Papers from the British Criminology Conference

An Online Journal by the British Society of Criminology

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Editorial

Andrew Millie

In 2012 the British Society of Criminology Conference made a successful return to the University of Portsmouth. Held from 4th to 6th July the conference had the title "*Criminology at the Borders*". At the conference Professor Jock Young was awarded the BSC Outstanding Achievement Award, presented to him by Professor Pat Carlen. Plenary presentations were provided by Katja Franko Aas, David Garland, Roger Hood and Sharon Shalev. Thanks are due to the team at Portsmouth for organising the event. In 2013 the conference is hosted by the University of Wolverhampton where 'criminology' as a subject will be put on trial. If you are planning to speak at Wolverhampton it would be great if you would also consider submitting your paper to this journal.

For this Volume of the journal we have maintained a rigorous review process. Ten papers were submitted and four have made the final selection. All submitted papers were reviewed by at least two academics. In the first paper Jane Jones and Jen Phipps of Aberystwyth University consider the current state of farm crime in England and Wales. 'Farm crime' is recognised as a relatively neglected sub-set of rural crime. The paper focuses on the policing of farm crime in the context of budget cuts and calls from government for greater volunteer involvement. The second paper by Larry Karson of University of Houston-Downtown is entirely different. This takes a historical look at American smuggling and British white-collar crime. From colonial times onward Karson traces a history of corporate criminal involvement in smuggling. The third paper is by Mohd Kassim Noor-Mohamed of Birmingham City University and Jayne Noor-Mohamed of Nottingham Trent University. Their paper focuses on what they term 'successful criminals'. Evidence is drawn from a series of interviews with a Malaysian Chinese active gang-leader, "a secret society member, businessman, philanthropist" who also engages in organised crime and kidnapping. The fourth and final paper is by Jack Dees of the University of West London. He too focuses on organised crime, but in particular Chinese organised crime in Britain. The murder of a Chinese national in Manchester in 2004 is used as a case study.

Andrew Millie, Edge Hill University, December 2012

Policing farm crime in England and Wales

Jane Jones and Jen Phipps, *Aberystwyth University*

Abstract

Farm crime is a relatively neglected area of research in the criminological literature. Some work has been conducted in the United States and Australia, however, little attention has been paid to the subject in the United Kingdom. There have however, been recent concerns voiced about farm crime in England and Wales from both the public and private service sector as well as across the media. This article has two main aims: one, to ascertain why farm crime has recently emerged as a rural crime issue, when up until now it has been relatively neglected by a broader rural crime and governance framework and two, to consider how the policing of farm crime can expect to fare in the future. The paper begins with a brief review of the existing farm crime literature before situating its neglect in the United Kingdom within a broader rural crime and governance framework. Thereafter, the main focus moves onto the policing of farm crime both in its current state and within the context of recent policy developments in crime governance.

Key Words: Farm crime, rural policing, crime governance, big society

Introduction

> ...the cold, hard truth is our rural regions have become hotspots of criminal activity in their own right, not just with an increase in those crimes seen in urban areas but also an entirely new breed of activity targeting farmers and their assets, both man-made and natural (Crompton[1] 2011a:14).

In recent times concerns have been voiced about farm crime and rural crime more broadly in England and Wales from both the public and private service sector as well as across the media. In November 2011, the

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[1] Mr Crompton, the then Chief Constable of Lincolnshire Police was also the ACPO lead for wildlife and rural crime.

Association of Chief Police Officers (ACPO) together with Crimestoppers, held the inaugural rural crime seminar 'Closing the Gate on Rural Crime'. This event brought together criminal justice professionals, members of the farming community and other interested parties concerned about rural crime issues. The aim was to encourage more widespread use of existing crime prevention strategies and to develop new ideas on preventing and detecting rural crime. The organised theft of livestock and large agricultural machinery, according to the raft of recent media reports and voiced concerns by interested parties, appears to be a particular problem. A report in the *Farmer's Guardian* (Midgley, 2012a) for example, citing the latest National Farmers Union[2] (NFU) Mutual statistics highlighted the cost to the agricultural industry of rural theft last year amounting to £52.7 million with agri-crime climbing 6 percent in England and Wales. Other media reports have referred to increasing thefts of large and expensive equipment by organised gangs, with tractors turning up in both European and less developed countries (BBC Countryfile, 2011). The BBC's *Countryfile* programme, watched by between six and nine million viewers every Sunday (Case, 2012) has sporadically reported on agricultural crime costing the industry millions of pounds. In 2010, it cited 600 tractors worth £25 million stolen that year along with 1,700 quad bikes.

In the academic arena, farm crime is a relatively neglected area of research in the criminological literature, with some work undertaken in the United States and in Australia and relatively little in comparison emanating from the United Kingdom. Farm victimisation however, does need to be regarded as an important aspect of rural crime and requires further attention from academics as well as from rural policymakers and practitioners. When farmers find themselves a victim of crime, the financial costs can reverberate beyond the individual business into the community and ultimately, consumers may find themselves paying higher prices for agricultural products (Chalfin et al., 2007). The theft of livestock can mean that years of hard work is effectively wiped out where farmers have invested time and money into breeding stocks and built up blood lines (Barclay, 2001). Insurance premiums can increase and there are potential risks to the food chain where stolen livestock is slaughtered and distributed illegally (Jones, 2010b). On this latter point, the animal welfare issues associated with such practices also warrant attention (Jones, 2012a).

The aims of this article are twofold: first, to ascertain why farm crime has recently emerged as a particular problem, when up until now it has been relegated in the list of targeted crime priorities by a broader rural crime and governance framework; and second, to consider a range of issues related to existing and future 'policing' responses. In policing farm crime, both formal and informal networks are important resources in addressing crime and crime prevention issues. Formal policing requires the 'eyes and ears' of those on the ground to report crime and/or suspicious activities. In

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[2] The NFU Mutual conducts an annual rural crime survey based on actual claims data from their 324 agency branch networks across the UK (NFU 2011).

turn, rural communities should be able to expect a timely response to concerns that may arise.

Before investigating the two main questions further, the paper begins with a review of the existing farm crime literature. Thereafter, a brief discussion follows on the rural crime governance and policing framework to locate the existing relative neglect of farm crime in the United Kingdom before honing in on the main focus of the paper, the 'policing' of farm crime. The paper puts forward the case that recent concerns about agricultural crime are no doubt encouraged by the likely impact of emerging political and economic policies on the already 'thin green line'. Following in this vein and before drawing to a close, the article considers the impact that changes related to the *Big Society's* law and order agenda may have on farm crime and rural communities.

Existing knowledge on farm crime

From a contemporary perspective, the issue of farm crime has failed to attract an in-depth and sustained response from academics and the work that has been conducted can be broadly separated into 'two waves' (Donnermeyer et al., 2011:193). The first wave took place up to the mid-1990s in the United States and focused on farm victimisation (Dunkelberger et al., 1992; Farmer and Voth, 1989; Peale, 1990; Deeds et al., 1992; Donnermeyer, 1987; Cleland, 1990 and Bean and Lawrence, 1978). The second wave gathered some pace in the work of a few academics from around the end of the twentieth century into the first decade of the twenty first century. This second wave differed in that it developed from a wider international base drawing in both Australian (Carcach ,2002; Barclay and Donnermeyer, 2002; 2005; 2007) and British studies (Sugden, 1999; George Street Research, 1999), alongside work conducted in the US (Chalfin et al., 2007; Mears et al., 2007). In the context of the United Kingdom, a Scottish study (George Street Research, 1999:1) revealed that 'a significant minority are affected by farm crime and an English study (Sugden 1999:30) highlighted that farming was 'under considerable threat from crime'. Sugden's (1999) study was undertaken in response to increasing reports of farm crime during the mid-1990s, wherein the cost of farm theft was cited as £14 million per year (Hornsby 1995). Sugden's comprehensive crime and security survey of farm holdings led him to report that having a clearer idea of the problem 'is the first step to doing something about it' (p.36).

At an international level, Donnermeyer et al. (2011) defined two broad categories of 'ordinary' and 'extraordinary' crimes taking place on farms:

> ... 'ordinary crimes': ...such as the theft of livestock, machinery and farm supplies, vandalism, rubbish dumping, and damage from trespassers and hunters ... 'extraordinary' for their potential

impacts…organised drug production, such as marijuana and methamphetamines… (p. 193).

To date, it is the 'ordinary' crimes and attendant victimisation that have attracted much of the academic and media attention, along with targeted crime prevention strategies. Two broad comparative trends can be drawn from the existing international literature in the 'ordinary' crimes category. First, that rates of victimisation are fairly similar across the main types of crime committed (property-related theft, vandalism and burglary) and second, that some similarities can be drawn in terms of patterns of victimisation and the geographical location of the agricultural holding (Donnermeyer et al., 2011). Four further comparative sub-trends are also indicated:

- one, if a farm is situated in closer proximity to main routes and/or urban centres then this results in an increased likelihood of becoming a victim of crime (Barclay and Donnermeyer 2007; Mears et al., 2007);
- two, those holdings storing equipment and machinery at isolated locations some distance from the main operations experienced higher rates of theft;
- three, farms that were situated near a public road but still relatively remote from urban settlements were more likely to experience trespassing, vandalism and fly-tipping (Donnermeyer et al., 2011); and
- four, farms encompassing difficult terrain (vegetation and mountainous areas) were most likely to meet with trespassing, poaching and livestock theft (Barclay and Donnermeyer, 2002).

These findings resonate with explanations of crime situated in the environmental crime literature (Bottoms and Wiles, 1997), in particular, the theories of guardianship, accessibility and opportunity (Cohen and Felson, 1979; Clarke, 1995). The varying relationship between crime rates, levels of guardianship and accessibility in the agricultural context gives rise to a number of issues in relation to employing a range of crime prevention strategies. However, there is not always a straightforward implementation. Indeed, Jones (2008) found in her own research into farm crime in North Wales that informal guardianship was heavily reliant on building up reciprocal relationships with neighbours based on local knowledge. In the face of migration patterns, and changes to farm owner/occupier status, the formation of relationships sometimes proved challenging or unwelcome and this had implications for informal policing and surveillance.

In 2002, Aust and Simmons reported that rural areas were vulnerable to crime due to their relative isolation. Further, they noted that longer police response times were inherent due to this environment. This was a fact also reported in the Scottish farm crime survey (George Street Research Limited 1999), which highlighted that the policing of such widespread and isolated areas was an issue for the management and

allocation of resources. It seems then, that building on and developing already established informal networks in the agricultural community would be a move towards a more productive and sustainable strategy regarding crime prevention measures, as it would be reliant on members of the community already 'in situ', rather than on an increasingly stretched formal police response. Issues of formal and informal policing resources in tackling farm crime will be discussed more fully later in the paper. At this point it would be useful to precede these discussions with a brief overview of the neglected status of farm crime by rural governance frameworks to date, in order to later question how continued and increasing budgetary constraints will impact existing issues and newer developments in the commission of farm crime in the future.

Rural crime governance and policing: the relegation of farm crime issues

Apart from the work of Cain (1973), very little focus has been given to rural policing from criminologists (Mawby and Yarwood, 2011) and '…studies of rural policing have fallen off the edge of many research agendas' (*ibid*:1). When Cain discussed the issue she talked about the distinctiveness of rural policing, about its isolating and lonesome nature, and a dependence on one's neighbours and community within which the police lived. In contemporary times rural crime issues are policed at a number of levels which is quite different to Cain's findings in her key study 40 years ago.

Today, rural policing can be understood within the new crime governance agenda whereby 'order' and 'safety' are 'co-produced' in partnership with other state agencies, organisations and communities (Gilling, 2011:70). Such moves can be seen to have emerged against a backdrop of disillusionment with rising crime figures in the post-war era and the perceived failure of government to address the crime problem. The neo-liberal agenda advocates a changing relationship between the individual and the state, whereby a 'responsibilisation' ethos is pinned on both the individual and the community (Garland, 1996). The impact on national and local law and order policymaking resulted in the restructuring of the police force in England and Wales. There was a move towards reactive policing and many local police stations were closed. Such change heralded the partnership working now evident in contemporary policing and governance at various levels and cemented by the Crime and Disorder Act 1998 (Crawford, 1997). This 'streamlining' of public services was particularly felt by those in rural areas as crime rates were rising in supposedly 'crime free' areas and policing was becoming less visible (Jones, 2008).

The 1990s saw the emergence of local policing schemes, encouraged by the political reasoning of active citizenship (Fyfe, 1995). Against this emphasis on volunteerism and community engagement Neighbourhood Watch (NW) schemes emerged with varying success. Such schemes may

appear conducive to support what are believed to be close knit rural communities (Yarwood and Edwards, 1995), however, the British Crime Survey reported that agricultural areas were not necessarily receptive environments (Hussain, 1988) as within a restructured countryside local networks had dissipated (Yarwood and Edwards, 1995). In recent times, similar schemes like Farm Watch (FW) have been implemented across rural areas, their success in large part attributed to local police and partnership initiatives in supporting and maintaining their establishment, as will be discussed later. By the end of the decade, partnership working had a firm hold in government policy. The Crime and Disorder Act 1998 set out 376 Crime and Disorder Reduction Partnerships (CDRPs), across England and Wales - known as Community Safety Partnerships (CSPs) initially in Wales and later adopted in England - at borough or district level. Active citizenship and notions of responsibilisation were now formalised within the Act. Accountability was more clearly defined at the local level as communities were expected to look for their own solutions to address crime and policing issues (Yarwood, 2011).

At the outset the CSPs were made up of police and local authorities, however this was soon broadened out to include other 'responsible authorities' - fire authorities and primary care trusts - and local bodies (Gilling, 2011:71). One of the first tasks of this new 'joined up' partnership approach was to implement crime audits on a triennial basis in order to set future crime reduction policies (Crawford, 1998). More recent developments have seen CSPs evolve, whereby there is a requirement following the 2006 Police and Justice Act for regular 'strategic assessments' drawing on the National Intelligence Model (NIM) that underpins the business model for local policing. This has seen an annually updated three-year rolling plan set in place. For rural areas, strategic decision making has moved to county level Local Area Agreements (LAA) within Local Strategic Partnerships (LSPs). Thus whilst CSPs continue within district councils, the strategic decision making has been re-located in the LAA. CSPs are about delivery and LSPs about strategy (Improvement and Development Agency, 2011).

Changes in rural crime governance have been paralleled by an increased emphasis on risk-based discourses (Garland, 1996). This has manifest in a plethora of risk-based strategies around identifying and policing 'hot-spots' of crime from national to local levels. The Government's web of crime control pushes the language of benchmarking, targets and performance indicators from centre to periphery, within which the LSPs and CSPs find themselves tangled to reproduce national priorities. The police have also been ensnared within this new culture of control as the expectation is that local police boundaries are more closely aligned with local authority boundaries and tighter liaisons are drawn up with partners through the CSPs and LSPs. The order of the day has been a national programme of neighbourhood policing, an engagement with citizens and a new tier of police community support officers (PCSOs). However, the NIM has engendered intelligence-led policing (Maguire and John, 2006), where

priorities are determined by an objective analysis of crime problems. In this context, local people's perceptions of their crime problems may be viewed as a lesser priority (Ratcliffe, 2008), despite calls for greater local accountability.

The recent developments in national crime governance and policing have by default negated rural crime (Gilling, 2011). This is because the new risk-based strategies preclude many rural crime issues from meeting the nationally defined 'crime problem' benchmark. Until relatively recently responding to 'headline' crime occurring in more populous areas has been held as the priority in performance terms (Gilling, 2007). This argument harks back to ideas about the urban-rural dichotomy, where urban crime figures come out on top and attract much of the available resources. Urban dominance is also visible in broader rural contexts. As already discussed, the 43 Police Force Areas are defined along a continuum of most rural to most urban based on population density. Within the most rural, urban areas do exist and these attract the bulk of available funding. Mawby (2007) for example, in a study of rural Cornwall found that market towns registered as hot-spots as compared to the more remote areas. Such strategies are not without consequences: '...rural concerns that do not figure on central government's radar are effectively marginalised and thus not addressed' (Gilling, 2011:73). Farm crime, until relatively recently, has not made 'headline' crime news. This is hardly surprising, given the central steer of crime control and prevention strategies and priorities. Indeed, when farm crime has appeared on the policing agenda it has been short lived. To date, there is a lack of 'reliable' comparable data to aid an understanding of the true extent of the problem, beyond the sporadic bits of information gleaned from newspaper reports and farm insurance data.

