rate between confiscated companies and registered companies classified according to the economic sector of activity (NACE 2002 code 1 digit). Mining and quarrying is characterized by the highest rate of infiltration, due to its strategic role both in the supply of cement for constructions and in the illegal disposal of waste (abandoned quarries are ideal sites for the illegal storage of waste, especially toxic) (Transcrime 2013b; Tribunale di Napoli 2011). Construction still represents a preferred investment option, as well as hotels and restaurants (especially bars and restaurants). As for wholesale and retail trade, particularly relevant are trade of food products (especially dairy, milk, vegetables, olive oil), clothing, apparel, flowers and plants. To be noted is also the interest for two sectors that allow a capillary control of the territory (Transcrime, 2013a; Cantone and Di Feo, 2011) such as gas and water supply (especially petrol stations) and transportations.

However peculiarities exist. For example the infiltration rate in bars and restaurants is much higher in Northern provinces such as Lecco and Milan; similarly in mining and quarrying some areas seem very affected (e.g. Vibo Valentia, with one mining company confiscated every four registered) while others are not.

Table 1 Mafia companies, territories and business sectors of investment

Independent variable (y)	Proxy of variable x	Control variable (z)	Partial linear correlation $R_{xy,z}$
Dependent variable (y) = Number of confiscated companies			
Mafia presence (a)	MPI—Mafia Presence Index ^a	–	0.48**
Openness to international trade and investment (a)	Composite index including: -Propensity to exportation (Export/Added value); -Outward Foreign Direct Investments; N. R&D patents	N. Registered companies	-0.27**
Technological level (a)	Total household income	N. Registered companies	-0.23*
Income level (a)	Composite index measuring: -Electric and transport infrastructures; -Banking infrastructures;	Resident population	-0.36**
Level of infrastructural development (a)	-Cultural-recreational infrastructures; Total value of medium/long term loans granted; Tax Gap	N. Registered companies	-0.25**
Banking/financial system development (a)	N. Suspicious Transaction Reports issued	Resident population	-0.21*
Tax evasion (b)	Added value/Sector GDP	Province GDP	0.25*
Money laundering (b)	N. employees/N. registered companies	Province GDP	0.25*
Profitability (c)	Added Value/N. employees	–	-0.22
Firm size (c)	–	–	-0.80**
Labour productivity (c)	–	–	-0.46*

* $p \leq 0,05$; ** $p \leq 0,01$

(a) Partial correlation calculated on 107 Italian provinces (1,742 confiscated companies as a whole)

(b) Partial correlation calculated on 103 Italian provinces (1,742 confiscated companies as a whole)

(c) Partial correlation calculated on the 13 business sectors NACE 2002 code 1 digit (1,530 companies as a whole)

^a The MPI—Mafia Presence Index is a composite indicator developed by Transcrime to measure the intensity of the presence of Mafia groups at municipality (LAU 2), provincial (NUTS 3), region (NUTS 2) and national level in Italy (see Transcrime 2013a)

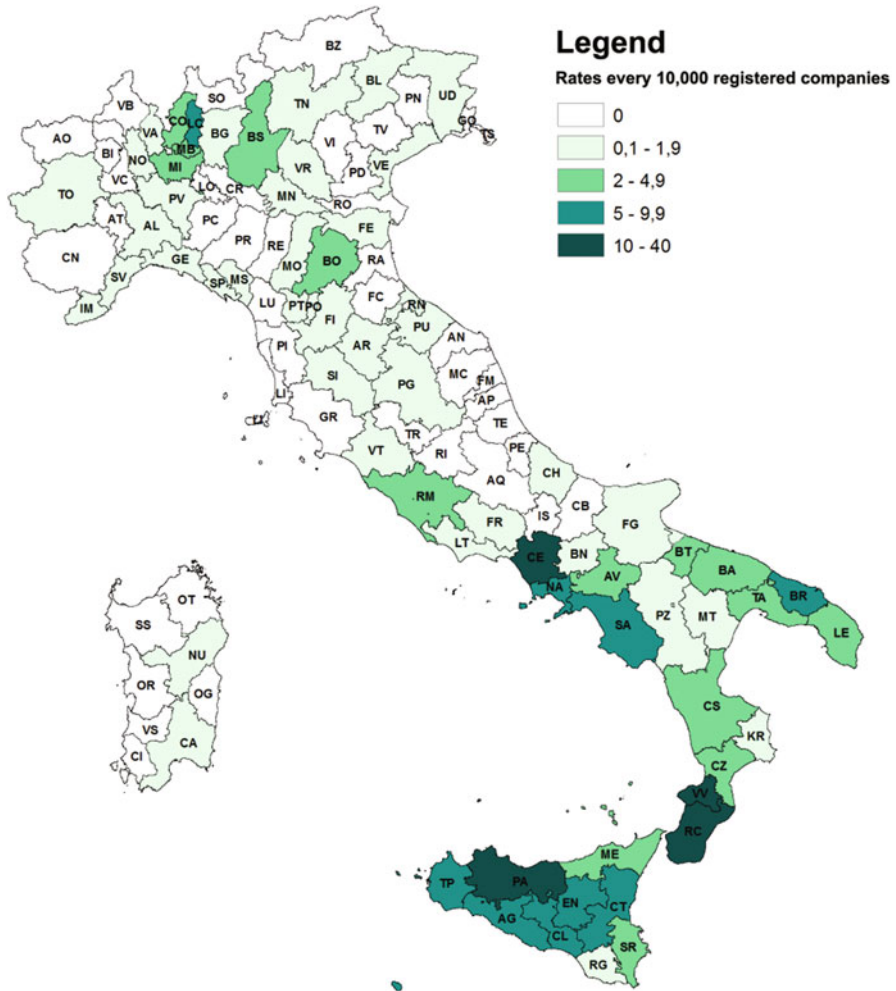


Fig. 1 Confiscated companies (1983–2012) every 10,000 registered companies. Italian provinces

This depends primarily on the investment preferences of the different Mafia groups located in the country. For example within Camorra the families belonging to the Casalesi cartel mainly controlled businesses operating in the mining, quarrying and construction industry while other Camorra groups focused on the wholesale and retail trade (Fig. 2). Again, the Cesarano group (Camorra) is specialized in the trade of flowers and plants, the Coco Trovato-Flachi (‘Ndrangheta) in bars and restaurants, certain Camorra and Cosa Nostra groups in petrol stations and in the supply of LPG (Transcrime 2013a).

Table 2 Confiscated companies (1983–2012). NACE 2002 1 digit business sectors

Business sector (NACE 2002 code 1 digit)	Rate confiscated every 10,000 registered companies	% on the total confiscated ^a
C—Mining and quarrying	45.16	1.4 %
N—Health and social work	5.31	1.2 %
F—Construction	4.85	28.8 %
H—Hotels and restaurants	4.07	10.5 %
E—Electricity, gas and water supply	3.84	0.4 %
I—Transport, storage and communication	3.29	3.9 %
G—Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods	2.90	29.4 %
O—Other community, social and personal service activities	2.68	5.2 %
J—Financial intermediation	2.05	1.6 %
K—Real estate, renting and business activities	1.81	9.0 %
A and B—Agriculture, hunting and fishing	1.18	6.5 %
D—Manufacturing	0.53	2.2 %
Other sectors	0.05	0.1 %

^aThe 1,530 companies for which it was possible to obtain the NACE code 1 digit business sector

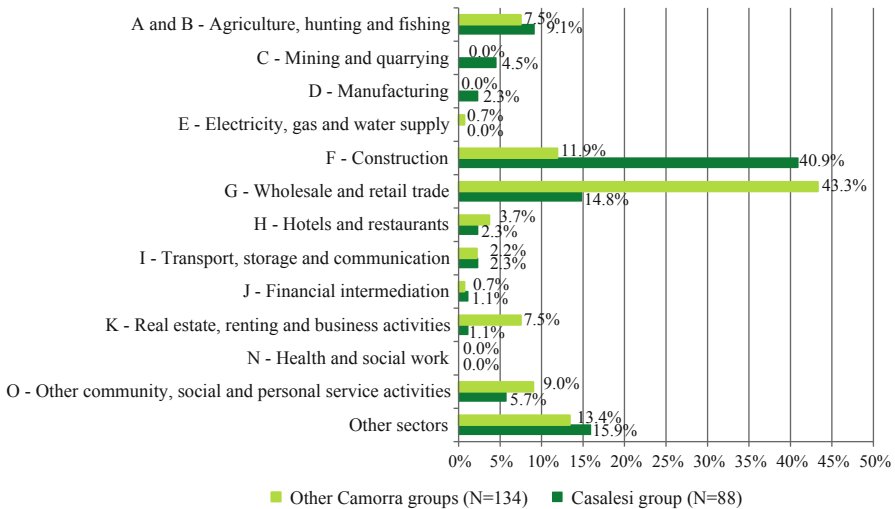


Fig. 2 A comparison between Casalesi and other Camorra groups businesses (confiscated companies from each group per NACE 2002 code 1 digit)

Not revealed by statistics on confiscations, but equally important, is the interest of Mafia groups for emerging and profitable businesses such as renewable energy, especially biomass and windpower (Caneppele et al. 2013), logistics and express couriers (Mancini 2011), call centers (Tribunale di Milano 2012) and gold retail trade.

Conclusions

Criminals invest in companies not only for laundering money. Although most of the literature see businesses only as *layers* where criminals could conceal their illicit funds, investments may respond to other purposes. An analysis of about 2,000 companies confiscated in Italy since 1983 to 2012 shows that Mafia groups seem to prefer those markets, business sectors and types of companies that allow to maximize their territorial control, to benefit from and expand their political relations, to distribute jobs and sub-contracts and that are close to their personal and cultural background. Profit maximization, in a strict sense, and money laundering appear important drivers but not sufficient ones. In addition, business specializations of different Mafia groups can be identified. These results confirm the need to widen our knowledge of criminals' investments in companies: about *where* these investments occur, in which business sectors, in which types of company. These analyses would allow not only to strengthen the confiscation activity of the police, but also to identify and thus protect more effectively those markets that are more vulnerable to criminal infiltrations.

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A Sociological and Juridical Redefinition of Usury

Sonia Stefanizzi

The purpose of this contribution is to suggest a sociological and juridical redefinition of usury with a different interpretative point of view in the analysis of this phenomenon. The challenge is to move from the traditional scheme based on the lending of money to a needy individual and the payment of unconscionable interests, which are in fact definable as “usurious”, to a new and diverse juridical category. This interpretative effort finds grounds in the awareness of the fact that usury as it has been defined by the law¹ is sensible, even “permeable”, to social change.

Usury, as we know, is tied to the demand for credit which can't be adequately met within the legal market. Actually, one could say that usury and the legal credit sector represent two antithetical sides of the same phenomenon, that of the demand for money. The two sides coexist, one to the detriment of the other, fostering each other's consumers with a proportional ratio. The recourse to usury is in fact directly proportional to the difficulty in accessing legal credit—where the difficulty is greater, resorting to the loan shark is more frequent. The consequent realization is all too evident: if legal credit were easily accessible there wouldn't be space left for usury, being unthinkable that he who can easily obtain money through institutional channels would enter a ruinous spiral hard to get out of. These considerations do not aim to blame the banking system for responsibilities that it doesn't have. The purpose is simply that to establish that the market laws, according to which the demand for a service is inevitably tied to the supply of that service, find their application even in usury. The, so to say, “legal” creditor encounters great difficulties in recovering the loan capital, whereas the usurer, who typically uses illicit means such as extortion to collect his credit, encounters no such hurdles. Hence, from the standpoint of the banking-house, arises a need for guarantees, however often insufficient to ensure the recovering of the capital in a short and safe time. If there are no guarantees the access to the legal credit system becomes hard, if not impossible. Conversely, the

¹ The reference is to the latest Italian law on the subject of usury: no. 108 of 1996.

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usurer doesn't ask for guarantees and, at least initially, he approaches the debtor with a reassuring and comprehensive attitude, becoming a life line, a sort of family friend to appeal to. As many empirical researches have highlighted (Savona and Stefanizzi 1998; Stefanizzi 2002; Spina and Stefanizzi 2007), this attitude considerably affects the possibility of the victim of usury not pressing charges and this influences the perception of the phenomenon from the outside. The magnitude of it is certainly not measured by the number of ongoing lawsuits. There are two reasons for this: on one hand there is a certain scruple in manifesting, through pressing charges, the existence of an usurious relationship, on the other there exists a form of gratitude that the debtor has towards he who lent him money. The latter is in fact seen as a benefactor, so that between usurer and debtor a relationship very similar to the so-called "Stockholm syndrome" is established, so that the victim will unlikely report his executioner. This attitude, though, is only initial. The skeleton key with which to enter the economic world of the debtor is the initial trust, then, inevitably, blackmail, and a request for precise guarantees comes into play.

If these conditions explain the poor reliability of data on the number of lawsuits regarding the magnitude of the crime in Italy, analysis must go further and must consider the results acquired until now unsatisfactory.

A new approach to usury must also keep into consideration that the scientific debate on usury that has developed in Italy in the last years has focused mainly on the quantification of the problem, overlooking other aspects.

Unfortunately, both researches in the academic field and those made by associations in the same category have come up with very contrasting esteems in relation, most of all, to those aspects that are hard to gain empirically, such as the number and the characteristics of the subjects involved in the usury market and the overall size of its turnover. Not only, on top of that one must add the consideration that the usury market has been mainly analyzed, from a theoretical and empirical standpoint, by economists. Economy literature has suggested, as tool of examination of the illegal credit market, two interpretative schemes that place the main cause of the structure of the usury market respectively either in the demand or in the supply. Without discussing the merits of the two approaches in examining this phenomenon, we shall simply mention that the first, more traditional tendency (Basu 1984; Baudassè 1993) stresses the aspect of the demand, considering the victims of usury (consumers or companies) crucial in determining the form that financial transactions in the illegal credit market have taken on. According to this approach, the explanation to resorting to usury lies in the debtor's poor "reliability", in his limited capability in guaranteeing redemption of the credit, that is in the high "riskiness" of his investment or consumption project.

The fact that there are informational imperfections and limits to competition on the credit markets makes it inconvenient for subjects operating within the legal financial system to grant credit based on combinations of "reliability–riskiness" that characterize the demand of this service. The result is a "rationing" of the credit in the legal financial system that pushes penalized and needy subjects to search for loans at higher interest rates and excessive contractual conditions (Bau 1984). According to this approach usury is hence the effect of imperfections within the financial

system combined with the presence of a demand for credit characterized by diverse declinations of reliability-riskiness (Stiglitz and Weiss 1981).

A second approach includes some research done on usury transactions based on economic models that lead the explanation of the phenomenon back to the characteristics of the credit supply in illegal markets (Battaglin and Masciandaro 1997). This perspective centers on the hypothesis that the financier operating illegally confers a surplus value to the guarantees given by the debtor in case of failed remission of the credit². In other words, the conveyance of the rights of property on said guarantees, onerous to the financial institutions operating in the legal market, would be functional to the pursuit of other illicit purposes on behalf of the illegal creditor. Think, for instance, of the cases in which the acquisition of one or more properties pledged by the debtor allows for laundering operations. The possibility to diversify entrepreneurial strategies would hence allow the illegal operator to offer convenient contractual conditions at high risk of insolvency.

If, as many empiric studies have demonstrated, usury finds more fertile ground in the microeconomics of subsistence in which small businesses often operate, and if on to that we add the fact that usury often coexists with the legal activities of financial businesses, of brokering, and of accounting offices, one might dare suppose that usury is not only a deviant micro economy, but also a dark side of regular commercial and entrepreneurial activity.

The experience in research on the crime in question gives plausibility to the hypothesis that, independently from the placement in the social environment of the victims of usury, their social weakness (absolute and relative) is nearly always the determining condition of their victimization (for example, the business agent's weakness can be traced back to their greater exposure to the credit grasp or to financial crisis and so on).

Resuming the hypothesis of permeabilization of usury to changes in life, market, and society in general, the thesis that's being supported is that it's possible to reach a redefinition of the state of need and more generally to a redefinition of the categories under which usury should be placed based on empiric material drawn from judiciary files and researches. The goal is therefore the construction of a new conception of usury. Ultimately, the word usury cannot be intended merely as granting loans at rates above licit, but it must refer to any situation in which economic freedom is alienated to the advantage of one or more subjects able to impose their strength.

In the Italian context, the legislative description of usury has undergone a substantial transformation, expression of the changing of times, whose main effect can be found in a different attitude of the world of credit and of the financial market in general. Together with this new perspective we have the birth of new social needs that have entailed a substantial expansion in quantitative terms of this phenomenon, whose proportions, as foresaid, for its hidden nature, are not inferable by the number of reported cases or lawsuits.

² This perspective ignores problems relative to the acquisition of goods established as guarantee in illegal contexts.

The most recent law has given a new formulation of the punishable behavior. With article 644 c.p., this law has introduced the allegation of “real usury”, identified in those economic operations free from direct reference to money (hence the term “real”) and that therefore allow to obtain excessive benefit compared to their actual economic value. The transformations that took place in the legislation, slow but evident, and the conceptual evolution of usury from moral guilt to alleged crime, make it necessary for a rivisitation of the classes of interpretation under which this phenomenon should be placed.

If we go back to the idea that the analysis of the magnitude of usury cannot prescind from some aspects that are typical of the processes of social change, to support this thesis we can refer to the Italian case, as an empiric example. The significant increase of foreign citizens in the ever growing diffusion of clandestine situations and in the formation of a source of legally unprotected manpower due to integration issues, have without a doubt, broadened the concept of state of need. To this end, in examining usury it becomes important to introduce the concept of social vulnerability that, as known, greatly characterizes the condition of precarious workers and of foreign citizens. Social vulnerability can be the result of the sum of various factors, amongst which the precarious working condition, a numerous family with an insufficient income, immigrant conditions, the inadequate provision of multiple asset typologies (economical, social, and cultural) and, last but not least, possible invalidating pathologies and other factors that could affect a citizen’s capabilities (Sen 2000). Contextualizing usury in a situation of social vulnerability allows us to lead back the situation of one of the subjects in the relationship that comes up in a situation of usury to the condition of “economic and financial struggle” requested by the law for the crime of usury to subsist. This means going one step further and including in the scheme of the law all those situations in which autonomy and self-determination of the subjects are permanently threatened. In particular it is important to identify other sectors, apart from credit, in which usury is justified by one’s ability for self-destruction, with the aim of evaluating if taking advantage of such a weak position is suitable for defining an hypothesis of usury.

Resuming the tenor of the legislation, as foresaid the crime is identified in the lending of money or “other utilities”. When an economic evaluation is applicable to the latter, there is a penal relevance. The crime can be identified in all those situations in which an exchange supposes a condition of vulnerability in one part as foresaid, indicated by the law as a situation of “economic or financial strife” which is object to advantage by the other bargaining part, entailing a constituent usurious profit for such part. Everyday reality leads us to identify cases in which the taking advantage of conditions of extremely serious social discomfort is evident.

The first field is given by situations inherent to working relationships in general. For example, blackmailing a foreign citizen without a visa is direct in the moment in which the fear to lose his job is exploited. The contract therefore becomes, on behalf of the employer, the means to force the worker to be subject to risky situations. The employer exploits the situation in which, independently from the need to get a visa, the foreign citizen needs the job itself to make an, even minimum, income. The employer finds himself in the favorable condition of being able to avail himself to

restrain from stipulating a work contract, exploiting de facto a condition of objective need of the foreign citizen without a visa, subcontracting him for works with a choice of either underpaying the service or of not remitting any compensation at all.

This kind of behavior is supported by the certainty of the employer of substantial impunity, as it is unthinkable that he can be reported by someone who is in a situation of illegality. In the moment in which the irregular situation of the foreign citizen is legitimized by an employment contract, there is still a chance of a situation of vulnerability, constituted by the fear of losing the job and consequently the right of residing in the Italian territory. In this way, the vulnerable condition of the immigrant grows in the measure in which he is obliged to take on any task even as mere bargain factor to have access to a regular condition. This dramatic situation puts the individual in front of an almost imposed choice.

Analyzing usury, although such criminal hypothesis calls for, in its most typical form, an exchange of money to trigger the relation between usurer and victim, it seems like, in the working environment, the same relation of sub ordinance can be set up without an economic bargain. Money is used both as a loan from the usurer to the victim, and as an interest that the latter shall correspond to the first. Such bargain is hence conveyed by an impersonal element residing in money. However, a similar bargain can amount to different means such as symbolic resources, immaterial or human.

Now, the example being made, leading the relationship between the part back to the juridical scheme of usury, it's easy to observe how the work supply, in the foresaid terms, can constitute that "other utility" mentioned by the legislation, identified by the law as a service that can be associated with usurious advantage.³ Therefore, even in the absence of a money loan, extortion which is afferent to an "other utility" found in the job offer, makes it possible to identify an usurious relationship. The situation of vulnerability can therefore lead the precarious worker to make himself available to incentivate the employer to renew his contract, guaranteeing a greater availability compared to that expected according to the contract itself. We could suppose that any "supplement" of working activity, if properly incentivated by the employer, is assimilated to a usurious relationship, in which personal freedom is constantly oppressed.

Another phenomenon that can be easily traced back to usury is found in the violation of the most basic regulations regarding safety and irregular work. In the situation in which the worker doesn't report the employer for not being paid an insurance contribution and he is being employed for dangerous tasks, by violating the legislation on safety at work, we find ourselves in the presence of an hypothesis that can be lead back to the scheme of usury. As a matter of fact, in this case, the relationship between the service offered and the paid salary is an usurious advantage for the employer, made up of the obvious saving consequent to the omission of the expenses necessary to adapt the production to the effective legislation, to the entity of the salary below the statutory limit, and the omission of expenses for insurance dues.

³ See the research by Dal Lago and Quadrelli (2003), p.:134: "In this perspective, sociological and not formal-juridical, the position of an irregular immigrant, forced to accept a lousy wage because subject to deportation, is not, on a quality level, different from that of the small businessman that loses everything by falling into debt with the loan sharks".

Another emblematic case comes from the lease market. Home, as a primary good, becomes a sort of “passport” necessary for driving roots in the territory, especially for immigrant citizens. Italian reports of the last few years give us much to reflect upon. It’s frequent to find home owners renting places without a certificate of occupancy to foreign citizens, often staying illegally. A part from the value of illegal work, which normally allows the foresaid to pay a rent, and the relevance of which relative to our investigation has already been examined, it’s the renting conditions that must be analyzed. Most of the times it’s a matter of lease of a single bed, in decaying environments, at a high cost, and in promiscuous situations. It therefore appears clear that such a situation cannot be sanctioned simply for violating sanitary laws or legislations regarding communicating the stipulation of a new rental contract to the local authorities (which, for far too easily deducible reasons, will never be either stipulated, let alone registered).

In the described situation it’s evident that in the case in which the tenant shall not pay, the situation, seen the type of subjects involved and the actual circumstance, will never be brought to the attention of a judge. In these cases most of the time the debt collection from the unpaid rent is carried out by the landlord in ways that represent extortion. The exploitation in these situations is obvious. Going back to more effectively juridical considerations on usury, there is no doubt that the bargain relationship (the synallagmatic contract, according to the juridical definition) founded on assignment of a rented good on one side and payment of the rent of the other where there is a great disproportion between the two and where such disproportion cannot be rectified in the eye of civil judgment (for the impossibility to appeal to a judge because of the peculiar relationship between the contracting parts, as foresaid), fits the schemes of usury for all intents and purposes. As a matter of fact we find ourselves in the presence of a loan of an economic value, that is the rent of a house or of a bed (good that certainly fits the definition of “other utility” described by the legislation) and a corresponding clearly inadequate price to be paid by an individual in an evident position of dependence.

The conclusion to this matter is quite obvious. In the interpretation of the regulations relative to usury, what matters is that the concept of economic or financial struggle must be broadened to include all circumstances of weakness, even psychological, of one of the contractors.

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Part IV
Mafia & Organized Crime

Guns and Violence: In Search of Evidence

Anna Alvazzi Del Frate

Small Arms, Big Numbers

Small arms¹ are responsible for approximately half of the homicides which are committed in the world. Furthermore, small arms are extensively used also in conflict settings along with conventional weapons, thus responsible for probably the majority of violent deaths (Geneva Declaration Secretariat 2011).

In 2007, Small Arms Survey estimated the number of small arms worldwide at 875 million, of which the vast majority (650 million) in the hands of civilians (Small Arms Survey 2010, pp. 101–103). Civilians therefore own the largest number of firearms, according to a variety of motivations, for example self-protection, hunting, sports-shooting, and collection. This is a very important aspect in considering what illicit firearms may be.

What makes a gun “illicit” is its being produced, transferred, held, or used in violation of national or international law. Illicit production, from simple shotguns to advanced rifles, includes original models, as well as elaboration of commercial models, replicas of antiques, and conversion of originally blank firing weapons converted to fire live ammunition (Berman 2011). Production and circulation of such firearms may be state-controlled, for example as in the case of antique replicas, or prohibited, but more often such market is unregulated. Artisanal production of small arms has always existed in parallel to industry and there is evidence of their use in committing crimes in European countries, as well as in several conflicts in Africa. A recent development in this respect is represented by guns originated by 3D printable models, which are indeed capable of shooting.

¹ As per the Report of the UN Panel of Governmental Experts on Small Arms, the definition of small arms includes “revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles, and light machine guns” (UN 1997, para 26.).

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The documented global authorized trade in firearms is worth at least USD 8.5 billion annually (Small Arms Survey 2012, p. 241). The size of the illicit market has been estimated to range between 10–20 % of the licit market (Small Arms Survey 2006; UNODC 2010, p. 129). This would indicate an estimated value of the illicit market in small arms of at least USD 850 million per annum. Large scale arms trafficking often occurs in connection with conflicts and areas under embargo. Illicit transfer occurs either in conjunction with trafficking of other goods/commodities, for example drugs (UNODC 2010; Savona et al. s.d.) or as diversion at different points of authorized trade. Falsification of documentation (for example the end user certificate—EUC, which should ensure the legitimacy of the transaction to a certified user), corruption, and the involvement of (state) officials at different points of the transaction are the key methods. In some cases legitimate actors may be involved at most points of the trade, with possibly only one broker at the receiving end (UNODC 2010, p. 130). Diversion of weapons and ammunition from domestic sources mostly occurs as theft from state-held stockpiles or surplus, especially where proper mechanisms of stockpile management and military surplus destructions are not in place (Karp 2008).

Illicit holdings mostly refer to ‘illegal’ ownership, in consideration that in many countries it is not legal to own a firearm. Household surveys provide important information in this respect, both in terms of collecting self-reported information on access to firearms, as well as on the experience and perceptions of survey respondents on local markets and sources of firearms. For example, surveys in Kenya and Uganda identified patterns of trade of firearms across the border, including weapons captured by local groups from opposing groups from both Uganda and Kenya (Kingsma et al. 2012, p. 48).

Survey respondents in several countries/territories have been asked if they thought it was easy or difficult to acquire a firearm around their area (see Fig. 1).² Approximately two-thirds of respondents from Somaliland and more than half from Kazakhstan—where civilian ownership is regulated—felt it would be easy or possible to get a small arm. Significant proportions of survey respondents from Eastern Equatoria (now in South Sudan), Côte d’Ivoire, Kenya and Nepal indicated easy or possible access to firearms. This suggests that access to firearms is not limited to conflict or immediate post-conflict zones, but quite active in many places where different groups may operate in fuelling firearms to support several forms of armed violence.

Illicit Use and Impact of Firearms

Firearm deaths include all gun-related events leading to deaths. This is the case with many direct conflict deaths, intentional and non-intentional homicides, legal interventions, suicides, accidents, as well as the consequences of stray bullets. Not

² Based on survey results published in Florquin et al. (2012); Kingsma et al. (2012); Wepundi et al. (2012); Racovita, Murray and Sharma (2013); de Tessières (2012); McEvoy and Murray (2008); Danish Demining Group and the Small Arms Survey (2010). Survey respondents in most setting also observed a marked difference between urban and rural contexts, with urban areas representing a facilitator for access to firearms.

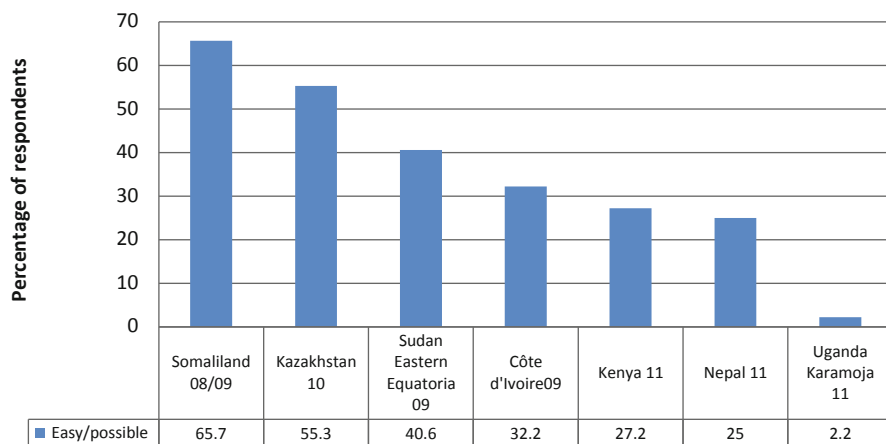


Fig. 1 Perception of survey respondents about how easy they think it is to acquire a firearm in their area (sum of “easy” and “possible” responses). (Source: Small Arms Survey database (unweighted data))

all categories are pertinent to violence and much of the classification depends on the legal framework in which it is placed.

Killing someone not always represents illicit use of a firearm. Police killings may be part of legitimate use of force. Some categories of killing may be considered ‘lawful’, for example those in self-defense; revenge or retaliation; as a result of provocation; to eliminate the pains of incurable patients; to defend the ‘honor’ of a person or a family (see Alvazzi del Frate et al. forthcoming).

The total number of violent deaths per year has been estimated at 526,000 (Geneva Declaration Secretariat 2011), including approximately 400,000 homicides. A firearm is used, on average, in between 42 and 60 % of homicides (Lozano 2012; UNODC 2011; Geneva Declaration Secretariat 2008). There are regional variations, with the highest percentages of firearms used observed in Latin America (70 % in Central America, 61 % in the Caribbean and 60 % in South America, see Small Arms Survey 2012). In 21 of 23 countries in Latin America and the Caribbean for which data are available, the proportion of homicides committed with firearms is higher than the global average. In some countries, such as Guatemala, Honduras and Colombia (see UNODC s.d.), levels of homicides committed with firearms are higher than 80 %. Furthermore, in Latin America the proportion of homicides committed with firearms tends to increase and decrease in parallel with homicide rates (Aguirre 2012).

