Organised Crime and the Corruption of Public Institutions in the United Kingdom: Implications for Policy and Practice
Sappho Xenakis

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In the UK, prosecution rates for corrupt acts and perceived levels of corruption are both low by international comparison. An audit into the nature and extent of corruption in the UK, conducted by the non-governmental organisation Transparency International UK (TIUK) and published in 2011, however, concluded that the problem of corruption within the public sector, and of the risks posed by the relationship between corruption and organised crime more particularly, had been underestimated and insufficiently explored by official bodies and independent experts alike. A key concern motivating the audit was the potential impact upon the effectiveness of UK public bodies to counter corruption of major cuts to public sector funding that have been introduced nationally over the past two years. Alongside reviewing the types of corruption found within the National Health Service, social housing services, and public sector procurement practices, the report considered the challenges of corruption being experienced by different component bodies within the criminal justice system. As well as noting problems being faced by the police and the judiciary in combating corruption, the report drew uncommon attention to the predicament of prisons. It was argued that prisons in Britain manifest significant vulnerabilities to corruption: the risk of non-prison officer staff becoming involved in corrupt acts; the risk that performance measurement targets for prison institutions stimulate demand for corruption (both amongst prison staff and between prison staff and inmates); and what is described as the risk of a “symbiotic relationship” forming between organised crime groups with imprisoned group members and corruption taking place within prisons.

With a view to contributing to an incipient debate about the way in which criminal justice policy might appropriately rise to the challenges set out by the TIUK report, this policy paper draws on an assessment of British, regional and international experiences of the problems of, and policies against, corruption and organised crime. The text below represents an attempt to help conceptualise the risks that could be posed by organised crime to UK public bodies through the use of corruption, to discuss factors that affect accurate assessment of the actual level of risk today, and to consider which counter-measures could be helpful to combatting the dual challenge of organised crime and corruption.

Conceptualising the potential challenges posed by organised crime to UK public bodies through the use of corruption

Official portrayals of the risk posed by organised crime to the public sector have predominantly focused on the impact of groups working in the black economy seeking to facilitate their operations by corrupting public officials through offering bribes, blackmailing, possibly threatening violence, and infiltrating public bodies. Third-party individuals or organisations working primarily or substantially in the legal economy have also been acknowledged to play a role – whether unwittingly or unwittingly – by transmitting information or money in and out of public bodies, and to and from organised criminal and corrupt networks. However, organised crime may also be perpetrated by groups that emerge from, and remain within the confines of, a public institution, where public servants have themselves instigated and are sustaining corruption and crime. Equally, the category of organised crime could be applied to the activities of unscrupulous private sector bodies operating in the legal economy but using illegal means to distort it, such as by offering bribes to well-placed officials in order to secure contracts, to defraud the public sector, and to either avoid prosecution or limit its potential reach and sanctions.

There appear to be three key ways in which the use of corruption by organised crime challenges UK bodies: by undermining crime control, by undermining state control of public bodies, and by undermining the broader functional purpose of public bodies. Public control of crime is challenged by the non-recording and mis-reporting of individual offences, and by the systematic provision of protection to organised illicit activities. Serious organised crimes pose immediate risks to health and lives, whether through the supply and use of weapons, drugs, or...
other consumables, or through practices of extortion, blackmail, and protection, for example the DXS player. At the institutional level, where the corruption of a public institution by organised crime has led to the infringement of an individual's rights, trust in the institution may be damaged (in a case, for example, where violent extortion rings have been protected by corrupt public employees). This, in turn, may weaken the ability of public bodies tasked with combatting organised crime and corruption to effectively carry out their work.

The use of corruption by organised crime undermines state control of public bodies by subverting accountable authority and the framework of regulations and rules that structure public bodies. Making them less accountable and more prone to human and material abuse, corruption leaves the public institution, and public sector more broadly, susceptible to significant material losses. Furthermore, failure to control organised crime risks cultivating locals where the state has less ability to effectively intervene or effectively manage the social, economic and political plight of such communities. In the case of prisons specifically, this could mean the risk of service provision being determined by organised crime groups. Any replication of intense forms of gang-led prisoner self-government, such as that which has been documented in the United States and is present in other prison environments around the world where practices of self-government by inmates are tolerated or exploited by authorities, certainly seems a remote prospect for the UK.

It nevertheless remains a possibility that the provision of security, for example, could on a smaller scale be similarly determined by organised crime groups with the collusion of prison officers, rather than by a prison service accountable to a democratic government. Such a situation can be self-reinforcing by inducing prisoners to join or work for organised crime groups responsible for disempowering such services.

The use of corruption by organised crime threatens the broader functional purpose of public bodies by increasing public cynicism towards the effectiveness of those bodies reducing public support for them. This is especially risky during times of increasing socio-economic discontent, when public support for more extremist political groups or punitive laws may increase. Moreover, the distorted impact of corruption on a public institution may be used as a reason for closing the institution or reducing its remit and transferring all or some of its responsibilities to the private sector. Although research has found that privatised service in prisons does not necessarily lead to poorer service provision – competition provided by private sector involvement has been perceived to have raised standards of management and conditions across the board – the culture and expectations of private suppliers may be inherently more foreign, and accountability and standards may be lower. Security safeguards are not simply jeopardised by the pressure to reduce costs, but also by the pressure of a 'payment by results' regime, the instigation of which may raise the risks of fraud and corruption as institutions strive to meet targets.

