

Organised crime and the criminal justice process



**ASSIGN
BUSTER**

This essay will begin with a brief outline of the historical work of organised crime. Then the definition of organised crime will be given with examples of areas associated with organised crime. The Criminal Justice Process will then be explained and the role of the Serious Organised Crime Agency including the Assets Recovery Agency with statistics showing the economic and social impact of organised crime. Finally a brief outline of Cohen's view of organised crime will be given and the role of the victims of crime as key players in the Criminal Justice Process and ending with Box's clues to understand most serious crimes.

According to King et al; (2000) " the battle over the origins of organized crime is one being constantly fought, and historians have utilized archive data, such as police and judicial reports, economic evidence, pamphlets, diaries and biographies, to disinter the professional and organized criminal".

Furthermore, King et al; (2000) states that " organised crime seems to have been a feature of British society from Elizabethan times onwards and British studies of professional criminals, some of them displaying elements of organization, indicate a wide range of activities".

However, by the eighteenth century professional and organized criminal gangs, armed with a variety of criminal strategies from petty theft and violence to fraud, were firmly established in Britain (King et al; 2000).

Criminals not only established their activities in London where the market place was most affluent and the control of the emerging working class was at

its most ineffective, but also in coastal, rural and provincial areas (King et al; 2000).

The definition of Organised crime is broadly seen as economically motivated offending which involves more than two people (Hale et al; 2005).

Furthermore, Hale et al; (2005) suggests that “ unlike legally defined crimes or predicate offences such as murder, drug trafficking and money laundering, organised crime tends to be confined to its structures and relationships and the general nature of crimes committed by such associations”.

According to Hale et al; (2005) Article 2 of the ‘ United Nations Convention Against Transnational Organised Crime’ states that an “ organised criminal group must have at least three members operating in concert to commit a serious crime as part of an internally structured organization which has been in existence over a period of time preceding and subsequent to the commission of the criminal act”. Whilst such a definition provides a general framework of understanding, it can in practice undermine effective law enforcement responses (Hale et al; 2005). An organised crime group can include anything from a four person, low level racketeering group to a highly complex, international networks involved in human trafficking or money laundering (Hale et al; 2005). Get help with your essay from our expert essay writers...

Furthermore according to Marshall, (1998) “ organised crime is a term used for situations where a large number of people in a hierarchical structure are engaged in an on-going pattern of criminal activities”. The most common

areas associated with organised crime are extortion and the provision of illegal goods and services, such as drink, drugs, gambling, money laundering and prostitution (Marshall, 1998).

According to Marshall, (1998) “ these activities involve continuous relations with the victims or clients, who have contact with the lower echelons of the organization”. In order to succeed organised or syndicate crime involves some element of corruption or intimidation of the police or other law enforcement agents (Marshall, 1998).

Marshall, (1998) suggests that “ organised crime is often thought to be synonymous with a secret society, such as the Tongs of the Chinese diaspora, the Camorra of the nineteenth century Naples and the Mafia of Sicily and Costa Nostra in the United States”. Although, according to Marshall, (1998) “ it seems more likely that if such societies exist at all, they do not actually run criminal activities, but rather act as a fraternal organisations for some of the racketeers”.

On the other hand, according to Marshall, (1998) “ organised crime is associated with violence and threats in the course of extortion, but also in the maintenance of control over subordinates, and struggles for power within groups and the struggles for monopoly control between groups”.

Furthermore, Hale et al; (2005) points out that “ organised crime can be argued as primarily a reactive phenomenon, exploiting gaps in a diverse and lucrative market”. Also according to Hale et al; (2005) “ Its clientele are, for the most part, ‘ ordinary’ folk who seek, alternative routes to satisfying

needs unmet or proscribed by the legislatures of the countries they inhabit or pass through”.

However, according to Hale et al; (2005) “ In many cases clients are also victims, obliged or enticed into cooperation, as in the trafficking of women and children and in areas of economic decline and acute social inequality organised crime can provide alternative employment and a reinstatement of status, a situation currently common in former communist states”.

According to Kelbie, (2007) “ Human trafficking is a growing trade and it is estimated that around 700, 000 people are trafficked in Europe every year, and most of them are women and girls who are forced into prostitution, while others are brought in to work illegally”. Furthermore, Kelbie, (2007) estimates “ that 4, 000 women are trafficked into Britain each year and are forced to work in the multi-million pound sex industry”. As more numbers of Eastern European and African Girls are trafficked into Britain, some as young as 12 years old, the traffickers are shifting their trade outside major cities (Kelbie, 2007).