Rates and proportions of firearm-related homicides are closely related with patterns of the situational context of homicides across regions, with the higher proportion of homicides by firearm matching a higher proportion of homicides related to gangs and organized crime (as is the case in the Americas, see Geneva Declaration Secretariat 2011; UNODC 2011). As a contrast, lower rates and proportions of firearm-related homicides are observed in regions prevalently marked by intimate partner or family related homicides (as is the case in Europe and Asia). Regional

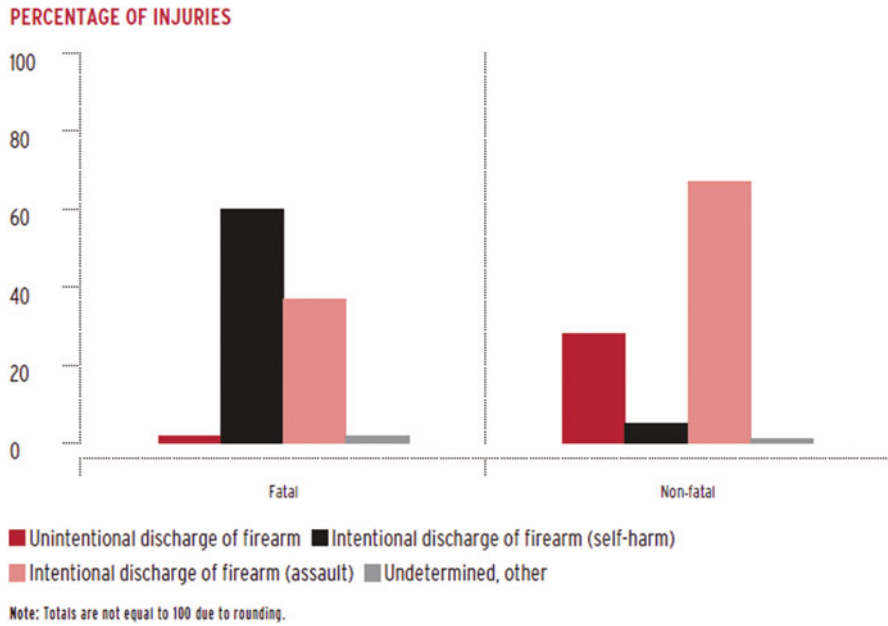


Fig. 2 Distribution of fatal and non-fatal firearm injuries in the United States, by intent. (Source: Alvazzi del Frate 2012, p. 84)

differences also refer to use of firearms by different armed actors. For example, European street gangs appear to use gun violence and gang-related homicides much more rarely than their US equivalent (Klein et al. 2006, p. 432).

Suicides count for the majority of firearm deaths in many countries, where firearms are also the instrument used in most suicides (Alvazzi del Frate 2012, see Fig. 2).

In 2010 in the US the rate of overall firearms deaths was 10.33 per 100,000 population, approximately 3 times higher than the rate of firearm homicide (3.59, Gerney, Parsons and Posner 2013). Only few of those who attempt suicide with a firearm survive. It is also observed that the weapon used by adolescents who commit suicide is usually already in the household and belongs to parents or other family members (Johnson et al. 2010). Studies have demonstrated that the presence of a firearm in the home represents a high risk for the likelihood of being used by family members either to commit suicide or in the course of domestic disputes, which may more frequently have a lethal outcome (Shaw 2013). In general, although firearms are used in smaller proportion in the killing of women and girls than men, women run a higher risk of being killed in contexts where guns are more available (Alvazzi del Frate 2011).

A firearm present on the scene is frequently mentioned by victimization survey respondents. This may be in the course of assaults or property crimes. Victims of car hijacking/kidnapping were those more frequently mentioning a firearm being used. Robberies and burglaries also frequently involved guns. For example, up to 10% of the total sample of respondents to victimization surveys in Johannesburg, Rio de

Janeiro and São Paulo had been held at gunpoint in the course of robberies (Alvazzi del Frate 2012, p. 90). In 2011, about 26 % of robberies and 31 % of aggravated assaults in the US involved a firearm, such as handguns, shotguns or rifles (Planty and Truman 2013).

Trends: Gun Violence and Gun Control

Changes over time suggest that firearm violence may be sensitive to firearm availability as well as gun control programmes and regulations. Sharp increases over time can be observed in most Central American and Caribbean countries, where homicide rates and the proportion of homicides committed by firearm not only are among the highest in the world, but continue to go up since 1995. The importance of specific peace interventions should be stressed, for example taking into account the immediate results of the March 2012 truce among major gangs in El Salvador. The overall homicide rate in the country—still among the highest in the world, although complete data for 2012 are not available at the time of writing—went down dramatically, and the entire population has a clear perception that this is the case (observers mention a reduction of approximately 50 %, from 72 to 36 per 100,000 population: Dudley 2013).

According to the US Bureau of Justice Statistics, in the United States there was a decrease of 39 % in firearm-related homicides between 1993 and 2011 (Planty and Truman 2013), with numbers going down steadily since 2006. Still, in the year 2011, 70 % of homicides were committed with firearms in the US, a proportion much higher than the world average. A study carried out in the focusing on state-by-state analysis of gun violence and how it relates to gun control legislation in each state found that in the ten states where legislation was considered weakest have an aggregate level of gun violence that is more than twice as high than the ten states with the strongest gun laws (Gerney et al. 2013).

In South Africa, despite a consistent decrease since 1994, homicide rates are still among the highest in the world, but there appears to be a positive correlation between the partial implementation of the Firearms Control Act of 2000 and a reduction in firearm homicides (Jaynes 2013). This can also be observed in a sharp reduction of femicides committed with firearms between 1999 and 2009 (Fig. 3) which shows a significant decrease in gun related homicides across both intimate and non-intimate femicides, with 529 fewer women killed by gunshot in 2009 compared to 1999 (Abrahams et al. 2012, p. 3).

Similar trends can be observed in recent years in some other countries. For example, in India there was a 70 % reduction in the rate of firearm homicide between 1999 and 2010, Colombia (minus 33 % between 2003 and 2010), Paraguay (minus 27 % between 1998 and 2010), and in several other countries (UNODC s.d.). Since 2003, significant reductions in homicide rates and proportions in South American countries may be attributed to strong gun control policies in the main cities of Colombia and Brazil (Aguirre 2012).

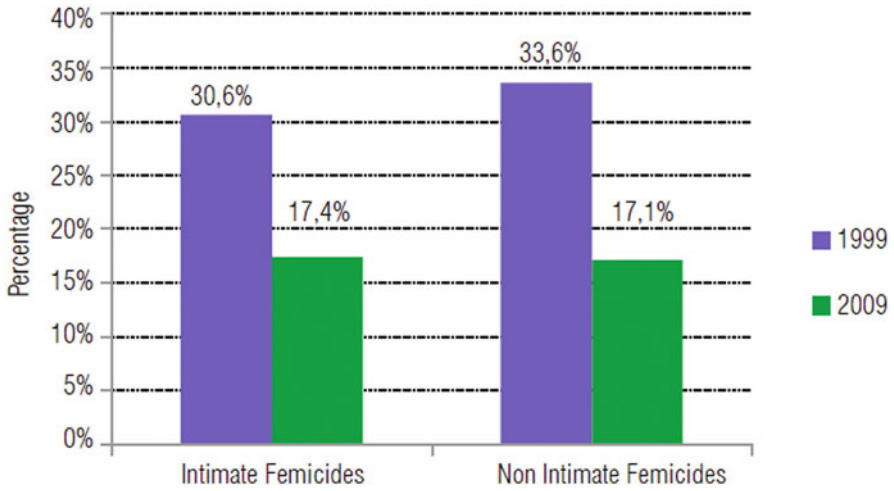


Fig. 3 Proportion of gun homicide by intimate and non-intimate femicide in South Africa, 1999–2009. (Source: Abrahams et al. 2012, p. 3)

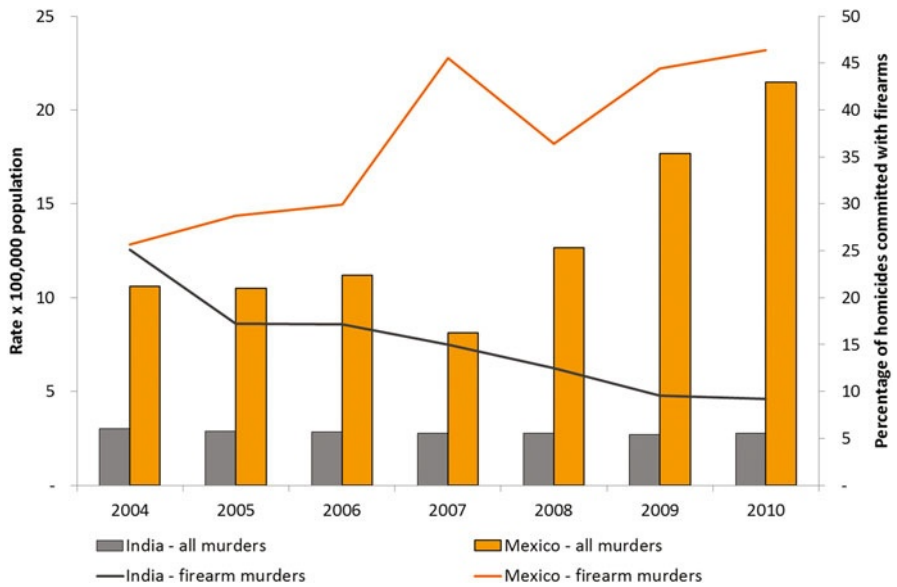


Fig. 4 Trends in homicide and homicide committed with firearms in India and Mexico, 2004–10. (Source: Alvazzi del Frate and Mugellini 2012, p. 149)

The opposite cases of India and Mexico are presented in Fig. 4. In India, according to NCRB, the total number of reported deaths from firearms, including suicides and accidents, fell dramatically, but was not accompanied by a matching decrease in murder rate, which was much less visible. On the contrary, in Mexico, homicide

rates increased markedly between 2004 and 2010 and the percentage of homicides committed with firearms went up from 26 to 46 % (Alvazzi del Frate and Mugellini 2012, p. 149).

Conclusion

The connection between small arms and firearm violence is tight, but there are many aspects to be taken into account for a proper appreciation of the complexity of issues at stake. Evidence to support in-depth analysis may be scarce, making difficult the interpretation of trends and patterns. Furthermore, internationally comparable data on gun-related lethal and non-lethal injuries are extremely rare. Obstacles include poor data series in both criminal justice and public health systems, which often do not disaggregate by type of instrument used, and absence of relevant survey data. Still, based on the experience of countries where efforts have been made to monitor trends in parallel to the carrying out of armed violence reduction programmes or implementation of gun control legislation, the regular availability of firearm violence indicators is crucial.

This may be based on either criminal justice or public health data collections. Surveillance systems based on public health include forensic studies on cause of death as well as audits of ED or hospital records (ED injury records, hospital outpatient records and inpatient registries). While from this information it may be difficult to establish context of the incident, as well as characteristics of the perpetrator and his/her intent, it is critical for the development of evidence-based interventions.

Criminal justice data is crucial for monitoring the capacity to respond and to get information on perpetrators. At the national level only a few countries (for example Australia, United Kingdom and United States) provide a great level of detail, such as long time series, through the systematic publication of crime records and the dissemination of ad-hoc reports on the topic of violent offences and firearms. At the international level, the United Nations Survey on Crime and Operations of Criminal Justice System (CTS) requests Member States to provide information on the type of weapon used to commit intentional homicide by filling the table on type of instrument used in intentional homicide. The fifth edition of the European Sourcebook of Crime and Criminal Justice Statistics (forthcoming) is also including data on firearm use in intentional homicide and robbery.

A larger basis of data on firearm related violence is likely to make an important contribution to the advancement of international gun control legislation, which has seen an important development with the adoption by the UN General Assembly of the Arms Trade Treaty (ATT) on 2 April 2013.³ This international instrument not only deals conventional weapons but also with small arms and has the potential of bringing more clarity in the many aspects and impact of international arms trade.

³ See http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtds_g_no=XXVI-8&chapter=26&lang=en.

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Internet Mafias? The Dis-Organisation of Crime on the Internet

David S. Wall

Introduction

One of Prof. Ernesto Savona's major contributions to the longstanding debate over organised crime has been to encourage students and colleagues to question common assumptions held about organised crime and Mafia and to encourage academics to take a critical approach in their own analyses. Such an approach ensures that myths become supplanted (or displaced) by empirical evidence and encourage more useful operational concepts to be developed. See, for example (out of many examples), his work on mapping out organised crime (Adamoli et al. 1998) or his work on enablers of organised crime, as chair of a high profile committee (Savona 2012). It is critical work such as Prof Savona's which has driven my own investigations into the organisation of cybercrime. Central to my own research has been a challenge to the tacit, and often completely unfounded, assumption that the internet and society have been brought to their knees by organised crime groups. Furthermore, there is an uncritical assumption, also found in many media reports and also police and some academic practice, that these organised crime groups are Mafia driven. Often presented without any evidence or challenge to conventional wisdom, such reductionism not only confuses the public, but can also cause police and researchers looking for 'truth' to look in the wrong direction for their evidence.

Drawing upon existing literature and an analysis of the structure of known cybercrime gangs, this chapter focuses upon deconstructing the 'Mafia' model when understanding the organization of cybercrime. It introduces instead, for want of a better description, a 'disorganised' model for understanding cybercrime. The first part will explore the ways that criminal behaviour has been transformed by new technology. The second part will draw upon a simple analysis of the structures of known/apprehended 'cybercrime gangs' to look at the way that the organization of criminal behaviour has been transformed (described in full in Wall, [forthcoming](#)).

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The third part will compare the organization of known cybercrime gangs with what is known about the way that new threats are organised in order to draw out any similarities or differences. The final part will consider new enterprise and networked methodological approaches to the subject as well as new techniques such as criminal network analysis in order to further understand the organization of new forms of cybercrime.

Two decades on since the birth of the internet, it is clear that the cybersecurity threat landscape has changed as networked technologies have transformed the way that crime (cybercrime) is organised. As policing techniques develop to address the challenges of cybercrime (Wall 2007b) the question being posed today is how is crime organised online and by whom? The (personal, corporate, national) information security debates over the organization of cybercrime are still dominated by a paradigm of traditional thinking about organized crime, namely the tendency by commentators to assume that the organization of cybercrime and cybercriminals naturally follows the hierarchical traditional (Mafia) model of organised crime. There is, therefore, the need to develop a more accurate and 'nuanced' explanation of the organization of cybercrime. Particularly as it also shapes cybercrime policy and the discussions over who is ultimately responsible for policing cybercrime. What the explanations based upon the common assumption fail to acknowledge is that the internet has transformed the organization of crime in substantially different ways to the organization of more traditional crimes. In a nutshell, networked technologies create an environment in which there is no need to commit one large risky crime anymore because one person can now commit many small crimes with lesser risk to themselves. Such crimes fall in one or more of the three generic cybercrime groups found on the internet defined by, firstly, *Modus Operandi*: Crimes against the machine (hacking etc.); Crimes using the machine (frauds etc.) and Crimes in the machine (pornography, hate speech, but also social networking originated offences). Secondly, there is *mediation by technology*: crimes that use the internet to crimes; crimes that are the spawn of the internet and a range of hybrid crimes (e.g. frauds) that fall in between. Thirdly, cybercrimes can be differentiated by *security concern* (victim group)—personal, corporate and national security (see Wall 2005/10). Each has different implications for understanding the organisation of cybercrime.

The Internet and Criminal Activity in a Nutshell

Generally speaking, the internet and its networked technologies have transformed criminal behaviour in six major ways. Firstly, they not only *globalise* the communication of information, ideas and desires, but they also impact locally by creating a *glocalising* effect—the global impact upon the local. Secondly, they create the potential for *asymmetric* as well as *symmetric relationships*—one person can address many others at the same time (and also allow the many to also talk to the few). Thirdly, the surveillant aspects of the technology not only allow *panopticism*—where the many do not know when the few are watching them and so mediates their behaviour, but

they also allow for *synopticism* where ‘the many’ can also watch ‘the few’ with a simultaneous mediation of behaviour. Fourthly, and relevant to the previous point, every transaction on the internet leaves a *data trail* (data doubling, data trails, and the disappearance of disappearance) that, with the right resources, can be traced. Or it can be used to mediate our general internet experience (e.g. tracking cookies) and preferences. Fifthly, network technologies and associated media are creating *new forms of networked social relationships* (social media networks) that can be very beneficial, but are also the source of new criminal opportunities (Wall 2007). The upshot is that crime can now be global, asymmetric, synoptic and panoptic, and data trails can be captured to entrap victims. Which leads on to the sixth impact, namely, networked technologies and new social media and the five impacts described above also providing new forms of criminal opportunity that are *changing the way that crime is taking place*. Indeed criminal labour itself is becoming rapidly becoming deskilled and reskilled simultaneously (Wall 2007). The level entry skills of cybercrime have dropped as the technological developments of network technology (malware and delivery mechanisms) that help criminals have become automated to the point that malware can now be rented or bought off the self. Another significant development is that the cost of technologies is now relatively low, thus reducing start up costs.

The impact of these transformations upon crime is that offenders can now commit offences that were previously beyond their financial and organizational means, and on a global scale. Significantly, one person (or a few) can now control a whole criminal process or part thereof, which has profound implications for our understanding of the organization of cybercrime. In a rather cynical way the internet has effectively democratized crimes such as fraud that were once seen as the domain of the powerful and the privileged, however, there is a debate afoot that a new internet mafia is forming. We therefore need to deconstruct the organised crime debate as it applies to the internet.

Deconstructing the Organised Cyber-Crime Debate

Debates about organised cybercrime and the internet are likely to run and run because the topic is so highly emotive and newsworthy, especially when media and academic commentators continue to resort to dramatic convenient stereotypes of traditional-hierarchical organised crime groups or ‘Mafias’ when there is a dearth of facts. This simplification of the relationship between organised crime and the internet is based upon a powerful cultural logic, especially as the various statistics clearly show that the internet is increasingly being used by fraudsters to steal large amounts of money from innocent victims, or by hackers to obtain information and disrupt business or governmental processes. The main challenge, however, for policy makers and practitioners is to identify exactly who the fraudsters and hackers are and how they are organised because, despite the hyperbole, comparatively little is known about them or how they are organised. Until more research is undertaken to understand the

nature of organised crime online then the existing assumptions will carry the day. Whilst the mythology of organised crime remains intact, then so does the potential for misshapen public demands for security, distortions in the formation of policy and ultimately the mis-allocation of resources.

It will be argued here that the debate over organised crime online can only be advanced by looking at the ways that crime is organised online. The discussion will therefore begin by briefly describing the current debate over organised crime online and drawing upon known examples of the organization of cybercrime. In order to illustrate how 'true' cybercrimes—those which are wholly mediated by the internet are being organised, an analysis of new cybercrimes and cybercrime gangs (groups) will follow. The new cybercrimes are Stuxnet, a professional form of malware; Scareware (fake antivirus), a relatively new form of malicious software, and the whistleblowing and hacking associated with Wikileaks. It will be shown that the organization of crime online, when it involves 'true' cybercrimes (Wall 2007a, 47), does not lend itself to traditional 'Mafia-type' command and control analogies; furthermore, it is arguable that the networked technologies that facilitate cybercrime could, would likely, oppose attempts to impose control over them. Instead, it will be argued that the organization of crime online follows a different logic, an observation which has implications both for law enforcement as well as cybercrime prevention because it is a logic that lends itself to a relativist rather than absolutist conceptualisation of cybercrime. In other words, we have to accept that, by its very nature; cybercrime (along with the internet) characteristically evolves in order to evade attempts to control it and therefore can never be eradicated; only managed.

In her study of organised criminal activity on the internet, Susan Brenner predicted that organised cybercrime would most likely manifest itself in 'transient, lateral and fluid' forms, as networks of criminals (Brenner 2002, p. 1) rather than replicate the 'gang' and hierarchical American 'Mafia' models of organised criminal activity found offline in the terrestrial world. This is mainly because offline or kinetic/ physical crime organizations have evolved largely in response to real world opportunities and constraints that are largely absent in cyberspace. In support of Brenner's 2002 prediction, there have since been a number of examples of the emergence of new forms of online criminal organization, but they differ greatly from the command and control mafia model. The finding in 2004 by a German Magazine *C'T*, for example, that virus writers had been selling the IP addresses of computers infected with their remote administration Trojans to spammers (*C'T* 2004; Wall 2007) was significant because it was some of the first published evidence of botnets (following the botnet explosion in 2003/04). Another example arose in June 2005 when the NISCC (National Infrastructure Security Coordination Centre) warned users about 'a highly sophisticated high-tech gang' reputed to be located in the far-East using various distributed means, including botnets, to infect sensitive computer systems to steal government and business secrets (NISCC 2005; Warren 2005).

A further example arose from 'Operation Firewall' in 2004 and 2005 which led to the investigation and prosecution of 'shadowcrew', an international identity theft network which hosted online forums that shared information about stealing, trading and selling personal information that could be used to commit frauds. The various reports

of the investigation and prosecution illustrate how different the groups/ cells were in terms of their networked organization. The, then, head of e-crime at the Serious Organised Crime Agency (SOCA) observed that the Shadowcrew worked ‘remotely, without ever needing to meet’, which is ‘typical of how the new e-crime networks operate compared to the old-style “top down” organised crime groups’ (Rodgers 2007). These groups have a very detailed division of labour with specific skill sets rather than the ‘usual pyramid structure’. One person would provide the documents, ‘another would buy credit card details, and another would create identities while another would provide the drop address’ (Rodgers 2007). Together these examples, and also those of other known cybercrime gangs operating between 2000–2010 illustrate the relatively new forms of networked criminal organization that depart from traditional thinking about hierarchically organised crime. Although these gangs specialised in a range of different offences, they displayed similar forms of organization. Word length does not allow for in-depth analysis of each, but briefly, they display common characteristics in that they are fairly ephemeral and amorphous in terms of organization and flex according to demands and opportunities of the day. They also seem to be mostly self-contained and almost akin to small cottage-industries in structure. For further details, see for example, Wall (2010c; forthcoming); Yip et al. (2013). They can be driven by an individual or by a very small group, but not always, because the organising principle is often a central common idea or even ethic. Just because they are Russian or Eastern European in origin, or are based upon servers in those countries, is not *prima facie* evidence of a link to traditional organised crime. Indeed, the new networked technologies used are relatively cheap, so there are comparatively few start-up costs and little upfront investment, plus they are online and do not need street protection—thus evading two well known hooks of traditional organised crime organizations.

The key difference between cybercrime and traditional crime is its informational nature, networked structure and global reach (see BBC 2007; Goodin 2007a, b). True cybercrimes, those solely the product of the internet, but also those hybrid traditional crimes which have globalised opportunities are very different from traditional crimes that use the internet (Wall 2007, 44–46). They are best understood as reflections of the new forms of social behaviours that are being fostered by networked technologies. So we find that cybercrime is increasingly taking on a ‘Wikicrime’ form of peer-production, for want of a better description (after Tapscott and Williams 2007), as its organization follows a Wiki model of organization characterised by online collaborations rather than the ‘command and control’ Mafia model that is assumed by many. A useful example of such a collaboration is the account in Wall 2007, 66–68) of an online group instructing a ‘newbie’ how to commit a hack. In this example, the group, because I resist using the term ‘gang’, in question is ordered only by a respect hierarchy and it is organised around the common interest in hacking chip security (for satellite receivers) and driven by a reputational economy. It is a model that persists and is common to later cybercrime types. In many ways cybercrimes, by their very informational, networked and global nature, go against the very grain of the traditional model of organised crime. As observed earlier, cybercriminals evade control by traditional organised crime groups in much the same way as they evade control by, say, government.

Three Paradigm Shifts in Cybercrime

Before exploring the gangs, there have recently been three major shifts in cybercrime and their organization. Stuxnet is a crime against the machine, scareware fraud is a crime using the machine and Whistleblowing is (potentially) crime in the machine because of the appropriation of data. Each of the three show, and especially Scareware, how the organization of a true cybercrime mostly imitates a flat (e-commerce business type) organizational models rather than the hierarchical command and control model invoked in debates about organised crime.

Recent Example of New Crimes Against the Machine—Stuxnet

The Stuxnet worm is a form of malware that can be used to sabotage industrial control systems (SCADA). It is significant because of its complexity. What is known, or deduced, about its organization is that it was created by a hacker group commissioned by, or with links to government (Halliday 2010). The organization of Stuxnet's creation suggests that there is a small core group (e.g. possibly as small as four or five people), with a broader group from whom specific expert help would be provided (Halliday 2010). It is also believed that the constructors also obtained key information about the targets from insiders within the organization who made the machines the software was being designed to attack (Falliere et al. 2010). Although Stuxnet is not unique in requiring insider complicity, see, for example, the Hydraq Trojan (Symantec 2010; Wall 2013), it has, however, raised the risk stakes and has highlighted the insider threat issue. The discovery of custom-built variants will likely continue this practice (Zetter 2011). The example suggests a small organizational group that draws in assistance and information from outsiders. What is not known is whether the assistance was complicit or obtained illegally.

Recent Example of New Crimes Using the Machine—Scareware

'Scareware', or fake antivirus software, is a type of malicious software that defrauds its victims by scaring them into paying for software that offers to fix their computer. Sometimes referred to 'rogueware', which is a less precise descriptor, it signifies an important trend in the evolution of cybercrime. Not only is it a good example of a 'true' cybercrime being spawned purely by the internet (see further Wall 2007), but possibly for the first time, it provides evidence of a complete crime being committed entirely by malicious software (Malware) in large numbers. The malware not only infects the victim's computer and conducts the scam, but it also takes the victim's money and deposits it into the offender's bank account. It represents the complete automation of the crime. Other prevalent forms of 'true' cybercrime such as Phishing (ID Theft), by comparison, may also be automated by software, but only

to the extent that they scam, or socially engineer, personal financial information from victims and send it directly to the offenders. Offenders then need to employ a third party, typically a 'money mule', to use the stolen ID information to remove money from victim's accounts and pass it onto them (Leyden 2010b).

The organization of a typical scareware operation is effectively a 'criminal' reflection of the structure of the 'Affiliate Marketing' business model; the popular internet based e-retailing practice (see Duffy 2005). The 'Affiliate' model is not just found in cybercrimes that use computers, such as fraud, but also in the organization of crimes against the machine (crimes against computer systems such as hacking etc.) and crimes in the machine (those crimes relating to the content of computers such as extreme pornography etc.). A successful scareware project will require the establishment of a financial partnership between the 'Merchant' (or 'Kingpin') whose ideas initiate the project and who has access to the malware to be used. An 'Affiliate' will introduce the Merchant to the Consumer ('victims') by infecting their computers with the Kingpin's malware to encouraged victims to part with their money. The Affiliates tend to be employed on a pay-per-install basis and employ highly specialist computing techniques that use complex attack chains to infect mass numbers of victim's computers with the malware. As found with legitimate mainstream Affiliate Marketing practices, a secondary tier of players, the 'brokers', has subsequently emerged to provide websites that bring together Kingpins and Affiliates and broker their relationship on a commission basis (see further the work of Carlo Moreselli).

The relationship between the various actors involved is not the often assumed 'command and control' Mafia-type relationship, quite the opposite because the participants are distributed. In fact, it is probable that they will never meet, so their relationships tend to be ephemeral and project based. Today, Kingpins seek to conduct their business as quietly and 'professionally' as possible so as not to arouse their victims' suspicions. This is a marked change from the past when they used shock tactics to distress victims into paying up.

The implications of the scareware scam, its feasibility, its relative technical simplicity and the potential size of the yield are three fold for our understanding of the organisation of cybercrime. Firstly, it is highly likely that the overall number of offenders trying to emulate the financial success of the 'pioneer Kingpins' will quickly increase in number to dilute the market and diminish the individual yield and attractiveness of this sort of crime. Secondly, although the growth in size of the offender pool will increase the numbers of different scareware programmes circulating, many of these will be 're-skinned' (given a new appearance) or reverse engineered to create copies or variations of the originals. This means that the security industry, using its CAPTCHA software (or alternative) to discern between real and computer inputs and detect scareware and associated malware such as the spams which infect computers, can quickly close down the scammer's window of opportunity. It is also the case that press coverage of the threat reports which identified the initial scams informs computer users of the threat and makes them more suspicious of scareware, further reducing the likelihood of victims falling for the scam. Thirdly, since there is now so much to gain financially, then the Kingpin's already accumulated criminal wealth and its associated power may be used to protect their own interests by 'policing' new

offenders who enter the crime market. A trend found in 2009 and later with some of the more scurrilous scareware has been to encourage victims to buy the scareware solution bundled with branded (but often counterfeit) proprietary security software (e.g. Norton or McAfee etc.) at discounted rates to offset the victim's costs, but also to increase the victims trust because of the associated brand linkage. Of course the additional package rarely arrives or is counterfeit. Such activity threaten the business of both the stealthy Kingpin and also the legitimate security industry who will effectively act alongside (though not with) the former to protect their own interests by seeking to close down the offender.

It may even be the case that some of the original scareware Kingpins have already begun to abandon, re-skin or redeveloped their scareware in favour of more quasi-legitimate versions. The advent of this type of wholly automated crime means that we are entering the era of "the long tail" of crime, mimicking Chris Anderson's 2006 analysis of business in the information age. Anderson describes a globalised world where large numbers of different products can be sold from different sources but in less quantity. The future holds not just multiple victimisations from one scam, but multiple victimisations from multiple scams circulating at the same time. One criminal can now carry out many different automated crimes at the same time (Wall 2007, 39). That is what is different about scareware.

Recent Example of New Crimes in the Machine—Social Networking Media (Trolling), Whistleblowing and Hacktivists

The recent example of Wikileaks (which itself is not a criminal organization, though it is treated as such in some of the security debates and discussions) nevertheless illustrates the potential for the malicious distribution of data. Wikileaks is primarily an organization dedicated to the leaking of information and whistleblowing. In many ways it maintains the old hacker ethic of freeing information to expose the truth. For the purpose of this discussion, it also autonomously exploits the crowd-sourcing potential of the internet in order to garner information and also disseminate it. Wikileaks is made all the more powerful by social networking media, especially Facebook and Twitter. Whilst Wikileaks, Facebook and Twitter are not criminal organizations and indeed bring great benefits to modern society they do provide new opportunities for criminal activity.

In support of the Wikileaks cause has emerged powerful hacker groups such as Anonymous and to a lesser extent LulzSec who seek to disrupt the activities of the detractors of Wikileaks in order to punish them and also highlight the political issues exposed by Wikileaks. Technically, these hacking offences fall under the crimes against the machine category listed earlier, however they are discussed here as crimes in the machine because of their informational link to Wikileaks. But they also illustrate the symbiotic relationship between different criminal missions and also the complexity of the organization of cybercrime. Prior to taking up the Wikileaks cause, Anonymous, a group encouraging civil disobedience of its members, had

launched attacks on Habbo Hotel, but became most well known for their attacks on the Church of Scientology. Their Project Chanology is an ongoing electronic protest against the Church of Scientology (VFC 2009, 45).