Policing farm crime: Measuring the extent of farm crime

> Livestock rustling continues to blight farming operations all over the UK, with figures from rural insurer NFU Mutual showing the cost of thefts across the UK increased by 170 per cent in 2011 over 2010. More than 67,000 sheep were stolen in the UK in 2011, costing farmers in the region of £6m (Midgley 2012b).

The extent of farm crime is difficult to ascertain in any 'real' sense. In an exploratory paper by Jones (2010) inherent inconsistencies were identified in the system of recording incidents of farm crime within the four Welsh Police Force Areas (PFAs), thus making it difficult to draw comparative data at a regional level. Following this up in a national study of the recording of police crime in England and Wales, Jones (2011) similarly concluded that a uniform approach to recording farm crime was lacking in the systems within and across PFAs. These findings taken together, exemplify the extant lack of useful, official data on farm crime, making it difficult to draw comparative trends both spatially and temporally to

effectively combat the issue through implementation of targeted crime prevention strategies.

Apart from the recorded crime statistics, agricultural crime figures are annually released by the NFU Mutual (NFU Mutual, 2012). These allow for some spatial and temporal trends to be identified, although not for the mapping of actual levels of crime (Coombes et al., 1994). This data is largely for theft with discrepancies inherent in the system such as false and inflated claims or non-reporting. The information available is based on claims experiences collated by branch networks and is thereby limited to NFU policyholders (Jones, 2010b). The 2011 survey, for example, targeted 324 branch network agents and received 272 replies (NFU 2011). In sum, the insurance statistics are limited, but nevertheless, their annual survey results and press releases have continued to attract the attention of the press and the police at an intermittent level that can be paralleled with the sporadic attention on rural crime issues generally; for example, from the *Daily Post*: 'Shocking new NFU Mutual figures show a 30% jump in the rural crime rate in Wales, with insurance claims up from £1.7m in 2010 to £2.3m last year' (Forgrave, 2012).

The generation of 'real time' data of farm crime and the systematic coding for specific agricultural crimes has similarly been identified as an important precursor to tackling farm crime in the United States. In a process and outcome evaluation of an agricultural crime initiative, Mears et al. (2007) identified five activities necessary for the prevention and reduction of agricultural crime: the first one being the collection and analysis of farm crime data, followed by information sharing, education about the issues, marking equipment and promoting an aggressive stance towards enforcement prosecution. Indeed, the sharing of information is an important activity in order to raise awareness of farm crime incidents occurring in particular areas, alerting both the potential victims and the police.

Funding and resources

Even though the sharing of information on farm crime with relevant bodies is clearly important, Jones (2011) concluded that no nationally identifiable point of contact for dealing with farm crime issues across PFAs existed. Many PFAs utilised different job descriptors for a comparable role; from a 'rural safety officer/partnership co-ordinator' and a 'policy inspector' to a 'deputy force crime and incident registrar' (Jones, 2011:28). This made it difficult to identify a similar point of contact and thus share information. In recent times, some PFAs have implemented an identifiable point of contact for wildlife and/or rural crime, where previously this may have been lacking, but this is by no means a standardised descriptor. Dyfed-Powys Police, for example, have seconded a 'rural champion' officer to the Countryside Council of Wales. This role requires the officer to drive around

the countryside looking for rural and wildlife crime (Gwlad Online, undated).

Of note, is the fact that such posts are underpinned by variable funding priorities and periodic policing strategies, and are thus transitory, as is exemplified in the analysis that follows a case in the North Wales PFA. Bodden (2003), reported on farmers being furious over the axing of a countryside police officer, a post superseded by community beat managers who were encouraged to strengthen their links with farming communities. In 2007, a farming communities' officer was established, apparently following pressure from the Welsh farming unions and a perceived increase in rural crime in the region (Gwlad, 2006). By February 2008, the post had again been axed and fears were raised about the lack of police response to a rural crime wave targeting farms in the area (Abbott, 2008). Such a visible withdrawal in police personnel provided interesting reading for local people in the farming pages as the reports fed into existing concerns about the changing nature of policing in rural areas. Furthermore, perceptions of poor policing responses were said to manifest in a lack of confidence in reporting farm crime. At face value, the balance of the reciprocal relationship between formal and informal policing networks was effectively being tipped. Local people believed that the police also needed to be proactively engaged with the farming community (Jones, 2008).

Such toing and froing of the post during the five year period can be located in a broader rural policing agenda. During 2001 to 2006 the Rural Policing Fund (RPF) with a budget of £30 million came into existence, with the aim of making rural policing more visible and accessible (Aust and Simmons, 2002). The criterion set for funding applicants was that the individual PFA needed to '...demonstrate real improvements in the policing of rural areas' (DETR/MAFF, 2000:43). By 2006, in the wake of the introduction of local policing teams, the RPF was merged with three other funding streams. Whilst the government emphasised that within this new framework the level of rural funding would continue (Hansard, 2006), in real terms policing in rural areas was already being challenged by a performance culture (Yarwood, 2008). This meant that resources were largely focused on high crime hotspots to achieve visible results (Gilling, 2011) at the expense of rural policing and in particular the policing of farm crime.

The cost of victimisation

The concern shown by NFU Mutual in farm crime issues is understandable, given that they have a vested interest in promoting the implementation of crime prevention strategies. As an insurance company, it is in their best interests to minimise the losses incurred by their policyholders. However, not all farmers insure their property as many are complacent about becoming a victim of crime (Jones, 2008; 2011; Jones and Holmes, 2013 forthcoming). Insured or not, the impact of agricultural crime victimisation

on individual farmers and their families is immense because a single act of theft can mean the loss of years of investment and hard work. The loss can also be felt more widely in the local economy served by farmers. Additionally, there are issues related to the illegal slaughter of animals and the health risks associated with the subsequent disposal of carcasses destined for the food chain (Jones 2010b). Agricultural crime is thus expensive and its impact should also be considered in the wider context regarding escalating food and insurance prices (Carcach, 2002). This is a particularly pertinent issue in recent times as the UK experiences a continuing recession. The latest press release from the NFU Mutual (2012) cites 'poor economic conditions and rising commodity prices' as fuelling the current upsurge in rural crime. This is a position reflected in the recent ACPO inaugural rural crime seminar where Mr Crompton (2011a), drawing on NFU figures posited:

> Whether it is the tough economic times forcing more people to turn to a life of crime or the relatively lax security of some farms that make them an easy target for thieves, it is clear this has become a major concern in recent years and continued action is required (p.14).

Beyond the idyll smoke screen, rural areas are being viewed as an ever increasing target for criminals, with rich pickings on offer in an accessible and discrete environment (Jones, 2012b). Complacency on the part of rural dwellers is contributing to the relative ease with which criminals are able to locate and steal agricultural machinery, tools, vehicles and livestock. In times of recession, the countryside's 'hot-products' are being targeted by criminal gangs with high prices being fetched for diesel, oil, scrap metal and livestock. The price, for example, of lamb chops has increased from 1149p/kg in June 2008 to 1375p/Kg in June 2012 (NFU Mutual, 2012), thus making it a viable commodity for sale on the black market.

Existing and burgeoning farm crime issues

> Policing within the rural context offers very specific and unique challenges. The sheer distances involved and the isolated nature of many communities can lead to a sense of vulnerability and heightened fear of crime (Crompton 2011b:2).

Similar challenges remain for the policing of farm crime across widespread areas as do those of trying to ascertain the 'true' extent of farm crime. Added to this, in recent times the media reporting of agricultural crime seems to have gathered pace as well as the implementation of a whole raft of crime prevention initiatives and calls for community involvement. Around the time of the inaugural rural crime seminar in 2011 issues of

farm crime dominated the rural crime agenda and it seemed as if its former relegation was being challenged. Discussions on the subject took place on the radio (BBC Radio 4, 2011) and articles were published in various professional journals (Police Professional, 2011) magazines such as the *Farmers Guardian* (Midgley 2012a; 2012b; 2012c) and in the national press (Daily Telegraph, 2011) commenting on concerns about organised crime occurring in the countryside. Farm crime was being reported as an increasingly organised activity with criminals willing to travel across widespread areas to commit offences. The police reported an: '…increasing sophistication of organised gangs making huge profits from stealing farm tractors and equipment' (Crompton 2011b:2). In the wake of a huge increase in the theft of large and expensive machinery - including agricultural machinery stolen to order and turning up in countries like Greece, Turkey, Iran and Cyprus - the National Plant Intelligence Unit (PANIU) was established in 2008. This unit is situated within the Stolen Vehicle Unit of the Metropolitan Police, with funding from the insurance industry, and works with constabularies on a nationwide basis. The website of PANIU states: '…many of the criminal groups involved have international links… It has been shown to fund organised crime including the importation of large volumes of Class A drugs' (Metropolitan Police, 2010).

The police in England and Wales have continued to develop and implement a range of initiatives to tackle farm crime and rural crime more broadly, drawing on both the regular and volunteer arms (Specials) of the Service. For example, Norfolk Constabulary, following Hertfordshire Constabulary's lead in 2009, introduced a 'Specials on Horseback' Scheme in April 2012 (BBC, 2012). Indeed, at the time of writing this article, the second rural crime seminar titled 'Rural Crime – Rounding up the Criminals' is in the process of being organised for late 2012 led by Stuart Hyde, the Chief Constable of Cumbria Constabulary and the newly appointed ACPO lead for Wildlife and Rural Crime. A DVD 'Shutting the Gate on Rural Crime' was produced involving five police forces in the South East of the country (Sussex Police, 2011) and one farmer painted his 250 flock of sheep orange during the same year to prevent rustling (Daily Telegraph, 2011).

One of the key initiatives promulgated by the police to tackle farm crime is the use of Farm Watch (FW) schemes. These have developed in recent times drawing on advancements in technology. The Online Watch Link (OWL), an interactive system of two way communication between police and communities allows for messages to be sent by telephone, fax, email or mobile phone. Particularly encouraged is the use of e mail communications which offers a cost effective service for both the community and the Police and in Wales three of the four Welsh PFAs have signed up to the scheme (Gwlad, 2011). The promotion of the scheme, incorporating FW, was particularly visible at the Anglesey County Agricultural Show during August 2012, where PCSOs were actively engaging with the farming community. This reliance on police management

was also identified as a motivating factor for the sustainability of Neighbourhood Watch (NW) (Weaver, 1986). Schemes like OWL need publicising and implementing and the databases need constant updating. Moves to rationalise police resources even further by encouraging the use of on-line messaging and communications may make for a cheaper alternative, but for many living in rural communities confidence may be placed on more traditional methods of communication rather than accessing the 'new' technologies. Rationalising existing schemes may also mean that communities perceivably become more worried about perceived crime problems that appear to be on the increase. For instance, from the *Daily Post*: 'Just as we're hearing about a huge surge in rural crime, Farm Watch is being shunted into another scheme...it will be a big blow to the 200 or so farmers who rely on Farm Watch text messages in Denbighshire' (Forgrave, 2012:1).

There are also technology issues in remote rural areas where broadband technology has not been developed to its full potential and 3G signals may be out of reach for emails. The involvement of local communities in crime prevention strategies is not new, and schemes can be understood as part of a widening network developing from the introduction of NW and ideas about responsible citizenship. Such 'watch' schemes require voluntary participation and there has been much debate about the growth of NW since its inception around the rolling back of state responsibility to police civil society (Yarwood and Edwards, 1995). This could similarly be said about the seeming vigour given to the re-emergent discussions on farm crime in the wake of what appears to be an increase in incidents - the reality being that much emphasis is being further laid on community involvement and active citizenship as the state rolls back even further its governmental responsibilities by visibly clawing back its resources:

> A major consultation document published yesterday sets out how the force proposes to adapt to an expected £22.6m (20%) cut in its funding over the next four years. The figures make grim reading not only for officers and staff, but also the public - who the force admits will suffer from a reduced service. Around 230 out of the region's 1,600 uniformed officers could be culled, says the document, released by North Wales Police Authority (Hickey, 2010:6).

Future directions for the 'policing' of farm crime

In recent times following the responsibilisation agenda communities are expected to be active citizens. The CSPs have formalised this approach and a range of partners have been encouraged towards 'joined-up' thinking and working. With regards to the theft of large agricultural machinery, the manufacturers have been brought into the picture and a raft of security measures have developed. The PANIU (2012) report that police forces

across England and Wales have 'stepped up' in the fight against rural crime and a range of targeted operations have been initialised, although further research here would be useful. Spring 2012 saw a number of police forces working with farming communities through local conferences and attending farmers meetings in the strive to develop partnerships. PANIU also reported that tractor theft had been reduced by 47% which was the lowest for 4 years as 'Police have been engaging with the rural community as never before' (2012:5). Again, further research within rural communities is needed on the effectiveness of such police engagement, which currently is a claim made by the police themselves and clearly acts to reinforce and sustain the existing relationship between the insurers and the police.

Whilst there certainly appears to be a focused effort on the targeting of large agricultural machinery, the drivers for this are the insurance companies as exemplified by their funding and partnership with PANIU. What does not seem to have altered is the relative neglect of police responses to farm crime issues more generally as evident by the longstanding issues. Policing rural areas is challenging due to the geographical landscape and reliance on guardianship as the main method of crime prevention. As such, it may be more sustainable within local farming networks. However, tipping the balance of 'policing' even further towards local communities as guardians may well engender further complacency about the reality of tackling crime and needs to be carefully handled by the police. One respondent reported - during recent research into farm crime by the authors (awaiting publication) - that he just accepted the theft of his equipment as a consequence of living in relative isolation and did not expect the police to be able to remedy the situation. This of course raises further questions about confidence in formal policing against a backdrop of the budgetary cuts, diminishing resources, Big Society responsibilities on citizens and the introduction of elected Police and Crime Commissioners in November 2012 (of more later).

> Your police need you! Charlotte Smith hears how volunteers could help tackle rural crime (BBC Radio 4, 2011).

It remains to be seen if more volunteers and (even) less formal policing will solve the existing issues of farm crime. Some of the more recent schemes such as Specials on Horseback and Farm Watch co-ordination do draw on personnel resources outside of the regular force (Specials and PCSOs), thus requiring a lesser share of the public purse. They perhaps present a visible and economically viable response on behalf of CSPs, but how effective and long-term this will be in engaging the community in tackling farm crime remains to be seen. Indeed, the underlying issues have not been solved regarding a lack of knowledge on the extent of the problem. This makes it difficult to draw comparative analysis and thus evaluation in statistical terms, although the *Farmers Guardian* (Midgley 2012b) report that their investigation reveals the rural crime picture: 'Across the board, rural crime is on the increase as police

fight a never ending battle to stop thieves in their tracks". This call for a more coherent picture of rural crime was also reiterated by Tim Farron the MP for South Lakes who was quoted as saying: 'I am calling for detailed statistics on rural crime to be published, to make sure we can monitor this concerning increase' (Midgley 2012c). As already discussed a statistical analysis is an important first step towards tackling crime, but it is just one dimension towards understanding the issues concerning farm crime and rural crime more broadly. For instance, for farm crime other considerations include the ability to share up-to-date information and to look at local understandings of the 'crime problem', experiences and responses (Jones, 2010a; Gilling, 2011) in order to comprehend the nature, impact and costs of crime on farm businesses (Jones and Holmes, forthcoming 2013).

Another dimension added to the local agenda in November 2012 was the demise of police authorities, replaced by directly elected Police and Crime Commissioners (PCCs). The NFU Cymru (Wales) President, Ed Bailey has commented that the election of the new PCCs was an opportunity for voicing the 'rising problem of rural crime' (NFU Cymru, 2012). Mr Bailey urged rural communities to seek promises from potential candidates about their plans to tackle rural crime and NFU Cymru drew up their own manifesto for sending to candidates. It will be interesting to follow these developments and assess the impact of such change in terms of rural governance.

