

# **Organised Crime in the UK: Illegal Governance of Markets and Communities**

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**Abstract:**

This paper focuses on governance-type organised crime (OC). Firstly, it explores two cases of illegal governance in Salford (Greater Manchester) and Derbyshire by relying on a wide range of qualitative data. Next, it presents a novel instrument measuring the strength of governance-type OC, the 'Illegal Governance (i-Gov) Index'. This instrument is then included in a survey we conducted with Derbyshire Constabulary. This is the first systematic attempt to measure such crime in the UK. The paper shows that the governance dimension of OC is present in the UK, although with varying degrees of sophistication and development. While comparatively rare, this form of OC is pernicious and highly destructive of communities. This paper therefore calls for a systematic evaluation of such phenomenon across the UK, based on the i-Gov Index.

*Keywords:* Illegal Governance; Communities; Organised Crime; Salford; Derbyshire.

## Introduction

Over the years, the concept of organised crime (OC) has been increasingly broadened to the extent that it now covers any criminal conspiracy that is active for an unspecified period of time.<sup>1</sup> The UN defines OC as:

A group of three or more persons, existing for a period of time, acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration in order to obtain, directly or indirectly, a financial or other material benefit (UN 2004: art. 2).

The definition used by the British National Crime Agency is equally broad: "OC can be defined as serious crime planned, coordinated and conducted by people working together on a continuing basis. Their motivation is often, but not always, financial gain."<sup>2</sup>

On the basis of these definitions, one would understand OC as 'crime that is planned', yet we would be none the wiser on the kinds of activities undertaken or how long the organisation should last. Consequently, some authors have concluded that it is not possible to define OC cogently, and have opted for other concepts (von Lampe 2001: 113; Levi 1998: 335; van Duyne 1996: 53). While the broadening of the concept has the operational merit of allowing law enforcement to choose its targets freely, scholars and analysts intent on salvaging the concept need to develop some analytical sub-categories to differentiate between different forms of OC. Such forms in turn will require different sets of policies and strategies to fight different phenomena.

A view that gained traction in the 1960s in the United States was that the essence of OC is to provide illegal goods and services. For instance, the report of the Task Force on Organized Crime of the 1967 President's Commission asserted on its first page that, "the core of organized crime activity is the supplying of illegal goods and services – gambling, loan sharking, narcotics, and other forms of vice – to countless numbers of citizen customers" (Task Force Report 1967: 1). Even a critic of the Task Force such as D.C. Smith (1975) concurred that OC should refer to 'illicit enterprises'. While it might be controversial to exclude 'organised theft' and 'organised fraud' from the definition of OC, this perspective allows us to think of OC as a productive activity of sorts, involving the manufacture and trade

of goods and services. Such a perspective remains fruitful today. Columns 1 and 2 of Table 1 below list a number of activities traditionally associated with OC that can be considered forms of production and trade of illicit goods.

Table 1. Production, Trade and Governance: some illustrative examples

<i>Production</i>	<i>Trade</i>	<i>Governance</i>
Cocaine Cannabis Methamphetamine Counterfeit goods	Drug trafficking Human trafficking Human smuggling Cigarette smuggling Trafficking in stolen antiquities Animal parts trafficking Buying and selling on cybercrime forums	Dispute settlement Restriction of competition Protection against thieves Labour racketeering Intimidation of lawful right- holders Debt recovery Enforcement of cartel agreements

The production of illegal commodities includes coca production and transformation in Latin America (Thuomi 2003; Zaitch 2002) and heroin production in Afghanistan and Burma (Paoli et al. 2009; Chin and Zhang 2015). Such activities do not occur only in developing economies; the United Kingdom, for instance, has seen the emergence of a local production of cannabis, which now accounts for between 50 and 65 per cent of domestic consumption (Silverstone and Savage 2010; Kirby and Peal 2015: 3; Decorte et al. 2011).

Besides production, OC groups are involved in a separate set of activities related to the exchange of illegal commodities. Illegal trades include human trafficking (Campana and Varese 2016; Campana 2016), human smuggling (Zhang and Chin 2002; Soudijn and Kleemans 2009), drug trafficking (Ruggiero and Khan 2006, Paoli and Reuter 2008, Chin and Zhang 2015), trafficking in animal parts (Wong 2015), and stolen data (Lustaus 2012). Commodities are traded in marketplaces that can be either physical or virtual. As licit Internet-based transactions are gaining increasing prominence in our everyday lives, illicit virtual trade has also appeared. A virtual marketplace populated by illegal traders was the now defunct Silk Road, a website on which sellers and buyers could meet remotely and trade a host of illegal commodities, including drugs (Barratt 2012). Specialised forums on which

offenders can trade information have also been established; a commodity that is often traded on these forums is stolen credit card details (Lusthaus 2012).