Since taking up the Wikileaks cause in 2010, Anonymous have successfully attacked a number of different organizations who have tried to prevent Wikileaks from carrying out their mission. Firstly, they have hacked into and exposed the weaknesses of the organizations in order to humiliate them, such as taking client data though not using it. Secondly, they have prevented access by using DDOS Attacks (Distributed Denial of Service). Not only have these attacks achieved their goal of disrupting the target organizations, but they also seem to have caused some reputational damage in the process through the negative publicity attracted by the cases. LulzSec (derived from Laugh out loud) have either grown out of Anonymous or have taken up the Anonymous mission under a separate identity. LulzSec, apparently, has a fairly small core of about six members (Weisenthal 2011) supported by a group of about 56 others. This information was obtained in 2011 from other hacking groups who released personal information about LulzSec members on the internet. The internet relay chat (IRC) logs were leaked to *The Guardian*, but the membership was independently confirmed.

Whether Anonymous and LulzSec are true hacktivists or just rebels looking for a cause is unclear because of the varied and responsive nature of their activities, but what can be observed from their examples is that their organization, like that of the Stuxnet builders and Scareware peddlers is flat. In addition to being effective hackers/ hacktivists in terms of their ability to disrupt, both Anonymous and LulzSec are also experts in media manipulation to the point that a so-called leaked FBI report on the profiles of Anonymous may have been faked (Leyden 2011; Donoghue and Roberts 2011). Whilst this ability to manipulate its presence potentially obfuscates any full understanding of Anonymous or LulzSec, the arrest patterns that have emerged since investigations into their organization suggest a globally dispersed network (or assemblage) of disparate individuals and small groups who have little functional unity other than to follow the cause.

Anonymous is not an organization . . . [rather, it is] . . . the first internet-based superconsciousness. Anonymous is a group, in the sense that a flock of birds is a group. How do you know *they're* a group? Because *they're* travelling in the same direction. At any given moment, more birds could join, leave, peel off in another direction entirely (Landers 2008).

Anonymous also seems to have coalesced a number of hacker groups to form a "loose coalition of Internet denizens", Anonymous consists largely of users from multiple internet sites such as 4chan, 711chan, 420chan, Something Awful, Fark, Encyclopedia Dramatica, Slashdot, IRC channels, and YouTube. Other social networking sites are also utilized to mobilize physical protests. Anonymous has no leader and is reliant on the collective power of individuals acting in such a way that benefits the movement' (VFC 2009, 45). There is also some evidence to suggest that members of Anonymous have been mentored by older members of Chaos Computer Club. Drawing further upon information from the reports of the various arrests (See Wall forthcoming) reveals that Anonymous is a structure comprised of 'cells' of individuals

who could coordinate attacks by using downloaded software. There is no stated leader, but there does appear to be a leadership group which utilises chat rooms to organise the decision to make launch an attack.

Discussion and Conclusion

All three groups creating Stuxnet, Scareware and also Anonymous and LulzSec illustrate quite different motivations and, in the case of the Stuxnet creators, a high degree of professionalism, possibly with some state involvement. They also indicate that a key driver of the groups is reputation as the participants show pride in their work and they also seek peer approval. At the core of the group dynamic is a reputational economy. Each crime type illustrates slightly different models of organization, but differences that are variations on a theme. With Stuxnet Malware (though a contested view), the offenders were small (possibly professional) group of about four or five who drew upon the services or help of others—and affiliates. Scareware was driven by the Kingpin with the idea and bankroll and who was introduced to an Affiliate via a Broker to gain access to victims online. The Kingpins then use online banking services themselves, or through a Money Mule, to transfer the stolen money to their own account (possibly via a Lynchpin who might launders it). The hacker groups are, disorganised in the traditional sense, but coalesced to form an assemblage around a set of ideas/ ethics, to protect Wikileaks, who in this case is the affiliate.

These apparently different forms of organization probably have more similarities than discontinuities. They all comprise of individually very small (*de minimis*) crimes organised by a few individuals. They each seek the assistance of others, usually to solve a problem related to the criminal activity being designed, built or carried out. They also tend to involve the use of affiliates to access the relevant victim groups. They are networked crimes and very fluid. Sometimes individuals just fall out of the loop, so the structure is ephemeral. One thing that is certain is that it is flat and lacks a hierarchical command and control form. As stated earlier, ‘assemblage’ is a better description of the way that the various cells relate to each other. They all point, say, in one direction in terms of their intentions, but do not necessarily have any common functional unity. In the case of Anonymous, for example, each cell or grouping follows the idea. There are not necessarily any relationships or even communications between cells outside the nucleus, just an identification and affiliation with the idea.

The Scareware story and those of other true cybercrimes seem a million miles away from the vision of traditional organised crime invoked in Mario Puza’s various Mafia novels. To understand the cyber-threat landscape it is important to acknowledge the different ways that cybercrimes are organised. The very nature of (true) cybercrimes being informational, global and networked (and increasingly automated) has encouraged different, flatter, forms of organization than the hierarchies of control found in more traditional forms of offending. The technologies allow far fewer people to control the whole criminal process; even fewer when the crime is automated

as with scareware, and networking process tends to undermine attempts to effect control (Wall 2007, 39). However, whilst scareware, phishing and other forms of cybercrime do not display the classic signs of organised crime, they do display distinctively different organizational traits, not least their ephemeral nature, their stealth and a marked similarity to an unethical e-commerce business model rather than the Mafia. What this tells us is that the organization of crime online follows a different logic to both organised crime and also the organization of crime offline. As stated earlier, it is by comparison to the paradigm, a dis-organised model. This is an observation that has implications both for law enforcement as well as prevention, because it is a logic that lends itself to a relativist rather than absolutist conceptualisation of cybercrime that is so often encountered. In other words, cybercrime by its very nature cannot be eradicated, it can only regulated and managed to minimise its impacts, this means that counter-cybercrime strategies, including prevention, therefore need to focus upon much more upon the regulation and management of cybercrime, including, but not exclusively, using disruptive technologies, in order to minimise its impact. What this analysis also practically suggests is that it is dangerous to put convicted cybercriminals in general prisons for it is there where more traditional organised crime may get their hooks into them and turn them to their own purposes.

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Measuring the Presence of the Mafias in Italy

Francesco Calderoni

Introduction

This chapter discusses the measurement of the presence and the mapping of different types of mafias in Italy. It presents some of the analyses conducted by researchers of Transcrime since 2007 and driven by Ernesto Savona's intuition and guidance. Ernesto has always maintained that it is important to bring new ideas and innovate. No matter how difficult or unsearched a topic may be, he argued that it is important not to give up, to try and provide a small contribution to the advancement of knowledge, even for the sake of trial and error and discussion.

The first part discusses the problem of measuring the mafias in Italy. The second section presents the mapping exercise conducted by Transcrime, measuring the presence of the mafias across the country and distinguishing by type of mafia. In the light of these results, the last part discusses the research and policy implications of measuring the presence of the mafias at the national and international level.

The Problem of Measuring the Mafias in Italy

Despite the relevance of the mafias for the Italian society, to date the attempts to measure the presence of the mafias and to map the types of mafias are scarce. The only existing attempts are the organised crime index (OCI) by the Italian National Institute of Statistics (ISTAT) and the announced but not yet finalised project MA.CR.O. by the Ministry of Interior (ISTAT 2010). The OCI is an index (1999 = 100) at the regional level. It includes data on a wide variety of crimes from 1995 to 2006 (although data for 2004 and 2005 are missing). Surprisingly, the index excludes the offence of mafia-type association and includes offences with very high dark figures. The nature of the

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index and the calculation procedure make it unsuitable to measure the presence of mafia across Italy¹ Project MA.CR.O. (*MAppatura CRiminalità Organizzata*) aims to map mafia organizations active in Italy. The project is mentioned for the first time in the report of the Antimafia Investigative Directorate (DIA) of II half of 2006 (DIA 2006); some preliminary results on Southern Calabria were used since 2007 (DIA 2007a, b, 2008, 2009, 2010a, b, 2011). The Italian Council of Ministers of January 2010 included the project as item six of the Extraordinary Plan against the Mafias (Presidenza del Consiglio dei Ministri 2010). Nevertheless, to date Italian law enforcement agencies confirm that the project is not yet operational..

Similar to official sources, the literature has frequently overlooked the measurement of the presence of the mafias in Italy. The few published attempts generate doubts from the conceptual and methodological point of view. The variables are not always the most related to the mafias; the geographical scope of the measurement does not always cover the whole country (although it is now acknowledged that the mafias are present all across the nation); the time scope is frequently too narrow and not appropriate for the slow evolution of the mafias (e.g. yearly measurements); the procedures used to calculate the index are not adequate (for a discussion, see Calderoni 2011).

The result of the lack of measurement is that scholars have adopted differing approaches in measuring the presence of the mafias. Recent studies used murders or mafia murders (Centorrino and Ofria 2008; Pinotti 2012), mafia-type criminal association (Barone and Narciso 2012; Pinotti 2012), city councils dissolved (Barone and Narciso 2012; Coniglio et al. 2010) or a mix of different variables, often selected through statistical methods (Asmundo 2011; Capuano and Purificato 2012; Daniele and Marani 2011; Mennella 2009).

This condition is problematic since the measures adopted rarely take into account the different dimension of the mafias (organisational presence, violence, connection to politics and the legal economy) and are hardly comparable among them.

Mapping the Presence of the Mafias Across Italy

The Presence of the Mafias in Italy

The idea of developing reliable and synthetic measurement of the presence of the mafias started with a project, awarded by the Ministry of Interior to Transcrime, which developed prototype software (called Ris.I.C.O.) assessing the risk of infiltration of the mafias in public procurement (Transcrime 2008). One of the variables for the

¹ ISTAT has adopted the operational definition of organised crime used by the Italian Ministry of the Interior. The definition comprises mafia murders, bomb or fire attacks, arsons, serious robberies (e.g. bank or post offices) reported by the police. ISTAT calculates the OCI at the regional level, by summing the absolute values for each crime weighted for the average statutory penalty. The OCI is parameterised to 1995 (1995 = 100). For further discussion, see Calderoni (2011).

Table 1 Correlation among the components of the mafia index (Pearson's r). (Source: author's elaboration data Transcrime 2013)

	DIA-DNA	Charged 416bis	Mafia-related homicides	City or PA disbanded	Assets seized
DIA-DNA	1				
Reported for mafia-type association	0.214**	1			
Mafia murders	0.098**	0.166**	1		
City dissolved for infiltration	0.183**	0.222**	0.147**	1	
Assets confiscated	0.112**	0.132**	0.035**	0.235**	1

** $p \leq 0.01$

model was the index of criminal context (ICC), a composite index merging data on mafia murders, mafia-type associations, assets confiscated from organised crime, city councils dissolved for mafia infiltration and offences related to public procurement. The ICC was calculated at the provincial level for the 30 provinces of Southern Italy (Calderoni and Caneppele 2009). A further study extended the measurement to a larger period (1983–2010) and to all Italian provinces, discussing the validity and reliability of different variables and creating a Mafia Index (Calderoni 2011).

More recently, a research project by Transcrime developed the Mafia Index, producing a measure at the municipal level (Transcrime 2013). The study, financed by the Ministry of Interior, analysed the investments of the mafias in Italy. The last version of the Mafia Index is the arithmetic mean of the normalised values of:

- Reported mafia murders and attempted mafia murders, 2004–2011
- People reported for mafia-type criminal association, 2004–2011
- City councils and public bodies dissolved for mafia infiltration, 2000–2012 (August)
- Assets confiscated from criminal organizations, 2000–2011
- Groups reported by the DIA and the DNA's reports, 2000–2011²

The above variables showed significant and positive correlation among them (Table 1).

The relatively low values of Pearson's correlation coefficient are due to the low numbers of some of the variables considered (e.g. mafia murders and attempted murders are approximately between 100 and 150 per year; city councils dissolved for mafia infiltration are a few units per year) and to the level of aggregation (more than 8,000 municipalities). Despite these conditions, the positive correlation suggested that all the five variables contributed to the measurement of the mafia presence. At the same time, the correlation coefficients exclude excessive redundancy of information. Each variable contributes in a distinct manner, measuring a different dimension of the mafias (e.g. violence, presence of organizations, infiltration in the economy and

² DIA (Direzione Investigativa Antimafia) is a national law enforcement agency specialised against the mafia. DNA (Direzione Nazionale Antimafia) is an agency coordinating 26 prosecutor's offices dealing with mafia cases.

in the local politics). A Principal Component Analysis (PCA) of the variables further confirmed this intuition. The results showed that there was only one significant principal component (eigenvalue > 1), given by the positive linear combination of all the variables considered and explaining about 33 % of the total variance. The lack of other significant latent components corroborated the assumption that the five variables were all good indicators of the same concept (the presence of mafias).

The Mafia Index provides a picture of the presence of the mafias in Italy which corresponds to the findings in the literature and to information from the Italian authorities (Fig. 1). Indeed, Western Sicily is the area of origin of Cosa Nostra, Southern Calabria of the 'Ndrangheta and the areas of Naples and Caserta of the Camorra. Other areas of significant presence are Apulia (where the fourth mafia, known as Sacra Corona Unita, has developed since the 1980s), Southern Lazio (Rome's region) and some areas in North-Western Italy, particularly in the metropolitan areas of larger cities (Milan, Turin, Genoa and Brescia).

Distinguishing the Different Mafias Across the Italian Territory

In addition to the update of the Mafia Index, Transcrime also mapped the presence of the different types of mafias across Italy. In particular, it analysed the presence of five different types of mafias: Cosa Nostra, Camorra, 'Ndrangheta, Apulian organised crime and other mafias.

The analysis used the official reports by the DIA and the DNA from 2000 to 2011 (24 semi-annual reports of the DIA, from the first half of 2000 to second the half of 2011, and 11 annual reports of the DNA).³ For each report, the study recorded individual criminal groups, the type of criminal organization and the area in which they were present (municipality or province).⁴

The results measured the presence of the five types of mafias across Italy, uncovering significant differences in the regional distribution of the mafias (Fig. 2).

This analysis enabled also to explore the overlaps among different types of mafias across the different regions (Table 2 and Fig. 3).⁵

³ Regarding the DNA annual reports, it was not possible to find the 2003 report. This document was requested from both the DNA and the library of the Antimafia Parliamentary Commission, but to no avail.

⁴ The information was entered into two databases at municipal level, one for the DIA and one for the DNA. From the information extracted for each report, the following variables were developed: presence of groups in the municipality/province; number of groups in the municipality/province; name of the groups in the municipality/province; Number of groups belonging to each type of mafia organization in the municipality/province. Finally, the two databases were combined, calculating the sum and the average of the variables listed above. For further details on the methodology, see Transcrime (2013).

⁵ For each type of mafia, the study calculated a significance coefficient, i.e. the ratio between the number of groups of mafia type x and the total number of mafia groups in every municipality. The average of the coefficients for every municipality in a region, weighted by the population, provided the regional coefficient. For further details on the methodology, see Transcrime (2013).

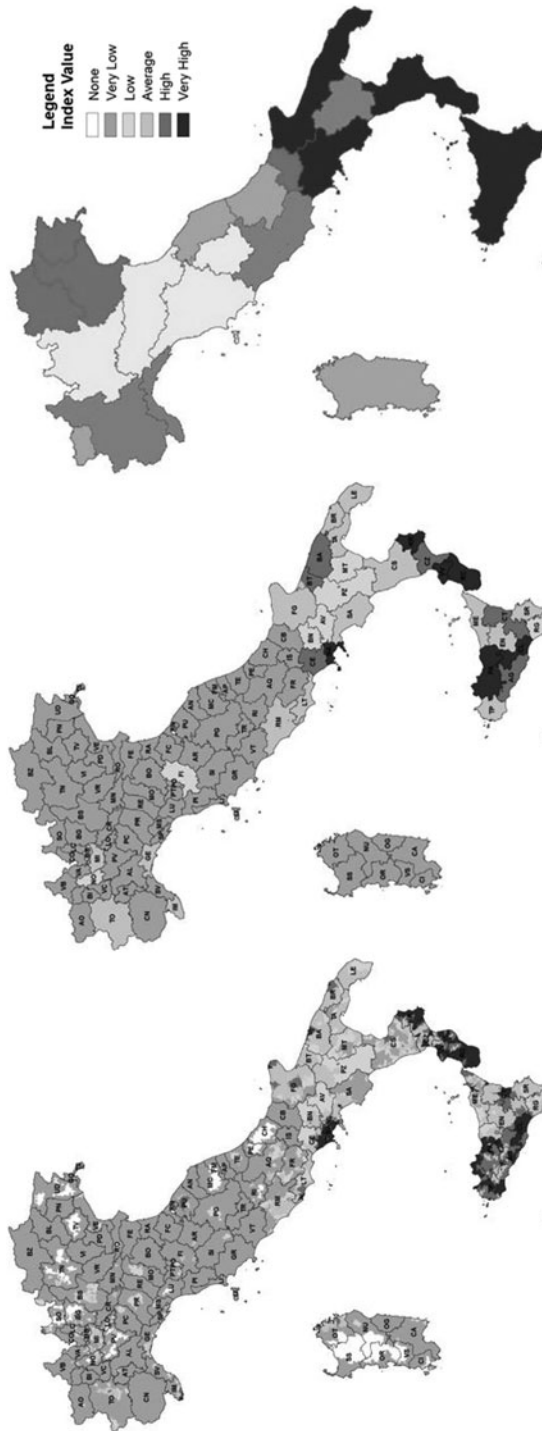


Fig. 1 Mafia Index at the municipal, provincial and regional level (2000–2011). (Source: author's elaboration data Transcrime 2013)

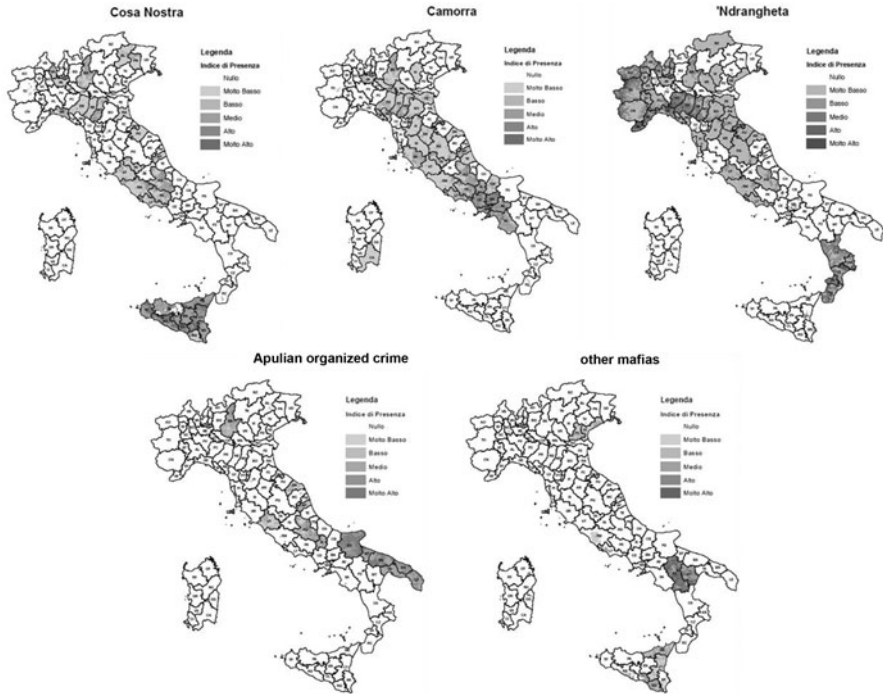


Fig. 2 Mafia Index at the municipal, provincial and regional level (2000–2011). (Source: author’s elaboration data Transcrime 2013)

According to these results, in some regions one type of mafia has a prevailing presence (significance coefficient > 0.7). Besides the regions of origin of traditional mafias, in other regions only one type of mafia prevails, such as the ‘Ndrangheta in Piemonte and Liguria (North–West of Italy). Other regions have the contemporary presence of different mafias and there is no prevailing type. For example, in Lazio,

Table 2 Italian regions by intensity of mafia presence and number of mafias present. (Source: author’s elaboration data Transcrime 2013)

	Low	Medium	High	Count
One prevailing mafia	Friuli Venezia Giulia Trentino Alto Adige Abruzzo Sardegna Molise Valle d’Aosta	Piemonte	Campania Calabria Sicilia Puglia Liguria	12
No prevailing mafia	Veneto Marche	Basilicata Toscana Umbria Lombardia Emilia-Romagna	Lazio	8
Count	8	6	6	

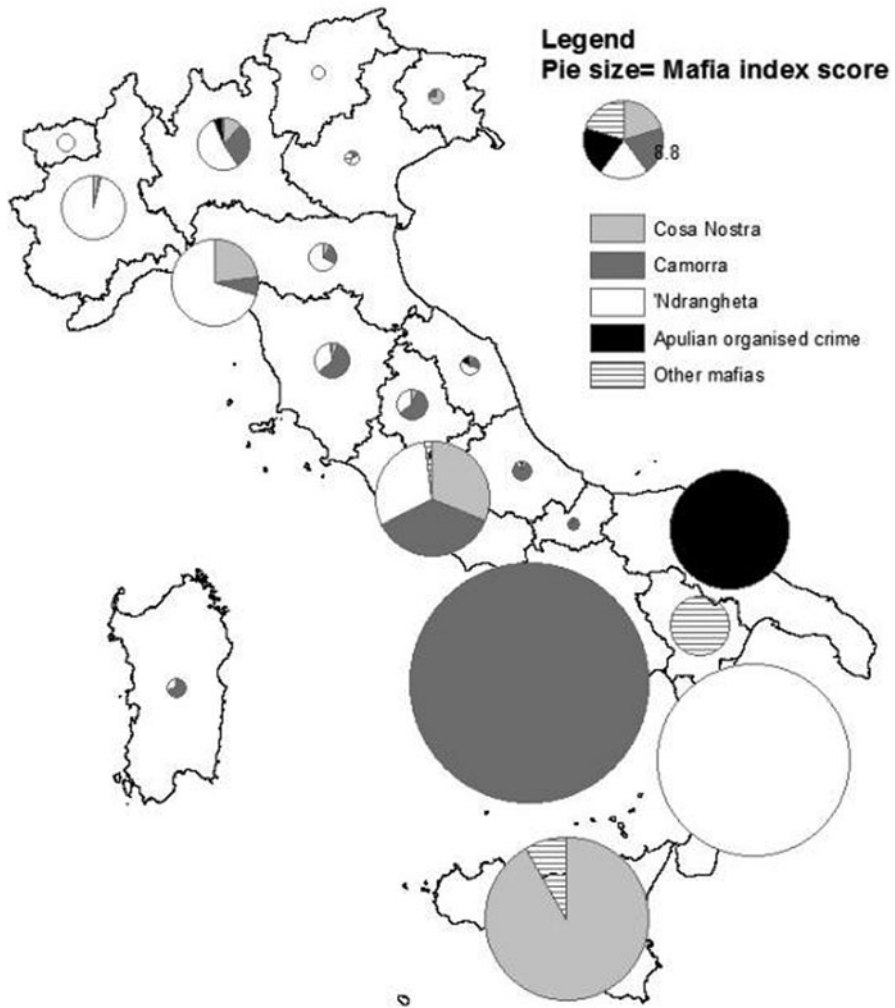


Fig. 3 Mafia index by region and type of mafia. (Source: author's elaboration data Transcrime 2013)

Toscana and Emilia–Romagna (Centre and North of Italy), there is a simultaneous presence of the 'Ndrangheta, the Camorra and some elements of Cosa Nostra and Apulian organised crime. While further studies are needed to identify the specificities of the regional presence of the mafias, this overview suggests already that different research and policy approaches may be required according to the different regional situations.

Measuring the Mafias and Mafia Policies in Italy and Beyond

The measurement of the presence of the mafias in Italy has relevance both for research and policies in Italy and beyond.

From a research point of view, the Mafia Index is an attempt to bring the debate on organised crime to a quantitative perspective, in line with the call made by the Antimafia Parliamentary Commission more than 10 years ago. In the final report of 2003, the Commission claimed that “it is necessary to quit the logic of historical monographs on criminal phenomena, which are affected by a burdensome staticity within a fast-changing framework of events, to reach the logic of the assessment, i.e. the relevant production of dynamic interpretative frameworks more closely related to the changes of the basic information and more functional to the decision-making needs” (author’s translation from CPA 2003, pp. 115–116).

The Mafia Index has been used in the analysis of the revenues and investments of the mafias (Calderoni and Riccardi 2011; Transcrime 2013) and of the infiltration of organised crime in the wind power sector in Italy (Caneppele et al. 2013). Future research may use it to identify the social, economic, political and environmental factors favouring the presence of the mafias, drawing from previous studies based on simpler measurements. A critical element in this perspective is the development of a time series for the mafia index, which would allow analysing the evolution of the mafias across time and space. While this kind of approach is common in studies in organised crime economics, scholars should be very careful when handling crime statistics. Some of the variables of the Mafia Index are the end result of processes lasting for years, e.g. the confiscation of mafia assets or the dissolution of a city council infiltrated by the mafia. The lag between the underlying event (infiltration in the economy or politics by the mafias) and the proxy variable may jeopardise the results, if not treated appropriately.

The measurement of the presence of the mafias in Italy may stimulate similar exercises in other countries and at the international level. Several studies have discussed the problems and difficulties of such attempts in Europe (Vander Beken et al. 2004; Savona 2006a, 2007). Some contributions tried to develop methodologies for the assessment of the risk posed by organised crime (Savona 2006a, b; Balcaen et al. 2007). More recently, renewed efforts aimed at measuring the presence of organised crime in Central and Southern Americas (Savona 2012).

From a policy point of view, the Mafia Index may provide a measure of the presence of the Italian mafias across the country. While an official attempt to map the Italian mafias (project MA.CR.O.) has already been announced, yet there are no final, publicly available results. In the meanwhile, the Mafia Index may offer different policy applications.

First, it is a first tentative measurement which may offer suggestions for future (and better) measurements. On the one side, the Mafia Index is relatively simple, since it draws on already available data which require little elaboration. On the other side, it is a first attempt which needs fine tuning and further improvements, but may

be a benchmark for the development and finalisation of official measures, such as the project MA.CR.O.

Second, it may be used to focus antimafia policies and law enforcement action on the mafia “hot spots”. Currently, most antimafia policies (e.g. specialised prosecution bodies, preventive checks on enterprises participating in public procurement) are applied to the whole country without distinction. The analysis of the presence of the mafias may help in developing special policies for specific areas. For example, the deployment of specialised antimafia police and prosecution staff is only marginally related to the presence of the mafias. Inclusion of this element in the allocation of the law enforcement resources may improve the effectiveness of state action against organised crime. Also, the mapping of the different types of mafias across the Italian regions may show where specific expertise (e.g. knowledge of a specific type of mafia) is demanded elsewhere in the country.

Third, the measurement may contribute to the assessment of the effectiveness of antimafia policies, showing whether and how mafia presence has changed. This may fill a gap in antimafia policymaking which has frequently been denounced by policy makers and academics in Italy and abroad (CPA 2003, pp. 115–116; La Spina 2004, 2008; Mete 2009; van Duyne and Vander Beken 2009; Woodiwiss and Hobbs 2009).

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Underground Banking in the Netherlands

Dina Siegel and Henk van de Bunt

Introduction

In our recent publication on organized crime (Siegel and Van de Bunt 2012), to which Ernesto Savona contributed his insightful analysis of three Italian mafia groups (Savona 2012), a range of authors address the ways in which criminal groups operate and make money in the 21st century. A question in this context that continues to fascinate criminologists concerns the international flows of criminal money.

Studies from various countries suggest that the seemingly self-evident distinction between local criminality and transnational criminality is not necessarily clear-cut. In our late-modern world, where everything and everyone is always on the move, permanent change and 'liquidity' have become the characteristics of our lives (Bauman 2000). This observation also extends to the area of criminality, where new forms and methods are constantly emerging as a result of developments in transportation and communication technology. Criminals are no longer constrained by territorial boundaries between neighbourhoods, districts, regions, provinces or countries. On the other hand, the *actual* mobility of criminals and their activities should not be exaggerated, not even when it comes to transnational organized crime. A number of researchers have pointed to the local embeddedness of transnational criminality. Varese (2006), for instance, described the inability of certain mafia groups to relocate from the south of Italy to the north.

Underground banking, too, has two faces: the actors may be locally embedded, but they are also part of international cooperatives which enable them to arrange international money transfers. The money 'moves', but the bankers are stationary.

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They are available to their customers at regular hours and at fixed addresses. In this contribution, we examine underground banking in the light of several recent ethnographic and historical studies in the Netherlands.

Underground Banking: Terminology and History

Underground banking is popular among immigrants all over the world. Migrants often feel responsible for relatives in their country of origin who depend on them economically and will try to financially support them.

We use the term ‘underground banking’ as a synonym for IVTS (*informal value transfer system*), defined by Passas as the transfer of funds or value by persons or organizations outside the conventional, regulated financial institutional systems (Passas 1999). There are several variants of IVTS and the system is designated by a number of different terms, such as informal banking, *hawala*, *hundi*, or *feigian* (see e.g. Siegel 2009). The mechanism is the same everywhere: the client delivers a certain amount in euros or dollars to a ‘financial agent’ (underground banker) with the request to have this amount paid out in local currency (or in euros/dollars) in another country. The banker then gets on his cell phone or sends an email to his partner abroad, often a relative, and shortly thereafter (usually within 24 hours) the money is delivered to the intended recipient. For his services, the banker will charge a percentage on every transaction, which varies depending on the destination of the funds. Conversely, money can also be deposited in another country to be subsequently paid out in the first country.

In this context, trust between the client and the banker is of vital importance. In the ideal situation, underground bankers are able to settle their mutual debts and credits without the need for money to be physically transported from one banker to another. This is what is meant by “*money transfer without money movement*” (Jost and Sandhu 2000, p. 2). Usually, however, the flows of money between the bankers are out of balance and after a certain period of time the score has to be settled, for instance by the physical transportation of money or by sending material goods as payment for outstanding debts.

Informal banking has been around since time immemorial. It emerged as a result of the need for a secure system to move profits along international trade routes. Early traders recognized the efficiency of carrying each others’ money. At a later stage, payment orders were introduced with a view to further limiting the physical transportation of money. Methods such as these were instrumental in the development of international trade, especially in Southeast-Asia and the Middle-East.