Alternatively, the discrediting impact of corruption upon a public institution may lead to a political decision to increase no-minal civilian oversight of the institution, potentially opening the door to groups pursuing criminal or deviant agendas and providing them with direct access to public power in ways that may enable them to attempt to distort due process, such as by subverting the fair allocation of works contracts and weakening public sector accountability and oversight. The current proximity of such risks have been illustrated by a scandal that accompanied the introduction of elected police commissioners in England and Wales in 2012, in which a police commissioner candidate was alleged to have received substantial sums from a US-based think-tank known to support the privatisation of public services.

The severity of the threat

UK authorities have long perceived the use of corruption by organised crime to be a greater threat to the country when it takes place in other states with weaker authorities, where stronger relationships between the public sector and organised crime may have more severe and widespread repercussions. Indeed, the use of corruption by organised crime is more widely recognised to be a greater challenge to weaker states than to stronger states, such as the UK. One key area of anxiety that has related to risks emerging from the UK context has been the potential for convergence between organised crime groups and those involved in religious or politically-motivated violence, in which case the domestic risks associated with corruption would increase. At present, however, there appears to be little evidence available of such relationships forming in the UK, and it is not even clear how much corruption within the public sector can reasonably be associated with organised crime group activities.

There are evidently limits to what is known about the use of corruption by British public bodies by the use of corruption by organised crime. One problem in at-
from a range of public bodies that has weakened networked and individual me-
chanisms of oversight and investigation, and to maintain weaker oversight and ac-
countability mechanisms (such as lower standards of vetting and training staff) that are characteristically expected to be in place in the public sector. Taking the example of private prisons in the US, for instance, institutional logics requiring con-
sistency of the occupancy rates have led pri-
ivate providers to seek to distort fair pro-
cess accordingly, employing both legal, and
illegal, means of doing so. In 2012, it was
revealed that the Corrections Corporation of
America had lobbed to take over the provision of imprisonment in 48 states in exchange for a contractual agreement from those states guaranteeing 90% occupancy of those prisons for the next twenty years. Meanwhile, 2011 saw the senten-
cing of two Pennsylvanian judges who, af-
ter having played a part in closing the pub-
licly run detention centre of their county in the early 2000s, had proceeded to system-
atically subvert the judicial process in ex-
change for bribes from profit-making juve-
nile detention centres, in order to supply them with a steady stream of children. As regards oversight and accountability, private businesses and civil society associa-
tions may be more vulnerable to hijacking or manipulation by crime groups due to weaker vetting, training and audit me-
chanisms. Controversies relating to the funding source of public organisations are likely to become more complex as public institutions grow more enwined with pri-
ivate and third sector bodies, such as through the appointment of publicly-
elected police commissioners and the ex-
pansion of private and third sector in-
volvelement in the management and running of prisons. Not only can illegitimate or ille-
gal practices committed at higher manage-
rial levels from private and third sector bo-
dies raise serious implications for the maintenance of due process. Throughout the public systems of justice and law enforce-
ment, they may also, crucially, risk provok-
ing dispersed acts of corruption and crime lower down the institutional frame-
work by fuelling cynicism and disaffection amongst staff.

Combating the dual challenge

In the effort to erect suitable measures to
effectively tackle the challenges posed by
organised crime to the public sector via
corruption, lessons can be sought from
other institutional and environmental set-
tings. Yet the phenomena of corruption
and organised crime and the means of ef-
ectively countering them are not neces-
sarily comparable across different sectors and locations. For example, the hiring of women as a means of countering corrup-
tion in the workforce has attracted adhe-
rants amongst some police forces interna-
tionally: research has found female public
servants less likely to accept bribes than their male counterparts, due to the
reputations in which bribery is already stigmatised, and this knowledge has led police forces in Mexico and Peru, for example, to hire more women with a view to lowering le-
vels of corruption within these forces. Within prisons, by contrast, the protracted
contact typically experienced between in-
mates and prison officers negates the po-
etential of an anti-corruption gender divi-
dence to women assisting in the efforts to
manifest susceptibility to the develop-
ment of improper staff-inmate rela-
tionships that can lead to exploitation, blackmail and corruption. There may, nonetheless, be some lessons
that are transferrable. At the level of indi-
viduals, whistleblower protection is an im-
portant prerequisite for the effectiveness of law enforcement action against organ-
ised crime, and appears to be equally val-
uable to countering corruption in various institutional settings. Rotation is another strategy that is valued internationally for its role in helping to reduce vulnerability to-
wards corruption amongst front-line law
enforcement officers, and is a strategy whose usefulness might also be replicable elsewhere in the criminal justice systems.