Looking forward in terms of balancing formal and informal policing measures, one might encourage the new PCCs to evaluate the current mix of 'policing' in their own rural jurisdictions. They need to assess and develop the particular (and likely unique) demographic and environmental factors of their PFA. Multilateral policing has expanded over the last two decades across the United Kingdom, but this has by no means been a uniform process across the country. For example, the use of private policing has figured less in rural areas against the use of more formalised public volunteering (NW Schemes; FW Schemes and the Special Constabulary) and police ancillaries (Police Community Support Officers (PCSOs) and Neighbourhood Wardens) (Mawby, 2011). It needs to be made clear to local communities that they are not being left 'to get on with things' themselves and that they do not need to 'turn a blind eye' to crime and victimisation because there is no-one to solve it. Rather, more traditional methods of policing are no longer sustainable and new forms of policing can be perhaps even more effective. Multilateral policing models specific to PFAs need to be shaped according to community needs, and here perceptions are similarly important for instilling confidence in policing methods. An effective partnership should take on board the concerns of rural residents and act positively upon these concerns to help instil confidence that crime can be addressed through participation with multilateral policing methods. Furthermore, communities need to be convinced that whilst 'policing' may consist of many 'new' layers, each one is just as serious about combating crime as the once regular force and, in fact, may be better placed to do so through a more intensive and rapidly

responsive network. The OWL initiative already discussed is illustrative of this reasoning, although further research on its effectiveness is warranted.

Conclusion

It is clear that, to date, in terms of tackling rural crime, farm crime has featured on the bottom rungs of the ladder when it comes to constructing 'crime problems' and instigating attendant responses. Farm crime has intermittently appeared and disappeared across the media and agricultural crime prevention strategies at the local level have had to vie with both urban and rural 'hotspots' for limited police and local government resources. Indeed, in 2008 one of the authors (Jones) found herself confronted with a local councillor's tongue-in-cheek response whereby he feigned tears at the 'plight of poor farmers' when the issue was raised at a partnership committee meeting. The current position of farm crime however, seems to have taken on a different footing in the concerns being voiced by both the police and those with an interest in agricultural crime. In 2011 the idea of rustling a few sheep not being seen as representative of 'real crime' has been overtaken by discussions of 'serious organised crime' (Crompton, 2011:14).

In trying to understand what appears to be a gathering pace of newspaper reports and broadcast programmes on farm crime in recent times, the ACPO focus on engaging communities further to police farm crime and the credence given to the readily available insurance data - with its inherent limitations - attention needs to be drawn to the political context. In the face of further cuts to government spending and already scarce resources farm crime provides a good example where Big Society ideas can be promoted. As already discussed, in isolated areas guardianship at the local level is an important crime prevention strategy and engaging communities and volunteer networks further under the guidance of local policing makes for a cost effective public service.

Currently, it is difficult to assess what the impact will be of the Big Society agenda and the introduction of PCCs on broader rural crime issues and farm crime in particular. Agricultural crime, which has up until now been placed on the periphery of concerns about crime and subsequent constructions of the 'crime problem' has longstanding issues. Addressing these, by the very nature of the rural environment does not make for easy policing. There have been a plethora of recently implemented crime prevention strategies aimed at tackling rural crime and agricultural crime and moves to further engage farming communities. The sustainability of such measures will require constant managing in order that initiatives do not fall by the wayside, as has happened in the past when funding dries up. There may be plans afoot for local people to deliver local services, but this requires a sustained effort on the part of local governance and policing as well as local communities so that the balance does not tip too far and local communities feel they are being asked to police themselves. Rather,

drawing on multi-lateral policing models according to need may be the way forward in developing sustainable partnerships with rural communities, but confidence in these plural policing responses needs to be developed within communities. In the wake of an apparent increase in farm crime, a continuing recession and diminishing public service resources farm crime needs to be taken seriously. More work needs to be done on understanding the extent of the problem as well as allaying the fears of local communities when implementing crime prevention schemes with a limited resource base. In particular, there are also potential risks in the selling on of adulterated meat where stock has been slaughtered illegally and ends up on the black market. Farm victimisation needs to be taken seriously as the costs of farm crime can impact on individual farmers, their families, local communities and consumers further afield as well as on the insurance and criminal justice industries.

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American smuggling and British white-collar crime
A historical perspective

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Abstract

By analyzing historical elements of the British involvement in American smuggling, a framework for testing Sutherland's theory of white-collar crime can be established. Further, it is proposed that the lack of British collaboration with American policing in addressing these historical examples of organized smuggling lends support to Deflem's theoretical model of international police cooperation.

Key Words: White-collar crime, Smuggling, Edwin Sutherland, Mathieu Deflem, Organized crime

Introduction

In 2012 the United States charged one of Britain's largest banks with facilitating illegal financial transactions by drug smugglers. The U.S. Senate's Permanent Subcommittee of Investigations alleged that HSBC[1] utilized the HSBC Group's network of banking institutions in the United States, Mexico, Europe and the Middle East to commit the crimes (U.S. Senate, 2012). These allegations of violations of the law are the latest in a long series of British and American trans-Atlantic smuggling enterprises. It is argued here that they qualify as white-collar crime and date back to the founding of the American Republic, a century and a half prior to the concept of white-collar criminality being formulated.

In 1939, the president of the American Sociological Society, Edwin H. Sutherland, gave a presentation at a joint meeting of the Society and of the American Economic Society. That Presidential Address was later published in the Society's journal as 'White-Collar Criminality' (1940), still

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[1] HSBC was originally the 'Hong Kong and Shanghai Banking Corporation', but since taking over the Midland Bank in the 1990s has had its headquarters in London.

later developed into a book titled *White Collar Crime* (uncut version published 1983). Defining white-collar crime as 'a crime committed by a person of respectability and high social status in the course of his occupation' (Sutherland, 1983:7), Sutherland brought to the public's attention that 'respectable or at least respected business and professional men' (1940:1) were involved in criminal activities that were otherwise unrecognized as such. He introduced the concept of white-collar crime both to sociology and to the general public pointing out that these same elites had the influence and power to define crime so as not to necessarily encompass their activities within the penal code. He would later identify the activities of these white-collar criminals as a form of organized crime, recognizing both formal and informal organizations, which allowed for organized restraint of trade, the influence over both criminal and civil legislation, the limitation of enforcement through restricted funding, and the development of a consensus among the involved businessmen as their objective (Sutherland, 1983:229-230).

Potter and Gaines (1996:31) would later view white-collar crime as less of a definitional issue than as a social construct and a 'heuristic device guiding the study or analysis of crimes by certain actors in certain social settings', similar to the use of the terms 'street crime' or 'juvenile crime', a view that informs this paper. Further, organized crime is seen here as 'systematic illegal activity and part of the social, economic, and political systems' (Woodiwiss, 2001:10). As such it incorporates Sutherland's (1983:239) premise of white-collar criminality as also being organized crime, recognizing that 'a substantial portion of [business] violations are deliberate and organized'.

Yet Sutherland and those who followed him directed their research toward examples of modern corporations and other organizations that were involved in activities that qualified as white-collar criminality with minimal research looking back to historical examples. Though much has been written in recent years about the history of crime and of criminal justice (Godfrey et al., 2008:9-10), less has been addressed at the 'intersection between history, biography and social structure' (Conley, 1993:351) as it relates to white-collar crime. Sutherland himself recognized the historical precedent, having remarked that the 'unscrupulous American business entrepreneurs' later known as the 'robber barons' of the late nineteenth century were within his definition of white-collar criminals (Sutherland, 1983:7-8).

The primary purpose of this paper is to establish a framework for testing Sutherland's theory of white collar crime by analyzing historical elements of American and British mutual involvement in smuggling, a precursor of modern transnational crime. Using a qualitative historical approach, it is argued that this cooperative criminality provides ample evidence that Sutherland's premise that 'persons of the upper socioeconomic class engage in much criminal behavior' has actually been a practice on both sides of the Atlantic throughout American and modern British history and that 'this criminal behavior differs little from the

criminal behavior of the lower socioeconomic class' (Sutherland, 1983:7). Distinctively, 'persons of respectability and high social status in the course of their occupation' conspired at various times in American history to smuggle a variety of contraband into or out of the United States, or into other countries, in contravention of 'regulatory norms', to obtain a profit whenever an 'excess of definitions' were favorable to the violation of law (Sutherland, 1947:6-7). Those conspirators were not limited to Americans but also included British business interests and, at times, an associated aristocracy.

It is also proposed, in support of Deflem's (2002) theoretical model of international police cooperation, that the Crown's lack of collaboration with American policing in addressing these historical examples of organized smuggling lends support to the latter two of Deflem's three propositions required for cooperation: (1) that the level of cooperation is proportional to the level of autonomy of the respective policing agencies, (2) the respective agencies require a common organizational interest in policing international crime, and (3) that the national interests remain paramount in the actions of these agencies (Deflem, 2002:21-27). It is argued that the history of Anglo-American smuggling provides evidence that 'conversely, international police cooperation is unlikely to succeed - even if structural conditions are favourable - when participating agencies do not share an agenda in the fight against international crime' (Deflem, 2002:23).

Colonial America

Smuggling, defined as the illicit import or export of goods, can be inferred historically at least from the time of the Old Testament (Karras, 2010:49). With the imposition of tribute and customs or tolls, it was only a matter of time before their 'handmaidens', fraud and smuggling, followed (Barrow, 1967; Tyler, 1986). As trade became synonymous with politics, the English government itself would even condone and protect contraband trade to the Spanish colonies to further its perceived economic interests - which were viewed as one and the same as its political interests. After its seizure from Spain in 1655, for example, Jamaica was used as a base for extending British economic interest through illegal trade in the Caribbean (Liss, 1983:2-10).

Though faith was the catalyst for the arrival of the Puritans in the New World in 1630, in time revenue would replace religion for many (Cullen, 2003:13). As Barrow (1967:33) remarked, 'In pursuit of profits, idealism receded in importance'. The English Crown was already pursuing its own profits.

By 1621 the Privy Council ordered that all tobacco and other commodities from Virginia be landed first in England and that appropriate customs duties be paid (Barrow, 1967:5). With the Navigation Act of 1660 declaring Scots aliens and their vessels and crews ineligible for service in the colonial trade, more than one threw his lot in with the smugglers.

Throughout the late seventeenth century, Scots became active partners with the Chesapeake tobacco growers in smuggling tobacco out to the European markets. Reports told of Scots unloading tobacco in Glasgow prior to clearing in England and of various other vessels being identified as sailing directly to Maryland without transiting England. With family ties in the Chesapeake area thanks to relatives having been previously transported to the colonies following the English Civil War, Scotsmen reportedly became a major scourge on the customhouse (Margolin, 1992:93-95). Not until the Act of Union in 1707 did violations involving Scots seriously dwindle, but as late as 1723, they continued to be accused of involvement in frauds against the British revenue (Margolin, 1992:95-100).

Tobacco from the southern United States, besides entering Scotland via Glasgow, also was indirectly part of the Irish-American trade. The tobacco would travel through the Isle of Man, Guernsey, or France *en route* to Ireland. Irish manufactured goods, as well as East India tea, were part of the contraband trade bound to the colonies in return; the unhindered flow was so great that the amount of smuggled Irish woolens, for example, inundated the market in some years (Truxes, 1988:43-45). With the formation of the United States and the growth of American merchant activity, though smuggling continued to be of concern to the fledgling government, it would be some years before the illicit traffic again became endemic to the former colonies' maritime fleet.

The Embargo of 1807-1809 and the War of 1812

In 1801, when Thomas Jefferson became the third president, he attempted to address the partisanship of the previous decade and to unite the differing parties (Wiltse, 1961:22). By Jefferson's second term, however, his foreign policy opened the door to a level of defiance against the government by farmers and merchants alike unheard of since the British ruled the Atlantic seaboard, becoming the catalyst to the second great smuggling era in North America. From the initiation of Jefferson's embargo in 1807 until after the termination of war in 1815, American and British commerce deliberately organized to successfully circumvent United States law for individual and corporate profit (Wright, 1996:32).

The precursor to the War of 1812 was found in American maritime trade and its conflict with British economic interests - and in Jefferson's failure to secure an accommodation with the most formidable sea power in the world. Though Jefferson authorized diplomatic action in an attempt to address various grievances, he eventually declined the opportunity to accept a treaty with Great Britain. Instead, he attempted to force the hand of Britain with economic sanctions. To the chagrin of the administration, the sanctions did more long-term damage to American mercantile interests and to Americans' own acceptance of the rule of law (Spivak, 1979:21).

Many a cargo of food was shipped north by coastal traders to the Passamaquoddy region of Maine for eventual transfer across the frontier to

British New Brunswick. Within a five day period alone in May 1808, over thirty thousand barrels of foodstuffs were reported as landing in Passamaquoddy (Whipple, cited Smith, 2003: 263). The merchants of 'Quoddy' were tied to the British commercial system as a matter of survival, and those ties eased the establishment of smuggling routes for American agricultural goods into the Maritimes and to the rest of the British Empire.

The British and New Brunswick officials took whatever actions they could to undermine the embargo, directing British vessels intercepting American ships to allow their passage with or without documentation if bound to or from British colonies in the Caribbean or South America, conspiring with merchant-smugglers, and offering asylum for those reshipping in 'British bottoms' or selling contraband goods in the province (Smith, 2003:257-262). Thanks to these British initiatives, even with an expanded American enforcement effort, 'definitions' for the traffickers were favorable enough for the smuggling to continue.

With the repeal of the embargo in March 1809, a new Non-Intercourse Act came into effect, limiting trade only with Britain and France (Hickey, 1995:20). With ships being granted permission to sail foreign, the opportunities to divert to Britain (Liverpool was recognized as a prime destination) or to the British West Indies became easier than ever. By June 1812, the United States was at war with Britain and trade - or at least unauthorized trade - became treason. Yet many continued to organize and supply the British fleet sailing off the United States as well as trading with British subjects in Canada and the West Indies while also importing prohibited goods in exchange (Hickey, 1995:117).

Civil War

With the onset of the American Civil War the industrial requirements of the armies in the world's first modern conflict offered unparalleled prospects for white-collar crime and, thanks to the length of the borders between the two warring entities and the close proximity of British neutral territory to both, smuggling became one of its major forms (Catton, 1958:14).

In the years leading up to secession, the South and Southwest became the major producers of cotton for the Northern textile mills (Bryant and Dethloff, 1983:81, 105-107). The port of New York served as the predominate apex of the cotton triangle with vessels controlled by New Yorkers regularly trafficking between Sandy Hook and the major cotton ports of the South. Those ties also extended to England via Liverpool and France by way of Le Havre (Albion, 1939:95-121). The symbiotic trade, and the networks that developed between the South, the North, and Britain to achieve it, were both catalysts and precursors for contraband trade deemed treasonous by the two warring governments. With the start of the Civil War, both nations passed laws to terminate trade with the opposing force, assuming that any trade only helped the enemy. Lincoln initiated a blockade of the seacoast ports and of the inland waterways of those states that seceded from the Union (Terry, 2001:6). Though the Confederate

government was hesitant to permit trade - believing that the trade did not support the greater goal of bringing Britain into the war to maintain needed imports of Southern cotton - Richmond eventually turned a blind eye to its own policy by the middle of 1862; the need for external goods became of paramount concern (Goff, 1969:3-5).

Blockade running

The maritime industry also recognized opportunity in adversity: those in the North shipped manufactured goods to British neutral ports for transit to the South and mariners from the Confederacy and Britain and other neutral countries manned the famed blockade runners and transported needed and wanted goods into Southern ports. It was these blockade runners, carrying both private and government goods, that provided:

> … 60 percent of the South's arms, one-third of its lead for bullets, ingredients for three-fourths of its powder, nearly all of its paper for cartridges, and the majority of its cloth and leather for uniforms and accoutrements' (Wise, 1988:7).

The interconnections of trade were already at work prior to the initiation of hostilities with George Alfred Trenholm as the directing partner of Fraser, Trenholm and Company, Liverpool; Trenholm Brothers, New York; and John Fraser and Company (whose namesake was a Scottish immigrant), Charleston, South Carolina having already shipped arms to Charleston via Liverpool. This triangular trade, established during the antebellum period to serve the cotton textile industry of England, would be the template for clandestine trade throughout the war (Wise, 1988:47). With the potential for high profits, various companies in England, Scotland, Canada, and the Confederacy followed in the coming year. The shipyards of Clydeside built over one hundred vessels to run the blockade with up to three thousand Scots serving as crewmen in probable violation of the British Foreign Enlistment Act (Graham, 2006:3, 13; Wise, 1988:107). Some English companies even partnered with Southern companies by providing the necessary steamers to the joint enterprise. The E.P. Stringer's Mercantile Trading Company and the Anglo-Confederate Trading Company, associated with Edward Lawrence and Company of Liverpool, were but two examples (Wise, 1988:150, 161).