Underground banking is usually associated with international transactions, but it can also play a role in local financial activities. In previous centuries, the credit system was hugely popular in many countries. In Iran, for example, money lenders were a regular fixture at the markets of major cities. The *sarafs*, the money lenders and money changers, were closely connected to the traditional bazaars, where they were organized into guilds (Calmaid 2000, p. 99). The informal credit market was

(and in some countries still is) a vital component of the bazaar system. The credit relationships within this system were aimed at reducing risks and maximizing predictability (Geertz 1978). In Afghanistan, the bazaar still plays an important role, such as the well-known *Sarai Shahzada* in Kabul, where the *sarafs* are still active as currency dealers (Nabi 2009). Hawala has always served as a basic financial system in many Islamic regions.

The trustworthiness of a financial agent was assessed on the basis of his reputation, not only where his business dealings were concerned, but also in the broader context of his daily life within the community. His religious activities and ways of dealing with relatives and other parties would be under constant scrutiny and discussion. Judgements about individuals such as financial agents were based on personal experiences as well as on other people's stories and gossip. A solid reputation, cemented by an abundance of social control, constituted a precondition for a successful business.

The exercise of social control involved rewards (such as a good reputation) as well as sanctions against bankers who betrayed the trust of their customers. Offenders were branded as 'untrustworthy' and they were no longer welcome to attend the activities of the community. In this context, the role of family members was crucial: they could restore the reputation of their brothers or uncles by paying off their debts or by coming to their aid when they were unable to meet their business obligations. In this way, enough safeguards were built in to ensure that business transactions could be conducted in good faith.

Similar to a number of large and old-established Asian banks, many reputable European banks also amassed their initial capital by routinely engaging in money transfers that would today qualify as underground banking.

Despite this long and rich history, underground banking is still surrounded by myths and misunderstandings. Some people associate underground banking with shady characters in tube stations passing off counterfeit banknotes. Others equate underground banks with criminal financial enterprises housed in luxury villas in remote places. Less spectacular misunderstandings are also often mentioned in the literature, such as the idea that the transactions of underground bankers are never recorded on paper, or that they never use formal banks or exchange offices. The term 'underground' is in itself misleading, as it wrongly suggests that underground bankers operate completely in the dark, without ever using normal banking channels. Empirical research in the Netherlands has shown that underground bankers usually keep a cashbook and sometimes use formal banks to settle debits and credits, which means that they leave behind a trail of their transactions that can be highly instructive to criminal investigators.

Underground banking still plays an important role in facilitating international commerce, but migrant-related services have undoubtedly gained in importance. These days, underground banking mainly takes place in neighbourhoods populated by immigrants and within particular immigrant communities. These activities are hidden from view to most citizens, which may go some way towards explaining the myths and misunderstandings surrounding underground banking. The average person may visit certain neighbourhoods to buy 'exotic' products, but underground bankers

are never part of the itinerary. Many Dutch citizens know little about the people who live in these neighbourhoods. The only contact they have with immigrants is through their maids or babysitters and they are usually unaware of the channels through which their employees are sending money to their families back home. However, to millions of migrants all over the world the informal banking system is an essential part of their lives.

Underground Banking and Migrants in the Netherlands

Migrants can choose between several channels to transfer money to relatives abroad. They can use formal channels, such as bank transfers or money transfer services provided by MoneyGram or Western Union, but they can also opt for informal ways to deliver funds to beneficiaries, such as by parcel post or through physical transportation. Underground banking is one of the available informal channels. There is no reliable current research available on the scale and geographical distribution of underground banking in the Netherlands. Underground bankers usually have strong ties with their own ethnic communities. For example, Iraqi bankers work exclusively for the Iraqi community in the Netherlands. The use of underground banks forms part of the everyday life of migrant communities and as a result there is a wide variety of underground bankers to be found in the Netherlands.

A large number of Surinamese immigrants regularly send money to family members in Surinam, often many times a year (Unger and Van Waarden 2009, p. 38). The money is brought along in cash by a relative, sent by mail, or transferred through underground bankers. These bankers usually reside in call shops, some of which are registered at the chamber of commerce as regular enterprises such as a grocery store (ibid, p. 48). Money is also sent through jewellery stores, travel agencies and other small shops, usually located in major Dutch cities. Within the Nigerian Benin community, a number of people are active as underground bankers. Most of them have set up their businesses in Amsterdam, as part of a call shop or a shop selling African products. Some Nigerian underground bankers run small-scale operations from home (Aarts 2009, p. 63 ff.). Within the Afghan community, migrants as well as traders use the services provided by the Afghan underground bankers. The hawala money is rarely physically transported, but is instead mixed in with money derived from trade or converted into goods. This makes it difficult to trace the origin of the funds (Nabi 2009, p. 107). It is therefore entirely possible that criminal money is being mixed in with other flows of money without ever attracting anyone's attention.

Underground bankers usually operate in urban areas with a high concentration of immigrants. The 'insiders' know exactly where to go: Pakistani customers use Pakistani underground bankers, Nigerians go to Nigerians, Surinamese to Surinamese etc., because they all know that these bankers maintain business relations with reliable partners in their country of origin. The organization of underground banking shows varying degrees of complexity. The simplest form takes place within the context of a bilateral collaboration between an underground banker

in the Netherlands and a banker in the destination country. At the other end of the spectrum we find locally established Pakistani underground bankers who participate in networks stretching around the globe. Some of the criminal files we studied elucidate the role of *brokers* in Pakistan and Dubai, who appear to play a coordinating role within these networks. They are the ones who keep track of the debits and credits of the bankers in the network and they have access to a large cash pool, allowing them to adequately anticipate the local bankers' need for various currencies. The broker facilitates the transactions and instructs the bankers when to accept money and when to pay out to customers (Van de Bunt 2008).

Migrants and traders can choose from several options to transfer money to recipients in other countries so the question remains as to why they prefer to resort to underground bankers. The relevant literature usually lists the following reasons: low costs, a high degree of efficiency, the reliability of the 'financial agent', and the absence of a formal banking infrastructure in the countries of origin (Passas 2005; Jost and Sandhu 2000). As it turns out, there can be major differences in the motives for transferring money through informal channels. The reasons mentioned by respondents appear to vary depending on the ethnic community and the country of origin.

Surinamese immigrants are frequent users of the system of underground banking: "The formal banking sector is only used in 19 % of all money transfers" (Unger and Van Waarden 2009, p. 48). According to Unger and Van Waarden, speed and reliability are the main reasons to opt for informal banking. Their research revealed that many Surinamese distrust formal banking channels because they are seen as an extension of the government. People are suspicious of authorities and averse to formalities. Instead, they prefer to put their trust in bankers who are well-known within their own ethnic community and have proven themselves reliable over the years.

Within the Nigerian Benin community, informal banking is known as the '*euro to euro*' system. This system consists of various networks operating independently from each other between the Netherlands and Nigeria. The term '*euro to euro*' conveys the essence of the system: the money is paid out in euros, thus allowing the recipient in Nigeria to convert the amount received at a favourable exchange rate in a local exchange office (Aarts 2009, p. 65 ff). One of the main reasons for Nigerian immigrants to opt for money transfers through informal channels is that the '*euro to euro*' system allows for speedy transactions, given the fact that the offices of the underground bankers are often located in residential areas, i.e. close to the Nigerian recipients. A second and perhaps equally important reason lies in the lack of formalities (the customer's identity is never recorded), which offers advantages to illegal immigrants. The fact that customers are not asked to fill in forms is also important to people who have trouble reading and writing. A final reason for this particular ethnic community to use the informal banking system lies in the fact that many legal and illegal immigrants have little trust in Nigeria's formal banks (ibid, p. 68 ff.).

Within the Afghan community in the Netherlands, the traditional hawala system enjoys widespread popularity. Many Afghan migrants prefer to use this system of underground banking to transfer money to Afghanistan out of a desire for secrecy

rather than because of its efficiency and relatively low costs. According to Nabi, illegal residency status, illegal labour and illegal income constitute the main reasons for using the hawala system (Nabi 2009, p. 96). Another reason to use informal channels is that the formal banking system in Afghanistan is still not functioning properly. Despite the restructuring of the Afghan banks after the fall of the Taliban in 2001, the formal banking system remains unreliable in the eyes of the majority of Afghan immigrants (Nabi 2009, p. 94). The issue of trust is mentioned remarkably often. Most Westerners are extremely wary of the idea of handing over money without receiving written evidence. They put their trust in the formal procedures of the official banking system. In the eyes of many migrants, ethnic origin and face to face contact with the underground banker are much more important. This is even more true in failed states, in times of war, ethnic conflicts, or political instability. In some countries there are simply no reliable formal banks and people have no choice but to turn to informal bankers. In more peaceful times, too, it is easier to use underground banks to transfer money safely and speedily from one part of the world to another. In this context, it would stand to reason to characterize informal banking as a form of development aid: the money usually goes straight to the people who need it (mostly family members or friends) and it is likely to be used for basic necessities and/or necessary investments. Nowadays, however, underground banking is usually associated with illegal or even criminal activities.

Underground banking is illegal in almost every nation in the world. In most countries it is a punishable offence to provide financial services without a licence. In the Netherlands, underground bankers are in violation of the Act on Money Transfer Offices, which came into force in the middle of 2002. Since the introduction of this act, financial institutions are bound by strict requirements. Money transfer offices as defined by the act are also subject to the Money Laundering and Terrorist Financing Prevention Act, which came into force on August 1, 2008. This act imposes the obligation to perform customer due diligence, to disclose unusual transactions and to record customer data. Underground bankers are not supervised and monitored by government authorities and operate outside the regulations designed to prevent their services from being misused for money laundering. Underground banking is illegal because it is carried out in violation of the laws regulating financial institutions. On November 1, 2009, the Payment Service Directive, a new European guideline regulating payment transactions, was given the force of law in the Netherlands. It contains regulations regarding payment methods, automatic payments, card payments and credit transfers. Institutions offering these services are required to apply for a licence from the Dutch central bank (DNB). Underground bankers who provide such services are now also in violation of this new law.

As the anti-money laundering regulations in the formal banking sector have tightened, underground banking has become more attractive to criminals who wish to transfer their money to another country. Passas (1999) and others initially concluded that the majority of informal money transfers had nothing to do with sending criminal proceeds abroad. Although he recognized the theoretical possibility of the system being misused for money laundering and capital flight, Passas questioned the ability of underground bankers to process large amounts of money.

However, the system of underground banking is indeed vulnerable to being used by criminal organizations and is capable of transferring considerable sums of money. Thompson's study of the hawala system in Afghanistan found substantial evidence of a correlation between opium cultivation and harvesting and the turnover of Afghan hawala bankers. She concluded that drug-related money is undoubtedly being transferred through the hawala system (Thompson 2006). The results of criminal investigations in the Netherlands also seem to contradict Passas' initial findings (Kleemans et al. 2002, pp. 101–124). These findings clearly suggest the criminal misuse of underground banking systems and they also show that large sums of money are involved.

As appears from the analysis of police files on the subject, the misuse of underground banking can take several forms, the most basic of which simply involves receiving, converting and/or sending abroad large sums of money at the request of customers. Some underground bankers are like spiders in a web, connecting two separate flows of money or goods. An example of this situation can be found in the case of several underground bankers operating in and around the World Fashion Center in Amsterdam. These 'financial service providers' were able to align the needs of drug dealers selling drugs in the UK who wanted to convert their pounds into euros, with the demands of clothing merchants needing to convert 'black' euros into pounds in order to purchase clothing in bulk in the UK (Van de Bunt and Huisman 2009, p. 116).

In the above-mentioned case, there was not always enough evidence to prove that the underground bankers knew or should have known that their customers' funds were derived from crime. It is characteristic of the attitude of underground bankers that they never ask questions about the legality of the services they are asked to perform. Neither do they screen their customers. The trademark of underground bankers is to provide financial services in as informal a way as possible. It is this attitude that makes underground bankers vulnerable to having their services used by criminals.

The Approach to Underground Banking in the Netherlands

In the summer of 2005, the Ministers of Finance and Justice sent a joint letter to the Dutch parliament regarding the approach to underground banking (Kamerstukken II 2004/5, 28 016, nr. 6). The letter expressed the Ministers' opinion on the subject: given the fact that underground bankers offer criminals and terrorists the opportunity to transfer money abroad, outside the control of the government and without leaving a paper trail, underground banking must be combated (*ibid.*, p. 8). With this line of reasoning, they followed in the footsteps of, among others, the Financial Action Task Force, which sees the suppression of underground banking as a major weapon in the fight against the financing of terrorist activities (*ibid.*, p. 8; see also: Razavy and Haggerty 2009). The Ministers' letter also addressed problems relating to the exercise of supervision and the tracking down of underground bankers but, remarkably, it also posed the fundamental question as to how to deal with the needs of migrants:

“The central point of discussion is the way in which the market for money transfers can best be regulated” (Kamerstukken II 2004/5, p. 11). It would appear as if both Ministers were prepared to combat underground banking as part of the fight against money laundering and the financing of terrorism while simultaneously being fully aware of the consequences for the ‘legitimate’ use of underground banking by migrants.

The supervision of money transfer offices is the responsibility of the Dutch central bank, but it is obviously too much to ask of the DNB to track down small-time underground bankers who are not even listed as money transfer agencies. Are DNB supervisors really expected to scrutinize loss-making Turkish call shops and Surinamese travel agencies? In the real world, the supervisory duty of the DNB is a dead letter. The actual discovery and dismantling of underground banking operations in call shops and other small enterprises in the Netherlands was brought about not by administrative oversight of the DNB, but by the efforts of the police and/or special services such as the Fiscal Intelligence and Investigation Service and the Economic Investigation Service.

There are two legal reasons for law enforcement agencies to take action against underground banks: firstly, a deliberate violation of the Act on Money Transfer Offices (economic crime) and secondly, involvement in money laundering or the financing of terrorism. Research conducted by Borgers has shown that very few cases involving underground banking have been brought before the Dutch courts. In most criminal cases, the underground bankers were charged with assisting in the laundering of criminal proceeds (Borgers 2009, p. 162).

Some police investigations are triggered by complaints from the underground banker’s neighbours. The disturbance caused by customers coming and going at all hours is sometimes enough to alert the police. The problem here is that this type of disturbance in itself does not constitute sufficient grounds to launch a criminal investigation and that other indications are needed to justify such an approach. Underground bankers may also come into view during the course of ongoing investigations into, for example, drug dealers or human traffickers. When police observations or wire-tapped conversations point to the involvement of underground bankers in exchanging and/or transferring money, the question arises as to whether or not the banker knew or should have known that his services were being misused. When there is insufficient evidence to prosecute an underground banker for more serious crimes, the only charge remaining is the charge of violating the Act on Money Transfer Offices, which means that it is considered as a (minor) economic crime.

Underground banking remains largely invisible not only because of linguistic and cultural barriers, or because the exact contours of the collaborations between underground bankers remain unclear, but also because of the uncertainty of many of the data involved in underground banking. The ‘counter’ may be visible, as are the money couriers and customers who regularly collect or deposit money, but what really goes on behind the counter remains a mystery—in spite of an abundance of wiretapped conversations.

The cases of Pakistani and Iraqi bankers in the Netherlands demonstrate that there is a great deal of international collaboration taking place, but it is often unclear how

stable and extensive these global banking networks really are. A major problem for the police lies in the fact that international requests for legal assistance are hardly ever answered by countries that play a significant role in underground banking, such as Pakistan, Dubai or Iraq. Given our limited insight into the size and modus operandi of international hawala networks, we should be careful before jumping to conclusions.

Underground bankers operate on a global scale; they are highly creative and flexible when it comes to money transactions; they maintain a large network of international contacts and are able to utilize each others' networks. The local branches of this international system can only be understood when there is a comprehensive international exchange of police information on suspicious individuals, suspicious money flows, suspicious itineraries and local customs. Conversely, this international system can only be dealt with at the local level, where underground banking is embedded. Local 'banking offices' provide the only practical way for law enforcement agencies to grapple with the slippery phenomenon of underground banking. All this is of course based on the assumption that local police knowledge can easily be passed on to higher levels in the police organization. In other words, the police are asked to tackle underground banking by covering the local neighbourhood as well as the world at large.

In the policies of the Dutch government, the dilemma between tolerating and regulating versus prohibiting and combating underground banking plays a central role. In this context, Borgers (2009) distinguishes between two models: the risk model, in which underground banking is completely criminalized, and the assimilation model, in which underground banking is accepted as a form of financial service provision, subject to all applicable rules and regulations. The risk model encompasses both repressive and preventive measures. The assimilation model is placed in the context of the needs of migrants, as it takes into account their historical and socio-economic backgrounds as well as the various advantages the system has to offer. The Dutch government is leaning towards the assimilation model.

Conclusion

The time-honoured practice of hawala banking is still very much alive in late-modern society. It forms an integral part of our 'globalized' reality, as migrants all over the world still turn to underground banking to send money to their relatives abroad. In many countries of origin, migrant remittances constitute a major source of income.

Despite all sorts of myths and misconceptions surrounding underground banking, it is essentially little more than a service provided to migrants who need to transfer money from one country to another. The reasons given by migrants to opt for underground banks instead of formal banks or money transfer offices vary depending on the ethnic community and the country of origin. They range from easy access to underground bankers in the country of origin to the lack of formalities and the absence of customer identification requirements imposed on conventional banks.

In addition to providing services to immigrants, underground banks are also being used by criminals seeking to evade anti-money laundering regulations. The crucial question is how to respond to this reality. In our opinion, a policy of assimilation would be more effective than a rigid, repressive approach. Simply banning and suppressing underground banking demonstrates a lack of respect for the needs and customs of immigrants with legitimate reasons for using alternative financial service providers.

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Choosing a Micro or Macro Perspective for Understanding Organized Crime: The Contributions of Ernesto Savona

Jay S. Albanese

Choosing a Micro or Macro Perspective for Understanding Organized Crime

There are two ways to look at the world: that of the bird or that of the frog. The bird's eye view is the macro-level approach in which the world and its problems are viewed from above, and broader social context is seen to produce social problems. The frog's view sees the world and its problems from the bottom up.¹ This is the micro-level approach where individual-level experience produces many individual outcomes, which might ultimately have larger social implications.

This is an important difference in perspective in social science, and where we endeavor to explain criminal conduct, because it makes all the difference in knowing where to begin looking for causation: to the individual or to the larger social context? Some might say we must look to "both places," but this begs the question of where to begin. Do the problems of crime and criminology demand bottom-up or top-down approaches?

This is indeed a larger problem of social science. Several researchers have addressed this issue of proper perspective, and its importance (Coleman 1990; Matsueda 2013). The fundamental question is whether causality lies at the micro or macro level? The history of criminology focuses on micro-level explanations, perhaps because it is easier to measure and assess individuals and forge prevention efforts (Short and Strodbeck 1965). Other theories look at neighborhood organization, and other macro-level variables to explain neighborhood organization and its impact of crime (Sampson 2012).

¹Ernesto Savona used the bird-frog analogy at a meeting on organized crime in Nairobi, Kenya in 2010. It was the first time I had heard him use this analogy.

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How is the case of organized crime different? Does organized crime evolve from the common behaviors of individuals who like money, but are too lazy to get a job, so they engage in scams of various kinds that involve low energy, irregular hours, but a significant profit at the expense of others? And these like-minded persons then get together for mutual assistance or protection, thereby creating ongoing criminal enterprises? *Or* is it more likely that social and political forces create conditions conducive to organized crime, such as Prohibition in the United States, or precipitously raising taxes on cigarettes, which create a large market for illicit manufacturing and smuggling? Clearly, the perspective you take will make a big difference in your proposals for prevention.

The work of Ernesto Savona is significant in this regard for at least two reasons. First, he is one of a very small number of scholars whose career is defined by the study of organized crime. Most scholars choose easier areas of study with existing datasets, greater visibility of the crime problem selected, and therefore greater ease of analysis and publication using quantitative methods. Second, Ernesto Savona has shown interest both in policy decisions (changing the social context) as well as individual illicit conduct (reducing the incentives for individuals). Yes, it would have been easier for Ernesto to follow the lead of most scholars in criminology who study “safer” subjects: police, prisons, juvenile delinquents, and so forth—subjects that are more easily accessed and measured. Organized crime, on the other hand, is a subject avoided by the vast majority of scholars for the same reasons: access is difficult, as is measurement. It is to his credit, therefore, that Professor Savona chose to explore the territory of organized crime, because his work shed more light and insight into its causes prevention than was known previously.

Emile Durkheim and Robert Merton come to mind as two influential “top-down” scholars, who looked to the larger social context to explain individual criminal and deviant behavior. In Durkheim’s case, he examined variations in the rates of suicide in French provinces. Based on these observations, he developed a theory of why people commit suicide, using the concept of anomie. Merton used this idea of anomie (i.e., normlessness) to identify how three elements of society (culture goals, norms, and institutionalized means) can interact to cause anomie. According to Merton, the strain (or frustration) produced by imbalance among these three weakens a person’s commitment to culture goals or institutionalized means, resulting in a state of anomie, and sometimes crime (Durkheim 1897; Merton 1938). These are examples of macro approaches to crime, explaining its incidence as a response to larger social conditions.

On one hand, Savona takes primarily a macro approach to explaining the expansion of organized crime. For example, “the lag between the increasing opportunities offered by the globalisation of markets (unification in Europe) and the decreasing of law enforcement risk, due to the limit of jurisdiction, is forcing crime to become more and more organized” (Savona 1996, 2000). Similarly, Savona’s work for the European Commission developed a method of “crime proofing,” which is a method to assess European Commission anti-crime proposals to insure that they do not inadvertently create an increase in crime due to unanticipated incentives created by taxes, regulations, prohibitions, or new enforcement powers (Savona 2006; Savona and Martocchia 2006; Savona et al. 2006).

With regard to cybercrime, Savona's approach is also from the macro level: "new technologies are reshaping criminal typologies, dynamics and trends," illustrating how the larger social context shapes crime (Savona and Mignone 2004). Nevertheless, the question remains open regarding individual-level explanations. With the popularity of situational crime prevention approach in modern criminology, a focus on individual decisions has been replaced by focus on available opportunities presented to commit crime. The situational perspective examines the availability of opportunities to commit specific crimes, using the principle of routine activities, which assumes that levels of organized crime are determined by facilitating factors: the availability of attractive targets, a low level of supervision, and low risk of apprehension. Rather than focusing on distant causes of crime (e.g., poverty, poor education, peer groups), the focus is shifted to practical ways to reduce the opportunities for crime or to minimize their harm (Eckblom 2003; Bullock et al. 2010).

Situational crime prevention requires that crime prevention techniques be directed at five areas: increase the effort for offenders (e.g., target hardening, controlling crime facilitators), increase the risks (e.g., surveillance of offenders and victims, screening entrances and exits), reduce the rewards (e.g., removing targets, controlling markets), reduce provocations (e.g., reducing temptations, avoiding disputes), and remove excuses (e.g., setting rules, alerting conscience) (Clarke 2005). The exact methods to be taken to achieve these goals depends on the specific crime to be prevented and its underlying preparatory behaviors (called "scripts"), but empirical efforts suggest that it is not always clear which specific strategies can be expected to have an impact on organized crime activity (Finckenauer and Chin 2010; Kleemans et al. 2010; von Lampe 2010). In many ways, situational crime prevention is a macro perspective, focusing on how larger social and business decisions drive individual criminal conduct.

Of course, there must be an interaction effect because motivated individuals, ready to exploit criminal opportunities, must come from somewhere. That is to say, most people do *not* seek or exploit criminal opportunities that come their way, but some people do, and macro-level explanations do not address this issue. Instead, they assume that there will always be a supply of criminally-motivated persons who will exploit available opportunities for crime. So less attention is given to individual conduct from the situational crime prevention perspective.

A micro-level perspective might focus on reducing the size of this pool of criminally-motivated offenders, with the view that a smaller pool of motivated persons will reduce crime, regardless of the criminal opportunities presented to them. Therefore, rather than simply trying to reduce criminal opportunities, what is needed is a concurrent effort to reduce the number of persons ready to exploit them.

Perhaps a new focus on the development of the criminally-motivated (sub)culture is needed. As Cloward and Ohlin posited more than a half-century ago, better understanding of this process may prove beneficial. They provided the example of the "fence," a dealer in stolen property, who exists in many "lower-class neighborhoods." The fence often "encourages delinquent activities," by leading young people to steal "in the most lucrative and least risky directions." They believe the same point "may be made of junk dealers in some areas," and "racketeers who permit minors to run

errands” (Cloward and Ohlin 1960, 165–6). Therefore, the “apprentice criminal” moves from one status to another in the “illegitimate opportunity system,” developing “an ever-widening set of relationships with members of the semi-legitimate and legitimate world.” In this way, the young person becomes socialized into a criminal subculture, a process made possible, according to Cloward and Ohlin, by blocked opportunities for success in legitimate society.

If a person cannot successfully gain access or status in the criminal subculture, “the possibility of a stable, protected criminal style of life is effectively precluded” (p. 166). Therefore, blocked social opportunity does not lead directly to a life of crime, according to this theory. Instead, there must exist both opportunities to form the relationships with the criminal subculture, as well as the personal ability to gain status in this milieu. This merging of age-groups and “value integration” is necessary for young people to become part of the adult criminal subculture. James O’Kane found this theory of “blocked opportunity” useful in explaining the organized crime involvement of ethnic minorities in the United States (O’Kane 1992, 27–8).

Another micro-level view applies ethical thinking to individual conduct. The ethical view sees crime occurring when a person places one’s own self-interest above the interests of others. The more that people value their own self-interest over the interests of others, the more likely it is that crime will occur. Those who think ethically, however, realize that any short-term gain for the offender obtained from a crime is far outweighed by understanding both the wrongfulness of the conduct and the harm it causes to the victim or community. From an ethical standpoint, therefore, a person refrains from criminal behavior because it does not bring pleasure. Ethical decision-making and reinforcement from an early age would inculcate notions of personal and social responsibility for one’s own behavior (Albanese 2011, 96–100).

An example from the biography of New York mafia associate Henry Hill illustrates the consequences of failure to understand the wrongfulness and consequences of illegal conduct. “It was just that stuff that was stolen always tasted better than anything bought.. [using stolen credits cards was] the real thrill of the night . . . [it was] robbing someone and getting away with it” (Pileggi 1985, 24–5). This twisted, self-centered world view sees crime as bringing pleasure, rather than guilt. The failure of individuals to comprehend, feel guilty about, and gauge their actions by the long-term consequences of their conduct lies at the heart of the ethical view of criminal behavior. Therefore, both the individual opportunity approach and the ethical approach offer examples of micro-level explanations of organized crime, which evoke different kinds of prevention approaches compared to macro-level approaches.

Perhaps the greatest contribution of Ernesto Savona to understanding the macro-versus micro-level perspectives on organized crime is the empirical recognition that macro-level factors not only matter, but they can make organized crime worse by expanding criminal opportunities, rather than limiting them. His empirical work on crime-proofing legislation best illustrates this insight (Savona 2006; Savona and Martocchia 2006; Savona et al. 2006).

In other organized crime-related work on money laundering, Savona recognizes that macro-level factors are important, but they do not tell the entire story. He observed, for example, “the interaction between criminal organizations and modern

anti-money-laundering legislation will result in changes in the structure of criminal organizations.” He goes on to note that “developments in money-laundering methods correspond to the capabilities of the organization on the one hand (need to conceal and invest illicit profits), and to the reactions of law enforcement on the other (increased risk of tracing funds and apprehension)” (Savona 1993; Savona and Manzoni 1999). These observations are crucial to draw attention to the connection between macro-level creation of opportunity and micro-level individual criminal conduct, and the criminal enterprises that exist and grow, due to the affirmative actions of the participants within existing constraints and opportunities. In other words, individual actions at the micro-level thrive often in spite of limited opportunities. This is deserving of more attention as we have come to recognize the need to limit opportunities to the extent possible, while knowing that the pool of motivated individuals cannot be ignored.

It is a pleasure to have known Ernesto Savona, and his work on organized crime from different perspectives, and over many years, which has served both him and the field of criminology very well. His notable contributions outlined above have added significantly to the body of knowledge that forms this field of study. The bird’s eye view of organized crime now appears to dominate the field, but without the frogs there is no sustenance for the birds (or the bird-watchers).

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The Business of Terrorism

Louise Shelley

The development of terrorists ready to engage in an attack is a long process, from recruitment through training and often including payments to family members for those killed in a suicide attack (Krueger 2007). Feeding, arming and providing the high level technical capacity to run a terrorist organization is not cheap. Paying-off officials can prove expensive. An analysis of counter-terrorist threat finance points out these other costs of maintaining a terrorist organization: travel; communications; purchase of weapons and material; maintenance of safe houses and safe havens; payment of bribes; transport and purchase of vehicles; purchasing forged identification and travel documents; intelligence gathering; and media time/advertising are significant¹ (Peterson 2009).

Despite the attention given to terrorist financing, too little attention has been paid to the business of terrorism (see Zelinsky and Shubik 2009; Krueger 2007; Brück 2007; Naylor 2006; Vittori 2011). Even though organized crime has been addressed as a “continuing criminal enterprise” that depends on corruption to survive,² this same approach has not often been applied to politicized non-state actors. In contrast to studies of the business services and logic of organized crime, (see Gambetta 1996; Fiorentini and Peltzman 1995) very few analyses have been done of the business side of terrorist or guerilla organizations. Terrorist analyses have generally focused on individual actors, group dynamics or the general issue of terrorist financing of a specific group rather than understanding that terrorists in different contexts can function like businessmen. The seizures of files and computer discs from the FARC,

¹ An example of media would be Roj Tv in Denmark, (see Cücüik 2012).

² Note to continuing criminal enterprise part of US Criminal Code, Chapter 13 of Title 21, Subchapter I, Part D, § 848, see the RICO statue on continuous criminal enterprise, <http://www.law.cornell.edu/uscode/text/21/848>, accessed December 30, 2012.

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Turkish Hizbollah and PKK, the IRA, the Haqqani Network and the Al Qaeda in Afghanistan have given a window into the financial operations of these terrorist groups—their organizations' revenues and expenditures (Gunaratna 2002; Horgan and Taylor 1999; Rabasa et al. 2006; Strozier and Frank 2011; Peters 2012). But these are the exceptions, rather than the rule. Without such focus on the business of terrorism, it is hard to understand the modus operandi of these groups or to develop strategies to counter their support activities.

Terrorists engage in crime for several reasons. These purposes are quite different from those of criminals. For organized criminals, the main focus is making money through illicit activity. In contrast, for terrorists these acts are a means of achieving their political objectives. But terrorists can also degenerate into primarily criminal actors, as they become accustomed to committing crime and engaging in corrupt activities, as has become the case with the IRA, Abu Sayyaf, and increasingly, the FARC (see Horgan and Taylor 1999; McKenzie and O'Brien 2012).