At the institutional level, bodies with ge-
neral rules regarding standards of integrity
have been found to achieve better all-
round compliance than those with long lists of specific rules. Regulation is also
known to be more effectively policed by
multiple agencies, and it is therefore more
desirable for strategies to be formulated around networks of agencies rather than around just one or a few institutions, in or-
der to maximise regulatory strength. This is possibly self-evident, but has also been
shown to be crucial in uncovering cases in
which corruption or other illegality is being practiced by a group within a public sector
institution itself. At the political level, appreciation amongst legislators of the broader impor-
tance of controlling public sector corrup-
tion may be organised in such a way to
provide for effective counter-measures.
support is vital to ensure that there is adequate financial backing to oversight infrastructure and control actions, and that there is joined-up policy-making and practice across different relevant issue areas, such as between the management of drug rehabilitation efforts and law enforcement-focused counter-narcotics policies.

More broadly, the implications of research into re-branding institutions may also be pertinent, which show that endeavours to re-brand an institution regarded as corrupt will only influence their behaviour if action matches rhetoric. For an institution seeking to reform, it needs to consider what will persuade its staff that the initiative is sincere, and will therefore need to bear in mind that staff will not only absorb the message that is targeted for them by leaders, but will also take into account rhetoric and behaviour from leaders that are not intended to influence their behaviour.

Counter-measures are not without their own potential risks, however, and in this regard there are two popular but problematic policy approaches that are repeatedly chosen to counter organised crime and corruption which deserve mention: supply-side strategies and awareness-raising strategies.

Supply-side strategies

One of the major limitations to supply-side strategies is the so-called « balloon effect » caused by law enforcement constraints. Pushing illicit trade into different fields and routes strategies may appear effective from one standpoint without practically being so, as the trade simply shifts around the pressure but is not eliminated. Strategies need to be innovative and institutionally broad in order to hope to manage this possibility. Another well-known weakness of supply-side strategies is that by restricting flow of traffic and expanding the criminalisation of substances their value is increased, and the value enhanced of the associated illicit business engaged in by organised crime groups. By contrast, legalisation and managed supply have been argued to be a more effective means of reducing the power of organised crime.

Supply-side strategies also tend to imply a neglect of the problem of demand for illicit goods and services, which is problematic even if demand does not inevitably provoke organised criminal trade. In the case of illicit drugs, a lack of attention to the demand side of organized crime has led to self-defeating strategies on reducing problematic drug use, and an over-emphasis on interrupting the supply chain, has caused such strategies to be widely criticised as failures. Internationally trends in drug use over recent years suggest that where falling usage has occurred, this has been stimulated more by cultural change than law enforcement strategies, whilst in markets that have seen rising use (such as opiates), supply-side law enforcement strategies have been equally inconsequential. A related point is that a failure to adequately tie law enforcement strategies sufficiently tightly to the overall desired goals of such strategies may lead them to be self-defeating. In the case of the UK, for example, it has been suggested that law enforcement efforts to inhibit the sale of Class A drugs have led to a decline in the quality of drugs on the streets that has increased the potential lethality of such drugs for users as a result.

Awareness-raising strategies

At the European level, efforts to combat organised crime and to counter corruption have both emphasised the importance of awareness-raising, whether amongst the public or amongst particular target audiences, in order to strengthen resistance to related criminal and deviant acts. Yet – at least as regards awareness-raising about corruption in the case of South-East Europe, for instance – it has been argued to have had a strongly self-defeating effect. Despite dropping levels of individual experience of corruption, perceptions of the prevalence of corruption have remained high, apparently fuelled by the ubiquitous presence of debates about « the problem of corruption » within political and civil society discourse. In the case of organised crime, the potential for unnecessarily inflaming public concerns has also been recognised as potentially self-defeating, by undermining the trust in the state’s ability to deliver security and thereby reducing public faith in the value of reporting crimes.

Another problem related to awareness-raising, but also to the remit of counter-organised crime and counter-corruption initiatives more generally, is the degree to which they cohere with the values and practices of the society in which they are applied.

Political debate, scholarly research and opinion polling together provide useful indicators of the extent to which the premises underpinning law enforcement missions are accepted by the broader public or are believed to be counterproductive, whether in terms of financial or social costs. For example, opinion polling in the UK on the subject of illicit narcotics has shown that a majority of the public has adopted the position that those who use illegal drugs but who have not committed any other crime should not be criminalised, whilst a significant minority also believe that legalisation of drugs would lead to a decline in related illegal activities such as drugs smuggling and people trafficking. These are findings that raise questions about the enforceability of related statutes as much as about the effectiveness of awareness-raising efforts that strive to go against the tide of public opinion.

Conclusion

As this paper has sought to highlight, whilst the risks posed by corruption to public bodies in the UK are difficult to calibrate at this stage, they are conceivable at individual, structural, and functional levels of public institutions. These risks are potentially interrelated, as their impact may extend beyond the levels at which they originate; failure to effectively counter corruption may risk the life of the institution challenged, whilst high-level misconduct may undermine the credibility of counter-corruption drives lower down the institution’s hierarchy. To ensure the effective management of these risks, counter strategies must not only seek to persuade employees of the sincerity and strength of their purpose throughout all levels of the public sector institution, but also gain and retain political support behind such efforts.

Sappho XENAKIS
(sappho.xenakis@cesdip.fr)