Zachariah Pearson, the mayor of Hull and both a merchant and ship owner, sent seven craft to challenge the blockade. Six of his vessels were captured with a seventh running aground in mid-1862 (Wise, 1988:71). The Navigation Company of Liverpool was another English venture in blockade running, losing two of her ships to Union forces and another four to maritime accidents (Wise, 1988:111). Thomas Sterling Begbie, a shipping merchant from London, united with Peter Denny, a Dumbarton shipbuilder, and controlled the steamer *Memphis*. Offered to investors for blockade running, she was seized *en route* from Charleston with

approximately 1,500 bales of cotton after having run munitions to the South (U.S. Naval War Records, ser. 1, 17: 299-300; Wise, 1988:71-72). But not all were as unlucky as these endeavors. Henry Lafone of Liverpool teamed with Gazaway Lamar of the Importing and Exporting Company of Georgia to run seven vessels against the blockade (Wise, 1988:158-161).

Much of the trade from the Atlantic seaboard transited the port of Nassau, located in British New Providence. The port was 570 miles from the Southern-controlled harbour of Wilmington, making it more convenient than other British ports. With brokerages already established and easy access for Confederate agents, British goods were easily transshipped in exchange for exported Southern cotton, leaving only minimal exposure to Northern seizures. By declaring the goods exported from Britain as Nassau destined, they avoided seizure on the high seas by eliminating any evidence that showed their ultimate destination was to the South. Upon arrival in Nassau, the cargo would be broken and reshipped on the blockade runners (Wise, 1988:63-66). With the concurrence of the islands' governor, Charles John Bayley, whose sentiments leaned towards the Southern cause, Nassau became a major hub of blockading activity throughout the war (Carse, 1958 19).

With the outbreak of war, many Northern ship owners registered their vessels with a neutral flag to avoid Southern privateers, taking advantage in particular of the ease of British registry. Some used a neutral registry as a way to avoid the seizure of their vessels not by the Confederacy, but instead by Union forces when these same vessels were found carrying merchandise destined for the South. Historically America believed in and endorsed the theory that goods shipped in neutral vessels were neutral goods themselves, no matter the origin. Though this concept would not assist in defending later seizures of vessels actually running the North's blockade of Southern ports (in violation of international law), it served as a legal defense for cargo that was to be transshipped at neutral ports after being carried there via neutral flagged vessels. If stopped *en route*, the cargo could be defended as one that was both neutral and bound to a neutral port. That allowed only a short sea run from Nassau or Bermuda to the Confederacy without the protection of a neutral flag (Bernath, 1970:5-11; Spann, 2002:136). Halifax to the north served as both a repair station for blockade runners and as a transit port for supplies clearing onward to Nassau, Bermuda, and Havana with the Halifax firm of Weir and Company supplying the shipping services as needed (U.S. Naval War Records, ser. 1, 2: 293; Wise, 1988:191-192).

The Mexican port of Matamoros on the Rio Grande River was a major port used throughout the Civil War by the South to move cotton and whose use avoided the dangers of the blockade. With the state of Texas bordering Mexico, the South could simply ship and sell Confederate cotton to Mexican nationals or others and transport the cotton on foreign ships from Mexico to Liverpool or directly to New York or other northeastern ports demanding cotton for the Yankee textile mills. The vessels involved in the Matamoros trade were the merchant fleet of England, including those

vessels that were re-registered as English at the start of the war. By April of 1863 up to two hundred vessels were present (U.S. Naval War Records, ser.1, 17: 101, 403).

Prohibition

For American white-collar criminality, the opportunities for smuggling tended to be contingent on a specific governmental action instigated by contemporary political circumstances and conflicts, war - an example of social disorganization with both a lack of standards and a conflict of standards - seemingly the primary cause. Yet the greatest era of American smuggling was in the years between the two world wars, the years of American Prohibition.

The British dominion of Canada served as the Achilles Heel of the American prohibition movement throughout its existence and its British subjects profited enormously from the smuggling trade. In circumventing the various prohibition laws of the United States, Canada and of its individual provinces, one family developed a liquor empire during Prohibition that carried on into the late twentieth century - the Bronfman family. The family personified the idea that organized crime existed prior to the modern versions of the racketeer and the 'mob'. The Bronfmans bridged an earlier lineage of smuggling, fraud, and trading in illegal goods and services to the modern notion of organized crime. They were both the antecedent of the modern stereotyped organized crime and its real embodiment.

In the early 1900s, the Bronfman family was in the hospitality trade, operating hotels in three provinces. With war time prohibition the hotels, previously subsidized by customer traffic in their bars, were in serious financial distress. Sam Bronfman obtained a license in Montreal to import and sell liquor retail. He also established a mail order business, exporting liquor from Quebec across provincial lines under Dominion law eventually opening numerous 'export houses' where liquor was stored and then sold to neighboring provinces. The family's unpaid tax bill from the business, dating back to 1917, but not resolved until 1921, totaled approximately $200,000 (Marrus, 1991:55-71).

Establishing approximately twenty export houses in Saskatchewan alone, the Bronfmans were a dominant player in supplying the rumrunners on the prairie. Competing against the likes of the Hudson's Bay Company empire, the Bronfmans still managed to control almost a third of all export houses in the province. Eventually they purchased a distillery in the United States, dismantled it, and transported it to Canada, in order to open their own distillery. Establishing a partnership with DCL, the major Scotch producers in Britain which included Buchanan-Dewars, Haig and Co., and Johnny Walker, the Bronfmans purchased a separate Canadian distillery, Seagram (Marrus, 1991:75-81, 129-13; Royal Commission on Customs and Excise, 1928:53). Accusations eventually led Harry Bronfman to be arrested for attempted bribery and tampering with witnesses, only to be acquitted

in 1930. Harry, along with brothers Allan, Abe and Sam, faced trial again for conspiracy to avoid payment of customs duties but the case was dismissed in 1935 (McIntosh, 1984:273-285; Royal Commission on Customs and Excise, 1928:18-21, 51-52).

A second Canadian liquor magnate and British subject also spent time on the prairie in his youth. In 1921, Harry Hatch joined the Canadian Industrial Alcohol Company, owners of Corby and Wiser distilleries under Sir Mortimer Davis, as a sales manager with an agreement that the firm would pay brother Herb Hatch's company, Hatch and McGuiness, a dollar for every case of whiskey Hatch and McGuiness sold. The brothers recruited Larry McGuiness to enlist commercial fishermen to transport Sir Mortimer's liquor to buyers in the United States. Hatch's Navy was so successful at moving whiskey across the Ontario that by December 1923, Hatch had the funds to purchase the Gooderham and Worts distillery in Toronto. By Christmas 1926, Hatch had bought into the Hiram Walker distillery in Walkerville across the river from Detroit. A new company, Hiram Walker-Gooderham and Worts, was created and continued the Prohibition sales that the Hiram Walker and Corby and Wiser distilleries had developed, including the extension of operations to St. Pierre and other foreign ports. Harry and Herb Hatch, Larry McGuiness, and a number of associates in the liquor trade faced indictment in the United States in December 1928 for conspiracy to smuggle liquor into the United States. The charges against Hatch were ultimately dismissed by the government (Wall Street Journal, Oct. 12, 1928:10; Hunt, 1988:73-94, 202-215; Schneider, 2009:199; New York Times, Dec. 5, 1928:24).

Rum row

For those along the southern Atlantic seaboard, the closest legal landfall for liquor was the British colony of the Bahamas. An archipelago almost six hundred miles long and slightly less than four hundred miles at its widest, its island of North Bimini lies less than fifty miles off eastern Florida. With the start of Prohibition, liquor exports quickly climbed tenfold. By 1922, over twenty liquor organizations were involved in the trade on New Providence. Agents representing English and Scottish distilleries marketed their wares to any potential buyers. Shipping traffic departing the Bahamas more than tripled from 1919 to 1922 to 1,681 vessels with total tonnage climbing more than eightfold to 718,110 tons. With duty on imported liquor up to six dollars a case, the income for the colony was enormous. Collected customs duties increased sixfold from 1919 to 1923. Prohibition was profiting the colonial government of the Bahamas while its enforcement plundered the coffers of the United States government (Craton, 1962:264-269; New York Times, Jan. 29, 1923:17; Lythgoe, 1964:44-49).

One of the earliest to utilize the British flag was the American adventurer and eventual legend William 'Bill' McCoy. Educated for the sea McCoy served as a mate, boat builder, and motorboat service operator prior

to entering the rum running trade (Van de Water, 1931:6-13). McCoy eventually purchased the most famous vessel in his growing fleet, the Gloucester schooner *Arethusa*. With a potential gross of fifty thousand dollars a trip to Rum Row, he registered her under a British flag with the name of *Tomoka*, later to be renamed again as the *Marie Celeste* (under the French tricolor), avoiding U.S. law being enforced against her while in international or foreign waters (Van de Water, 1931: 37-41). By 1925 the Coast Guard claimed to have identified over 300 other ships in the trade, with the Britain ensign being the dominant flag by a ratio of ten to one (New York Times, Feb. 3, 1925:6).

In due course publicity and enforcement efforts to apprehend the *Arethusa* led McCoy to sail north to the port of St. Pierre on the barren and windswept French territorial islands of St. Pierre and Miquelon (Allen, 1965 28-36; *New York Times*, Aug. 15, 1923:24; Van de Water, 1931:49-61). Located at the entrance to the Gulf of St. Lawrence about fifteen miles off the coast of Newfoundland, the fishing community of St. Pierre developed into a northern Nassau in its business dealings with the rum fleet. McCoy opened the opportunity for Ontario distilleries to further expand their white-collar criminality to the eastern seaboard. In 1923, over one thousand vessels entered St. Pierre with 500,000 cases of liquor being traded; by the mid-1920s, the distillers of Canada and Britain had established partnerships with local interests at St. Pierre to market their product south (Andrieux, 1983:14-25; Marrus, 1991:139-141; National Commission on Law Observance, 1931:24-25; Van de Water, 1931:61-72).

At least one Scot served as agent for overseas distilleries, as did the French company of Société d'Importation et d'Exploration controlled by Morue Française, the powerful fishing concern that dictated St. Pierre's economic life. The Bronfmans' Northern Export Company came to dominate the export business along with the other Canadian distillery organizations. From agent and broker to stevedore and deckhand, all profited from the organized smuggling of contraband liquor into the United States, and none more so than the distillery owners of Canada and Britain. Besides the earnings from selling their liquor for an illegal market, evidence also substantiated numerous schemes used by these white-collar criminals to avoid paying Canadian taxes and duties (Andrieux, 1983:23, 27-54; Christian, 1969:18; Marrus, 1991:141; Royal Commission of Customs, 1928:51-52, 55, 67-68, 114-116).

The ultimate antithesis to the image of gangster-trafficker may well have been Sir Broderick Cecil Denham Arkwright Hartwell, Baronet. Having reportedly decided to enter the smuggling business in partnership with an American in July of 1923, instead of creating a syndicate of private financiers to stake his venture, Sir Broderick choose to issue a circular to as many as 100,000 individuals, offering them an opportunity to invest their personal funds in the business and guaranteeing a profit of 20 percent within sixty days. He received funds from ten thousand subscribers, more than covering the expenses of that first load. He kept his word at least on the first four loads, returning a full profit to his subscribers. Later

subscribers were offered 25 percent profit. A total of seven shipments were dispatched but a portion of the sixth and most of the seventh was lost to seizure and other causes. By the spring of 1925, this led to bankruptcy and a loss of over $1 million (New York Times, May 6, 1926:12; Nov. 9, 1924:SM1; April 20, 1925:12; Mills, 2000:96).

Blockade running also continued. Faster sixty-foot off-load boats running with multiple aircraft engines were built to outrun the shore-side patrol boats. Large, low-profile and fast vessels up to one hundred feet long capable of carrying 3,000 cases were constructed in Nova Scotia shipyards to replace the slow and easily overtaken Rum Row schooners and tramp steamers of earlier years. Other ports, including Halifax and Belize in British Honduras came into play. The two-masted British schooner *I'm Alone* created an international incident in March 1928 when, after loading in Belize with a cargo of liquor, she sailed to the Louisiana coast and eventually off-loaded her cargo to a group of lightering small craft. Being pursued by a Coast Guard cutter, she had the temerity to run, only to be shelled and sunk by the gunfire (New York Times, March 25, 1929:12; Willoughby, 1964:128-130). Even with the end of Prohibition some continued in the trade at least for a few more years in an attempt to eke out a profit by avoiding import duties and local taxes (Cashman, 1981:230-240).

Analysis

When Sutherland introduced his conception of white-collar crime and criminality he was referring to the corporations of his day, with the robber barons of a previous generation offering examples prior to his documentation of corporate malfeasance. Later criminologists recorded contemporary examples of white-collar crime in various fields yet, in reality, and as shown in this paper, since the founding of the American nation there have been white-collar criminals and British business has been an integral component of that organized criminality. From the British traders of the early 1800s to the blockade runners of the Civil War era continuing through the years of American Prohibition, British business interests have been part and parcel to the American history of smuggling and its corollary of white-collar crime.

Further, in each of these three eras of American smuggling described involving Britain, though the United States government attempted to unilaterally police the traffic through the use of the military or civil enforcement agencies, there success was, at times, limited. Prior to the War of 1812 the Crown took whatever action was needed to undermine Jefferson's embargo to maintain trade, extending those techniques to address their national interests through the following years of war. During the American Civil War, Britain all but ignored their own British Foreign Enlistment Act and allowed its subjects to finance, build and operate blockade runners servicing the Confederacy, again benefiting Britain's economic interests. Finally, in the years of Prohibition, Canada, the

Bahamas and Great Britain all profited from the sale of Canadian and British distilled spirits smuggled into the States. All are examples of a government that did not share the agenda of the United States in the Republic's fight against smuggling and substantiating Deflem's theory of international police cooperation, specifically that cooperation is unlikely to succeed when participating agencies - in this case the offices of Whitehall as opposed to the policing agencies of the United States (to include its military) - do not share an agenda in the fight against international crime, in the current example, smuggling.

The United States alone could not seem to effectively stem the flow of illicit trafficking by British subjects. It took confronting Whitehall with evidence of the construction of new Confederate commerce raiders in British shipyards (at a time when many also recognized the diplomatic consequences of continued support to the deteriorating South) for Britain to act (Graham, 2006:139-157). Again, during Prohibition, when British maritime passenger trade to the United States was threatened with sanctions for the fleet's continued sale of on-board liquor was the Crown amiable to aiding the States (Spinelli, 1989:59-88). Only when British political and economic interests were effectively challenged was any cooperation by the British government and its dominions initiated.

It is suggested that further study incorporating data sets developed from the investigation of HSBC may determine the extent to which this historical framework, and by extension Deflem's theory of international police cooperation in British-American relations, applies in the context of twenty-first century corporate criminality.

Conclusion

It was during Prohibition that the media created the stereotypical image of the organized criminal gangster, all but pushing aside the knowledge of those in legitimate business involved in the same crimes. Al Capone, Frank Costello, and the like were identified as organized crime figures, but the distiller families of Bronfman and Hatch, Sir Broderick Hartwell, Baronet as well as the directors of the numerous British distilleries were also, though rarely overtly identified as such, 'organized crime'. These individuals embodied a white-collar version of organized crime, with an objective of achieving wealth and material comfort at the expense of the law. All exemplified Sutherland's white-collar criminal as much as did the executives of the corporations that Sutherland (1983:13-25) later documented. Each period of smuggling in American history substantiates that thesis, as well as providing support to Deflem's model of international police cooperation. Each is a link in the continuous chain of white-collar criminality in the 150 years prior to Sutherland's assertion...with many of those links forged with the collaboration of British corporate criminality.

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No evidence of absence
Successful criminals and secret societies

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Abstract

Much criminological research is based upon incarcerated offenders, those unsuccessful criminals who get caught and are unable to extricate themselves from the legal consequences. The problem is, of course, that clever criminals will take steps to evade capture and talking to researchers is not likely to figure highly on any wish-list. When the opportunity arose to conduct a series of interviews with an active gang-leader who specialised in and profited from kidnap-for-ransom, it was a chance too good to miss. There is a concern, too, about the number of scholarly articles that talk about the dwindling influence of Chinese secret societies on organised crime which appear to have fallen foul of the *ad ignorantiam* fallacy - argument from a position of ignorance or lack of evidence. This paper makes use of the insights gained from a serious, successful criminal and his associates to demonstrate that, in their world, absence of evidence is the common reality but this may all too often be misconstrued as evidence of absence.