Terrorists are often rational criminals. Like legitimate business people, they choose activities that can ensure continued funding and in which they have the potential of success. Illustrative of this is the following example drawn from the IRA. Robberies committed in Ireland, Northern Ireland, and other parts of Great Britain have long been used by the IRA to sustain their organization, as the money was often stored locally and used for regional operations (see Horgan and Taylor 1999). This was the major funding source of the Provisional IRA until they acquired financial analysts and money laundering specialists. They understood that bank robberies were not the most successful fundraising vehicle as there were collateral costs. These specialists helped them understand that a bank robbery that netted £ 92,000 might not be as profitable as it seemed because the risks of capture were great and the subsequent costs for the group were significant. For example, family members of botched robberies had to be supported for extended periods, which could undermine the profitability of this criminal act. Instead, a pub purchased for £ 7,000 was worth £ 200,000 a few years later, and delivered a steady income not only through the sale of alcohol but through the placement of slot machines on its premises.³ Therefore, the terrorists had learned the lesson of many real estate investors in Ireland before the crash, real estate was the place to be for appreciation and income.

Wiretaps on the PKK by European law enforcement provide evidence of rational thinking. When western European governments crackdown on PKK criminal activity, wiretaps on members of this terrorist organization reveal the need to increase extortion from the diaspora business community to compensate for the revenue losses resulting from the crackdowns.⁴

A similar example of strategic thinking is evident from Dawood Ibrahim, the crime boss behind the first Mumbai attack. In 1992, India's trade liberalization policies changed the economics of the gold and silver market and made smuggling less lucrative (Sarkar and Tiwari 2002). To make up for the losses, Ibrahim sought to diversify his business lines, first taking on narcotics and arms trafficking, then

³ Ibid.

⁴ <http://tracc.gmu.edu/events/previously-hosted-events/>, accessed June 27, 2013.

moving his racketeering into the entertainment business. This afforded Ibrahim the double benefit of raising his social status and also enabling him to serve as a loan shark for dozens of producers who desperately needed his funds. Furthermore, D-Company's power increased dramatically as it began to control more facets of the film production process, culminating with film piracy⁵ (Treverton et al. 2009).

Economic analyses of terrorists have drawn strong parallels with the legitimate business world describing terrorist organizations as hierarchies, franchises, brand strategists and venture capitalists.⁶ This article concurs with Zelinsky's and Shubik's conclusion⁷ that terrorists follow these business models but chooses to classify or organize terrorist business in a different fashion.

Different terrorist groups have distinct funding strategies, often reflecting the culture, traditions and the geographical location of the group, and the capacity of their members. Their choice of crime is determined not only by its profitability and ease of entry, but also by the extent of competition in this sphere of criminal activity and the costs of corruption.⁸ Yet determinations of risk of detection and asset loss are also associated with the calculations of the more sophisticated criminal terrorists. Terrorists exploit their strategic advantages just as do legitimate people. Understanding the position of a terrorist group within this financing framework is key to determining their sustainability and deriving strategies to deprive them of revenues.

Terrorists use crime as a means to generate needed revenues, to obtain logistical support and use criminal channels to transfer funds. Criminals provide operational tools such as falsified documents, new identities and transit across borders. They can pay-off officials, thereby providing terrorists and their commodities safe passage across borders. The criminal support structures can include petty criminals, developed crime groups such as the Camorra in Naples (Saviano 2007) and facilitators from the legitimate world, such as bankers, lawyers and corporations that intentionally or inadvertently assist in the perpetration of terrorism (Pieth 2003; Dietz 2010). Corrupt military personnel can serve as suppliers of weapons to criminal and terrorist groups (see Capie 2005). Terrorists also recruit criminals into their organizations to take advantage of their criminal skills.⁹

Terrorists increasingly use crime to fund their activities, having lost much of the state-sponsored funding of the past. In addition, recent crackdowns on distributions

⁵ India's Fugitive Gangster," *BBC News*, September 12, 2006. Available at http://news.bbc.co.uk/2/hi/south_asia/4775531.stm, accessed May 18, 2012.

⁶ Zelinsky and Shubik (Zelinsky and Shubik 2009), identify these recognizable business models among different terrorist organizations. For example, the franchise activities of Al Qaeda have been described in many locales worldwide. Yet other models operate such as the hierarchy model that has characterized Hizbollah and IRA business whereas the Earth Liberation Front is a brand organization. The success of Al Qaeda is that it has followed many of these successful business models simultaneously.

⁷ *Ibid.*

⁸ *Fondeo del terrorismo*, *Infolaft* 1, No. 4 (July 2009), 10–15, reveals that FARC's financial records calculated their expenditures for corruption as a cost of business.

⁹ This was discussed earlier in reference to Jose Padilla and the Saudi experience with its incarcerated population (Stern 2010).

from charities and of bank transfers to terrorist organizations, have forced terrorists to change and diversify their financing. Crime has become a vehicle of choice, because if properly managed, it provides a steady stream of funding that is essential for the maintenance of the “terrorist business” and ensures that terrorists stay engaged (Berman 2009). Some criminal activity of terrorists exists solely in the criminal arena, but many forms of illicit activity prey off or interact with the legitimate economy.¹⁰

Almost every known form of criminal activity has been used to fund terrorism. The choice of criminal activity reflects the geographic location of the group, its human capacity and the profitability of the crime. Crimes are selected based on the ability to evade detection, corrupt officials and obtain profits.

Terrorists and other political non-state actors, such as insurgents, finance their activity through criminal activity in both the licit and illicit economy. They prey on ordinary citizens, as well as smaller and larger businesses, through extortion and kidnapping. They commit fraud against legitimate financial institutions through credit card abuse and other financial manipulation of markets (Leavitt and Jacobson 2008). They also engage in specifically illicit activity such as people-smuggling and drugs and arms trafficking, types of criminal activity characterized by skyrocketing growth and significant demand.

Therefore, terrorists and insurgents have ensured that not only criminals benefit from what The United Nations has defined as the three most lucrative forms of transnational crime (UN World Drug Report 2007). Drug, arms and human trafficking have growth rates that far exceed those of even the most highly profitable legitimate corporations. In the late 1990s, the United Nations World Drug Report estimated that the international drug business represented seven percent of world trade, equal to the trade in steel and textiles (UN Drug control Programme 1997). But the contribution of the narcotics trade to the illicit economy is now even greater (Naím 2006).

Apart from these high profit and large-scale sources of criminal activity, terrorists participate in a diverse range of criminal actions, from those used by earlier generations of terrorists, such as kidnapping, extortion and bank robbery, but also ranging up to those at the forefront of technology, such as credit crime and Internet fraud. The traditional crimes have the greatest range of participation by diverse terrorist groups.

There are many other forms of illicit activity that have become the life-blood for terrorism, including art smuggling, cross-border smuggling of goods, trade in counterfeit and diverted goods, and piracy on the seas off the coast of Somalia and in Southeast Asia (Campbell and Gunaratna 2003; Murphy 2007, 2008). Illicit trade in natural resources, gold and other commodities also provides funding.¹¹ Commodities such as gold and diamonds are particularly sought because they have great inherent value and limited weight. Some activities such as people smuggling and trafficking are “dual use”; they both generate money but also provide terrorist groups the ability to move operatives. Piracy can generate money through extortion but can yield needed weapons and equipment if the proper transport ships are targeted. With such diversity,

¹⁰ This has been seen with the Al Qaeda network (Gunaratna 2002).

¹¹ For a discussion of the underworld of gold see (Naylor 2004).

terrorists have developed a full product line that ranges from the most basic to the most sophisticated crimes.

Many of the criminal activities conducted by terrorists, like those of traditional organized crime, require little or no expertise. For example, kidnapping, extortion, armed robbery, and the commission of petty crimes such as pickpocketing, purse snatching are often the entry-level crimes of organized crime because they may require force but limited skill.¹² Terrorists, like criminals, take time to train their members to become good pickpockets, to plan a bank robbery or to determine levels of payments to be extorted from businesses. But these skill sets are less than those needed by terrorist groups at the forefront of Internet or cybercrime.

Terrorists adapt their targets to their environment to avoid detection and ensure success. Natural resources are exploited in the absence of other revenue generators. In the target rich environments of urban areas, terrorists operate differently. They use petty crime to fund their activities in countries where law enforcement does not prioritize low-level crime. They target immigrant communities in the developed world where local police without language capacity cannot penetrate. They operate like business people analyzing their strategic advantage and choosing the crimes at which they can enhance profit and reduce risk.

Terrorists have used robberies for well over a century to fund their cause. Stalin engaged in bank robbery in the pre-revolutionary period. Jewish terrorist groups, before the establishment of the state of Israel, robbed banks in order to fund their movement.¹³ The utility of robberies has not diminished for many contemporary terrorist groups. They have supported the ETA, IRA, PKK, Moroccan terrorist groups and even Jihadist groups operating within the United States. In Turkey, robberies helped fund the Turkish People's Liberation Front.¹⁴

Within Europe, the ETA in Northern Spain generated significant revenues through robberies. From 1967 to 1977, the ETA raised USD 1 million from bank robberies alone. In 1978, the ETA perpetrated about 50 bank robberies netting the terrorist organization approximately USD 4 million (Horgan and Taylor 1999). Al Qaeda inspired cells also use robberies in Europe. "One cell in France netted about EUR 1 million when a member whose job was to restock ATMs enacted robberies on several" (Leavitt and Jacobson 2008).

Robberies are used in North Africa to generate funds for terrorism. A 2005 report by the Moroccan Direction Générale de Surveillance du Territoire (General Directorate of Territorial Surveillance, DGST) revealed that bank robberies were carried out in order to finance terrorist operations (Alonso and Garcia 2007).

In the United States, this traditional form of terrorist financing co-exists with the most advanced forms of technology. On the west coast of the US in the early 2000s, "four men allegedly plotted to wage a jihad against some 20 targets in Southern California, including National Guard facilities, the Israeli Consulate, and several

¹² Ibid., for a discussion of the funds supporting diverse groups, 59–63.

¹³ Interview with an Israeli who engaged in bank robbery in the 1940s for his political organization.

¹⁴ For more informations about Turkish People's Liberation Front see: http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=4294, accessed May 17, 2012.

synagogues” (Kaplan 2005). One of the perpetrators, an American prison recruit for jihad explained that the cell had robbed gas stations because oil is a political symbol.(Cozzens and Rosenau 2009). Therefore, even terrorist criminal activity such as this low level robbery can have political as well as financial utility. This is a different view from that of a professional criminal like Willy Sutton who is alleged to have said that he robbed banks because that was where the money was. This is another illustration of the dual uses of criminal activity perpetrated by terrorists.

Conclusion

Terrorist groups that have survived and prospered have had to ensure that they generate and sustain regular levels of funding. With the decline in state support for terrorism, and especially since 9/11 when efforts to curtail money flows to terrorist organizations have had some success, terrorists have increasingly used crime and corruption to ensure their solvency. They have diversified their product mix, engaged in crime where they have competitive advantage, and where there is possibility for growth because there is not market saturation. They retain diverse professional services, from the illicit and licit sphere, to make their businesses function effectively.

Terrorist revenue generation from crime differs from that of criminals. Organized criminals primary focus is making money and ensuring the survival of their criminal organizations. But for terrorists this criminal activity often has a dual utility. Therefore, engaging in crime is a rational act that has calculated benefits that often transcend the financial.

Certain crime such as kidnapping, bank robbery and extortion are engaged in by all groups. Yet like legitimate businesses, they capitalize on targets of opportunity. Therefore, terrorists exploit their geographical advantage to generate revenues through illicit trade. Consequently, terrorists in Africa rely on theft of natural resources, for terrorists near the straits of Malacca, piracy becomes an important funding source, and in Iraq, oil smuggling becomes a valuable modality. Competitive and strategic advantage is well understood by terrorist businessmen.

The crimes of competitive advantage often rely on taxing the supply chains that move legitimate and illegitimate products across territory they control. Through corruption of officials and application of violence, terrorist groups undermine the state presence and bolster their own in key border areas, ports and other transport hubs. Therefore, they have learned from organized crime the importance of controlling territory, and have capitalized on the corporate world’s need to move commodities long distances in the increasingly globalized economy.

The most successful terrorist entrepreneurs have deployed modern technology to their advantage. Using the Internet, webs sites and all forms of advanced communications, they can ensure the security of communications and ensure the continuation of their operations without disruption. Yet unlike legitimate entrepreneurs who see technological innovation as an end in itself, for terrorists this technology has a lethal function—to destroy the existing order.

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A Bird's Eye View on Chinese Organized Crime in North America

Sheldon X. Zhang

Savona's Three Perspectives

Many years ago at an international conference in Mexico City where Professor Ernesto Savona (Ernesto hereafter) and I attended, he talked about the three perspectives one ought to use to study organized crime : the close range (i.e., the micro perspective), the midrange (i.e., the meso perspective), and the long range (i.e., the macro perspective). Each perspective is unique and thus contributes differently to the total understanding of organized crime, and yet no one is so important as to reduce the others into irrelevancy. Ernesto argues that it is important to examine the individual tree so as to understand the symbiotic relationships of the tree barks, the roots, and the leaves. It is also important to view from above like a bird to appreciate the shape and contour of the forest. In the end, all three perspectives are needed to present a complete understanding of any organized crime under examination. While I am still adjusting my glasses, so to speak, to find an angle that produces the best image of my research data, I have become keenly aware of the limitations in the current research on Chinese organized crime in North America.

Most empirical research on Chinese organized crime in North America has been micro in perspective, in Ernesto's parlance, examining one type of criminal activity at a time and often based on case studies, field observations, or in-depth interviews. While these first-hand data are important, there aren't enough of them to produce macro level analysis. In the end, there are few mid-range or macro-level analyses on Chinese organized crime. With good official statistics, one many also generate higher levels of analyses based on macro indicators, such as economic development, market changes, commodity prices, and court indictments to understand the trends in organized crime. Unfortunately research on Chinese organized crime is limited in general, regardless of which perspectives. A quick search of published literature can show that few authors have written anything on Chinese organized crime, particularly in recent years.

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Tongs and Chinese Organized Crime

Tongs are probably the most studied criminal entities in North America. The word “tong” has become a synonym to Chinese organized crime in the U.S. “Tongs”, which originated from the Cantonese dialect for “gathering places”, have assumed different identities in an increasingly diverse ethnic Chinese population in North America. Although their names may have changed, these associations remain influential in Chinese communities. Criminally influenced tongs, in U.S. law enforcement’s parlance, may still represent the most powerful community organizations that guarantee the smooth transactions of all neighborhood-based vice activities.

Tongs in the United States first appeared in San Francisco in the 1850s after the initial waves of Chinese immigrants. These were community organizations for immigrants who came from the same regions and often spoke the same dialects. Based on research by Chin (1990, 1996), these tongs provided many services to newly arrived immigrants such as referrals for jobs, housing, networking, and recreational activities (e.g., gambling, prostitution, and opium dens). Nowadays English classes are offered under the auspices of these organizations. During major Chinese holidays, tongs also host banquets and organize cultural events. Tongs are powerful brokers in the Chinese community, mediating individual and group conflicts. As a result, tong leaders are often prominent community members, interacting with local government agencies on behalf of their constituents. These leaders also make decisions and control the groups’ daily affairs. Members of tongs are active not only in vice but also in conventional businesses. For instance, Chin (1996) found that in New York’s Chinatown tong members also owned restaurants, retail stores, vegetable stands, car services, ice cream parlors, fish markets, and video stores. Some prominent Chinese merchants also owned wholesale supply firms, factories, banks, and employment agencies.

The U.S. government has long held the belief that Chinatown tongs are intertwined with Chinese organized crime (Finklea 2010, p. 4). Some of their most profitable activities included gambling, loan sharking, narcotics trafficking, extortion, prostitution, bootlegging, and fraud. From the early days, Tongs and their involvement in the vice industry were probably inevitable, as these early Chinese immigrants were isolated from the mainstream society and sought comfort and companionship amongst their own. These immigrants engaged in the same vice activities that were common in their home country. With these vice activities, it was only natural for tongs to provide protection services to reduce safety concerns. So long as the Chinese immigrants did not bother the mainstream society, few noticed or cared about their existence. In general, tongs, either as community gathering places or criminal organizations, have kept a low key in their operations, legal or illegal. The same tradition continues today.

Street gangs are another form of Chinese organized crime in North America. These are raucous youth groups that are often thought to maintain an ambiguous relationship with the tongs. Like other ethnic youth gangs, these Chinatown gangs claim territories and are thought to be under some protection of legitimate social,

benevolent, and commercial groups (Curtis et al. 2002). These youth gangs often have little hierarchical structure, and their membership is also fluid (Chin et al. 1998). According to Chin (1996), these gangsters terrorized the community by demanding food and money from businesses and robbed illegal gambling establishments. Members of the tongs, whose businesses were affected by youth gangs, decided to hire these youths as needed to protect their businesses from troubles caused by different gangs (Chin 1996). It should be noted that the U.S. authorities generally consider Chinese street gangs part of organized crime, and in the 1990s, almost all major street gangs in the United States had been indicted as racketeering enterprises (Chin 1999).

The Evolving Chinese Communities in North America

One thing has remained strangely constant in Chinese organized crime in North America—all identified criminals were first generation immigrants, preying on their own ethnic group. Multi-generation Chinese Americans, whose ancestors came to the U.S. many generations ago, are often well integrated into the mainstream society. Most of these Chinese Americans have no contact with the immigrant community and often do not speak any Chinese. There are quite a few of these fully Americanized Chinese in America, and there have been no documented cases that these Chinese are involved in any form of organized crime. Then there are a large number of new immigrants who arrived in North America after the 1950s from around the world. Although all ethnic Chinese, they come from different cultural backgrounds and speak different dialects, and as a result have formed different social networks. While the well-educated professionals enjoy a wide range of settlement choices, the majority of new immigrants, particularly those with limited language ability, tend to concentrate in areas of shared social and cultural characteristics.

According to the U.S. Census Bureau, ethnic Chinese make up the largest group of the Asian population in the U.S., about 22 % or roughly 3.5 million.¹ Main sources of immigration into the U.S. are from mainland China, Taiwan, Vietnam, and Southeast Asia. Chinese immigrants tend to concentrate in a few states in the U.S., including California, New York, Texas and New Jersey. By and large, Chinese populations live in urban areas. The highest concentrations of ethnic Chinese are found in New York City, San Francisco-San Jose area, and the greater Los Angeles area.² In recent years, Chinese immigrants have also spread in large numbers to other urban centers, including Houston, Seattle, Boston, and Chicago.

Tongs in North America, whether in their original or contemporary form, are also increasing in numbers. They have historically provided much needed services that offer comfort and insulation for the newly arrived. At the same time, they are also the gathering place where criminal elements congregate. With any sizeable

¹ Figures obtained from the U.S. Census Bureau at <http://factfinder.census.gov/>.

² Survey statistics can be retrieved at <http://www.census.gov/acs/www/>.

population, demand for fringe services is bound to emerge. Most neighborhood-based criminal enterprises such as prostitution, gambling and drug distribution are in need of protection and coordination so that disputes or conflicts can be effectively managed or controlled.

Tongs as community organizations are rarely implicated in criminal investigations, but their members have (Chin 1996). This peculiar development is probably because tongs themselves are mere physical spaces occupied by criminals as well as law abiding members of the Chinese community. Therefore tongs may provide covers but are not directly functional in any criminal activities. Crime bosses have been successful in using tongs towards their advantage, such as recruiting new members, making deals with rival associations, and buying influence and favor from the authorities. But criminal investigations are typically conducted on individuals, regardless of their affiliations with any particular organizations. This situation is not much different from that of the Japanese Yakuza, where crime bosses have long been watched and investigated by the authorities but the criminal organizations continue to exist (see Hill 2006; Adelstein 2009). As long as there are fringe demands that are not met by any legitimate businesses, illicit enterprises will emerge, thus requiring protection or insurance against unscrupulous customers as well as predatory youth gangs (Gambetta 1993). In other words, an underworld power structure is needed to ensure that illicit transactions can occur smoothly.

The expanding Chinese communities are changing the socio-demographic landscape of traditional Chinatowns in North America. With bigger communities come additional criminal opportunities. Tongs, as community organizations, are not playing any direct roles in these emerging enterprises, particularly those of transnational nature. Instead, organized by their ancestral and linguistic lineage for ease of operations as well as protection, the new criminal organizations have the financial wherewithal and connections to take advantage of the increasingly globalized environment.

Historically, law enforcement agencies have found the clannish social networks inside the tongs and the myriad dialects impossible to penetrate because of the cultural and linguistic barriers (Liu 1993). The situation remains largely unchanged today. Mandarin speaking officers are difficult to find in any law enforcement agencies in the U.S., those who speak southern Chinese dialects, such as the Fujianese, are almost non-existent, thus hampering any effective surveillance and investigations. As long as there are no serious cases that warrant the mobilization of significant resources and procurement of special language skills, local and federal authorities typically ignore what is going on inside the Chinese community.

A New Era on Chinese Organized Crime in North America

Future research on Chinese organized crime needs a new conceptual framework to account for the changing Chinese communities and their corresponding criminal opportunities. There are two main reasons that new conceptual tools are needed

to explain the diverging trends in Chinese organized crime: the changing Chinese population in the U.S., and the emerging transnational opportunities. First, Chinese community is not static. New immigrants from China and other Asian countries where there are large numbers of ethnic Chinese contribute to increasing cultural and linguistic diversities in the U.S. Once mainly a Cantonese speaking territory, Chinatowns these days in cities such as New York, Los Angeles and even San Francisco are increasingly occupied by different dialect-speaking immigrants. It is only natural for new comers to seek assistance from their own kind, i.e., people of similar linguistic and cultural backgrounds. Associations of various kinds in Chinese communities will continue to play an important role in welcoming these new comers. Second, while old-fashioned vice activities remain, new transnational opportunities are emerging. These new opportunities are often non-territorial and transient in nature, and attract entrepreneurs of different backgrounds. Broadly speaking, these illicit enterprises can be grouped into two types. One is based in the neighborhood where territory matters (e.g., gambling, prostitution, and loan sharking), while the other requires mostly transnational thus non-territorial transactions (e.g., smuggling of illegal immigrants, contraband merchandise, and credit card fraud).

Tongs or any other community-based organizations under a variety of benevolent names exist mostly for social and cultural functions among immigrants from similar geographical or linguistic backgrounds. Strictly speaking, these tongs are becoming less salient in the study of organized crime in Chinese communities, as membership to any of these community entities does not imply any endorsement or assistance from them. However, because "tongs" as a terminology has been well integrated into the parlance of U.S. law enforcement, it can serve as a shorthand reference to Chinese organized crime in North America. Viewed from this angle, it is perhaps still convenient to use the terminology. But there is always the risk of conjuring up imagined connection between the old Chinatown-based organizations and the newly formed criminal alliances. Chinese organized crime in North America is changing with time. The neighborhood-based vice activities continue to exist in Chinese communities and therefore require protection and insurance policy to reduce transactional uncertainties. However, emerging criminal opportunities, particularly those of transnational nature such as smuggling of various contraband products, draw a different group of criminal entrepreneurs who are more connected internationally and less tied to the local vice industry. Non-traditional enterprises include human smuggling, drug trafficking, identity theft, credit card frauds, and intellectual property violations. With occasional media reports of law enforcement cases, there is a severe shortage of empirical research on this topic. Chin (1996) was probably the last one who has conducted systematic fieldwork in North America to examine tongs, street gangs, and their roles in the illicit economy. That was two decades ago. Much empirical research is needed to explore the changes in the underground economy inside Chinatowns and between the U.S. and other Asian countries where there are large numbers of Chinese nationals.

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The Paradoxes of Social Research: Immigration and Criminality in Italy

Stefano Becucci

A new Percival, science never derived from the observation of its own limits the idea of never being able to capture the Holy Grail, but instead an optimistic projection toward tomorrow.

Franco Cassano (Il gioco della scienza, 1989)

The line (presumed or real) between immigration and criminality has for some time been a special field of analysis in social research. Notable examples include the pioneering studies of members of the Chicago school of sociology, such as Frederic Thrasher (1927), John Landesco (1929), Clifford Shaw and Henry McKay (1942), and in more recent research in a European environment by Martin Killias (1997), Pierre Tournier (1997), Uberto Gatti (2004), Ernesto Savona and Andrea Di Nicola (1997).

While this research has in large part endeavored to determine whether or not immigrants were more involved than natives in criminal acts, in this essay we propose a markedly different point of view aimed at showing the paradoxes and *aporias* implicit in the analysis of the question of “immigration and criminality” in Italy. As we shall see, this theme contains two contrasting currents of research originating from 20th century sociological traditions; one is oriented in a positivistic sense, and the other comes from social constructivism (Collins 1988). Despite the existence of identical empirical results on the subject from the statistical point of view, the two “schools” of research arrive at diametrically opposed conclusions regarding the involvement of foreigners in criminality.

Based on a critical survey of the most important studies, the first part of this article outlines the different approaches referred to previously from the perspective of applied research; the second shows the limits and *aporias* existing in both these.¹

¹ This article is an abridged and partially different version of a report presented at a 2011 conference held in Prato, Tuscany; the proceedings of this conference will be published in Italian sometime in 2013.

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A Word from Statistics

The earliest research statistics systematically analyzing the involvement of foreigners in Italy in criminality were cited by Marzio Barbagli in his book *Immigrazione e criminalità in Italia* [*Immigration and Criminality in Italy*]; further revisions and new chapters were added in subsequent versions of this book (Barbagli 1998, 2002, 2008). In reference to the 2008 edition, which outstanding elements emerge from his research? First of all, statistical analyses of a broad range of crimes between 1988 and 2007 show foreigners (both legal and illegal) more involved than Italians in crime, or, more precisely, crimes of a violent and predatory nature since, as the author clearly states, no study was done of “white collar” crime, the exclusive prerogative of natives. Thus “in the past twenty years, the percentage of foreigners among those arrested and sentenced has increased greatly for all crimes. [This analysis focused on 19 predatory and/or violent crimes.] For some crimes this has doubled, for others tripled, and for some increased as much as sixfold” (Barbagli 2008, 53). The percentage of foreigners out of a total arrested for murder increased from 6 % in 1988 to 24 % in 2007; the same values are shown for attempted murder (from 5 to 32 %); assault and battery (from 5 to 29 %) and theft (from 14 to 49 %). The same progress is shown for other crimes, such as robbery (from 6 to 33 %), sexual violence (from 9 to 40 %), and “production, trafficking and sale of narcotics” (from 3 to 30 %).

The second important element regards the percentage of illegal foreigners responsible for crimes. Based on data from the Interior Ministry, the period between 1988 and 2006 shows a particularly high percentage of illegals among those foreigners accused for a broad range of crimes. As an example, during the last year examined, 2006, 74 % of foreigners accused of murder were illegals, 62 % of those accused of assault and battery, and 80 % of those accused of theft; the percentage of illegals runs from a minimum of 61 % for brawling to a maximum of 88 % for pickpocketing and petty theft (Barbagli 2008).

In comparing foreign and Italian offenders, the author concludes by stating “the data we have available leave no doubt regarding the fact that foreigners present in our country commit a quantity of crimes disproportionate to their number. From 1.4 % of the Italian population in 1990, they [the foreign population] grew to 5 % in 2007. But . . . in 2007 they made up between 25 and 68 % of reports, depending on the crime. Just as certain is that those committing these crimes are mostly those with no residence permits. . . . Therefore, if legal immigrants today commit crimes more frequently than natives (at least in certain age groups), illegals show many times higher levels of criminality than either of these groups” (ibid., 104–106).

Let us look at the reference to “age groups” in the last statement. Here Barbagli is referring to the separation by age group among those foreigners accused and not, as some passages in the book might lead us to think, of separation by age group in comparing foreigners and natives. As he himself recognizes, gender and age are closely linked to the probability of committing crimes. As regards age, this probability increases in the age range between 14 and 20, and subsequently decreases as age advances. Foreigners in Italy actually show a different individual composition both

in terms of gender (depending on the community, either balanced or unbalanced in favor of men or women) as well as age compared to natives. The appropriate comparison of crime levels between foreigners and Italians should therefore take into account these variables in the two spheres of reference (Ferraris 2008).

This aspect has however been considered in recent research by Gian Carlo Blangiardo (2010). His analysis initially focuses on reports for violent crimes (robbery and battery) of known foreign and Italian offenders in the three-year period between 2004 and 2006, standardizing the comparison between the two based on gender and age (the latter in two age groups of 18 to 29, and over 30). This comparison shows foreigners with a higher level of violent crime than natives, in the range of five to six per thousand for the former and one per thousand for the latter. A more detailed look according to a geographical partition by macro-regions shows Central Italy with the highest levels of criminality of foreigners compared to natives: 7.4 per 1,000 foreigners (legal and illegal) as compared to 1.2 for natives.

These differences become even more pronounced when the crime of theft is taken into consideration, with values in Central Italy equal to 11.9 known perpetrators per 1,000 foreigners compared to 0.8 Italians. Finally, based on categorization by national origin, the highest levels of violent crime are by immigrants from: Serbia and Montenegro (with an average provincial percentage of perpetrators at 18.4 per each 1,000 foreigners of the same nationality in Italy); Tunisia (17.5), Morocco (11.1), Romania (5.9) and Albania (4.6); and the highest levels for theft go to Serbia and Montenegro (72.2), Romania (18.8), Tunisia (8.9), Morocco (8.1) and Albania (5.0) (Blangiardo 2010).

These results seem to show the greater criminal involvement by foreigners compared to Italians, though within the limits of the crimes examined by Blangiardo. However, some methodological observations carried out by Franco Pittau, coordinator of the research team at the *Dossier Statistico Immigrazione* of Caritas/Migrantes, lead us to believe this may not be the case.

In the words of Pittau: “We know that the comparison between these two populations is at times the principal if not the only reason for interest regarding this subject [immigration and criminality in Italy], but we should also understand that no reliable basis for comparison exists because, while complete data are known about Italians (above all, the number of resident citizens), the reference population of foreigners is instead difficult to determine, since this includes different categories” (Pittau 2010, 121). In fact, the different typologies of people who compose the foreign component make overall quantification of this entity very difficult. These typologies include: resident foreign citizens; foreigners possessing a resident permit but not yet registered as residents; foreigners authorized for entrance in Italy but not included in the “immigrant” category, such as holders of visas for reasons of medical treatment, visits, or business; illegal foreigners; and finally foreign tourists.