Some scholars have focused their attention on a third aspect of OC, namely governance (see Column 3, Table 1). The concept of ‘governance’ has been used widely in business studies, economics, politics, sociology and criminology since the 1980s. As with any other concept, it has been deployed to refer to a variety of objects. One analytical way to understand governance is to refer to the rules and norms that regulate production and exchange (Williamson 2005: 1; see also Dixit 2008). Ordering of exchange may be achieved in a number of ways: it can emerge spontaneously, through market-based repeated interactions, or it can be supplied by a variety of sources such as informal institutions, formal private organisations or the state (Varese 2010; Skarbek 2011). Scholars have noted a change in how legal governance has been supplied since the 1970s, with the increasing prominence of private actors and civil society (van Waarden 2012). The emergence of pluri-centric forms of governance, for example in the shape of multi-organisational partnerships, has also been observed – particularly in the Anglo-Saxon world (see, e.g., Goodwin and Painter 1995; Jessop 1995; Lowndes and Skelcher 1998). However, there is no consensus on the extent to which the centrality of the state has been eroded (Rhodes 2012, and cf. Majone 1997).

Criminologists have mostly been interested in how governance is provided in relation to crime control (Crawford 1997 and 2006). However, as with other social arrangements, there is a dark side to governance. Property rights can be protected for some at the expense of others, and resources can be mobilised to secure benefits for a select few, even at the expense of overall long-term economic efficiency. Thus, the study of governance should also include less-than-good arrangements. Furthermore, governance can be supplied not only by actors from the state, market and civil society (van Waarden 2012: 355), but also by actors operating outside the scope of the law. The latter are of particular relevance to criminologists, and the study of the governance supplied by these illegal actors is the focus of this paper.

A focus on governance allows scholars to retain the crucial distinction between producers of goods and services on the one hand, and suppliers of forms of regulation on the other. In this view, OC attempts to regulate and control the production and distribution of a given commodity or service unlawfully. In other words, it seeks to *govern* the underworld. Such an aspiration requires investments in a special set of resources, which are not necessarily

available to illegal producers and traders. The most crucial resource is violence. A governance-type OC group is bound to clash with others who also wish to regulate the sale and distribution of a given illegal commodity (or of a legal commodity illegally). Thus, such a group must be stronger than the individuals who operate in its area of influence. Only those who possess force can guarantee that their decisions will be respected and their punishments executed. In turn, a reputation for violence will enable the group to economise on the actual use of threats (Campana and Varese 2013; Gambetta 1993). In practice, authority is exercised through the threat of violence, rather than its actual use. Indeed, a reputation for the ability to deliver credible threats and a variety of other forms of coercion – economic and symbolic – are part of a mafia group’s armour. Information is also a crucial resource, as the group needs to know who deals in what in a given market, in order to prevent them from doing so. The above characterisation does not imply any particular organisational structure or duration. However, for governance-type OC to be effective, one would expect the presence of a rudimentary structure, a system for issuing orders, and someone who benefits from such governance – all features that have been mentioned over the past century as being part of OC. In addition, one would expect that such a group is not ephemeral, yet their length of existence would differ. Empirically, we can take gang wars and truces, and market sharing arrangements, to suggest the presence of a governance-form of OC.

In this paper, we focus on illegal governance in the UK. The first goal of the paper is to explore the existence of governance-type OC in the UK. To this end, we have investigated two cases of illegal governance in Salford, Greater Manchester, and Derbyshire. After having established the existence of the forms of governance-type OC in the UK, we conducted a survey in Derbyshire to identify which groups exhibit these characteristics. On the basis of the survey, we developed an instrument that aims to identify and capture the strength of governance-type OC: the i-Gov Index (the Illegal Governance Index). While police officers and analysts might be aware that such forms of OC exist in their jurisdiction, they still lack the tools to incorporate this knowledge in their operational definition of OC. This paper offers a solution to this problem.

The paper proceeds as follows: Section 1 outlines the basic forms of governance-type OC; Section 2 discusses the methods of data collection; Sections 3 and 4 present two UK case studies, while Section 5 introduces the Illegal Governance Index and discusses the results of the survey. Section 6 offers a conclusion.

## 1. Illegal governance of markets and communities

The illegal governance of communities is a phenomenon traditionally associated with regions of the world with a high density of Mafia presence, such as Western Sicily. For instance, at the turn of the nineteenth century, a small village named Villalba saw the rise of an alternative source of protection – amid distrust towards a central authority regarded as ineffective and lacking legitimacy (Sabetti 1984: ch. 6). At the centre of this newly-established (illegal) protective agency was Calogero Vizzini, who would go on to become one of the most powerful bosses in the Sicilian Mafia. According to Sabetti (1984: 103), Vizzini started his group to provide protection against banditry to peasants by taking their wheat to a mill in a nearby village. At first, he had only two armed guards. Soon, the venture proved to be so successful that “villagers began to go to [Vizzini] with other problems” (Sabetti 1984: 104). The mafia in Villalba was originally “an expression of local self-government” based on some degree of consent among the population (Sabetti 1984: 104).