Key Words: Triads, successful criminals; kidnap for ransom; diaspora; secret societies

Introduction

Nearly 40 years have passed by since Klockars (1974) advised his readers that criminology needed more information about successful criminals. However, access to criminals who are successful can be problematic, as Mack (1972, p50) points out that "[s]uccessful criminals are by definition inaccessible". The sad fact is that much criminological research is based upon incarcerated offenders, those unsuccessful criminals who get caught

and are unable to extricate themselves from the legal consequences. The problem is, of course, that clever criminals can be expected to take steps to evade capture and talking to researchers is not likely to figure highly on any wish-list. So, when the opportunity arose to conduct a series of interviews with a Malaysian Chinese active gang-leader who specialises in and profits from kidnap for ransom, it was a chance too good to miss. What the research participant had to tell me of his pathway into crime, his gang leadership, criminal and legitimate enterprises and his wider network, including ties to Chinese secret societies, became the basis for my doctoral thesis.

During the research, concerns began to arise about the problems of investigating successful criminals and their networks, especially about the problems of validity and trustworthiness when assessing evidence that is, by its nature, scarce and fugitive. The picture presented by fellow academics was confusing with many contradictory statements about the role played so-called Triads in Chinese organised crime. Peers were also frequently critical about a research project with a single main respondent and were concerned with issues of reliability, especially as there are some very good practical and psychological reasons why the respondent in question might heavily edit or spin his account. This paper sets out to explore the academic risks and rewards of conducting a piece of criminological research with a serious criminal using narrative interviews, especially where these are 'revelatory' cases. One of the main arguments is that, in the area of serious and successful criminality, while it is difficult for this - and indeed, any other type of research design - to provide evidence of absence, rather than just absence of evidence, one reliable case is at least sufficient to provide evidence of presence.

Alohan

Alohan (pseudonym used by the research participant) kidnaps people for ransom; he and his gang have been doing it successfully for quite a long time. He is Malaysian, ethnic Chinese, a secret society member, businessman, philanthropist and is, in my experience, charming and likeable. I am a former intelligence officer of the Royal Malaysian Customs, too old for the field, embarking upon a second, more sedate career as a criminologist. Over 20 years ago, a close police friend introduced Alohan to me as someone with useful information about local smuggling syndicates and he proved to be a highly reliable source of intelligence on illegal cigarette and alcohol markets. Only much later did I became aware of the extent of Alohan's involvement in organised crime and, in particular, his kidnapping business.

Alohan operates according to strict victim selection criteria, in that his targets are always involved in some form of criminal enterprise themselves, such as drug dealing or illegal loan sharking. Although Alohan served time in prison in his younger days and is one of the 'usual suspects'

brought in for questioning whenever a his type of kidnapping for ransom is brought to the attention of police, he has never been charged with kidnapping, has made a considerable amount of money from this criminal enterprise and has been able to use this to finance further legitimate and semi-legitimate businesses, including a haulage company and several restaurants.

Justifying the methodology

Klockars (1974:198) confesses to graduate school hubris for telling people 'that there had never been a single sociological study of the fence' and in his assumption that finding a suitable subject would be a simple matter. It took him over 14 months to find a fence who was willing to talk to him on the record. In the end, he produced an extraordinary account of a successful career criminal. I have to admit that I was not immune to my own feelings of hubris. When my research project was first mooted, it was met with some excitement within my institution because academic access to people like Alohan outside of a prison setting, is remarkable. The starting point for this project was that access to the main participant already existed.

The research project was conducted in several stages. First a series of narrative history interviews was undertaken with Alohan himself, where he talked about his criminal career. A more ethnological approach, where Alohan could have been observed in his 'natural' environment, was vetoed by a concerned research committee on safety grounds even though this would have improved the ecological validity. Next, supplementary interviews were conducted with fellow gang members, with officers from Royal Malaysian Customs (who were likely to encounter people like Alohan both as adversaries and as allies, in the shape of confidential informants), and with officers from the anti-kidnap unit of the Royal Malaysian Police. Finally, an additional interview was sought with a former, now retired, head of the anti-kidnap unit, who spoke with remarkable frankness about his dealings with Alohan and his group.

One of the objectives of the research was to address the issue of sub-cultural tolerance of crime or, in other words, the ability of people like Alohan to use their contacts, social position and understanding of stress-lines within their communities and spheres of operation to reduce risk and facilitate offending. The interviews with law enforcement officers helped to confirm many aspects of Alohan's account, especially where his status as a criminal and details of his *modus operandi* were concerned. The value of my close and longstanding acquaintanceship with Alohan must also not be underestimated as I was able to compare the data provided in his interviews with all the conversations we had held and observations I had made over the many years previously.

Although a retelling of one professional kidnapper's story through narrative accounts cannot claim to provide a definitive template that explains all such criminal careers, an in-depth case study of this offender

could be of significant benefit not only to criminology but also to policy-making and policing in this topical and important area (see Flyvbjerg, 2006; Stake, 1995; Yin, 1981). People like Alohan appear to have multiple interfaces with the legitimate and illegitimate business worlds and with the criminal justice system, as suspect, offender and informant. This is not a picture that comes across in standard accounts of criminality. Hence, the opportunity to conduct this case study was very significant.

Even though narrative accounts are often seen as problematic because they may not contain strictly accurate representation of events, they have long been recognised as valuable by criminologists, (e.g. Sutherland's (1937) 'professional thief' to Steffensmeier and Ulmer's (2005) 'dying thief'). There are three main ways in which narrative might be employed within criminology. The first is as a 'factual' record of what happened, but this is most often criticised because the narrator might understandably be motivated to present a selective and distorted account. The second use is more interpretive, where researchers attempt to understand the subjective view of an offender and his or her reaction to events. The third use has been termed a 'constitutive view of narrative' (Presser, 2009:184), where a narrative incorporates accounts of experience, acts of symbolic interpretation on the part of the narrator and also patterns of behaviour. These latter can be built from a variety of sources but, in Alohan's case, the role of myth and legend is highly apparent as a model for his conduct. As McAdams (1993:13) maintains: 'We do not discover ourselves in myths; we make ourselves through myth'. It was this constitutive approach that proved most illuminating in the analysis undertaken.

The question that needs to be answered for every piece of research is 'how do we know it is true?' (Pole and Lampard, 2002:206). This refers to the ever thorny issues of validity and reliability. Qualitative projects, like my doctoral thesis, cannot and probably should not aspire to the same measures of quality that are applied to quantitative data collection and analysis (Kirk and Miller, 1986). It is very unlikely that this particular piece of research will ever be replicated and, even if it were possible, no two researchers will interpret and analyse the data the same way. However, that does not mean that what is contained is unreliable or untrue. Some researchers feel that narrative interviews are particularly strong with regard to internal validity (Elliott, 2005; Polkinghorne, 2007). They give rich and authentic detail and a coherent storyline is especially effective in transmitting as nearly as possible the meaning and emotional content that the individual has attached to the happenings described.

For thematic narrative analysis, it is important to remember that facts are, if anything, subordinate to the sense that has been made of them. Lindhe (1993, cited in Elliott, 2005:24) makes the point that, although stories might have been produced for the interview, many of them will already have been told to another person or group of people, for a completely different purpose: '... in the case of the life-story, interview data can be used because the life-story, as a major means of self presentation,

occurs naturally in a wide variety of different contexts (including interviews) and is therefore quite robust'.

It is worth reiterating that, despite all the above, the narrative interview method was not the first choice and is still not my preferred method, which would have been more ethnographic. However, this design did provide answers for important research questions when the arguably more dangerous approach was disallowed.

Following up on Mack's (1972) comment about inaccessibility of successful criminals - an observation endorsed by organized crime expert, Von Lampe (2008) - when such access is offered, it is an offer too good to refuse. However, it would be naïve to assume that there were no ulterior motives. Alohan participated in my research, even though he did not have to: firstly, because we have known each other for many years and, while we most certainly do not always approve of each other's morals and behaviour, we consider ourselves to be friends; secondly, because we come from a culture that prizes reciprocity - I am now deep in his debt and this is just where he likes me; and thirdly, because he wanted to get his side of the story on record.

Of subculture, secret societies, social capital and successful crime

During the course of the research and analysis, secret society or Triad membership became an important issue. This was not necessarily because it was useful to categorise Alohan as 'Triad' but rather because elements of subculture became very important when attempting to understand the role played by such affiliations or identifications in risk reduction and successful career criminality. From the very start, with the alias that he chooses, Alohan anchors himself firmly within a specific cultural setting. He might be a member of a despised or distrusted ethnic sub-group, but he is also a diasporic descendant of one of the planet's most ancient civilisations, with its rich tradition of folktale, symbolism, motif and archetype. Alohan has aligned himself with the mythic history of the Shaolin monks in the same way that Jamaica's Christopher 'Dudus' Coke has courted the Robin Hood tag (McLaughlin, 2010). So, while we seek more pragmatic and direct answers about Alohan*'s* descent into the criminal underworld - related perhaps to his childhood poverty, his early education, his association and offending patterns and journey into crime - narrative analysis also helps us to uncover a deeper on-going reality for the career adult offender. This fits particularly well within the area of cultural criminology and with what Young has to say about the importance of placing crime and its control in the context of culture, where crime and control are both viewed as 'creative constructs' (Young and Brotherton, 2004).

In the quest to understand crime as meaningful activity, cultural criminology has evolved from a combination of sociological criminology

and cultural studies, via symbolic interactionism and post-modernism. Unlike the more positivist branches engaged in the study of crime, the 'doing' of cultural criminology encourages the consideration of identity formation, sense-making and representation. Ferrell (2010) believes that illicit subcultures should be seen as sites of 'stylized resistance and alternative meaning', and Alohan*'s* account provides us with a significant example against which to examine such concepts.

Alohan is a serious career criminal who specialises, along with his gang, in kidnap for ransom. He predates upon other organised crime figures and has chosen this victim pool for a what appear to be a variety of reasons; probably because their friends and family are less likely to involve the police when a ransom demand is received, partly because they tend to have quick and ready access to untraceable cash and, possibly, because it is easier to quash guilty feelings over victimising people who have, themselves, left a trail of victims (Noor Mohamed, 2011). Of course, Alohan does not put his selection criteria into those exact words. What he actually said was: 'In the end we decided to do a scorpion [kidnap] project and search for an evil businessman ... why? Because, if he was evil, there would be no worries if we hit him'.

Although Alohan is considered to be a dangerous criminal, he is not dangerous to everyone and his money-making activities are not always criminal enterprises. In his own words:

> I am not only involved in illegal activities. One of my businesses is a transport company, which I share with a friend. This started quite some time ago - 1995 until now - so roughly about twelve years. There are other businesses, too - a restaurant, a coffee shop and a food court. I also deal in a scrap iron with another business partner. It is an export company but my partner takes care of the management. These businesses are quite profitable and we have never run at a loss. We run them very efficiently and there was no problem with incoming payments whatsoever. The restaurant and food court are doing very well. I don't like opening up businesses and closing them down after one or two years. Just like my scorpion [kidnapping] activity, I make sure that I target and analyse the businesses I open and only get involved in those I think I can do. Otherwise, why should we waste our time; time is very precious. Just like scorpion, I am the one doing the planning, market surveying and analysis of every aspect. If I decide on something, there is no such thing as failure.

As I was conducting research with someone who classified himself as a gangster, it was not long before the issue of Chinese organised crime arose. I was dimly aware that Alohan had developed an extensive network that included family and clan members, other gangsters from different groups, businessmen and law enforcement officers but had not given much prior thought to whether or not he was 'Triad'. However, during the series

of interviews Alohan mentioned oaths taken and rituals conducted. The alias that he chose for himself, Alohan, was rich with secret society symbolism and tradition. After the interviews were completed, he introduced me to someone he referred to as his incense master and mentioned that, in addition to his kidnapping gang, he belonged to a *Hung* group known as the "21 Gang". A gang with the same name is referred by Daye (1997) as a Malaysian Triad gang. Alohan definitely belonged to and identified with something that was alive and active and which appeared to have deep cultural significance and practical utility but it was still debateable whether he was what could be termed a Triad member, especially as he does not apply that label to himself. However, the Triad label can be seen as a useful shorthand for secret society membership or being part of a brotherhood network and, if it can be applied at all, then all the indications are that Alohan qualifies.

I became ever more perplexed as I tried to pin down, by wading through the literature, some sort of consensus about the links between Chinese self-help associations, secret societies, gangs, Tongs and Triads. The picture is confusing to say the least. One author declares that '...Chinese Triads are presently the largest and oldest criminal organizations in the world...' (Daye, 1997:10). Others believe, in Hong Kong at least, Triad societies appear to be in decline, in terms of scope of activity and visibility (Broadhurst and Lee, 2008). Zhang and Chin (2003:469) write with benefit of 'their years of field observations and empirical data gatherings' that 'a different breed of organized Chinese criminals has come of age in transnational activities ... not affiliated with Triad societies or any other traditional Chinese organized crime group'. The question remains, of how the authors can possibly know, for sure, that such a different breed now exists, even with years of field observation and empirical data gathering. In Alohan*'s* case, secret society membership is, first of all, secret. Secondly, his attachment to the more ritual elements is deeply embedded and ingrained as a part of his cultural identity, and not so easily jettisoned.

Wing Lo (2010) appears to agree that Triads are on the decline, suggesting in one article that '[s]ince the 1990s, Triad societies have been undergoing a gradual process of disorganization'; but this article is followed quickly by another that concludes 'Triadization of youth gangs provides new blood to Triad societies that continue to survive across different generations over time' (Wing Lo, 2012). This uncertainty about the nature and trajectory of the Triads as a coherent criminal organization is not a new feature. Morgan (1960), although he believed that the Triad society was formerly a co-ordinated political and patriotic movement, dedicated to overthrowing the Manchu Qing dynasty in order to restore the deposed Chinese Ming dynasty, was sure that by his time they no longer existed as a co-ordinated body. According to Morgan (1960:xiii), the 'modern society consists of a great number of independent units responsible only to themselves' and that this 'abandonment of a central authority has been the main factor in dissipating the strength of the Society'.

Triads have become synonymous with Chinese organised crime in the popular imagination (Chin and Godson 2006; Chu 2000). However, the term should be treated with great caution as it is acknowledged to be a *xenonym*, or a name given to a particular social group by external agencies, rather than an *autonym*, which is the name that members of the group use to refer to themselves. Among the autonyms frequently cited are the *Tiandihui* (or Heaven and Earth Society), the Hong or Hung Men (Murray and Baoqi, 1994; Ter Haar, 1998), and specific gang names such as the *14K* or *Sun Yee On*. As Triad scholar Ter Haar (1998:15) comments: 'It is important to distinguish autonyms from names that are appended by outside observers, since in the latter case otherwise unrelated groups are often lumped together and all kinds of preconceptions and prejudices may be attached to them'. The term 'Triad' is over 150 years old and its origin is not entirely clear but it is usually attributed to British officials of the colonial Hong Kong government who noted a recurrence of the number three in secret society names and symbols (Chin, 1990; Huston, 1995; Morgan, 1960; Murray and Baoqi, 1994; Ter Haar, 1998). Hong Kong was ceded to Britain in 1842 and a mere three years later, in 1845, the new Governor enacted Ordinance 1, aimed at 'Suppression of the Triad and other Secret Societies'[1]. These secret societies were considered to be 'incompatible with the maintenance of good order and constituted authority' because they 'increased facilities for the commission of crime and for the escape of offenders'. Thus, the Triad label is first encountered as a convenient hook upon which to hang the many types of groupings, gangs or associations that might, in mid-eighteenth century South and South-East Asia, be engaged either in criminal activity or, equally likely, in resistance to the new colonial order in Hong Kong (see Chu, 2000; Huang, 2006).