This last group arrives in Italy, as Pittau states, “for the most part exempt from visa requirements (overall more than 25 million a year) and, although present only for brief periods, are not immune to the possibility of violating the law. . . . Given this is the state of things, it is impossible to establish the level of crime by legal foreigners, much less those by illegal foreigners. If a drug courier with a regular tourist visa is

intercepted by the police; if a tourist with or without a visa steals something from a supermarket and is reported; . . . in these and other cases, the crime will always be recorded improperly as committed by an ‘immigrant’ and we cannot know exactly to which category this will be assigned” (ibid., 121–122).

Any statistical datum, either a value taken as is by the researcher or, on the contrary, extrapolated independently according to personal conceptual categories, is clearly the result of a process of analysis. Thus, the methodological observations of Pittau on the criteria for attribution of crimes by foreigners as performed by the Interior Ministry (distinguishing, as it seems, only between legal and illegal immigrants without considering the variety of categories of foreigners present in Italy) leave room for a level of distortion in crime statistics (either crimes reported independently by law enforcement or reported by the population) that is not insignificant. On the one hand, this method of calculation overestimates the charges against foreigners since the numerator increases inaccurately, while on the other it is impossible to precisely define the size of the denominator (the reference population of foreigners) if these calculations only include the number of resident foreigners, those waiting for registration by the records office, and finally an estimate of illegals. In other words, those charged may also include foreigners in transit, yet this category is not taken into consideration in the denominator.

Though these observations draw from an approach based on statistical data analysis, other schools of research tend instead to show the basic non-reliability of criminal statistics. Let us examine why this is.

Social Stigmatization

Official statistics on crime fail to take into account the hidden number; these limits met with empirical confirmation only in the second half of the 20th century, when new reporting tools were perfected such as self-report studies and victimization surveys.² These new investigation tools made it possible to confirm that statistics on criminality diverged from the much greater number of crimes actually committed.

The limits of official statistics can be partially overcome by a comparison between known foreign and Italian perpetrators of crimes, in such a way as to exclude all those crimes labeled as by an “unknown offender,” though this would include most of them. Nevertheless, this comparison only apparently solves the problem. The moment we introduce a new aspect such as the discretionary power of the population and law enforcement in reporting crimes, the problem of the reliability of official statistics returns once again (Kitsuse and Cicourel 1963; Chapman 1971). Here are some “hypothetical” examples to help better understand this.

The owner of a supermarket discovers a person in the act of taking some goods from inside his sales area. He decides to call law enforcement and report the thief

² The first systematic study using self-reporting was done by Short and Nye (1957), and the first surveys of victimization were designed in the US in the early 1970s during the administration of President Lyndon Johnson (Killias 1991).

caught in the act. Later, when the trial begins, the owner will be called on to testify and report the events. As standard procedure, he will be called as witness (and plaintiff) the morning of the hearing as part of a list of other witnesses, each of them called based on proceedings scheduled for that morning. If everything goes as planned, he will be able to testify that same morning, otherwise, and not so improbably, his testimony will be postponed till the next hearing, since the proceedings scheduled for that day, for the same judge, have run long. Therefore, the supermarket owner will have to count on spending a half day, more likely two or maybe more, to give his testimony in the penal proceedings in which he is involved against his will. In light of all this, the next time our owner will clearly consider whether or not he should report the theft. The next time a thief has been identified, he may be heavily reprimanded, perhaps threatened with report to the police, but with full knowledge the affair will end then and there. Alternatively, the owner could adopt a discretionary attitude based on the person discovered stealing. If, for example, the thief is an elderly person from the neighborhood and someone he knows, he will limit himself to scolding him and recovering the merchandise; on the other hand, if he is an underage gypsy or immigrant, the owner will call law enforcement and begin the entire judicial process.

The second example regards the conduct of law enforcement in a mid-to-large Italian city. A neighborhood in the city center, having in short time become an area of street prostitution, has seen the birth of a citizens committee organized for the purpose of combating urban decay in the area where they live. Committee leaders send letters to newspapers to attract the attention of city politicians and public opinion to the decay, which, in their words, is no longer tolerable. Thanks to support from a few politicians from the local opposition and the contribution of several “friendly” newspapers, the mobilization of the committee achieves its initial results when the mayor personally calls the chief of police to request more law enforcement presence in that part of the city.

These hypothetical situations can be theoretically classified within the cognitive framework of the “tautology of fear” as outlined by Alessandro Dal Lago (1999). He expresses a definition of fear from the sociological standpoint. This “does not mean that specific elements of danger (physical or social) are distributed within a social environment, but rather that there is a collective legitimization and interpretation of more or less arbitrary evidence of danger as indisputable proof of a threat to the stability or existence of a society. From this viewpoint, foreigners (individually or as a group) are the most susceptible to being considered dangerous” (ibid., 9). Therefore, “the simple declaration of an alarm (in this case ‘the invasion of criminal immigrants’) *demonstrates* the reality that this itself reports” (ibid., 19). The author reiterates William Thomas’s classic theorem of the self-fulfilling prophecy: “if men define situations as real, they are real in their consequences.” Thus, even when a social actor incorrectly defines a situation with respect to reality, he will behave in a manner consistent with the accepted definition, creating the conditions for the consequences originating from that interpretation to actually take place.

From this standpoint, the social actors that concur, each in their own way, in the social construction of the frame “immigrant equals criminal” are of various types. These are in order: organized segments of civil society, like the above-mentioned

citizens' committees mobilized in the public arena in order to demand greater security where they live; "political entrepreneurs" or in other words those political representatives that instrumentally support requests for law and order to achieve an electoral consensus; the mass media, which emphasizes the social alarm posed by the presence of foreigners, if for no other reason than to increase newspaper sales or television viewership; and finally, the experts who give scientific dignity to common sense evaluations. Thus, within the pre-established frame, "the facts from news reports on crimes, which foreigners may or may not be responsible for, are nothing but empirical proof of a truth taken for granted in information from the mass media" (*ibid.*, 12).

The above-mentioned viewpoint calls attention to the procedural and relational nature of social events, qualifying them as a process of social construction involving the different actors in play. More specifically, this approach recalls a tradition of research, in the field of the sociology of deviance, dating back to the theory of labeling. According to this, the causes provoking deviance can be found in the process of stigmatization imposed on socially disadvantaged minorities and groups (Becker 1997). Edwin Lemert explained this labeling process in two phases, differentiating between primary and secondary "deviation." For the deviant, the former brings marginal consequences that are easily overcome. Instead, the latter occurs with the entry onto the field of the stigmatization process, establishing in the subject a reorganization of his identity in the direction of deviance (in the case examined here, the immigrants subject to the tautological mechanism of fear). The deviant falls into the role assigned to him and uses this as a tool for defense, attack or adaptation in the face of the labeling processes he has experienced (Lemert 1981).

Limits and Aporias in Social Research

As can be seen, we are dealing with two noticeably divergent interpretations and methodologies regarding causal factors at the root of the criminality of immigrants in Italy. The first, in reference to a research framework oriented toward a neo-positivist approach, starts from the statistical analysis of data. Once established that foreigners commit more crimes than natives, this works to identify the basic factors of this difference. Following Barbagli's analysis, this involves a theory of either the conflict between cultures, social control, or relative privation; the latter, in his opinion, is the most convincing of the three perspectives (Barbagli 2008).

The second gives priority to qualitative research tools, and is instead interested in revealing (and deconstructing) the process of stigmatization experienced by immigrants in Italy, tracing their criminal involvement to a hostile and arbitrary institutional and social context. Exasperated by their constant subjection to law enforcement checks and searches, they are thus provoked into violating the rules, refusing to trust a State perceived as "absolutely unjust and underserving of their loyalty" (Palidda 1999, 86).

Even when scholars who are part of this research tradition rely on criminal statistics (something that rarely occurs for the reasons mentioned previously), they would probably trace the greater involvement of foreigners in criminality to the discretionary and arbitrary nature of the checks and controls applied by law enforcement. Therefore, faced with identical evidences, corresponding to the higher statistical incidence of foreigners in criminality, we are given two explanations that are diametrically opposed depending on the type of research perspective. In fact, we could say that where statistics show the greatest involvement of foreigners in crime, the existence could be posed of a “crystallization” of the labeling process faced by them.

All this calls attention to the possibility of establishing a correspondence only within the same research approach between the “context of discovery” and the “context of justification,” between empirical observation of the phenomenon and the explanation of the same phenomenon. Put another way, we are dealing with a theoretical and interpretative “short circuit”—a sort of *impasse*—regarding the (possible) link between immigration and criminality. In fact, it would be difficult for those who adopt official statistics (reports) as a starting point when examining the crime levels of foreigners to take into account the possible discretionary nature of law enforcement and the population in reporting crimes. If they were to do this, the criminal phenomenon (the “context of discovery”) to be analyzed would be seriously compromised internally by an intervening variable capable of invalidating the procedures of constructing the statistical data, or in other words the starting point from which the research proceeds. On the contrary, those who follow the theory of labeling presume that the “social reaction,” put into action according to various modalities, gives rise to the criminality of foreigners. In fact, according to this line of research, without a stigmatization process, we would not likely have what society defines as a “criminal individual.” This formulation thus reveals an explanatory circularity in which the research leads to conclusions that can be easily corroborated by the original presuppositions.

Considering what has been said till now, we can finally ask ourselves what correspondence can be shown, on the one hand, between the empirical formula furnished so far on the theme of “immigration and criminality” in Italy and, on the other, both of the two research perspectives.

The theory of labeling leaves several basic questions unanswered. First of all, this does not tell us why the process of discrimination is not translated, *ceteris paribus*, into greater criminal involvement for all the different foreign communities present in Italy. Unless law enforcement can be shown to give different treatment to different nationalities, it is difficult to explain why, for example, Chinese, Senegalese, and Nigerians, although in principal experiencing similar sorts of rejection from Italian society, fail to show similar values in terms of their involvement in criminality. Faced with this division of immigrants into nationalities of origin, the exponents of social constructivism would respond, and in principal correctly, by observing that the variable of “nationality” is probably one of the most spurious and artificial aspects. If anything, rather than taking this as a starting point, national origin should be the end point of an explanatory reasoning aimed at telling us how this has been categorized and constructed (Dal Lago 2006). The same observations are advanced

by those who recall the fallacies of so-called “methodological nationalism,” based on studies founded on nationality as a pre-established variable, and who consider this an unquestionable fact once and for all (Beck 2003; Wimmer and Schiller 2003).

However, in spite of all the theoretical and epistemological limits that may derive from “methodological nationalism,” analysis by nationality can help us establish the notable differences in the incidence of crime between the different foreign communities. For example, in examining the data gathered by Blangiardo, why do Serbs and Montenegrins show an average percentage for theft of 72.2 per 1,000 foreigners (legal and illegal from the same nationality), while Filipinos and Chinese have a level of 0.8? These differences raise doubts, also based on the validity of critical observations advanced by Pittau, regarding the limits relative to the distribution of charges against “immigrants” by the Interior Ministry. Put another way, the notable differences by nationality can hardly be “explained” by referring, on the one hand, to an improper system of categorizing reports of different crimes by the Interior Ministry or, on the other, the process of discrimination experienced by immigrants in Italian society. This leads to the consideration that other aspects, such as for example the cultural universe of each foreign community and models of socialization into the values of the host society, may play a significant role in the involvement of foreigners in criminality.

In other ways, to presuppose, as Barbagli seems to hypothesize, the existence of different characteristics for illegal compared to legal immigrants (e.g., a greater propensity for risk and illegality of the former compared to the latter) fails to give adequate importance to the fact that between 1986 and 2002 five general amnesties were approved that involved around 1.5 million people. We could also add the hidden amnesties that in large part legalized *ex post facto* those who found themselves already in Italy and could show they had a work contract. Among these, the 2006 amnesty involved 520,000 people, and the one in 2009 gave legalization to 300,000 “domestics and caregivers” (Cnel 2008; Pittau 2010). Thus, in the past few decades, we have witnessed a continuous shift in the positions of foreigners from illegal to legal conditions and, most likely, as a result of the economic crisis and current regulations on immigration, from a legal to an illegal status.³ In this sense, although illegal immigrants constitute the major percentage of foreigners involved in crimes, this group cannot be considered as a segment separate from the totality of immigrants present in Italy. If anything, we could hypothesize with some plausibility that it was their state of illegality that fed their criminality, putting them in contact with illegal opportunities that at times may be a functional alternative to institutionally sanctioned paths of social mobility (Merton 2000; Bell 1964; Becucci and Garosi 2008).⁴

³ According to a recent article from the “Italia-Razzismo” Association, 600,000 work permits were not renewed for foreign subordinate workers over the course of 2011 (Manconi L., Brinis V., Calderono V., *Se il titolare è uno straniero l'azienda non conosce crisi*, “l'Unità”, 8 September 2012).

⁴ In this regard, we limit ourselves to hypothesizing other elements that could account for the involvement of foreigners in criminality. Any deeper examination of this question goes beyond the scope of this contribution.

To paraphrase Franco Cassano, one way of not bowing down in advance to the majesty of science is to make clear the problematic aspects fueling the scientific debate on the issue of “immigration and criminality” (Cassano 1989). This is precisely what we have attempted to do here, yet without adopting any perspective, as Benedetto Croce supported in his time, that would consider social research a pseudoscience.

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Italian Mafias, Public Procurement and Public Works in Southern Italy

Stefano Caneppele and Sara Martocchia

Introduction

Most of the studies conducted by prof. Ernesto Savona and its team focused on organized crime. In particular, with respect to the Italian organized crime, his research interest has lately turned to the mechanisms of corruption and the infiltration of the mafia in public procurement (Caneppele et al. 2009; Calderoni and Caneppele, 2009). In a recent essay, Savona (2010) showed how, by applying the crime script techniques (Cornish 1994), it would be possible to adopt situational crime prevention measures (Clarke 1997) for each stage of the public procurement process. This paper describes the strategies and techniques of infiltration in the public procurement reconstructed from the analysis of 18 Italian judicial cases in Southern Italian regions¹.

Strategies and Techniques of Infiltration in the Public Procurement

To understand how and on what basis the Italian organized crime penetrates the public procurement in the South of Italy, it is necessary to consider the public contract as a chain of consequential stages. Each stage has specific vulnerabilities and it is exposed

¹ This study is based on a research project funded by the Italian Ministry of the Interior in 2007/2008. Case studies were distributed across Sicily, Calabria, Apulia, Basilicata, Campania. The focus has been on judicial cases and on investigation documents. The case studies selected refer to crimes committed during the '80, the '90 and the beginning of the 2000.

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to risks of infiltration. Basically, the allocations of public contracts can be divided into three main phases: (1) the preliminary stage (plan and design of the contract); (2) the tender stage; (3) the preliminary works and the execution of the contract.

The Phase of Planning and Design

Behind any public contract, there is a political and administrative will which decides what, when and how much budget has to be allocated. There was evidence that Italian organized crime was capable of conditioning also the planning and design level (Transcrime 2008). With reference to the 'Ndrangheta, currently the most powerful criminal organization in Italy, Gratteri and Nicaso observe that it "was born in the presence of the State and not in its absence, with it and not against it" (2009, p. 254). Some cases revealed that politicians and local officials were nothing more than the *longa manus* of the Mafia, committed to strengthening the power of the families in exchange of benefits.

The agreements between local politicians and criminal organizations are designed to ensure in advance the participation of the latter in contracts awarded by the Public Administration, or in direct public funds towards targeted investments, acceptable to local organizations. The agreement as an example of "mutual assistance" between politics and the Mafia is the exchange vote, by which the Mafia gets a double advantage: it pays to properly exploit the political support and puts the politicians under blackmail.

Programming follows the design phase of the investment, which involves technicians and professionals in charge of preparing the draft on the basis of which the tender will then be drawn up and published. Even here the process can be manipulated so as to facilitate the subsequent insertion of "predetermined" individuals.

However, the design phase cannot be easily attacked since a project must respect several standards and technical requirements (Lembo 2007). At least in the public works sector, it seems easier for organized crime to infiltrate in the following phases described below.

The Tender Phase

The tender phase includes the period from the processing of the notice until the celebration of the tender. As a preliminary remark, it is useful to remember that the procurement process is highly regulated and that any attempt to illicit conditioning cannot be separated from the adoption of systems to violate the law. It is no coincidence that high-value contracts are mostly infiltrated only during the execution of the service/work. In fact, where controls are greater it is preferable to avoid the public exposure. It is in this phase that the most sophisticated techniques of infiltration are put in place by criminal organizations.

Manipulating calls for tender. The interference of organized crime can go so far as to affect the definition of the tender, clearly with the complicity of officials of the contracting authority. The supervisory authorities have transposed the risks associated with this phase, sensitizing the contracting authorities to take appropriate protocols of legality with corporate agents or supervisory bodies (Lembo 2007, p. 22). The manipulation in the definition phase of the calls can be done in various ways.

Calls for ad hoc tender. One technique is to include clauses subjective and objective that they fit perfectly with the profile of certain business entities, or that avoid too stringent requirements. In this way mafia groups model the call on the candidate nominated at the start, maybe indirectly excluding potential competitors.

Calls for generic tender. Another technique consists of preparing terms of reference which are too generic. They only describe in general terms the object of the contract, without sufficiently detailing the elements of performance. The purpose is twofold: at the beginning the poor definition of the service does not allow a thorough assessment of the suitability of the curriculum of the enterprise; at the end, verifying the compliance of the contract is hindered by the difficulty of finding unambiguous parameters.

Reduced publication of calls for tender. As the territorial impact (and the economic value) of the contracts reduces, the monitoring of compliance with requirements tends to fade at local level. The mafia groups, who are strongly rooted in the territory, use this technique with the complicity of local public officials to limit the competition.

Manipulating the Tender

Businesses cartels and predetermination of tenders. In the event that the contract is awarded through a competitive process, the candidates submit their bids in a sealed envelope. Tenders are opened and evaluated in the celebration. Apparently, the mechanism excludes the possibility of knowing in advance the offers made by competitors and to predict which will be the most competitive. The classic method to circumvent this uncertainty is to create a cartel among the companies, submitting tenders previously agreed, in order to predetermine the winning bid. Some case studies show anomalies such as the presentation of bids with minimal reduction (a few decimal in percentage) and all very close to each other, a clear signal of cartel. The opposite phenomenon is given by the presentation of bids with reductions significantly greater than the average to outperform the competition.

Intimidation aimed at restricting competition. Despite the sophisticated techniques of manipulation of tenders, the guarantee of the final outcome may be compromised by the intervention of third parties, which participate independently in the race. That is where the traditional “mafia methods” operates: companies not related to the mafia family are not allowed to compete. Those companies, through the use of threat or violence, are “invited” not to show up or to withdraw the offer.

Mafia-free companies suffer from intimidations, but conflicts often arise also between companies linked to different mafia groups, especially if the public work is located in a border area, or covers areas belonging to different mafia groups.

Falsifying documents and alteration of the tender procedure. Usually, the infiltration techniques pay off on the day of the celebration of the tender. However, it is not always possible to exclude rival firms or predetermine all offers. In this phase the support of the tender commission becomes very useful to avoid unexpected obstacles.

Companies “beware” from participating may nevertheless have submitted a bid (and this cannot be known in advance by the members of the consortium). Under those circumstances there are two solutions both requiring the intervention of complacent officials: “Disobedient” enterprises are excluded from the tender even before the opening of the envelopes, making sudden formal flaws.

The envelopes are opened before the celebration and the desired offer is properly retouched in order to be successful.

Even when the contract is awarded to the welcome companies, it is possible that firms excluded from the tender react to the result by appealing to the Court. In this case, organized crime can adopt its persuasive methods, aimed at preventing any claims or, in the case of actions already submitted, to require their withdrawal.

The Preliminary Works and Execution of the Contract

The post-award stage is undoubtedly the most vulnerable to criminal infiltration, primarily due to the lower level of controls. Two broad categories of infiltration can be identified: active infiltration and passive (or parasitic) infiltration.

Active infiltration provides for direct participation in the works of entrepreneurs affiliated with (or close to) criminal groups. This requires the use of straw man or apparently clean companies, designed to evade anti-mafia controls required by the law on public contracts.

Passive infiltration profits through a tangents paid by the contractor or subcontractors.

Active Infiltration

Italian mafia groups adopted different techniques for infiltrating a public work. The most important are: infiltration through subcontracts, infiltration through rental contracts and infiltration through forced recruitment of workforce (mainly security guards).

Subcontracting. Even though in the past it was relatively easy to infiltrate public contracts through subcontracts, recently the Italian legislation has become more and more severe. Today the subcontract is sufficiently regulated and difficult to attack, except by resorting to corruption of the authorities responsible for monitoring. The

prediction of specific constraints and requirements to access constitutes a filter that facilitates the exclusion of those subjects that do not meet the standards. Alternatively, subcontracting is concealed through the use of rental contracts (without personnel) or supply contracts.

Rental contracts (without personnel), supply contracts. Rental contracts of working machines are often adopted to hide subcontracts. Since those types of contracts do not have to fulfill the subcontracts obligations, they are often used by mafia groups to avoid police controls.

Similar considerations can be made for supply contracts, often used only to justify the presence on site of parties outside the contract who actually conduct the work though officially they are just suppliers. The supply of raw materials is closely linked to that of the preliminary activities of the working site (e.g. excavation), which is the main gateway to the contract for organized crime. The segment of raw materials and construction equipment is characterized by a high level of permeability to mafia infiltration and, therefore, subject to a real de facto monopoly of the families of the place.

The infiltration of organized crime generates also substantial risks to the safety and quality of the finished work. The reason is simple: to save on quality of supplies allows to recover costs incurred elsewhere, (e.g. bribes paid to the Mafia by entrepreneurs). The use of inferior materials can be identified during the sample tests carried out on site or in the final testing phase. However, it is sufficient to falsify the test results, with the help of the expert responsible for carrying out the analysis, or the final test.

Forced recruitment of workforce (e.g. security guards). The imposition of mafia personnel may represent a simple form of extortion in addition or as an alternative to the tangent. In other cases, the inclusion of certain people is a formula to hide a larger role of mafia families and to justify people's presence on the construction site as workers or security guards.

The Passive (or Parasitic) Infiltration: Typologies

The tangent on the public works is the most traditional form of mafia infiltration. All the case studies revealed payments made for various reasons, in particular:

- the tangent as *pizzo*, or *fiore* (flower), in the slang of the 'Ndrangheta, or "environmental tax". The tangent can be imposed on companies, resulting as the classic extortion, or on companies linked to other mafia families which are operating outside their territory. The amount of the bribe is a percentage of the amount of the contract. The *pizzo* ranges from 1 to 5 %, negotiable according to the relationship between the company and the criminal organization. In all cases the main problem is to mask the payment of the tangent. Techniques of concealment of the tangent always resolve into falsifications accounting qualifying the tangent as "security cost" or hidden behind oversized bills, or hidden under various cost items. It is common, for example, that the quantities of concrete supplied do not correspond

to the price indicated on the invoice, the savings on the quality of the material is often used just to recover the cost of the bribe.

- The tangent as a means of bribery. In this case, the mafia groups, or the successful companies, pay a sum of money to those who have helped them in winning the tender (the officials of the contracting authority, the political sponsors, the professionals, the experts, etc). In alternative to the sum of money, the compensation can be made for other benefits.

Conclusions

This essay described several techniques adopted by Italian organized crime in infiltrating public procurement of public works in the South of Italy. It is evident that some techniques can be used not only by organized crime but also by white collar criminals. And it is not a case if the interaction between legal economy and mafious entrepreneurship has been strengthened and refined over the years, creating the so-called gray areas that a recent study proved to be so effective (Caneppele et al. 2013).

The future evolution of the dynamics of criminal infiltration is likely to be related to the need to exploit and evade regulation of public procurement. In this regard, it would be useful to implement a possible preventive strategy on crime-proofing of legislation. The crime-proofing is a method of crime risk assessment associated with the regulation of legitimate markets which prof. Savona developed under 6th Framework Programme Project (Albanese 2008; Albrecht and Kilchling 2002; Curtol et al. 2006; Savona et al. 2006). The assumption is that legislation can be criminogenic: the complexity of rules, the presence of overlapping or gaps in the law, as well as specific provisions of the law, can become unintentionally vulnerability factors. The study carried out by Transcrime (2008) validates this assumption: the ease of access to public contracts, or the risk of being identified by the police inadvertently also depend on the opportunities provided by the discipline of public contracts.

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Part V
Evolution of Criminology

Understanding Crime Trends in Italy and Elsewhere

Michael Tonry

Introduction

Comparative analyses of crime trends and patterns are for me an appropriate subject for an article in a *festschrift* honoring Ernesto Savona. Criminology in Europe—despite the subject’s nineteenth century Italian birthplace—is in its second adolescence and at a stage in which leading senior figures including Ernesto have much broader expertise than do younger European or nearly all North American scholars. Maturation of a discipline inevitably means that specializations become narrower but literatures become deeper and larger; no one can remain current in more than a few subjects. Ernesto is deservedly famous for his work on organized and organizational crime and criminal policy, but he is also expert in many other subjects. One of these is comparative analysis of crime data.

Several years ago, Ernesto, Dario Melossi, and I were plenary speakers at a conference convened by the Regione Emilia-Romagna on Italian and international crime trends. One theme of Ernesto’s remarks was that, even when working with aggregate time-series data, we must never overlook the importance of micro-level analyses. In that spirit, in this article I consider the twin mysteries embedded in recent crime trends in Western European and English-speaking countries.¹ Official crime rates for all ordinary violent and property crimes rose sharply from the 1960s through the early and mid-1990s. Since then, rates have fallen sharply in the English-speaking countries and for many offenses have fallen in Western Europe. No one has a good explanation for either pattern—rising or falling. This is a bit odd. Non-specialists

¹ Japan is the major exception among wealthy developed countries. Crime rates fell continuously from the 1950s through the 1990s (Hamai 1999). More recently, official crime rates have risen for some offenses but there are good reasons to attribute that to changes in reporting and recording (Johnson 2007).

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would probably suppose that explanation of aggregate crime patterns is a, even the, central focus of scholars in a field called criminology, but it is not.

International Trends Since the 1960s

Several things are striking about international trends since the 1960s. First, no one questions that official crime rates rose sharply everywhere after the 1960s, although there are no widely accepted explanations for why that happened. Anyone who lived through those years can identify likely contributing factors. These include the social and political turbulence of the 1960s and its longer-term destabilizing effects, high levels of migration and increased population diversity, abrupt economic dislocations beginning in the 1970s, and major changes in routine activities and patterns of everyday life. There is, however, no specialist literature and there are no well-developed, plausible theoretical explanations other than that the post-1960s rise was a short-term disruption to a very long-term decline that began in the late medieval period (e.g., Eisner 2003).

Second, crime rates stopped rising in the 1990s, first in the United States and Canada, then in the Scandinavian countries, then in western and northern Europe, then in southern Europe. That there is a general pattern is most easily shown for homicide, the most unambiguously criminal and most reliably recorded offense (e.g., Eisner 2008). Much more broadly, data from the International Crime Victimization Survey show that peak levels of reported victimization occurred in the 1990s and that declines paralleled patterns shown in official crime rates for individual countries. In the United States, for example, the ICVS peak was in 1988, and rates were lower in 1991, when official crime rates also began to fall; in other countries, victimization rates increased through the 1991 or 1995 waves of data collection, and fell only after official crime rates began to fall (van Dijk et al. 2007).

Figures 1 and 2 show homicide rate trends for four large English-speaking countries and four Scandinavian countries. The rates are standardized at 1, using the rate in 1960, whatever it was, as a base (except for Australia for which reliable national data became available only later). Both sets of countries experienced rises from the 1960s through the late 1980s and sharp declines since (England is a partial anomaly since rates peaked later).

Figures 3 and 4 show comparable standardized 1960–2010 data for property crimes—*theft* in Scandinavia and *burglary* in the English-speaking countries (with shorter spans for Canada and Australia). The picture is much the same: increases through the late 1980s and decreases afterwards.