Consequently, as a result of this growing trade in Human Trafficking, Glasgow is the only city outside London to provide help and support to victims of sexual exploitation (Kelbie, 2007).

Furthermore, according to Kelbie, (2007) “ the city’s organised sex industry is worth approximately 7 million pounds a year, earned from the exploitation of women who are forced to work in saunas, private flats and as escorts”.

The women forced to work in these places are regularly sold and re-sold

between organised criminals operating in all of Britain's major cities (Kelbie, 2007).

Meanwhile, there are millions of incidences of online crime in Britain each year (Sharp, 2007). Furthermore, according to Sharp, (2007) " around 3 million internet crimes were committed in the UK last year and one of the most common is identity theft". In 2004, two people were arrested in connection with an internet crime ring, the Shadow Crew, who planned to defraud consumers and banks out of hundreds of millions dollars (Sharp, 2007).

British organised crime has its ' families' modelled along the lines of Mafia families in the United States. One of the most powerful recent criminal families has been the Arifs from Stockwell, in South London. They were involved in armed robberies and drug smuggling in the 1980s, and also owned a string of pubs, restaurant and clubs, and it is certain that these establishments were bought from the proceeds of their criminal activities (Giddens, 1977).

According to Giddens, (1977) " Bekir Arif was jailed for five years at the end of the 1980s after being convicted of robbery with violence, and the reign of the Arifs ended in the early 1990s, following a series of police operations". The head of the family, Dogan Arif is currently serving a fourteen year prison sentence for his part in a £8. 5 million drug smuggling deal (Giddens, 1977).

In order to regulate and manage the risks that organised crime presents, investigation and law enforcement play important roles in bringing offenders to justice. According to Davies et al; (1998) " in exploring what a criminal
<https://assignbuster.com/organised-crime-and-the-criminal-justice-process/>

justice aims to do, we need to distinguish between the goals of the system as a whole, and the functions of the different agencies who make up the system”.

The cross-system goals of the criminal justice system according to Davies et al; (1998) are “ protecting the public by preventing and deterring crime, by rehabilitating offenders and incapacitating others who constitute a persistent threat to the community, upholding and promoting the rule of law and respect for the law, by ensuring due process and proper treatment of suspects, arrestees, defendants and those held in custody, successfully prosecuting criminals and acquitting innocent people accused of crime”.

Furthermore, “ maintaining law and order, punishing criminals with regard to the principles of just deserts, and registering social disapproval of censured behaviour by punishing criminals, and finally aiding and advising the victims of crime”(Davies et al; 1998).

The ‘ National Crime Squad’ was put into effect by the Police Act 1997 and came into operation on the 1st April 1998 (Newburn, 2003). Furthermore, it merged with all regional crime squads. They targeted serious and organised crime, such as immigration crime, illegal arms and drug trafficking crimes and money laundering and counterfeiting (Davies et al; 2005).

Following the Serious Organised Crime and Police Act 2005, the Serious Organised Crime Agency was created and the agency officially came into being in April 2006, and its function was to tackle the growing problem of international criminal gangs. (Home Office, 2008). The agency was formed from the amalgamation of the National Crime Squad, the National Criminal

<https://assignbuster.com/organised-crime-and-the-criminal-justice-process/>

Intelligence Service, the National Hi-Tech Crime Unit, the investigative and intelligence sections of HM Revenue and Customs on serious drugs trafficking and the UK Immigration Service responsible for organised immigration crime (Home Office, 2008). The Serious Fraud Office continues to be a separate agency.

According to the (Home Office, 2008) “ the economic and social impact of organised crime in the UK is staggering and statistics show that global profits from people smuggling is estimated to be \$10 billion annually, 280, 000 problem drug users cause half of all crime, every £1 spent on heroin is estimated to generate about £4 of damage to the national economy and there are around 400 organised crime bosses in the UK with an amassed criminal wealth of approximately £440 million”. The economic and social cost of organised crime is estimated to be in the region of £20 to £40 billion per year (Home Office, 2008).