The notion of a 'successful' organised crime group is as problematic as that of a successful criminal. There are many reasons why the groups referred to as the Triads might appear to be in decline or on the retreat, where they once appeared to be in the ascendant. From the understanding gained by Alohan*'s* example, I suggest that this is a problem with the way that, in this instance, Chinese secret societies are conceptualised. The emphasis still appears to be upon their structural characteristics rather than their function as a vehicle for conveying cultural and social capital. For Alohan, secret society membership is not the same as gang membership, although he might borrow some of the techniques, such as initiation ceremonies and oath-taking, to bond his gang together. In his case, his Scorpion gang is not a Triad or *Hong Men* (Murray and Baoqi, 1994; Ter Haar, 1998) gang, although it probably benefits from their leader's secret society affiliations. Alohan spends considerable time and effort building and maintaining his *guanxi* or network of reciprocity – put simply, this is the web of connections he has formed with people through giving gifts or performing favours and from whom he expects benefits or favours in

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[1] Ordinance No 1 of 1845 *Triad and Secret Societies*, Available at:
http://oelawhk.lib.hku.hk/archive/files/d1921aae0ac089755b8c2f05754fc776.pdf

return. Many academics have noted the similarity between the concepts of *guanxi* and social capital, both of which might not give an immediate economic payoff, but which have symbolic, relational or cultural value that can be converted to meet specific needs (Gold et al., 2002; Huang and Wang, 2011; Smart, 1993). Secret society membership appears to be just another of his overlapping *guanxi* networks, which help him to become a successful gang leader, rather than a model that guides the shape his gang should take. The following extract from Alohan's narrative interview gives an insight into how this might work:

> I try to make friends with everyone. Because of this, the members of the other gangs all know me. For example, when businessmen come to Bandar Baru to set up their businesses, like Singaporeans opening up factories, they will definitely come and see me if there are any problems. If other gangsters disturb them or extort money for protection, like asking for tens of thousands per year or twenty thousand, or eighteen thousand, the owners will come and see me because they know that I don't like people who create trouble in the area. I will arrange a table talk with all the gangsters in the area. I will ask the gangsters not to disturb the businessmen. These businessmen are here to open factories for the benefit of this village and area, providing jobs for local people. We like this too. We do not want to create trouble. They come here to open factories for the benefit of everyone.

> We are all nice people. We don't go and disturb others. So I suggest to the businessmen, once they set up their factories here, whatever the profits and when it is OK, please support us if any of us are not well or ask for help. Whatever the amount, it is entirely up to them, no problem. During festivals they should treat us to food and drinks. Within three years time my name became very famous. I am not the type who searches for a fight. This is my attitude and my preferred way.

As a young gang member, Alohan was approached to collect a payoff on behalf of an older, more mature gang. The police were waiting for him and he spent the night in police custody, eventually managing to bluff his way out:

> So the *Taiko* [gang boss] knew that I was arrested and had not given anyone away. Then he took me straight to Johor Bahru. He introduced me to all the other *Taikos* and said that I was a steady guy. I was very proud, I was very young and I was very pleased that people trusted me. It is not easy to gain people's trust.

> This was not only one gang. All in all there were leaders of five or six gangs who all seemed to like me a lot. But I was a member of only

one gang. They asked me why I did not lead the police to arrest the gang. I said why should I? I was interviewed by them. They asked if something like this were to happen again, what I would do. I said that if I was alone, I would take sole responsibility. I will never put a friend in trouble. When we join a gang, we have a common prayer, or ritual and oath.

This account paints a picture of gangster society, with bosses who govern their own groups but who are prepared to network and skill-share, negotiate and build relationships. This is a flexible, cell-like structure, which is very adaptable and responsive to changing conditions and environments.

In Malaysia and Singapore, Chinese secret societies can also be traced back to the waves of immigration during the nineteenth century that followed the Taiping Rebellion, encouraged also by the need for labour in the British colonies (Blythe, 1969; Ter Haar, 1998). Secret society membership always appears to surge during times of hardship and when the need for mutual assistance is greatest or where the opportunities for exploitation are highest. Arguably, the Chinese suffered the harshest treatment during the Japanese occupation of Malaya during World War II. Many joined the communist-backed Malayan People's Anti-Japanese Party, becoming skilled at guerrilla-style resistance. After the war ended, the Communist Party of Malaya (CPM) took advantage of this training and mounted an armed struggle against the British (Soong, 2007). The British responded with a double-edged strategy of mass internment and economic concession. They also promoted a political alternative to the CPM by sponsoring the formation of the Malayan Chinese Association amongst the largely pro-British business community (Soong, 2007).

Alohan grew up in a New Village. These were created during the Malayan Emergency (1948-60) under the Briggs Plan to starve the communist insurgency of support and supplies. The Malayan Emergency was a period where a guerrilla war was fought between British Commonwealth armed forces and the Malayan National Liberation Army (MNLA), the military arm of the Malayan Communist Party, from 1948 to 1960 (Comber, 2008; Soong, 2007; Tong, 2010). Approximately 500,000 people were forced to relocate to these purpose built settlements, the vast majority of whom were Chinese and characterised as squatters - people who hold no title to the land they occupy. 'Squatter' is a word that still rankles today. To begin with, the villages were under strict curfew, partially fortified and deliberately located near military encampments.

In Malaya, many Chinese, who were not necessarily communist supporters, referred to the New Villages established under the Briggs Plan as 'concentration camps', because the liberty of movement of the New Villagers was severely restricted and New Villages were enclosed behind barbed wire fences that were under constant armed police guard and kept under surveillance by the Special Branch (Comber, 2008:152).

Although security was relaxed after the Emergency was declared over, this would have been a deeply traumatic passage in the lives of Alohan*'s* parents. Food shortages were common and employment opportunities were scarce. Lim and Fong (2005:36) remark that: 'To protect their lives and solve daily socio-economic problems, some New Villagers became associated with secret societies, which were activated again after the squatters settled down in the New Villages'. Carstens (2005:69), in her study of rural Malaysian Chinese villagers, adds that because of the powerlessness experienced during the Emergency, they exhibited a pronounced degree of alienation from the state: 'a well-nurtured distrust of government intentions, leading to a preferred avoidance of any involvement with government plans or issues'.

Tensions finally erupted in the May 1969 race riots. An observer based in Singapore commented that:

> Ever since the Malay-Chinese riots which wreaked havoc in Kuala Lumpur and have caused what could be the gravest political and social crisis in Malaysia's history, Singapore has been preparing for the inevitable reverberations across the Causeway which links the two countries ... The troubled situation is ready-made for secret societies, criminal gangs, hooligans, bad elements, not to mention the leftist agitators who are now undoubtedly at work capitalising on a condition not of their making (but to their liking). After all, Chinese secret societies were originally designed for, among other things, self-defence (Polsky, 1969, cited in Soong, 2007:75).

Parliament was suspended and a state of emergency was declared. The official number of fatalities was given as 137 with 300 injured, but the actual figure was probably much higher, with many more Chinese dead or wounded than Malays (Soong, 2007:42).

Alohan was only a small child at the time, but it is likely that his father was amongst those who turned to secret societies for support. When viewed against the backdrop of this kind of history, secret societies can be seen as an important cultural resource and a form of cultural transmission, rather than a fixed organisation. The rituals, symbols, rules of brotherhood and reciprocity might also provide a clue to Alohan*'s* apparent success.

Successful criminal?

Alohan was not always successful. His early criminal career would be classed, by most observers, as unsuccessful, with costs incurred high in comparison with rewards received. He has been arrested and detained several times and sent to jail at least twice. On the first occasion, he was sentenced to two years imprisonment and two years banishment for a bus hijack. The second sentence was six years (reduced to four) for armed robbery. This picture appears to change after Alohan starts to specialise in

kidnap for ransom. Although he has been arrested and detained several times since, on suspicion of involvement in kidnapping cases, he has never been tried or convicted in relation to these nor, as far as I am aware, for any other offence. He has also managed to evade retaliation from victims and their associates. This is no mean feat if Alohan is telling the truth, that his kidnap targets are crooked businessmen and 'mafias'. Furthermore, he has been able to use the ransom money to finance the start-up of several apparently legitimate business ventures, maintain a comfortable lifestyle for himself and his five wives and numerous children, and donate substantial amounts of money to charity.

Ishikawa (2001) uses a fairly simple measure of success in her study on 'successful' versus 'unsuccessful' criminal psychopaths – she designates the former as those who are still at large in the community, having escaped conviction for any crimes committed, while the latter are institutionalised in prisons or special hospitals. This could be described as a 'snapshot' approach, as she gives no indication of whether her subjects were institutionalised and released at any point in the past and only seems interested in their status for the period of her research. We are given no information about the circumstances that led to institutionalisation for her unsuccessful subjects, nor are we told much about the quality of life experienced by the supposedly successful subjects still in the community. The more nuanced definition of the successful criminal career offered by Kazemian and Le Blanc (2007), who focus on 'differential cost avoidance', seems more satisfactory:

> ... a successful criminal career is defined as the longitudinal sequence of offenses characterized by a relatively high ratio of self-reported offending (measure integrating career length, offending gravity, and 'time free') to officially recorded crime. Therefore, the focus ... is not exclusively on individuals who manage to avoid detection by the criminal justice system but rather on those who display low detection rates relative to the degree of involvement in self-reported crime (Kazemian and Blanc, 2007:39).

But such a definition does not take into account the level of rewards that might accrue from successful engagement in crime. McCarthy and Hagan (2001) talk about criminal success in terms of income and cite a respectable number of research studies and articles that report the variability that exists, with some criminals earning substantially more than others (see Fagan and Freeman, 1999; Levitt and Venkatesh, 2000; Tremblay and Morselli, 2000; Wilson and Abrahamse, 1992). It is interesting to note the differential factors that are linked with success, depending upon whether the cost-avoidance or income-based definition is adopted. For instance, Kazemian and Le Blanc (2007) emphasize cognitive and social traits that might help offenders to avoid the cost of detection and imprisonment, such as self-control or familial bonds, whereas McCarthy and Hagan (2001:1039) stress elements that ought to maximise income,

such as competence, personal capital or other 'potential resources for securing desired outcomes'.

There are problems in reconciling these two views of criminal success. For instance, Kazemian and Le Blanc (2007) report that the use of violence is connected to higher earnings but less successful cost-avoidance, possibly because of the police attention that violent crime attracts. McCarthy and Hagan (2001) detail a similar discrepancy, where the tendency towards risk-taking behaviour appears to favour higher earnings at the expense of cost-avoidance.

Alohan seems to do well on both counts. The fact that he is still at large and apparently prospering could be a testament to his competence in committing crime or his skill in covering tracks and evading those with a vested interest in his capture or incapacitation. However, there might be other interesting dynamics or factors at work that protect Alohan within his environment or encourage him to continue offending, related to *guanxi* or social capital.

Criminal folk heroes or romantic rebels?

One interesting question is the possible role played by subcultural tolerance of deviance in the facilitation, by others, of Alohan*'s* serious criminal offending. Cloward and Ohlin (1961) define subcultural tolerance of deviance as the situation where subordinate groups or neighbourhoods share norms that render certain forms of illegality or violence more likely than for more dominant or conventional sectors of society. Classic subcultural theorists like Cohen (1955) propose delinquent subcultures as the means by which pro-crime attitudes, rationalisations for deviant behaviour and techniques for offending are transmitted. This influential idea has been seen as a useful extension to Sutherland's (1947) theory of differential association, which presents criminal conduct as learned behaviour developed through social interaction with others. Von Lampe (2004:109), too, stresses the need to study the social embeddedness of criminal networks in order to develop a 'conceptual framework that permits to measure 'organised crime' in a more meaningful way'. Delinquent subcultures are sites of rebellion against mainstream society and members hold norms and values that reject those of the dominant culture. However, in their seminal article, Techniques of Neutralisation: A Theory of Delinquency, Sykes and Matza (1957) disagree that delinquent subcultures are a 'countervailing force directed against the conforming social order' (Sykes and Matza, 1957:664). They argue that individuals who completely identify with a subculture's supposedly oppositional norms should, logically, feel no guilt or shame for breaking society's rules, yet present evidence that delinquents do feel shame or remorse and that respect for honest, law-abiding citizens is not unusual.

Alohan's narrative confirms his belief in some mainstream values and religious belief systems. As he says, he does not 'target good people as

God would be very angry, right?' Alohan appears to accept that 'good' and 'bad' people exist and, as Sykes and Matza (1957:665) suggest, draws a 'sharp line between those 'bad' people who can be victimized and the 'good' ones who cannot'. He believes 'the laws are valid' but that 'some do not work according to the law'. From not liking the police, particularly in the aftermath of his brother's shooting, Alohan eventually arrives at the view that: 'There are some police who really follow the laws and I do admire them'. This very much echoes what Sykes and Matza (1957:65) say about delinquents' respect for 'really honest' people but their keenness to detect hypocrisy in those who claim to be righteous.

There is a fascinating passage in the narrative where Alohan*'s* conscience is bothering him and he goes in search of absolution:

> After about being involved in five or six cases, we started praying and went in search of a sifu [religious teacher], because we were worried and we knew what we were doing was wrong. The police were searching for us. The gangsters were also looking for us. We were not worried about our own safety but we were afraid for our families. So we searched for a sifu to advise us on what to do. We didn't actually tell him what we were doing. What we did was to ask him: 'If there is someone who hurts or kills good people, what should we do?' We learned a lot from our sifu, who is a Buddhist. He is quite old, over seventy years old. [Through him] we came to know what Alohan does; we feel that we are Alohan and are doing his work. We feel at ease because we don't target the innocent. I do believe that, all this while, we have been safe because of the way we do things.
>
> After the sifu told us this, we felt a bit relieved and could see that we were helping many people. Once we help people, there is nothing to worry about. We feel that we are doing Alohan*'s* job and according to the religion we are not guilty. We may be guilty according to the law but, according to the religion, we are right.

Alohan and his group deliberately cast around their wider culture in the search for justification and find it in the old battleground of religious morality versus secular law. At first sight, this appears to show that criminal groups can and do look outside their immediate subculture for norms and values, which can be applied retrospectively to morally suspect behaviour. However, Alohan is no stranger to quasi-religious ritual, if accounts of Triad initiation ceremonies are correct, and he seems to know in advance where he will find spiritual comfort. Buddhism plays a prominent role in Triad mythology.

Religion is traditionally thought of as therapeutic and a powerful force for the rehabilitation of offenders (Knudten and Knudten, 1971; Pearce and Haynie, 2004) but empirical research has shown both positive, negative and non-existent links between religiosity and delinquency (Hirschi and Stark, 1969). Stark (1996:164) eventually concludes that

'what counts is not only whether a particular person is religious, but whether this religiousness is, or is not, ratified by the social environment'.

Social context is, in other words, all important. There are plenty of precedents for sinister links between religion and crime. Gomez (2009) reports the Federal Police Commissioner of Mexico's concerns about the troubling relationship between the religious cult of *Santa Muerte* and organised crime in his country. Religious elements have been adapted for use by criminal gangs to encourage recruitment and group cohesion, holding out as they do the seductive promise of divine protection and expiation of sins. In the above extract, Alohan seems to be claiming a similarly potent mix of supernatural defence and religious endorsement.

There are obvious parallels between the mythologies of Alohan and Robin Hood. The latter has achieved the status of a syndrome in Western criminology, being used to describe a wide range of criminal behaviours where material resources are redistributed away from the rich towards the poor and where victims are denied on the basis of their disproportionate wealth or power. Eoyang et al. (1997) explain that heroic, yet anti-establishment images often have great significance for gangs and may provide an important adaptive device for bonding groups together under simple sets of rules.

Hobsbawm (2001:20) coins the phrase 'social banditry' to describe 'peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case as men to be admired, helped and supported'. Robin Hood is presented by Hobsbawm (2001:46) as the archetypal 'noble robber' who needs, in order to qualify for the designation, to begin his career with some non-criminal dispute which involves an affair of honour, injustice or defence of the poor against the rich and powerful. If a gangster is successful in appropriating such imagery, there are many precedents that suggest, as the people's champion, he may be able to promise some level of community support to his followers. Some remain sceptical about the validity of romanticised Robin Hood imagery:

> The subcultural theorists are in agreement with more orthodox views on crime on one thing. That is that crime is carried out by criminals who positively embrace illegality. For the conservative theorist it is because the person is either wilfully evil or lacks a sense of legality; for the subcultural theorist it is because a culture has emerged which elevates criminality to a virtue. Both of these are - in the vast majority of instances – wrong. (Young, 2001)

This is only a problem if criminologists get carried away with the imagery, too, and begin to believe in their subjects as *bona fide* rebels and folk heroes. It remains perfectly valid, however, to speculate about the utility of hero or anti-hero status for transmitting, via cultural short-hand, the rules and values that bind groups together and garner community

backing. Alohan, himself, seems sure that this message has been successfully conveyed:

> Real gangsters are steady and help people, they don't burden them. I see this as my character and my style, and I call upon others to copy me. So I carry on like this and everyone is happy and everything is fine. Even the school teachers, Ustaz and Buddhist monks all like me.