The interpretive problem arises for lesser forms of violence, as Figs. 5 and 6 show for robbery (Scandinavian rates are standardized; English-speaking country data are not, because this makes trends easier to see). Scandinavian rates move in parallel throughout the fifty years, and peak around 1990, but then show subsequent peaks and falls, with the most recent movement being a fall, but not much below 1990 levels. The English-speaking data, by contrast (England with a delay) show rises

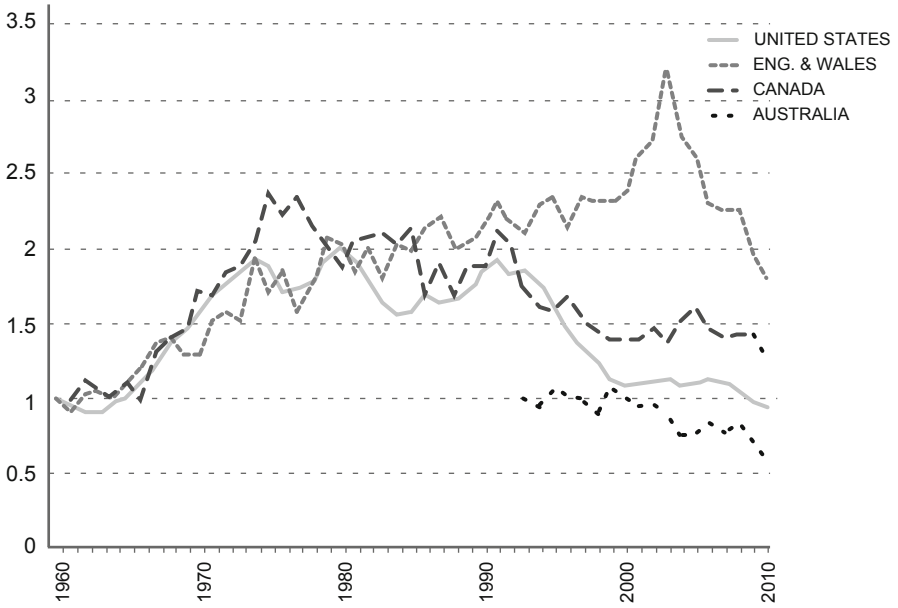


Fig. 1 Homicide, English speaking countries, 1960–2010

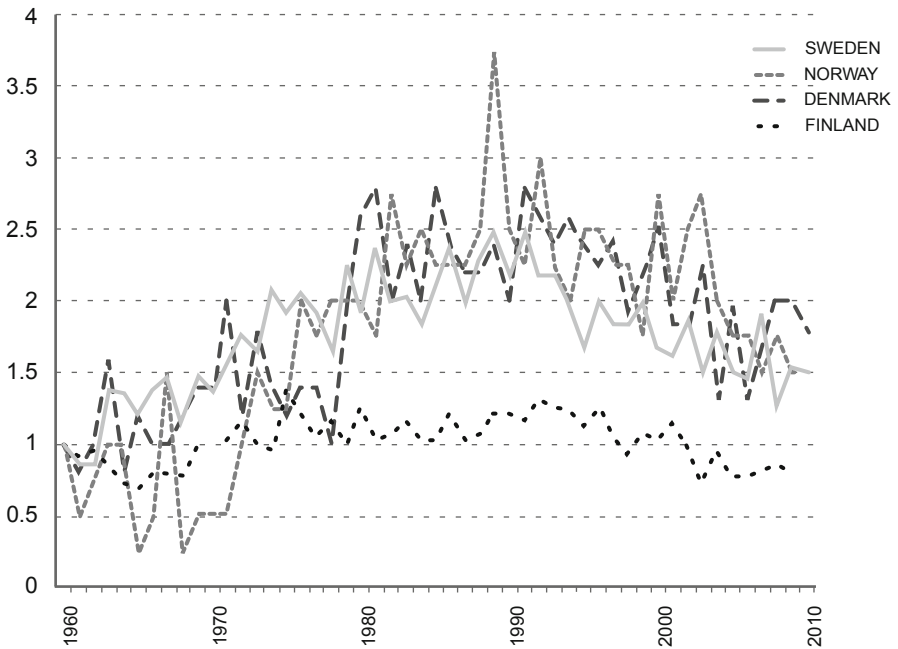


Fig. 2 Homicide, Scandinavia, 1960–2010

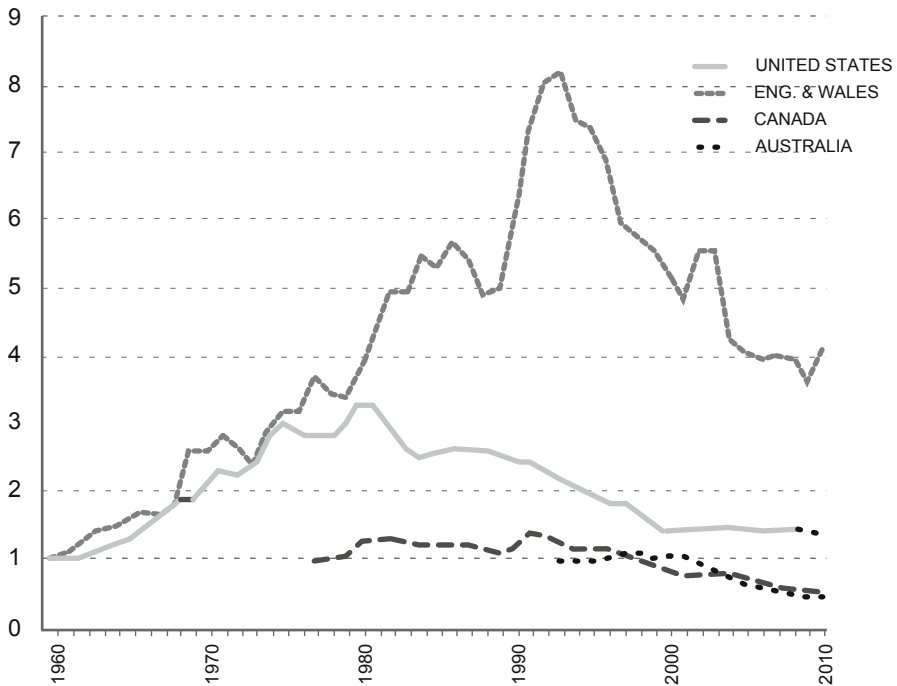


Fig. 3 Burglary, English speaking countries, 1960–2010

through the early 1990s and sharp drops from the peaks. Patterns are broadly consistent within groups but divergent between them.

The last two figures pose the comparative problem: On the face of the data, homicide and property offenses appear to follow the same broad trends in all 8 countries, but robbery—and sexual and other assaults—do not.² Aebi and Linde (2010), analyzing *European Sourcebook of Criminal Justice Statistics* data for 1988–2007, conclude that rates for homicide and for property offenses are falling throughout Europe but that rates for other violent crimes are rising.³

On the face of it, Aebi and Linde appear to be correct. The data seem to show that homicide and property crimes are everywhere falling but that English-speaking countries are enjoying reductions in all violent crimes and European countries are suffering increases except for homicide. However, that may not be right. It may be that “real” rates of violent crime are declining also in Europe, but that this is not apparent from official data. I explain why this might be so in the concluding section. Before that, I briefly present and discuss Italian data.

² Space limits do not allow me to show more data but similar figures would show clear declines in these offenses in the English-speaking countries and not in Scandinavia.

³ Though Eurostat reports indicate that violence including robbery rates in EU countries have been declining since at least 2005 (Tavares and Thomas 2010).

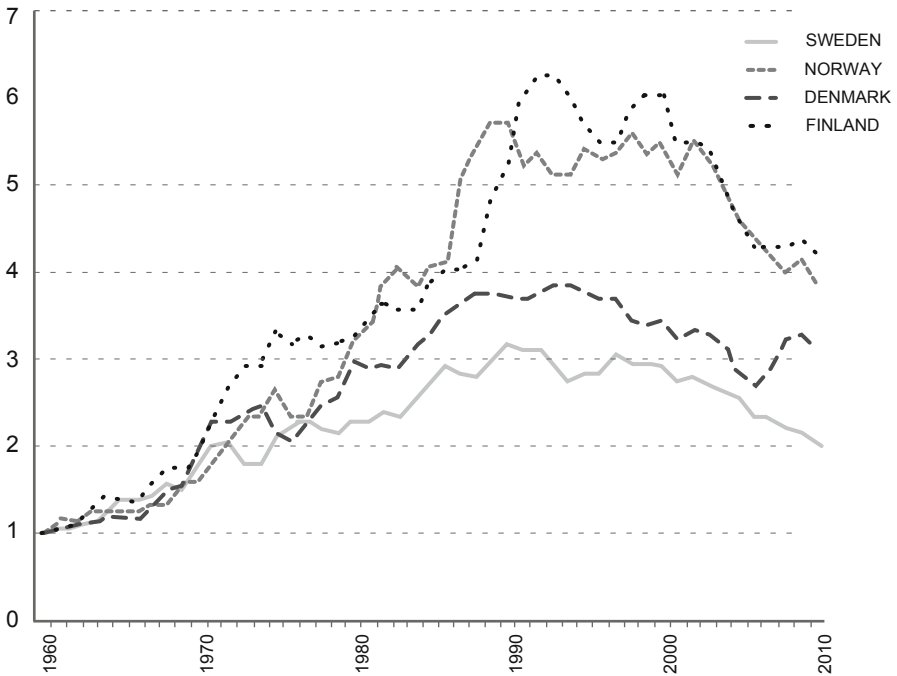


Fig. 4 Theft, Scandinavia, 1960–2010

Italian Trends

Italian crime trends follow those in northern and western Europe. Over the very long term, homicide rates fell to low single digits in much of northern and western Europe in the seventeenth to early nineteenth centuries but only in the late nineteenth and early twentieth centuries in Italy (Eisner 2003).

In the contemporary period, Italian patterns follow those in Scandinavia, as Figs. 7 (homicide), 8 (theft), 9 (robbery), and 10 (rape) show. Homicide rates rose in the 1970s and 1980s, peaked in the early 1990s, and have fallen since. Theft rates also peaked in the early 1990s and have since fluctuated at lower levels. Robbery rates rose for two decades, fell after a peak in the early 1990s, and then resumed their rise. Rape rates have risen continuously since the early 1990s (Selmini and Arcidiacono 2009; Barbagli and Colombo 2011).

There thus appear to be different patterns for English-speaking and continental European countries, including Italy. While homicide and property crime rates have fallen everywhere, rates for other forms of serious violence appear also to have fallen in the English-speaking countries, but not in Europe. How come?

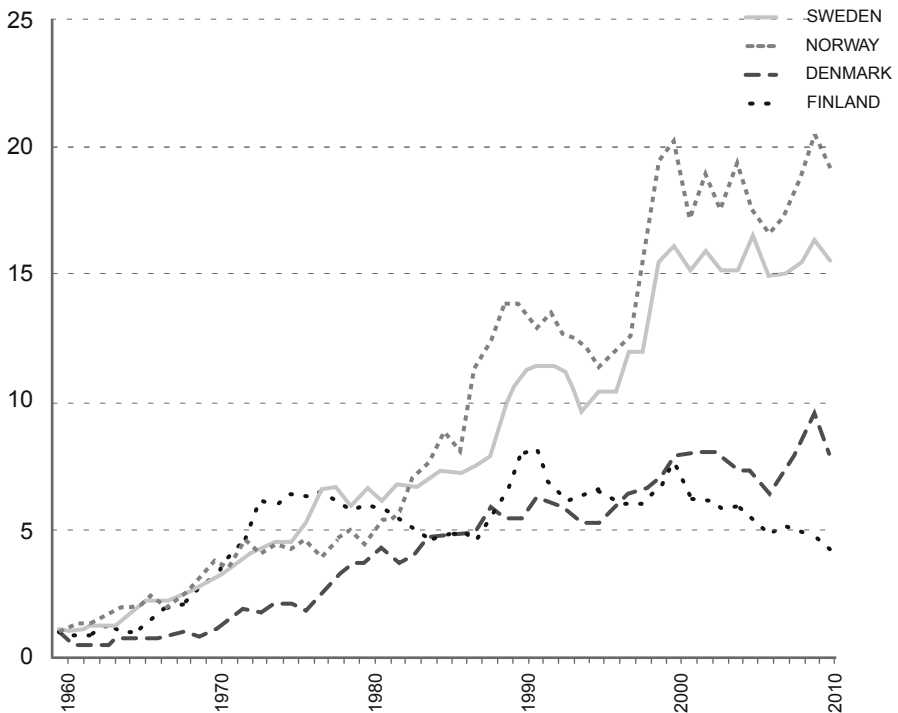


Fig. 5 Robbery, Scandinavia, 1960–2010

Explaining Differences

There are a number of reasons to believe that crime rates generally, including for violence, are falling in all or most developed countries. Explanations unfortunately have to be speculative, based on inferences from other data, because the research work to demonstrate why violence rates in some country appear to be rising has not been done.

First, a wide range of historical work suggests that crime rates move in parallel across national boundaries although sometimes with time lags. Homicide rates in most European regions fell from the late medieval period to low single digits in the eighteenth and nineteenth centuries (Eisner 2003; Spierenburg 2008; Muchemblad 2011; Pinker 2011). Crime rates generally fell in the major cities of the United States, England, Australia, and Sweden from the 1830s to the 1950s (Gurr et al. 1977). Homicide rates rose in all developed Western countries from the 1960s through the 1990s and have declined since (Eisner 2008), as did crime rates generally. Those many-centuries-long and also recent patterns of parallel trends support a strong inference that similar parallels exist today, especially since for homicide and property crimes no one disagrees that rates have been declining.

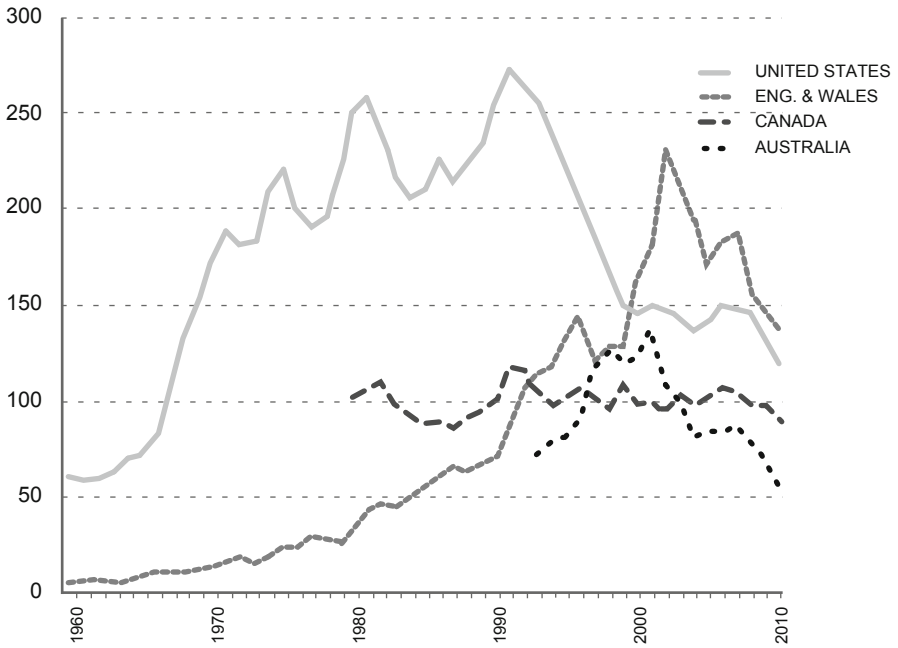


Fig. 6 Robbery, English speaking countries

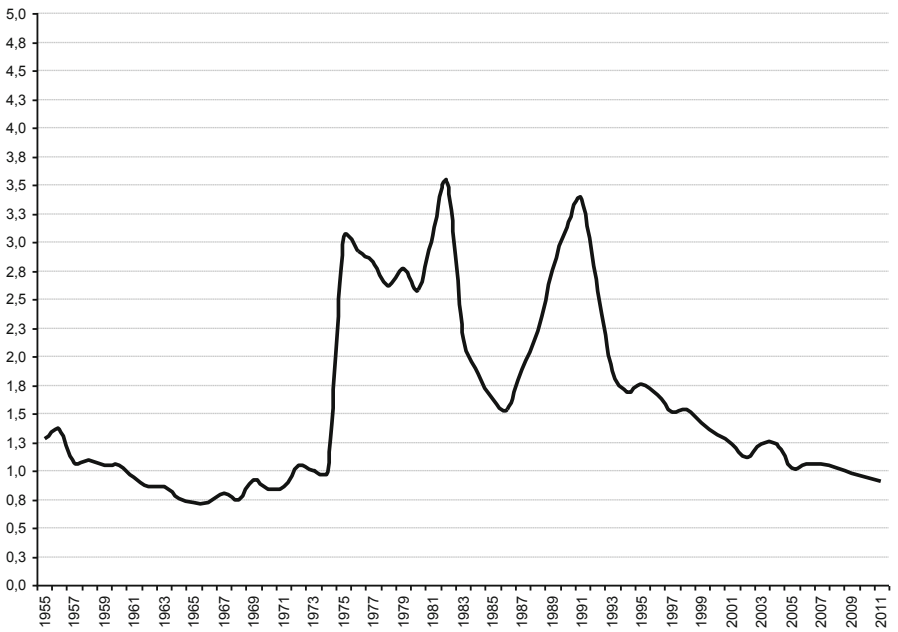


Fig. 7 OMICIDI CONSUMATI: ITALIA [Homicide, Italy] 1955–2011 (TASSI PER 100.000 ABITANTI)

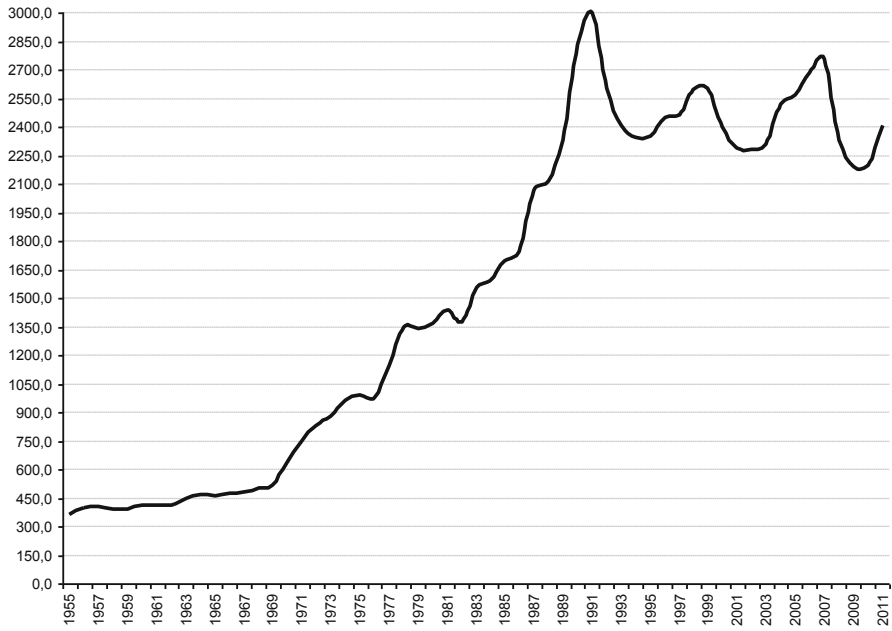


Fig. 8 FURTI: ITALIA [Theft, Italy] 1955–2011 (TASSI PER 100.000 ABITANTI)

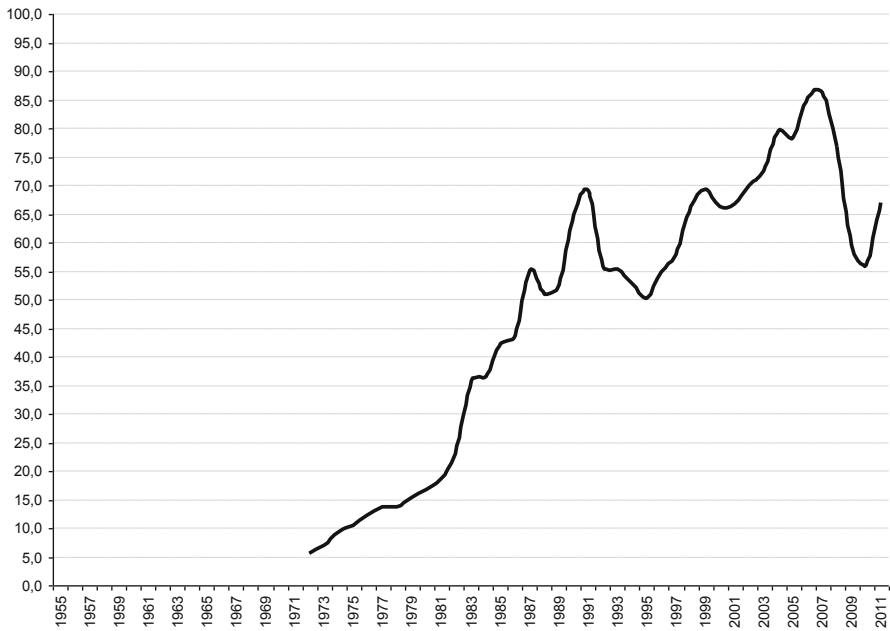


Fig. 9 RAPINE: ITALIA [Robbery, Italy] 1972–2011 (TASSI PER 100.000 ABITANTI)

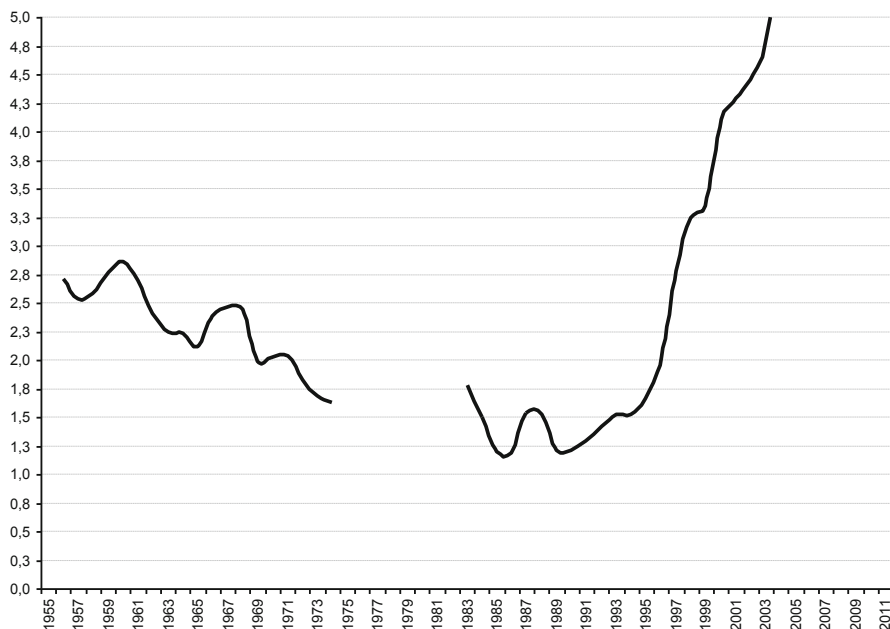


Fig. 10 VIOLENZE SESSUALI: ITALIA [Rape, Italy] 1955–2011 (TASSI PER 100.000 ABITANTI)

Second, homicide should be recognized to be a leading indicator for other violent offenses. Death should be probabilistically related to the number of potentially violent incidents, just as motor vehicle fatalities are probabilistically related to millions of kilometers driven. Changes in death rates per kilometer do not change rapidly because the only things that could produce rapid changes—major improvements in highway construction methods, advances in auto safety technology, improvement in driving skills—do not happen rapidly. Death rates per thousand potentially violent incidents likewise should not change rapidly unless there are abrupt changes in the quality of emergency medical care, the lethality of instruments of death, or social context. Such abrupt changes are rare which means that if there are X homicides per 1,000 potentially violent incidents this year there should be approximately X per 1,000 next year. If the value of X —that is the homicide rate—has been steadily declining over 15–20 years, the number of potentially violent incidents must also be declining. If that's true, then the apparently increasing numbers and rates of violent offenses in some countries must be artifact of changes in patterns of victim reporting and of rising thresholds of intolerance of violence.

In principle, changes in reporting and recording patterns should be discoverable, but in practice it is difficult and seldom attempted except in overly simple ways. This is one of those places where Ernesto's advice always to investigate at the micro-level is apt. It is widely believed in the United States, for example, that increases in official rates of rape and aggravated assault in the 1970s and 1980s resulted—at least in large

part—from increased reporting and recording that in turn resulted from increasing sensitivity to gender fairness and decreasing acceptance of violence. That is probably true. It is reasonable to believe that police became increasingly unlikely to “unfound” reported sexual assaults and domestic violence incidents. The only way to be sure, however, that rate changes resulted from recording changes would be to examine representative samples of original reports of victim allegations over a period of years and trace what happened to them. This is necessary both to see whether increasing numbers of alleged criminal incidents were formally recorded as crimes and, as a check on selection (reporting) bias, whether the nature of the incidents reported also was changing over time. Without the latter analysis, it is impossible to know whether apparent changes in police recording resulted from changes in police practice or in the nature of offenses being reported. Most likely both things were happening—more incidents, some of a less serious nature than earlier, were being reported, and larger percentages of that larger number of incidents were being recorded as crimes.

A slightly different but similar analytical problem bedevils efforts to use victim survey data on victim reporting of incidents to the police. Victim reporting rates in surveys sometimes change over the years and sometimes remain the same, but neither pattern by itself tells us enough because of a subtler selection bias problem. It is likely that cultural thresholds of tolerance of violence and other forms of deviance are changing, and that this distorts data analyses. Some changes are relatively easy to see. For example, as the cultural meaning of rape has evolved, lower percentages of reported rapes are likely to involve stranger perpetrators and larger percentages to involve acquaintances. That should be relatively easy to document, because forcible or involuntary sexual intimacy has probably always been seen as wrong even if victims were less likely to report it to police in earlier times. The fraction of stranger rapes among recorded rapes should be declining.

There are other forms of behavior now regarded as appropriately reported to police that at earlier times were often regarded as unpleasant, undesirable, or socially unacceptable but not as criminal. Well-known examples include violence within domestic relationships, fights between acquaintances or drinking partners, possibly unwanted sexual touching in public. If the cultural meanings of such behaviors change over time, people at different times will use the same words but mean different things. Had there been victim surveys in the 1960s, many victims of domestic violence or of bar fights would not have considered themselves to be crime victims, and said “no” if asked if they’d been assaulted. Many more such people in the 1980s and even more in the 2000s would have answered “yes.” The social meaning of assault would have changed even though respondents themselves did not realize that. Data over time on whether victims reported incidents to police are inherently misleading therefore unless we can resolve the unconscious selection bias problem.

Interactions among changes in cultural thresholds of meaning, reporting, and recording can be investigated in a number of ways in addition to analyzing changes in victim reports over time. One is to cross-validate medical records of intentional injuries with police records to see if the percentage treated as crimes changes over time. A cruder measure is to compare victimization and official record data for serious assaults with aggregate hospital data on intentional injuries. Homicide researchers

use World Health Organization data in this way. Another approach, adopted by the Finns, is to ask very detailed victimization survey questions about assaults so that changes in cultural thresholds of meaning can be isolated. Finnish data show that the fraction of “assaults” involving only threats have been steadily increasing for two decades (<http://www.optula.om.fi/en/Etusivu/Julkaisut/Tutkimustiedonantojasarja>).

My guess is that recent European violent crime rates except for homicide have been inflated in recent years by changes in reporting, recording, and cultural thresholds of intolerance of violence, as happened in the United States in the 1970s and 1980s. If I'm right, apparent increases in violent crime rates in Europe should soon peak and then fall, making it clear that rates are in fact declining, and that trends are moving in parallel not only in the English-speaking countries but in all the Western world.

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Evolution of Criminology

Roberto Catanesi and Giovanna Punzi

Neuroscience and Criminology

Scientific research about the biological basis of aggressive and criminal behaviors performed in the last few decades could change modern criminology. Overall findings point to the relevance of brain cortical prefrontal structures, subcortical (i.e. limbic) structures, and their balance of activity in contributing to the genesis of aggression, especially the impulsive sub-type (Davidson et al. 2000). Dopamine and serotonin signaling seem to be mostly implicated, as well as also other neurotransmitter systems. Norepinephrine, γ -aminobutyric acid and several peptides have been evaluated with results indicating their involvement (Nelson and Chiavegatto 2001). The most recent research allows even to relate different degrees of functionality of these systems to certain genetic variations (i.e. single nucleotide polymorphisms—SNPs), shedding some light on the heritability of these behaviors. In the present article, we will try to analyze the implications and the issues related to this potential revolution of criminology.

Brain imaging techniques (MRI, PET, SPECT etc.) permit the study of structural and functional CNS alterations, associated with psychiatric diseases and behaviors. In particular, *imaging genetics* approaches, analyzing the effect of genetic variants on brain anatomy and physiology, are potentially able to explain how genetic factors influence the expression of specific behaviors, like violence.

Several investigators (Morse 2011; Bufkin and Luttrell 2005; Aggarwal 2009; Husted et al. 2008; Markowitsch and Staniloiu 2011; Schleim 2012) have queried whether it is legitimate to employ this data in forensic evaluations, with both enthusiastic and troubled answers. Though limited experience has been gained, it is instructive to review the pioneering work that has been forged.

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The Dugan Case

fMRI scans were used, possibly for the first time, in the sentencing phase of a murder trial in Chicago in the US (Hughes 2010). In 2009 Brian Dugan was already serving life sentences for two earlier murders, when he pleaded guilty for the kidnapping and subsequent rape and murder of a 10-year-old child.

As prosecutors at the trial argued for the death penalty, the defense lawyers asked for fMRI data to be presented as an evidence, believing that Dugan had suffered from a mental illness—psychopathy. According to the defense, the disease impaired his ability to control his abnormal, psychopathic impulses, resulting in violent crimes. A year after the murder for which he was being tried (the child he had abducted, then raped and beat to death in his vehicle), he also drowned a young woman, after following and raping her. One more year later, he raped and killed an even younger (7 years old) girl and eventually sank her body by weighing it down with rocks. The early legal history of Dugan also included other rapes, attempted or completed, as well as arsons, batteries and burglaries.

The expert witness for the defense in the 2009 Dugan case, Kent A. Kiehl of the University of Mexico, routinely conducts fMRI and other brain scans on inmates in New Mexico, as they perform certain cognitive tasks. According to his findings, the affective abnormalities often clinically observed in psychopathic offenders may be linked to a dysfunction of limbic areas (Kiehl 2001), as well as cortical thinning in a number of regions (Ly et al. 2012) and reduced functional connectivity between ventromedial prefrontal cortex (vmPFC) and other structures, including the amygdala (Motzkin et al. 2011).

When Dr. Kiehl took the stand, he testified that Brian Dugan had a decreased level of fMRI activity in the same structures as the psychopaths in his comparative, prior studies. The neuroscientist exhibited the finding as a suitable *mitigation factor*, nevertheless the final verdict was totally adverse, since the jury voted for capital sentence.

Neuroscience and the Court

From a forensic psychiatric perspective, the question arises of whether an expert witness needs fMRI neuroimaging, as well as genetic data, in order to make his/her opinion credible, ‘scientific’. To this question, Fornari (Fornari 2008) provides an exhaustive answer, pointing out that the application of a rigorous methodology is itself enough to give scientific character to any forensic evaluation. He also clarifies that the *human science* approach is the most qualified to explain who the defendant is, how he/she usually behaves and what is the personal history that leads him/her to behave like that. A further question, relating to the latter concept, arises: is a criminal like Brian Dugan a 21st century version of the atavistic, natural-born criminal conceived by Cesare Lombroso (Lombroso 1889), the father—indeed—of modern criminology?

The Dugan case is without doubt about a callous criminal and, similarly to many serial offenders, a so-called ‘psychopath’. Studies conducted with offender or forensic psychiatric samples have revealed that individuals with psychopathic traits are at increased risk for violence (Dolan and Doyle 2000), to the point that the construct of psychopathy has achieved a significant role in the criminal justice system (Babiak et al. 2010). Though psychopathy is not currently a diagnosis neither in the Diagnostic and Statistical Manual IV—Text Revision (DSM-IV-TR) (American Psychiatric Association 2000), nor in the International Classification of Disease, 10th Revision (ICD-10), its adoption as a clinical entity has been called for in both medical and forensic practice (World Health Organisation 1992). Empirical research on psychopathy usually involves forensic populations assessed with the Psychopathy Checklist-Revised (PCL-R) (Hare 1991), a 20-item rating scale that measures four linked dimensions including aspects of emotional deficiency (i.e. lack of guilt) together with the antisocial conduct.

Dugan had scored 38 out of a possible 40 on this semi-structured interview, which puts him in the 99.5th percentile of all inmates, according to the expert. Regardless of some criticism that the assessment keeps drawing, for example about the source of the scores adopted (Rufino 2012) or the predictive value of the tool (Walters 2012), psychopathy is an opinion that can be reasonably shared in this case. Dugan was indeed a habitual offender; moreover he was a cold-blooded, brutal one, as we can clearly learn from his criminal history. It was also reasonable to expect some degree of recidivism, according to the same arguments.

We believe that the matter is, here, if the expert could have predicted all this *before* Dugan started his ferocious career, by evaluating his brain scans, as well as the genetic makeup, just like ‘lombrosian’ physical features (Benning 2003).

The chance to look at the brain and perceive an alteration potentially associated with aggressive and antisocial behavior is intriguing: brain imaging techniques do not allow just to measure brain volumes, but also to evaluate brain activity during emotional and cognitive processing. In this regard, some careful consideration about what we would actually see in those brain images has to be stressed.