Furthermore, the Home Office, (2004) strategic plan for Criminal Justice 2004-2008 was “ the criminal justice process will relentlessly target the top 15-20 prolific offenders in each Crime and Disorder Reduction Partnership area, and more in bigger areas, and give the police, the Crown Prosecution Service and the | Serious Organised Crime Agency the powers they need to take on the most serious and organised criminals”. Also, the police, Crown Prosecution Service, courts and other agencies like the Serious Organised Crime Agency would be able to keep at least 50% of the value of all the criminal assets they help to seize (Home Office, 2004).

The recovery of criminal assets would be the role of the Assets Recovery Agency which was set up under the Proceeds of Crime act 2002 and plays an important part in the government's plans to seize the profit out of crime, and separate and prevent the criminal organizations from continuing with their activities by removing the money which motivates their activities and their major source of income (Assets Recovery Agency, 2008).

Meanwhile, the (Assets Recovery Agency, 2008) has three strategic aims “ to disrupt organised criminal enterprises through the recovery of criminal assets, thereby alleviating the effect of crime on communities, to promote the use of financial investigation as an integral part of criminal investigation, within and outside the Agency, domestically and internationally, through training and continuing professional development and to operate the agency in accordance with its vision and values”.

As, the Assets Recovery Agency was formed to stop organised criminal activities through the recovery of assets, on the 16th January 2007, the government introduced the Serious Crime Bill to Parliament setting out their suggestion to amalgamate the operational elements of the Assets Recovery Agency with the Serious Organised Crime Agency, and the Agency's training and accreditation function with the National Policing Improvement Agency (Assets Recovery Agency, 2008).

On the 1st April 2008 the operational section of the Assets Recovery Agency merged with the Serious Organised Crime Agency. Commenting on the merger Hughes, of SOCA, (2008) said “ we are gaining important skills and expertise with the arrival of Assets Recovery Agency staff and we welcome

them into SOCA. Now that the merger has taken place we will get on with the job that parliament want us to do, namely depriving crooks of their ill-gotten gains". However, the Home Office minister Coaker, of SOCA, (2008) said that " assets recovery is critical in the fight against all levels of crime and we are determined to stop criminals profiting from crimes which affect the lives of law abiding majority". Meanwhile, Goggins, SOCA, (2008) said " this merger will strengthen the fight against crime in Northern Ireland as it combines the intelligence expertise of SOCA with the hands on practical experience of ARA. This combination will make the recovery of assets even more effective and strengthen our fight against those who profit from organised crime".

Under the Proceeds of Crime Act 2002 on 17th January 2008 the Asset Recovery Agency recovered assets worth at least £4 million from the High Court in Belfast. Also, on 5th February 2008 the agency obtained a Civil Recovery Order in the High Court in London worth an estimated £750, 000 from a couple who had obtained the assets through the human trafficking of people, mainly from Eastern Europe into Britain to work in brothels (Assets Recovery Agency, 2008).

According to the Home Office, (2008) " the Serious Organised Crime Agency Second Annual Report showed another record year in the war against drugs with almost 90 tonnes of class A drugs seized with partners at home and abroad, a 20 per cent increase on the previous year. The cocaine alone, cut to usual UK street quality, could have realised £6bn". Furthermore, according to the Home Office, (2008) " 53 disclosure notices, requiring individuals to co-operate with investigations by producing documents or answering

questions, and 46 warnings on crime threats issued to over 2, 500 private sector organisations throughout the UK.

Meanwhile, the Home office, (2008) quotes “ over £46m criminal assets restrained by the domestic courts”. All SOCA operations now include financial investigations with an additional 35 financial investigators appointed during 2007/2008.

According to Wright, (2006) “ For Cohen, it is necessary to map the interactions, processes and patterned relationships both within and outside organisations in a more holistic way. It is necessary to establish the social context of the criminal activities of ‘ organised criminals’, as well as the structure of their associations”.

Furthermore, for Wright, (2006) “ Cohen points out that criminology has done little work on the nature of organisational processes in crime groups. It has overlooked such things as recruitment, socialisation of members within organisations, and the way in which subcultures are developed and maintained. It has also to a large extent ignored such things as the protection and insulation of participants from the impact of conventional moral definitions”. For Cohen, according to Wright, (2006) “ criminal groups should be subject to assessment of their internal structures and to analysis of all societal activity as it bears upon the production of their criminal behaviour. It is necessary to show that the functional problems of human systems take a distinctive form in criminal enterprise and that this distinctiveness provides a justification for the specialised study of criminal organisation”.