Conclusion

This paper uses my experience of interviewing a successful, serious criminal and his associates to show that in their world, absence of evidence is the common reality, but this may all too often be misconstrued as evidence of absence. To conclude, the problem for many academic researchers who are engaged in the study of successful criminals, including those with affiliations to Chinese organised crime and secret societies, is that they cannot help but fall foul of the *ad ignorantiam* fallacy - argument from a position of ignorance or lack of evidence. Secret societies and successful criminals do not tend to advertise their existence unless there is some distinct advantage to doing so, such as recruitment or intimidation. I knew my research subject for over 20 years and only found out, halfway through and by accident, about his kidnapping activities, and while I might have suspected that he had secret society connections, I did not receive any confirmation of this until I took the opportunity to interview him. While established academics working in the field might spend time with Chinese criminal groups, it is extremely difficult to penetrate the layers of secrecy to obtain a true picture. One answer might be to explore and exploit the extraordinary access possessed by current and ex-law enforcement officers, along with their specialised training, extensive exposure and experience, as a resource that has so far been under-utilised by criminology and could be harnessed for similar projects. As I have alluded to in this article, the foundation for my research was laid over a long, long time and only bore fruit when the time was ripe. It was the closeness and intimacy allowed by an N=1 research design that helped to expose some of the details of my participant's secret life. Of course, he is still keeping many secrets that may, or may not, be revealed in the years to come.

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Claws of the dragon
Chinese organised crime in the UK

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Abstract

The phenomenal expansion of the legitimate economy of the People's Republic of China (PRC) has been accompanied by an expansion in illegitimate activities by Chinese criminal groups. This paper discusses the activities of criminal groups from the PRC in the UK which have evolved from high profile violent offences to activities such as DVD counterfeiting and smuggling. It includes a significant amount of information gathered by Greater Manchester Police in the enquiry into the murder of a PRC national. Narratives from members of the illegal Chinese community and accounts of other violent incidents supported the contention that although the groups were entrepreneurial by nature and selected commodities that were less likely to attract the attention of law enforcement they would not hesitate to use extreme violence when required.

Key Words: Organised Crime; Chinese; Homicide; DVD counterfeiting

Introduction

The phenomenal expansion of the legitimate economy of the People's Republic of China (PRC) has been accompanied by an expansion in illegitimate activities by Chinese criminal groups throughout the world. (Zhang, 2004; Ganapathy and Broadhurst, 2008). Historically, the majority of research into Chinese Organised Crime (OC) has been carried out in the United States and Hong Kong but the PRC's increasing openness has led to a major increase in research there in recent years. Much of this research points to recurring themes such as structures, offence types, organisation and use of violence (Kleinknecht, 1996; Finkenauer and Chin, 2007; Finkenauer, 2007; Wing Lo, 2010; Xia, 2008).

This article reviews the current available research worldwide into the structures of Chinese OC groups and their incredible range of illegal

activities and commodities. It highlights the recurring themes and 'usual suspects', such as protection rackets, as well as unique or unusual aspects. The reasons for the selection of these activities and the factors that influence that selection are also explored. These factors are wide ranging and demonstrate an amazing flexibility and entrepreneurial spirit. The murder of a young PRC national in Manchester in October 2004 is then used as a case study to examine the operations of Chinese OC groups in the UK. Because of the nature, length and depth of the enquiry a significant amount of information was gathered that has utility for academic study. Of particular significance was the fact that both the deceased and his attackers came from Fujian province in the PRC, the province that it is home to the vast majority of the illegal Chinese community in the UK (Institute of Migration, 2006). This information is summarised and then compared with the worldwide activities of Chinese OC groups. The nexus between academic research and law enforcement research or intelligence gathering is considered. The article concludes with recommendations for further research.

Method

The initial information regarding Chinese OC groups and their activities came to the author's attention in his capacity as a Senior Investigating Officer in Greater Manchester Police (GMP) responsible for investigating the murder detailed in the case study below. The author also had some knowledge of the Chinese community in London as a result of working as a police officer in central London in the late 1980s and early 1990s. The complex nature of the investigation required accessing a number of specialists in the investigative arena to expand the collective knowledge of the enquiry team. The team developed their knowledge over the period of the investigation by consulting with other policing agencies and members of the extended investigation 'family' such as the Assets Recovery Agency, the Immigration Service and the Chinese Desk at the National Criminal Intelligence Service (NCIS) - all of whom, coincidentally, have been subsumed into other organs in the last few years. The Metropolitan Police Service (MPS) were exceptionally helpful as were Lancashire Constabulary's staff on the 2004 Morecombe Bay cockle pickers' enquiry. This tragedy had preceded the case study murder by nine months and that enquiry team had an impressive knowledge of the illegal Chinese community in the UK that served GMP well and saved countless hours of repetition.

This learning was, of course, gathered for a murder enquiry and not an academic purpose. Nevertheless its utility for academic research was considerable and comparisons with existing research are extremely interesting. Unfortunately much of the information gathered is, by its very nature, confidential and consequently cannot be utilised in the public domain. This creates problems for authors when trying to integrate academic and police sources into one paper; academic sources can of

course be cited whereas intelligence sources generally cannot. That is not to say that intelligence-based assertions lack validity as each piece of information is assessed by the '5x5x5 system' in which the source of the information is evaluated on a range of A ("always reliable") to E ("untested source"), each piece of information evaluated on a range of 1 ("Known to be true without reservation") to 5 ("Suspected to be false"), the final field consisting of a 'handling code' ranging from 1 to 5 in which restrictions or permissions are placed on the dissemination of the information (NCIS, 2003). All information utilised in this paper had a source classification of A or B and an information evaluation of 1 or 2. Information with a handling restriction has not been used. The subjective nature of this assessment procedure is acknowledged, but is inescapable.

References to HOLMES refer to the nationally utilised police ICT system HOLMES 2. The acronym stands for Home Office Large Major Enquiry System, an incongruent term that highlights a particular sense of humour. Each enquiry has its own database that is known as an 'account' into which every item of information is uploaded.

The author's second career in academia has facilitated a literature search across a variety of books and academic journals on OC generally and particularly Chinese OC and its history. There is a paucity of related academic research on the issue in the UK and historically most research into Chinese OC has been carried out in the United States (see for example Chin, 1990 onwards; Zhang, 1995 onwards), and Hong Kong (Wing Lo, 1993 onwards) although the PRC's increasing openness has led to a major increase in research there recently (see Xia, 2008). Latterly research has supported the view that there has been a massive expansion in illegitimate activities by Chinese criminal groups throughout the world (Zhang, 2004; Ganapathy and Broadhurst, 2008).

A good summary of this expansion is contained in a report for the Library of Congress by Curtis et al. (2003). The report's sources are diverse citing several monographs, journal articles and Internet reports by journalists and law enforcement agencies:

> In the past decade, law enforcement authorities in many countries have come to the conclusion that the transnational activities of ethnic Chinese criminal groups constitute a serious threat to the societies where such groups have gained a foothold. Those societies are now found on every continent because criminal groups arise in virtually all the major centers of ethnic Chinese population worldwide (2003:47).

The third main source of information, face-to-face interviews and conference attendance has given brief access to experts in the field[1] . The author has also carried out interviews with a senior Home Office civil

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[1] Thanks to Professors Ko-Lin Chin and James Finkenauer

servant in the OC area and a senior officer attached to the Association of Chief Police Officers (ACPO) in early 2012.

Structures and norms of Chinese OC groups

Historically Chinese OC has been dominated by the Triads who originated in Hong Kong, and their related organisations, the Tongs, in the United States (Chin, 1990; Wing Lo, 2010) and it is only in recent years that groups from the PRC have come to prominence (Zhang and Chin, 2003). The Wo Shing Wo Triad group, for example, can trace their roots back to 1908 and the 14K to the early 1950s (Chu, 2005). They originally had elaborate initiation ceremonies and structures but these have been streamlined in recent years. Nevertheless, loyalty and ritual remain extremely important factors, (*ibid*.)

Understandably, a number of less sophisticated sources, particularly the media, incorrectly use the term 'Triad' whenever Chinese organised crime is encountered. For example an article in the local newspaper, the Londonderry Sentinel (24 April 2012), used the terms "Triad" and "Chinese mafia" and also ".....Chinese 'snakehead' gangs - a branch of the notorious Triad organised crime group" (*ibid*.). This labelling is inaccurate and unhelpful. Despite this mis-labelling it is clear that the Triads are active in a number of countries worldwide. At least two groups that are active in London and Manchester, the 14K and the Wo Shing Wo, are reportedly active in Australia, Canada, Czech Republic, Russia, Slovakia, Southeast Asia, the United States, and all West European countries (14K) and Benelux, France, Germany, and Portugal (Wo Shing Wo) (Curtis et al., 2003). They are also described by Finekenauer and Chin (2007), along with the Sun Yee On, as Hong Kong's three largest Triad groups. This 'blurring' by some sources is largely irrelevant for the purpose of this analysis but its existence should be borne in mind.

The structures and norms of Chinese OC groups are evolving and widely commented on in the research. For example, Zhang and Chin (2003) opine that the established Triad structures are waning, "...Triad's entrenched culture and patterns of organization...are incompatible with conditions for entering into present day transnational criminal activities" (*ibid*:478). There is widespread agreement that newer Chinese OC groups have embraced globalisation and are of a more flexible nature than the traditional Triads. They are also more entrepreneurial and not bound by traditions but are still willing to use violence to achieve their ends. Indeed the variety of criminal activity engaged in by Chinese criminal groups worldwide is staggering (Zhang, 2004; Xia, 2008; SOCA, 2009).

The activities of 'snakehead' groups that facilitate illegal migration have also been the subject of much debate, particularly by US law enforcement who feared massive illegal immigration organised by and therefore profiting established OC groups (Zhang and Chin, 2008). These fears have been largely unfounded however and the evidence seems to

point to the involvement of a much wider range of individuals, many of whom rely on familial or community networks and do not participate in other forms of illegal activity (Zhang and Chin, 2008; Zhang and Gaylord 1996). Indeed Finkenauer and Chin in a National Institute of Justice report (2007) in which they visited the PRC and seven of its neighbours2, are firmly of the view that there is no evidence of links between Triads or established OC groups and the illegal movement of people (*ibid*:16,21). They do however refer to "mom and pop groups" (*ibid*:16) and illustrate the report with a news item involving such a group in which an ethnic Chinese couple smuggled thousands of illegal Chinese into the US using their son and six fellow co-conspirators.

The loyalty demanded by Chinese OC groups and Triads in particular can be found within their network structures in which trust and reciprocity are paramount. This is not unique to Chinese OC and is often found within other ethnic networks (Levi, 2012). In the wider world this may be referred to as 'social capital' (Von Lampe, 2006) but 'guanxi' - a Chinese cultural concept - takes this to a higher level (Forbes, 2012) and successful dealings with Chinese organisations, whether legal or illegal is near impossible without it (Forbes, 2012; Huisman 2008). Similarly the apparent shift in working practices of Chinese OC groups from the old hierarchical structures to more flexible networks is not unique and reflects the "dominant academic and law enforcement opinion" on OC generally (Levi, 2012:615).

Range and selection of illegal activities

In considering the range of illegal activities discussion of the illegal movement of people is deliberately minimised in this article because it is an entire subject in its own right. Although it figures prominently in the 'portfolio' of Chinese illegal activity the debates around people trafficking and people smuggling, although very interesting and stimulating (see Silverstone, 2011), would be a (long) distraction from the main purpose of the piece.

The differences between 'people trafficking' and 'people smuggling' need to be stated here for clarification purposes. The United Nations Office on Drugs and Crime (UNODC) differentiates between the categories as follows:

"Human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them";

"Smuggling migrants involves the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident" (UNODC, 2012).

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[2] Including Hong Kong, Macau and Taiwan and interviewed local law enforcement officials, academics and US officials based in those countries

Also prominent among Chinese OC offence types is drugs smuggling which has been evidenced worldwide. The long list of countries includes those large markets such as the United States that might be expected and also comparatively obscure countries such as Paraguay and Belize (Curtis et al., 2003) but not the UK where Chinese OC drug activities seem to be confined to cannabis cultivation (SOCA 2009, Silverstone 2010). Huisman (2008) gives an account of an unusual but highly effective network of Hong Kong Chinese who smuggled vast loads of precursor chemicals into the Netherlands for the manufacture of MDMA and methamphetamine. Credit card fraud is widespread in Chinese OC as is illegal gambling, prostitution and counterfeiting of DVDs (Curtis et al., 2003; Finkenauer and Chin, 2007; SOCA, 2009; IPO, 2010).

Where there are large settled Chinese communities or significant communities in a very lawless area Chinese OC groups prosper on protection and extortion with its attendant violence. Such countries in the former group include the United States, particularly New York (Finkenauer and Chin, 2007), the UK (MPS, undated) France (Curtis et al., 2003) and in the latter Paraguay (*ibid.*) This notion of 'embeddedness' is discussed below.

Interestingly, Chinese OC often shows its entrepreneurial abilities in relatively obscure commodities such as abalone smuggling from Australia and South Africa. Marine poaching and the smuggling of raw materials such as timber, gold, non-precious metals and agricultural products are all profitable enterprises in Russia with which the PRC shares a long border (Curtie et al., 2003).

The selection of illegal activities by Chinese OC groups would seem to involve a number of factors, which are often multi-faceted. These include availability and geographical factors, such as the proximity of Russia, law enforcement activity and its avoidance, the extent of the rule of law (including corruption opportunities), the presence of local competition or 'opposition' and cultural factors such as the size and make up of local Chinese communities or its embeddedness.

Geographical factors mainly centre on exploitation of neighbours, for example, according to Curtis et al. (2003) Chinese OC groups exploit neighbours in South East Asia and Russia. The proximity allows Chinese OC groups to exploit both the Chinese communities in neighbouring countries and the local populace, entering via poor immigration controls or by easily bribed officials (*ibid.*). In a reversal of normal people trafficking practices a Russian expert, Professor Lyudmila Yerokhina, estimated that there as many as 15,000 Russian women in China as slaves, working in the sex industry and drug dealing (*ibid*).

There are significant geographical factors at play in these areas but they are also affected by the other factors such as the lack of rule of law and corruption opportunities which can be illustrated by reference to the

Transparency International indices[3]. Law enforcement activity has had a negative effect on Chinese OC groups in France (Curtis et al., 2003), Indonesia (*ibid*.) the UK (Silverstone, 2011; MPS, undated) while the lack of effective systems has been helpful in such countries as Paraguay, Russia, South Africa, and the Philippines (Curtis et al., 2003).

The presence of local opposition or competition is also a significant factor in the operations of Chinese OC groups who appear willing to negotiate with anyone, including established enemies. In the UK, as stated above, the MPS Chinese Unit has a strong feeling that the Fujianese crime groups have negotiated with the established Triads to leave their income sources, mainly protection rackets, alone and follow their own activities unhindered (GMP, 2004) (also see Huisman, 2008, for similar views in the Netherlands). Silverstone (2010) has found several instances of Chinese OC groups co-operating with Vietnamese groups in the UK in cannabis cultivation. Historically different Triad groups have always co-existed in London, Hong Kong and elsewhere but disputes over territory can be violent (MPS, undated, Huisman, 2008). This is reflected in research into other OC groups, but when peaceful negotiation fails firearms are frequently resorted to (Finkenauer and Chin, 2007; Huisman 2008).

It was the firm belief of the Liang murder enquiry team that the murder was one of these territorial disputes that had escalated - in this case the commodity being DVDs. The size and the length of time the local Chinese communities have been settled also have a bearing on the selection of criminal activities. In areas like London and Manchester in the UK (MPS, undated), New York (Finkenauer and Chin, 2007), Paris (Curtis et al 2003), Ciudad del Este Paraguay (*ibid*), Sydney Australia (*ibid*.), and Russia (*ibid*.) Chinese OC groups utilise the fear that exists within the Chinese communities to exploit them in protection rackets and unofficial taxation. This 'embeddedness' is essential for this parasitic relationship to continue and is not unique to Chinese ethnic groups (Varese, 2012) but as the Chinese diaspora is the world's most widespread (Cheung, 2004) it may be more relevant to those groups.

Case study: The murder

The murder in Manchester's Chinatown on 19 October 2004 brought the activities of Chinese criminal groups in the UK into focus. It was also the start of a steep learning curve for members of Greater Manchester Police's (GMP) Force Major Investigation Team (FMIT) who were tasked with investigating it. The investigation was difficult from the start. The victim was unidentified, indeed he had a National Insurance card in his possession in another's name, there was another young ethnic Chinese man in hospital with knife injuries and a third in custody for possessing an offensive weapon. Neither of the latter could speak English and their identities were unconfirmed. There were also reports of fights between large groups of

[3] http://cpi.transparency.org/cpi2011/results/

ethnic Chinese men in the vicinity just before the murder, including one in a Chinese bar and one in a casino.