Structural and functional imaging studies have not in fact revealed consistent neural correlates of psychopathy, given the significant variability in results across studies, which has been attributed to different issues (for details see Koenigs 2011). For instance, just depending on the experimental context, as well as other variables, the same brain area can be either hypo- or hyper-active in psychopathic people.

Supposing that the findings are unidirectional, it still seems that the forms of imaging mostly applied to this field (like fMRI) are somehow affected by limitations in both data analysis and interpretation and, especially, poorly suited for drawing inferences about the brain status of a specific person (Treadway and Buckholz 2011), like Dugan. fMRI images, representative of a certain mental task and used as standards, do not report on individual brains, but on group-averages, which means that the features of Dugan’s brain could also had been sufficiently different from the ‘typical’ brain image of a psychopath.

So that, if the expert had examined his scans before his first crime—supposing that brain biology doesn’t change across time and context, which is not the case

(Caspi et al. 2010; Ursini et al. 2011)—he could have seen a brain within normal limits. And, still, he would have been in front of a psychopath.

The matter would not have been less questionable if genetic data had been available together with the images.

Genes do not encode for psychopathology. The genetic architecture of psychopathy is complex and is dominated by numerous interacting factors. Common variants (SNPs) in multiple genes, each of limited effect size—and not existing in isolation—interact within genetic networks and with the individual environment to predispose simply the *risk* for psychopathology (Meyer-Lindenberg 2006). Also, giving prominence to the genotype of a single person, we would infer again a causal—non deterministic—relationship between one or more variants and a behavior on the basis of a statistical analysis of the frequency of that variant in people who possess that behavior and in people who do not (Treadway and Buckholtz 2011).

In addition, the genetic component of aggression (Craig and Halton 2009), particularly the impulsive type, is not really surprising and not strictly related to criminal behaviors: if not excessive, out of proportion, aggression represents the physiological mammalian response to a threatening stimulus so that, from an evolutionary standpoint, it has a good valence. Moreover, aggression has been highly preserved across species (Anderson 2012) and it is possible to observe this specific phenotype not only in humans but also in several animal models, even the simplest (Miller 2007).

To this end, one more aspect of the construct of psychopathy is worthwhile investigating, taking advantage of recent brain imaging findings. Psychopaths are thought to act on the impulse, as reflected by the impulsivity item and the poor behavior control item in PCL-R scale (Wahlund and Kristiansson 2009), as well as to resort to a planned, goal-directed aggression. Indeed, psychopathic aggression is often defined to be closer to a predatory variant (Wahlund and Kristiansson 2009). According to this, the concept of psychopaths as a uniform group should be definitely discarded, in favor of a subtler distinction between at least two subtypes of psychopathy. Specifically, psychopaths may be characterized as calculated and controlled criminals or as offenders prone to affective, high-arousal violence, overcoming some result's discrepancies.

Indeed, it has been showed that, while predatory murderers have enough prefrontal functioning to regulate violent impulses, the affective murderers have reduced prefrontal/subcortical ratios relative to controls, so that they lack in control over emotion regulation (Raine 1998).

Hence, distinctions like this have an effect with respect to the biological substrates pointed out. Moreover, psychopathy is often confused with antisocial personality disorder, which is a defined diagnosis in DSM-IV-TR and, still sharing some items with the former, is not the same entity. Psychopathic offenders display thinner cortex bilaterally in the temporal lobes as well as the whole right hemisphere compared to a control group (Howner 2012). Nevertheless, among offenders with antisocial personality disorder, only the ones with psychopathy seem to show a similar pattern, while those without psychopathy are more similar to non-offenders (Gregory 2012). Interestingly, of the behavioral items contributing to the PCL-R score, most are actually ascribable to the antisocial aspect, which in turn seems to be the one more linked to the criminal acting-out.

Conclusion

Neuroscience studies have enhanced our insight into the neural networks that underpin complex behaviors, converging on the conclusion that there is a significant biological basis of aggression, and the upcoming research will further clarify the features. However, it is essential to adopt caution, in order not to spoil again—like Lombroso himself did (Gatti et al. 2012)—brilliant works by eagerly attempting to test similar intuitions, this time with higher tech tools but still lacking in methodological approach. It would not be surprising if one, running away with the idea that psychopathic brains can be ‘fixed up’, would have the same outcome of 100 years ago (Surgery for criminal tendencies, *Jama* 2013).

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International Collaboration in Criminology

Rosemary Barberet and Tom Ellis

Introduction

Having met through Ernesto Savona in 1992, we've maintained our professional friendship, and our families have even vacationed together, so we are very happy to contribute to this book in his honor. He has the good-natured ability to connect people from different backgrounds so that they work as a team, bringing out knowledge and skills they did not know they possessed. Of course, good food and wine are key to this kind of teambuilding.

We met Ernesto through a UNICRI-sponsored study of cocaine trafficking in Europe. Ernesto was the director, Tom, recently seconded to UNICRI from the Home Office, was the project manager, and Rosemary, then in Madrid, Spain, was the national expert for Spain. Readers will therefore not be surprised we dedicate our chapter to international collaboration in criminology.

1992 was the start of the digital communication age. That meant supplementing postal communication with faxes and a few glorious face-to-face meetings in Rome. This period also pre-dates criminology research grants being available from the European Commission and there was no European Society of Criminology (Barberet 2001). However, Ernesto was well networked and able to interest UNICRI in funding this project. It was our first time collaborating internationally on an empirical research project.

Ernesto had already registered the difficulties of European enforcement agencies in dealing with escalating cocaine smuggling and thought it was important to integrate

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the experiences of several countries, which had not hitherto been done. He therefore initially collaborated on the research design with Nicholas Dorn, based on methods developed in Dorn, Murji and South (1992).

Although since then, internet and web-based communication have facilitated the emergence of many transnational research collaborations in criminology, we have still been relatively slow to mainstream a slowly expanding body of research which makes use of comparative techniques (Bennett 2004, p. 3). As Bayley (1999, p. 3) argues, comparative criminology can still be considered and dismissed as “an excuse for international travel; a luxury that serious social scientists leave to dilettantes”. There is still relatively little literature on the value of international collaborative research in criminology.

International Collaboration in Criminology: Promises and Pitfalls

For many criminologists in 1992, and today, international collaboration in comparative criminology is full of promises and pitfalls. However, for Ernesto the necessity of comparative European criminology was unquestionable, especially in researching transnational drug trafficking. In the USA, funding for comparative criminological research is still uneven and relatively sparse, compared to funding for domestic research. In the UK, the Research Assessment Exercise (RAE), and its current successor, the Research Excellence Framework (REF) <http://www.ref.ac.uk/> have dominated research active academics' lives for over two decades. The earlier exercises did not prioritize comparative research, but encouragingly, in the current exercise, reporting in 2014, comparative collaborations are now highly valued, with ratings (and ultimately money) awarded on the basis of international impact. Indeed, journals such as *Crime Prevention and Community Safety* have become internationalized in a very short period of time and their status has been elevated accordingly.

Nevertheless, although university marketing, virtually everywhere now, avidly presents international research collaborations, students, and connections to look ‘cosmopolitan’; what does the reality of conducting comparative research through international collaboration really entail?

Epistemology

A key inhibiting factor for those starting out in comparative research is the incessant and predictable epistemological arguments: the same ones in research methods generally, based on either to seeking to *understand*, or seeking to *change* (Cole et al. 1987). It is of importance when carrying out comparative studies (Matthews 2009, p. 343), but too often, this armchair approach has dogged comparative research since

its inception (Howard et al. 2000, p. 142) and has resulted in a ‘methodolatry’ that has hampered many young researchers keen to meet their foreign counterparts. This was the context when we started our UNICRI project, but Ernesto was a confident pragmatist and insisted you had to go to places and meet people. You had to ‘smell the country’ and find out whether *gamberi* elsewhere tasted better just because they were bigger. Indeed, Ernesto used restaurants as an analogy for comparisons. In Rome, he was always keen to revisit establishments with exceptional food but where he commented ‘*This guy is completely against the market, how does he survive? I don’t know, but it is my problem to find out, it is not a problem for him*’. Tom learned enthusiastically from Ernesto’s approach to further criminological research. On his visit to Spain to monitor Rosemary’s progress on the project, he earned respect from *el rector* of Rosemary’s university by triumphantly retrieving the lead shot from a dish of Castilian partridge; in Galicia, observing the mansions of wealthy cocaine traffickers with a local journalist was combined with eating what they surely also indulged in—the highly prized local *percebes* (reef barnacles).

Language Competency

From a relativist perspective, a huge barrier to comparisons between countries is competency in languages other than your own. Certainly, Martin Killias has made it clear in the past that he is unimpressed by studies that do not include high levels of multi-linguistic ability and others have argued that “anything less than complete fluency leaves one vulnerable to misinterpretation” (Pakes 2012, p. 22). This approach lends itself to total immersion in another culture and then reporting back to one’s ‘native culture’ to provide an ‘understanding’. There is no doubt that Ernesto mastered English in his own idiosyncratic way and saw the value of doing so early on. For instance, his constant depiction of jumbled situations as ‘frui sala’ mystified us until we figured out he was referring to macedonia, or fruit salad in Italian. We were similarly gifted and hampered by our own second languages, but they were never going to be enough on their own for Ernesto’s scope and ambition. To us, the approach seemed too brash and impossibly ambitious. But we did it anyway!

Ernesto’s UNICRI projects always involved recruiting multi-lingual groups researching their own countries in their own languages and communicating back in the common medium (mostly) of English. There were serious issues to be addressed in doing this, including some ‘anti-positivist’ objections on our own parts, e.g., the ever present potential biases through just ‘touching base’—who do you talk to/select as your national experts? What do you read? (Pakes 2012, p. 23). Speaking only to those who have mastered (often variably) English as a second language, they may have certain characteristics and views which are not entirely representative (Pakes 2012, p. 66).

Collaboration

The aforementioned methodological difficulties can seem overwhelming obstacles, especially given the “high degree of mutual trust” (Nelken 2012, p. 145) required. However, when there were *impicci* (obstacles), Ernesto was quick to identify whether these were *problemi* (real problems needing attention) or *stupidaggini* (minor issues that were no threat to the project’s methodological integrity). Mostly, we found they were *stupidaggini*, though he continued to transliterate this as ‘stupid things’ in English. Perhaps he was right and the biggest lesson to learn from our experience of working under Ernesto was summed up in Mick Ronson’s 1975 album title ‘Play Don’t Worry’!

Many comparative criminologists do not collaborate with others, or only nominally so: they gather data themselves in English; use interpreters abroad; or they employ fieldworkers to work for them. Ernesto insisted on collaborating with local researchers and was respectful of the value of different researcher backgrounds. Our project included national experts from law enforcement, anthropological ethnography, and criminology. All were made to feel welcome, and Ernesto was also flexible with the adaptation of research methods to local context.

Ernesto Savona’s Legacy

International criminological conferences are more common now, but in the early 1990s Ernesto was a key player in UNICRI’s push to develop such events. A key development was the way in which projects were organized to incorporate ‘national experts’ across many jurisdictions, so that the hitherto serendipitous approaches to collaboration started to become more systematic.

The methods we used for our project with Ernesto were bold and very much a product of their time, but they have colored our research approaches since. There is no doubt that they gave us the confidence and determination to pursue our own comparative approaches, which ultimately rely on collaboration in different ways, and usually involve mixed methods, in seeking understanding and looking for any lessons for change across countries. For example, Tom Ellis continued to work heavily with Koichi Hamai, who was similarly seconded to UNICRI as a government researcher (from Japan) in the early 1990s. Many publications and conferences have been produced as a result. Neither of us has managed to ‘immerse’ ourselves in each others’ cultures, but our collaboration ensured we identified convergent thinking on whether ‘culture’ was over-emphasized in explaining criminal justice in Japan. Our findings were no surprise to immersed Western ‘Japanese scholars’ but were to most criminologists. Indeed, Aldous & Leishman (2001) have noted that “Western criminologists. . . failed to exhibit the same kind of scepticism when analyzing crime. . . in Japan than they would. . . when writing about their own countries” (p. 20). In trying to overcome such issues, Ellis et al. (2008) took the collaborative approach further, arguing that researchers must fully utilize findings written in the language

of the country under study” (p. 192), but perhaps more importantly, that this can be achieved through collaboration with scholars already immersed in their own culture, but critical of it (p. 175). In doing this, we found that the Japanese koban system of policing did not have an evidential base to back up the positive claims made for it in English language ‘touristic’ accounts (Pakes 2012, p. 22; Nelken 2011, p. 28).

Rosemary joined another collaborative project soon after the UNICRI project was completed, coordinated by the Dutch WODC, as coordinator of the Spanish team for the first International Self-Report Delinquency Survey, the brainchild of Ernesto’s dear colleague, the late Josine Junger-Tas. Josine, like Ernesto, was a pragmatist and a firm believer in collaboration among locally situated researchers. Rosemary later collaborated with Maggie O’Neill, on the social organization of prostitution in Spain and England, visiting brothels while she was six months pregnant, but very mindful, through Ernesto, of ‘being there’! In the late 90s, working for the University of Leicester, she carried out a Home Office study of university student victimization, and still managed to ensure that she collaborated with Bonnie Fisher, a US expert on this topic, across time zones. Email had now arrived! The model of engaging local researchers continues in the recent co-edited *Handbook of International Criminology* (2011), where Rosemary curated the twenty country chapters all written by criminologists from each country featured.

Ernesto’s enthusiasm and energy are hard to emulate. In our UNICRI study, he and Nicholas Dorn knew trafficking was dynamic and innovative. They pushed us to find case studies, which was tough in a mainly descriptive cross-sectional study. Rosemary went to Barajas Airport in Madrid and probed a team of six Spanish police officers on how their own enforcement efforts might have influenced the modus operandi of cocaine traffickers, and how the new methods used by cocaine traffickers might later impact on their methods of apprehension. This was a radical approach, conflicting with rigid (continental European) legality principles in Spanish policing (Barberet and de Oya Dale 2002) but officers did recognize the dynamism of cocaine traffickers and of their own seizure methods and began talking about discretion and adaptation.

Ernesto (2008) has not abandoned this view of the offender. Recently, in his analysis of the gaps in human trafficking research, he wrote:

Trafficking in persons has changed. . . in Europe in the past 20 years. . . it has developed into different “markets”, the most significant of which are sexual and labour exploitation, begging and low-level crime, and illegal adoptions. Many studies have been conducted on these topics (but are not) up-to-date with the more recent methods and actions being taken by traffickers to carry out their criminal activities.

Tom has already taken him at his word and has collaborated with Nigerian and Portuguese researchers to provide a more systematic but locally contextualized model of trafficking (Ellis and Akpala 2010). Rosemary also followed his lead and filmed Spanish shoplifters *in situ* for a consultancy with Gillette.

In conclusion, we only hope that in mentoring our own students, we will be as well-rounded, enthusiastic, gourmet, good-natured and up-to-date as Ernesto Savona.

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The Changing Face of Organised Crime: Can Europol keep up?

Rob Wainwright and Ben Waites

Introduction

Since the end of the Cold War, organised crime (OC) has been increasingly recognised as a significant threat to human society, feeding instability, stalling economic growth, obstructing development efforts and undermining public safety and national security (Naím 2006; White House 2011, p. 3).

During the same period, a variety of policy responses have been pursued at national, regional and international level. Some of these initiatives have sought to improve our understanding of the OC threat, while others have focused on addressing the various facets of the threat, whether through prevention or enforcement. Europol started life as one such initiative and is one of the few to span the functions of observing, analysing, preventing and combating OC. Benefitting from the fact that the EU is, so far, the world's most advanced experiment in regional cooperation (Hague and Harrop 2010, p. 80), it could be argued that Europol itself has become one of the most significant instruments to understand, prevent and combat OC in the world, and certainly the most important to have emerged in the international environment in the last 20 years.

Each of the two trends described above—the developing threat of OC and policy responses to it—has been the subject of a great deal of academic study. OC activity has provided ample source material for criminologists, while the emergence of Europol and other regional and international cooperation instruments has provided a rich seam of study for political scientists.

This short chapter will not attempt to critique or even to summarise that wide array of academic work. Instead it will focus on the area of Europol's work which has provided the most useful material for academic debate. This is Europol's mandate

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to analyse crime trends and criminal intelligence for the purpose of providing policy advice to EU decision-makers and strategic orientation for police chiefs in the EU member states. This task was first embodied in annual EU Organised Crime Reports (OCR) produced from the mid-1990s onwards, replaced by the Organised Crime Threat Assessment (OCTA) in 2006 and then by the Serious Organised Crime Threat Assessment (SOCTA), the first edition of which was published in March 2013.

This chapter will trace the ways in which the OC threat has evolved since the first OCR was published. In parallel, it will summarise the ways in which Europol's strategic analysis mandate has evolved during the same period. After all, the purpose of each change in Europol's task was to make the result more accurate and effective. The chapter will conclude by looking at the particular challenges observed in Europol's latest strategic findings.

The Evolution of the OC Threat, as Assessed by Europol

Organised Crime Report

The EU Organised Crime Report (OCR) 2005 reported a crime picture which in some ways is still recognisable today. Many of the illicit markets which were estimated to be the largest at that time are still significant today. The same could be said of prominent trafficking routes for illicit commodities (e.g. the Balkans route) and prominent organised crime groups (OCGs) (e.g. Albanian speaking groups and Italian mafia-style groups).

Looking back on this report, what is most striking is the relatively stable crime situation it seems to present, with specific OCGs described as having dominant if not monopoly control over certain commodities and/or trafficking routes. For example, synthetic drugs production took place in Belgium and the Netherlands and OCGs from those countries controlled both production and distribution. Most cannabis resin came from Morocco and reached the EU via Spain. Most cocaine reached the EU from South America, also using Spain as an entry point (although the emerging significance of West Africa as a transit region was noted). Counterfeit Euros were produced mainly in Bulgaria and Lithuania.

Only in relation to facilitated illegal immigration and trafficking in human beings does the picture painted in 2005 seem more dynamic. This was explained by the accession to the EU of ten new Member States in 2004. This meant that "the borders of the EU are now closer to many key source and transit countries" and OCGs were able to exploit "the fact that the new control systems in the enlarged EU are not yet running smoothly" (OCR 2005, p. 14). Nevertheless, the trends described would have been familiar to anyone following the issue since the fall of the Berlin Wall, with most irregular migrants reaching the EU via the Russian Federation or other countries of the former Soviet Union.

From OCR to OCTA

By the time the last OCR was published, EU Justice and Home Affairs (JHA) cooperation had already been given new impetus by The Hague Programme (2004), which set out a multi-annual strategy. Within The Hague Programme, one key innovation was the move from the OCR, a descriptive situation report, to a future-oriented Organised Crime Threat Assessment. For the first time, Europol was explicitly invited to play a role in advising policy makers and, by extension, helping to link political decision-making with “intelligence-led law enforcement” (Council 2004, p. 22). This political wish was given more substance under the UK Presidency in the second half of 2005, which secured agreement for the European Criminal Intelligence Model (ECIM)—part of my legacy at the UK National Criminal Intelligence Service. The ECIM Council Conclusions laid out the scope, responsibilities and process steps for the production of the OCTA and its use in agreeing EU priorities in tackling OC. This was the first significant step in Europol’s short history in providing the organisation with real influence to shape the justice and home affairs agenda in the EU.

The Organised Crime Threat Assessment

The 2006 OCTA marked an immediate shift from describing criminal markets to assessing the factors which both facilitated OC activity and made the EU vulnerable to the harm it caused. It also introduced a focus on regional variations within the EU, focusing in particular on the EU’s border regions in the North-East, North-West, South-East and South-West.

Indeed, barely 10 % of the report is dedicated to criminal markets, while much of the report is focused on the behaviour and organisation of OCGs. This approach provided some insightful findings in relation to OCG typologies, helping us to understand the nature of OC activity and, therefore, better predict its outcomes and future development. This placed the OCTA at the vanguard of attempts to modernise policing in the EU by making the response to OC much more ‘intelligence-led’, in other words using informed assessment as the basis by which to focus operational activity directly in areas where the threat was most harmful, rather than simply most visible. Until the evolution of this new approach law enforcement activity in the EU was characterised typically by significant national variations in methodology, priority-setting mechanisms and organisational culture. It was a considerable achievement, therefore, to secure consensus between Member States behind the adoption of a common new approach in the EU and, furthermore, to reflect today on its successful integration into mainstream policing in the EU.

The subsequent editions of the OCTA maintained this approach while introducing some further novelties and refinements. The 2007 OCTA softened the approach slightly by including a more substantial chapter on criminal markets. It also developed the regional perspective by introducing the concept of the “criminal hub”, a more specific geographical area than the region as a whole,

... generated by a combination of factors such as proximity to major destination markets, geographic location, infrastructures, criminal group types and migration processes concerning key criminals or OC groups in general. A criminal hub receives flows from a number of sources and spreads their effects in the EU so forging criminal markets and creating opportunities for the growth of criminal groups that are able to profit from these dynamics. (OCTA 2007, p. 25)

This conceptual model helped to identify OC activity (e.g. Italian OCGs) and crime enablers (e.g. the role played by the Kaliningrad enclave) in a more targeted fashion, thereby bringing the OCTA findings closer to the law enforcement practitioners.

This approach was pursued in the 2008 OCTA with more in-depth analysis of the characteristics of OC activity around the criminal hubs, with a sub-chapter dedicated to them in addition to a separate chapter on the OC outlook in each region.

As mentioned above, the OCTA methodology enabled a broader identification of socio-economic factors driving OC activity. The following extract from the 2007 OCTA is an example of the OCTA addressing issues which demand law enforcement attention, but which may not have arisen from a traditional law enforcement situation report:

The phenomenon of non-integration, which is a threat in particular for non-EU ethnic communities, can generate “virtual” regions, the “seclusion criminal hubs”, where organised crime may establish its strong influence and exploit new opportunities. This situation generates new crime opportunities such as exploitation of human beings, extortion, economic crime linked to smuggling and black economy, etc. profiting from social areas and sometimes geographic areas that are very difficult for law enforcement to approach. These dynamics are dangerous because of the perpetuation and deepening of seclusion and victimisation of increasing parts of the population living in the EU. In addition, they provide the growth potential for these criminal organisations in terms of infiltration, diversification, sophistication and expansion of their illicit activities. (OCTA 2007, pp. 26–27)

This warning about the security problems associated with poor social cohesion in relation to immigrant communities, for example, has been fully justified by developments in OC activity seen in the period since 2007. The 2009 OCTA further developed the approach to OCG typologies by focusing on certain tendencies, namely the use of violence and/or intimidation; interference “with law enforcement and judicial processes by means of corruptive influence”; and attempts to “influence societies and economies” (OCTA 2009, p. 39).

Looking back on the 2009 OCTA, it seems to represent a full swing of the pendulum away from “traditional” policing and towards an ostensibly holistic, scientific approach. It was the longest of all the reports discussed in this article, and perhaps the least accessible to a law enforcement audience. And despite its relative sophistication, it did little to dispel concerns among academics and crime analysts in some Member States that the methodology of the OCTA was deficient.

The 2011 OCTA attempted to maintain the holistic insights of previous OCTA reports while significantly reducing the complexity of the report. The principal change was to take a more commodity-based approach, at least in the structure of the report, replacing the “three-dimensional” approach whereby the same crime information was described through the lenses of commodities, groups and hubs. Nevertheless,

the report highlighted key horizontal issues (money laundering, the Internet as a facilitator for organised crime and the social impact of organised crime) and, in a notable development, described how the effects of globalisation, especially online, were transforming OC activity and the opportunities available.

From Octa to Socta: The Eu Policy Cycle for Organised and Serious International Crime

Just as the 2005 OCR had been delivered after the adoption of The Hague Programme calling for its replacement by the OCTA, so the 2011 OCTA was published following important Council Conclusions further strengthening the ECIM and introducing a fully-fledged “policy cycle” to ensure a more structured and consistent response to the identified threats. This Policy Cycle was introduced “Recognising the need to develop a coherent, multidisciplinary and integrated approach in order to increase consistency, efficiency, transparency and accountability in the fight against organised and serious international crime” (Council 2010, p. 4).

In part this served to address the shortcomings of annual Council Conclusions on OC priorities which were not supported by adequate follow-up and monitoring mechanisms, and a lack of alignment between those Council Conclusions and other relevant political decisions. It is not a coincidence that this initiative followed closely after the entry into force of the Treaty of Lisbon, which created the Standing Committee on operation cooperation on internal security (COSI) in order to improve the coordination of initiatives in the JHA field. The new Policy Cycle gave COSI a central role in translating Europol’s strategic analysis into policy priorities, but also in overseeing the implementation of coordinated actions to address those priorities. As a further step in the evolution of the organisation’s central role and influence in the EU it also appointed Europol to a key role in each step of the cycle, most importantly as the platform for the coordination of operational activities and, most relevant to this chapter, as the author of the Serious Organised Crime Threat Assessment (SOCTA).

The Policy Cycle prescribed certain important changes to Europol’s flagship threat assessment. The “Harmony” project which paved the way for the Policy Cycle identified the following improvements which the SOCTA should benefit from:

- A full assessment every four years and an interim assessment every two years, to allow more time for in-depth analysis;
- A longer time-frame for data collection and analysis, and a greater number of analysts dedicated to the task;
- Greater use of Europol’s “in-house” information and expertise, as gained through operational work, to reduce reliance of formal (S)OCTA contributions from Member States;
- Thorough analysis of all facets of crime (and less exclusive focus on OCGs);

- More systematic environmental scanning to make the assessment more future-oriented;
- Inclusion of clear policy-oriented conclusions and recommendations (Belgian Federal Police 2010, pp. 70–72).

In addition to these points, the most important developments were the obvious addition of “serious” crime to the scope of the report and the elaboration of a detailed methodology, to be agreed by Member States at practitioner and political level. This was intended to pre-empt questions about the reliability but also the transparency of the methodologies, thereby safeguarding the integrity and autonomy of the SOCTA findings. Experience showed that the OCTA methodology usually came under fire when a certain stakeholder did not agree with (or did not want to agree with) the OCTA findings. In this sense, it was hoped that securing the agreement of Member States and partner agencies on the methodology, would make the SOCTA findings more robust.

The 2013 Serious Organised Crime Threat Assessment

Compared with the 2005 OCR, where this chapter started its journey, the most obvious novelty in the findings of the 2013 SOCTA is the sheer dynamism of OC activity. While many, if not most, of the OC trends identified in 2005 have unfortunately persisted (albeit not always at the same levels), new threats have emerged to rival or even surpass them. This observation applies to certain types of crime, most obviously cybercrime, which is growing exponentially in scale but also undergoing extremely rapid evolution in terms of *modi operandi*. But the “changing face of OC” has a meaning beyond the emergence of new homogenous groups or new, but hermetic, criminal markets. What we are observing is a far more fluid situation in which OC networks are becoming more prevalent than hierarchical OC groups. Individuals or smaller groups are “coming together” for as long as it is necessary to take part in, and secure the proceeds of, a particular illicit activity. Even the more stable OCGs are becoming far more heterogeneous: 70 % of identified OCGs are now multi-national in their membership, and only 25 % even have a recognisably dominant nationality (SOCTA 2013, p. 34). Another trend which points in this direction is the increasing evidence of “poly-drug trafficking”, whereby multiple types of illicit drugs are trafficked by the same criminals (SOCTA 2013, p. 17). This also applies to other commodities being trafficked in “mixed loads”, including weapons and even trafficked human beings (SOCTA 2013, p. 35).

The 2013 SOCTA also further developed our understanding of those ‘crime relevant factors’ that helped to shape or influence the environment in which OC operates, such as the Internet, levels of public perception, and the use of corruption. Significantly, it also charts the extent to which OC activity has grown under the conditions of the current economic crisis, in terms of the emergence of a bigger and more dynamic ‘black market’ and the increase in the scale and variation of frauds. The report

makes the case, perhaps for the first time in such an institutional setting, of a direct public policy link between reducing OC and the need to secure an effective economic recovery.

The 2013 SOCTA is hot off the press. It is the most detailed study of OC activity ever conducted by the law enforcement community, and I believe it effectively responds to the perceived shortcomings of the OCTA, as outlined above. However, the political discussions around this report are still underway and the academic appraisal of our work will take even longer to come into print, so perhaps I should wait for others to pass judgement.

Nevertheless, in comparison on to the OCTA process, Europol has deployed a larger team of strategic analysts, working more closely with their operational counterparts, with more active engagement from Member States and other EU agencies such as Eurojust and Frontex. The report has also benefited from the expertise of selected academics¹ during the process for the first time. I am therefore confident in stating that this report, more than any of its predecessors, delivers robust, balanced findings in a way which facilitates their translation into policy priorities as well as operational action.

Conclusion

This chapter has provided a historical overview of the evolution of Europol's strategic reporting on organised crime activity in the EU, mainly from a practitioner perspective. Stepping back from the intensive preparations of the latest of these reports, in which I have been engaged in recent months, it is clear that this has been a learning process, with many improvements along the way. Despite these improvements, I do not expect the latest SOCTA, or even the next one, will please everyone—this field of work is far too important and controversial for that. It is also characterised by significant national variations in the threat, even if the hallmarks of an emerging 'globalised' problem are clearly visible. So any assessment of the common threat in the EU is bound to spark debate and divide opinion, which only serves to underline the importance of adhering to an objective, well-informed and independent process.

In the last decade it should be apparent that Europol's ability to deliver strategic intelligence and policy recommendations has gradually been strengthened, through a process of small steps. These steps have been taken hand in hand with other advances, such as Europol's involvement in JITs, increased cooperation with non-EU states, gradual strengthening of Europol's mandate, and steadily increasing trust in Europol among the law enforcement community. All of these have contributed to a vast increase in the exchange of operational information with and via Europol which, as well as confirming the agency's role as the EU criminal information hub, has

¹ Dr Burkhard Aufferman, Professor Alain Bauer, Professor Michael Levi, Dr Xavier Raufer, Professor Fernando Reinares, Professor Ernesto Savona, Professor Dr Arndt Sinn and Professor Max Taylor.

strengthened the agency's capacity to provide a reliable assessment of threats and insightful forecasts for the future. Europol's stock in law enforcement and political circles is certainly higher now than it was in 2005 and this has helped secure a much better foundation for discharging its responsibilities as the leading observatory of OC in Europe.

Despite the recent (and since corrected) misnomer of Europol being labelled a "cruising speed agency", life at Europol is never dull. With the recent opening of the European Cybercrime Centre (EC3) at Europol, and discussions underway over future changes to Europol's legal framework, we can look forward to more opportunities to maintain and extend the positive trends described above. Whatever happens to the organisation in the future, however, I am sure its strategic intelligence work will remain a cornerstone of its activities.

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