Victims of crime are now recognised as key players in the Criminal Justice Process. According to Zedner, (2002) “ without the cooperation of the victim in reporting crime, furnishing evidence, identifying the offender, and acting as a witness in court, most crimes would remain unknown and unpunished. The reliance of the Criminal Justice System on the victim has proved to be a powerful bargaining tool in the recognition of the victims’ interests”.

The Victims Charter was first published by the Home Office in 1990 and at the time signified an important way forward in the recognition of victims’ interests, though it had been criticized for offering little by way of enforceable standards (Zedner, 2002).

The clues to understanding most serious crimes according to Box, (1983) “ can be located in power, not weakness, in privilege, not disadvantage, in wealth, not poverty”.

In conclusion, since the launch of the Serious Organised Crime Agency in April 2006 and the merging of the Assets Recovery Agency in April 2008, the Criminal Justice process in dealing with serious organised crime has had a huge impact on criminal gangs operating within the UK, with the recovery of their assets from their criminal activities and to make it harder for them to continue in their criminal ways.

BIBLIOGRAPHY

Assets Recovery Agency, (2008), “ Making Sure Crime Doesn’t Pay”.

Available at:

<http://www.assetsrecovery.gov.uk>

<https://assignbuster.com/organised-crime-and-the-criminal-justice-process/>

<http://www.assetsrecovery.gov.uk/AboutARA/AimsandObjectives/>

<http://www.assetsrecovery.gov.uk/AboutARA/History/>

Box, S. (1983), *Power, Crime and Mystification*, Tavistock Publications, London.

Davies, M; Croall, H. and Tyrer, J. (1998), *Criminal Justice: An Introduction to the Criminal Justice System in England and Wales*, (2nd Edition), Pearson Education Ltd, Harlow, Essex.

Davies, M; Croall, H. and Tyrer, J. (2005), *Criminal Justice: An Introduction to the Criminal Justice System in England and Wales*, (3rd Edition), Pearson Education Ltd, Harlow, Essex.

Giddens, A. (1997), *Sociology*, Polity Press, Cambridge.

Hale, C; Hayward, K; Wahidin, A. and Wincup, E. (2005), *Criminology*, Oxford University Press, Oxford.

Home Office, (2004), *Cutting Crime, Delivering Justice: A Strategic Plan for Criminal Justice 2004-08*. Home Office, London.

Home Office, (2008), “ Organised and International Crime”. Available at:

<http://www.homeoffice.gov.uk/crime-victims/reducing-crime/organised-crime/>

Kelbie, P. (2007) “ Kirk acts on human trafficking in Scotland”. Available at:

<https://assignbuster.com/organised-crime-and-the-criminal-justice-process/>

<http://www.guardian.co.uk/uk/2007/may/20/humanrights.internationalcrime/print>

King, D. R; and Wincup, E. (2000), *Doing Research on Crime and Justice*, Oxford University Press, Oxford.

Marshall, G. (1998), *Oxford Dictionary of Sociology*, Oxford University Press, Oxford.

Newburn, T. (2003), *Crime and Criminal Justice Policy*, Harlow, Pearson.

News Distribution Service, (2008), Home Office (National), “ Tackling serious organised crime in new and different ways”. Available at:

<http://nds.coi.gov.uk/content/detail.asp?ReleaseID=367603&NewsAreaID=2&Navig..>

Proceeds of Crime Update, (2008). Available at:

<http://www.assetsrecovery.gov.uk/MediaCentre/ProceedsOfCrimeUpdate/2008/>

Serious Organised Crime Agency, (2008), “ Merger of SOCA and ARA strengthens Government drive to deprive criminals of their assets”. Available at:

<http://www.soca.gov.uk>

Sharp, R. (2007), “ Cybercrime”: Uncovered. Available at:

<https://assignbuster.com/organised-crime-and-the-criminal-justice-process/>

[http://www.independent.co.](http://www.independent.co.uk/life-style/gadgets-and-tech/features/cybercrime-uncove...)

[uk/life-style/gadgets-and-tech/features/cybercrime-uncove...](http://www.independent.co.uk/life-style/gadgets-and-tech/features/cybercrime-uncove...)

Wright, A. (2006), *Organised Crime*, William Publishing, Devon.

Zedner, L. (2002), 'Victims', in M. Maguire; R. Morgan and R. Reiner (eds),
The | *Oxford Handbook of Criminology* (3rd edition), Oxford University Press.