Fortunately for the investigative team, the victim also had the name and address of a woman in a nearby city who transpired to be his employer and was able to provide a tentative identification approximately 24 hours into the investigation. She also stated that she believed he had gone to Manchester for a pre-arranged fight as he was a Triad member, a 'big brother' or 'dai lo' and that they were ambushed by another gang. This was clearly a significant and challenging development.

Despite the fact that the Chinese community in Manchester was long established and the police had good informal and formal networks with them very little information came from them. This was not due to a lack of a desire to help but a genuine lack of knowledge as the vast majority of the embedded Chinese community in Manchester are of Hong Kong origins and speak Cantonese. The deceased, his associates and his attackers were from Fujian in the PRC and spoke their own dialect and Mandarin. Indeed they were seen as trouble makers by the settled community who referred to them as 'reds', partly for the PRC's political affiliation and partly because they frequently dyed red streaks in their hair (GMP, 2004). Some information was forthcoming however, mainly from anonymous sources and the PRC consulate in Manchester and it was established with some degree of probability that the murder was the result of a dispute between two groups from Fujian province, one from Chang Le and one from Fuqing (see Finkenauer, 2007 The Fuk Ching).

Struggling for lines of enquiry, actionable intelligence and background information the enquiry team turned to the Metropolitan Police Service's (MPS) Chinese Unit based at Charing Cross Police Station in central London. The knowledge of the Chinese Unit was impressive and they knew the Fuqing group to be based in London and heavily involved in counterfeit DVDs, smuggling cigarettes and prostitution. Their value increased further when, six weeks into the enquiry, one of the unit identified a suspect (C) from still photographs obtained from CCTV as a leader of a known gang. C had not been mentioned to this point, the identification gave the investigation a completely new focus and London became a crucial part of it.

This focus included surveillance by MPS surveillance teams who were able to observe C entering an address with a key. The address was observed by GMP officers and on one occasion C was seen to emerge from the address with 15 other men. He was carrying a number of baseball bats which he distributed among the group which he was clearly directing. All 16 got into four cars and left. This activity was significant evidence of C's leadership position and corroborated the information from the Chinese Unit.

The Chinese Unit were also instrumental in arranging a meeting between a prominent member of the Fujianese community in London (N739) and the Force Major Investigation Team Senior Investigating Officer (SIO) and deputy. N739 was in the UK legally and spoke good English

which made him unique of the Fujianese encountered by the enquiry team. He offered to assist the enquiry team but unfortunately he was a suspect in other unrelated matters and therefore deemed unsuitable for further contact. Significantly, when seen by the officers and the purpose of the meeting was explained he simply said "Ah, the DVD murder" (GMP, 2004, HOLMES 2 Account) which lent considerable credence to the hypothesis the enquiry team had been working on for some time as thousands of DVDs had been recovered in addresses searched, some of them still in packing cases bearing Chinese postal markings.

To enhance the co-operation of the Chinese community the enquiry team devised a witness strategy that included securing agreement from the immigration authorities that the details of people volunteering information would not be passed to them and that the team could state this on publicity materials. This was helpful but of more substance was the feedback via sources in London and Manchester that members of the community were both pleased and surprised about the amount of effort that the team were making into the murder of someone that many would regard as insignificant. The strategy had a major success when a further victim came forward several months into the enquiry and alleged he had been seriously assaulted by C just prior to the main incident. His allegation was corroborated and C actually pleaded guilty to causing him grievous bodily harm.

The enquiry progressed significantly from this point but the purpose of this article is to analyse the activities of Chinese criminal groups and any further discussion of the enquiry will not progress that aim.

Summary of the learning by the enquiry team in relation to the Chinese community in the UK

The vast majority of the community are based in London and almost every illegal Chinese national encountered by the enquiry team was from Fujian province. The fact that very few of them spoke English is a significant barrier for investigation and research. For instance, according to Pharoah et al. (2009: 50), '58% of undocumented migrants claimed that their level of English was "none" whilst 30% rated their level of English as "survival" '. The majority of the community are in the UK illegally, which exacerbates their distrust of authority, extending to most things official. Of significant importance though is the fact that this distrust can be overcome by an effective strategy such as the witness strategy above.

The gangs encountered followed the Triad model to some extent but were not truly Triads in that they used some of the rank structures, loyalty and brotherhood aspects of Triad culture but not the elaborate initiation ceremonies.

Because of the unique nature of the British Chinese community the Hong Kong/PRC dynamic that existed in Manchester was replicated in London, but the Fujianese community was more settled in London. The

Fujianese gangs had originally worked for the established London Triads but had become large enough to go 'solo'. The established Triad groups such as the Wo Shing Wo and the 14K continue to operate throughout the UK. Whether or not there were formal agreements with the Fujianese groups was unclear but the Chinese Unit were firmly of the opinion that there must have been at least some form of understanding or a lot of bloodshed would have ensued (MPS, undated; see also Huisman 2008).

When murder and the use of violence were researched it was found that extreme violence was common but murders rare. The murder of He You Yi in London's Chinatown in June 2003 was the only other organised crime-related Chinese murder for several years in the UK. The victims of this violent crime and other crime were exclusively from the Chinese illegal community. They were rarely reported which poses significant issues for the MPS and raises some major human rights issues.

On the issue of previous gang affiliations it was found that the majority of gang members in the UK were not gang members in the PRC. There was an element of job selection on arrival in the UK, which was not always voluntary, to pay off their transportation debt. According to research by Silverstone (2011) this can take up to three years. Common 'jobs' were gang enforcers, DVD sellers, kitchen work and prostitution, although the enquiry did not find anyone physically forced into prostitution.

Issues with the immigration authorities included the wealth of intelligence that they held on the community and their frustration that they were unable to deport them because the PRC would not accept them back if they were unable to prove their nationality. This was well known and many deliberately destroyed their papers. Interestingly this lack of co-operation by the PRC government was also reported by Finkenauer and Chin (2007) as a concern to the authorities in Taiwan. This learning was, of course, gathered for a murder enquiry and not an academic purpose. Nevertheless its utility for academic research was considerable and comparisons with existing research are of great interest. Unfortunately much of the information gathered is, by its very nature, confidential and consequently cannot be utilised in the public domain.

Comparison of Chinese OC groups in the UK and worldwide

It is clear that the Fujianese groups encountered in the murder enquiry had a number of common characteristics with their counterparts worldwide whether Triads or not. Regardless of whether the group in question is Triad or not it is clear that there are a great number of common features between the activities of Chinese OC groups worldwide and those in the UK. Disregarding the illegal movement of people, there is clearly much overlap in terms of modus operandi, types of offences, structures and norms, exploitation of the local Chinese community, maximising local opportunities and the use of extreme violence when considered necessary.

It is also clear that the Chinese OC groups in the UK mirror the entrepreneurial spirit of their international counterparts in their choice of commodities and activities and avoidance of law enforcement (Silverstone, 2011).

The choices and tactics of Chinese OC groups may be a conscious response to the priorities of UK law enforcement because the resources dedicated to combat organised crime are spread thinly and allocated mainly by reference to the United Kingdom Threat Assessment which is published annually by the Home Office and prepared by the Serious Organised Crime Agency (SOCA 2012, Gilmour, 2008). The assessment informs SOCA's 'Strategic Priorities' which are currently "drugs, cyber crime, firearms, organised immigration crime, and fraud" (SOCA 2012:1). With the exception of immigration crime, which as described above is a very complex picture indeed and the intellectual property aspect of fraud, there is no evidence of significant involvement in any of the other categories. Indeed the absence of reported use of firearms by Chinese OC groups is the one unique factor of any significance in the UK. It is submitted that this is a clear example of tactical adjustment to avoid law enforcement as firearms are widely available and used by Chinese criminal groups in the PRC (Finkenauer and Chin, 2007), the USA (Chin, 1996) and The Netherlands (Huisman, 2008). Coupled with their well established smuggling routes for a number of commodities there is little doubt that, should they be desired, firearms could be imported in significant numbers. This is difficult to substantiate empirically but is supported by the observations on their versatility noted above and their flexibility shown in changing of routes or commodities to avoid law enforcement contact (Finkenauer and Chin, 2007; Huisman, 2008; Silverstone, 2011). The desire of Chinese criminals to avoid unnecessary contact has long been observed by police in the UK and still persists. (GMP, 2004; MPS, undated).

The nexus of academic research and law enforcement research or intelligence gathering

Historically law enforcement agencies have ignored or even derided academic research because the demands of intelligence-led policing require timely information that can be quickly processed. But there is an increasing realisation that academic research can be valuable, particularly in respect of culture and background (personal interviews with senior Home Office and ACPO4 staff). The research above illustrates there is a clear role for law enforcement as well as academics and this is clear from the Home Office publication 'Future Directions for Organised Crime Research' (2011) and their recently established Organised Crime Virtual Research Network whose aims are to:

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[4] Association of Chief Police Officers

- "improve communication and enable collaboration between experts from government, academia, industry, and law enforcement;
- enable better dissemination of science and research outputs; and
- support discussion of current and future priorities for science and research" (Home Office 2012:1).

These developments are welcome in that they demonstrate that the UK government is giving the issue of organised crime some thought and they are a follow up to the government's strategy document 'Local to Global: Reducing the Risk from Organised Crime' (Home Office, 2011). Laudable efforts to demonstrate 'joined up thinking' that they are, none of them offer any additional funding for research purposes which might reasonably have been expected, or any clue as to how the issues can be progressed. In fact, Home Office research funding has been reduced as part of the current government austerity packages.

Perhaps the preparation for and the inception of the UK's National Crime Agency (NCA) by December 2013 will provide some welcome impetus, with its stated mission of being " ... an operational crime fighting agency that will tackle organised crime, strengthen our borders, fight fraud and cyber crime and protect children and young people" (Home Office 2012b:para.3). As a Home Office organ it should share their new enthusiasm for the collaboration between academia and law enforcement and how the agency and the strategy progress could be seen as an indicator of how serious the government is to push this 'joined up' agenda.

The NCA will consist of four 'commands', one of which will be an 'Organised Crime Command' (Home Office, 2012b) and "an intelligence hub, which will build and maintain a comprehensive picture of the threats to the UK from organised criminality" (*ibid*:1). There is no great detail yet published on how the command or the hub will operate but it will have an official link with the US (Levi, 2012). Perhaps when gazing westward the planners would be well directed to the US National Institute of Justice. With its strategic goals that include "Translating knowledge to practice — disseminating rigorous scientific research to criminal justice professionals to advance what works best in preventing and reducing crime." (NIJ 2012: Strategic Goals). The institute seeks to achieve this with an impressive array of resources, including a director who is an academic - the current director Dr. John Laub is an expert in OC and James Finkenauer (see above) was formerly director of its International Center - but more importantly a large research budget. In the financial year ending in 2012 the NIJ awarded 363 grants and co-operative agreements for a total of approximately $168 million.

The British government has approved the formation of a new 'College of Policing' by the end of 2012 (Home Office, 2012c) with five strategic goals, the third of which is "Identify evidence of what works in policing and share best practice: by providing access to a body of knowledge that is informed by evidence-based research and best

practice;…" (*ibid*:2). Without being too presumptuous this must surely indicate a role for academic research which, for example, is a key part of the Netherlands Police College(Netherlands Police and Safety Regions Department, 2009).

The Netherlands is also home to the 'Organized Crime Monitor' an ongoing research project which collects "files of closed Dutch police investigations of criminal groups, often spanning a period of several years" (Kleemans et al., 2002). Levi (2012) opines that the monitor is "the best public knowledge of criminal careers of organized criminals" (*ibid*:607). This method of data collection would appear superior to a similar exercise recently commissioned by the Home Office using the Police National Computer (PNC) to map careers of organised criminals (interviews with Home Office staff, 2012). The PNC is a powerful tool but it only contains data on persons convicted in the UK thereby excluding most foreign criminals and others as yet unconvicted.

Conclusion

As noted above there is a paucity of academic literature on illegal Chinese activities in the UK and those that are published, although well researched and informative, tend to be restricted to singular issues (for example McEwen and Strauss, 2009; Silverstone 2010, 2011). The case study included in this article has shed some light on the wider aspects of the activities of Chinese criminal groups in the UK and their structures and norms. It is also clear from the information that only emerged months into the murder enquiry that even a lengthy, in-depth examination of the illegal Chinese community was only 'scratching the surface' of the true nature of criminal activity and perhaps more importantly, victimisation. The Chinese community in the UK is not unique in being exploited by its countrymen (see Varese, 2012, on the activities of Russian OC groups in Italy) and this debilitating practice is clearly continuing. Neither is its participation in organised crime unique as there are many ethnically based OC groups operating in the UK (SOCA, 2009). However, the size of the community, which may be as large as 420,000 (Institute of Migration, 2006) and the illegal community within that, which itself may number as many as 100,000 (Pharoah and Lau, 2009) make it numerically as well as culturally significant and deserving of serious consideration by government agencies and policy makers.

The problems associated with the illegal Chinese community, are multi faceted, complex and in some cases serious as illustrated above. Not only are a minority engaging in serious criminal activity but it would seem that the majority are exploited financially, sexually, in their working conditions, and are frequently subject to violence (GMP, 2004, Silverstone, 2011). These issues alone are of sufficient significance to justify further, in-depth research to determine the true extent of illegal activities and victimisation in the interests of equity and human rights as well as the rule

of law. There are trust issues in the Chinese community but these can be overcome by a sensitive approach. The Association of Chief Police Officer's concept of 'Harm' may be of great utility as it can highlight the economic aspects alongside the human rights or moral motivations for the research. Briefly, 'Harm' from OC is "...characterised by one or more of the exercise of control, significant profit or loss, serious violence, corruption, and/or having a significant impact upon community safety" (Gilmour, 2008).

It is clear that the activities of Chinese OC groups in the UK cause harm to the UK Chinese community and to the economic wellbeing of the UK in terms of lost revenue from smuggled goods such as cigarettes (McEwen and Strauss, 2009), unpaid tax and national insurance in the grey economy (Silverstone, 2011) and reported massive losses in terms of Intellectual Property. The Intellectual Property Office, for example, cite criminal gain in the UK at £1.3 Billion and identify China as the source of 54 percent of all counterfeit goods seized in the EU in 2007 (IPO, 2010). Although the methodologies of these assertions are not made clear, the Federation Against Copyright Theft (FACT) estimate the loss to the exchequer and copyright owners for the illegal sale of DVDs may be as much as £600 million (FACT, 2005). Whatever the true figure, it is clear from the literature review and the case study that their involvement in counterfeit DVDs is significant.

A true assessment of the issues will undoubtedly be a difficult task. Perhaps, as Levi opines, "it is better to start with an awareness of what we do not know" (2012:616), which is considerable. The coincidence in the formation of the NCA and the College of Policing present a huge opportunity for UK law enforcement and its political masters to identify and shape their intelligence requirement for years to come. Rather than the current (unresourced) aspirations in terms of academic research and the Organised Crime Virtual Research Network, there is a once in a decade chance to integrate academic research and police intelligence, taking into account the good practice in the USA and the Netherlands above. After all the subtext behind these developments is the professionalisation of policing and law enforcement. For example the vast repository of knowledge gained by Lancashire Constabulary in the Morecombe Bay enquiry is probably lying dormant within a HOLMES account rather than be readily available for subsequent enquiry teams. No doubt costs will be an issue in these times of financial austerity but in his report into 'Police Leadership and Training' Peter Neyroud (2010) has already identified savings of millions of pounds made by the demise of the National Police Improvement Agency that could be earmarked for the proposed project.

The findings above demonstrate that Chinese OC is durable, flexible, well resourced and well established in the UK and a major threat to the UK economy and human rights. These are major issues that require serious consideration. Economics aside, when the huge number of victims and potential victims of the most horrendous crimes - albeit hidden from official figures - is calculated the failure of the Home Office or its law enforcement arms to explore these issues thoroughly, or sponsor that

exploration, would be an abrogation of their responsibility and an abject failure in protecting the fundamental rights of a huge number of people residing in the UK. The forthcoming changes in UK law enforcement is an unprecedented opportunity to really grasp this particular societal nettle.

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