Illegal governance includes protection against competition, enforcement of cartel agreements, settlement of disputes, labour racketeering, intimidation of workers and trade unionists for the benefit of employers, intimidation of lawful right-holders, protection against theft and police harassment, protection in relation to informally obtained credit and debt recovery, and protection against extortionists (for a review, see Varese 2013). Illegal governance has been extensively documented in relation to the traditional Mafia organisations, such as the Sicilian Mafia (Sabetti 1984; Gambetta 1993; Santino 1994; Paoli 2003); the Italian-American Mafia (Reuter 1983); the Russian Mafia (Varese 2001); the Hong Kong Triads (Chu 2000); the Japanese Yakuza (Hill 2003); the Calabrian ‘Ndrangheta (Paoli 2003; Varese 2011) and the Neapolitan Camorra (Campana 2011). More recently, several studies have been devoted to documenting this form of OC in Latin America (Brophy 2008; Locks 2014).

Yet the governance dimension of OC is not just a feature of mafias and Latin American ‘cartels’; it is also undertaken by criminal groups in territories outside the conventional settings. Skinnari et al. (2012), for example, detail the workings of protection rackets in areas of Stockholm, Sweden. Instances of governance-related activities have also been identified among some of the gangs operating in London. Levi’s 1981 landmark study of long firm fraud documents how the Kray and the Richardson gangs in London aspired to “gain a

monopoly on extortion and on criminal activities generally” (Levi 2008: 62). According to Densley (2013: 265), some of these groups “protect community residents from violence and exploitation, provide them with financial sustenance, organise recreational activities and otherwise ‘serve’ the community, much like certain larger US gangs”. In his work on Chinese organised crime in the UK, Dees (2012) cites evidence from the Metropolitan Police Chinese Unit indicating the presence of protection rackets among the Fujianese communities in Britain (for the case of Northern Ireland, see Clarke 1989; Maguire 1993 and Hamill 2010; Cfr Fraser and Hobbs 2017: 600). This paper aims to add to this small body of literature and to offer a way to map governance-type OC in the UK. Before exploring in depth two cases of criminal governance in the UK, we shall briefly describe our methods of data collection.

## **2. Data and methods**

For the study of illegal governance in Salford, Greater Manchester, and Derbyshire, we collected a wide range of ‘qualitative’ data. In relation to Salford, we conducted semi-structured, in-depth interviews with individuals who have extensive knowledge of the case, as well as a systematic search in the online archives of local and national newspapers (*The Guardian*, *Manchester Evening News*) using as keywords the names of the key individuals involved. For the second case study, we were granted full access to the police files prepared for the case against the Lowther Brothers. Although we read and analysed a variety of different documents produced during the investigation, we have only included in this paper the evidence presented in court. In addition, we conducted interviews with police officers with considerable knowledge of the case and OC in the area, as well as having searched the online archives of the local newspapers (*Derby Telegraph*, *Nottingham Post*) using as keywords the names of the key individuals involved. We also travelled to Salford and Derbyshire to conduct interviews and become familiar with the local situation (details of the interviews are presented in the References).

In order to assess the extent of illegal governance in UK communities, we have devised a new survey instrument. A discussion of the survey items is included in Section 5. Thanks to the crucial assistance of Derbyshire Constabulary, we were able to circulate the survey among all the police officers tasked with monitoring and coordinating operations against all OC groups active in the area. All officers replied to the survey (N=13; 100% response rate). Before circulating it among the respondents, the questionnaire was validated by police

analysts with knowledge of OC. The choice of Derbyshire Constabulary for this study was driven by the opportunity to gain access to documents and police officers that the Force granted to us. Derbyshire Constabulary is one of the 43 territorial police forces operating in England and Wales with jurisdiction over a population of just above a million.<sup>3</sup> The main city in the area is Derby, with a population of 248,700 (2011 census). As for the OC presence, Derbyshire Constabulary ranks ninth (of 43 forces) when measured on the number of OC groups identified per million people (as of July 2016; HMIC 2017: 98). According to this metric, the presence of organised crime (broadly conceived) is just above the overall average for England and Wales. Derbyshire Constabulary was ranked as “outstanding” by Her Majesty’s Inspectorate of Constabulary in its latest assessment of the Force’s effectiveness in measuring and tackling OC (HMIC 2017: 127).

### **3. Illegal governance in practice: the case of Salford**

In 2016, in the town of Salford, Greater Manchester, a man was attacked with a machete, and another had a grenade thrown at his house. Furthermore, a nine-year-old boy was shot as he opened the front door of his house: the killer was looking for his father. In this town, which has a population of 234,000, the police have recorded 25 OC groups, and the number of shootings in 2015 was 19. “Police don’t control the street”, a gang member told the BBC in 2016 (BBC *Panorama* 2016).

Salford is not only the site of serious violence; it also offers a prime example of the illegal governance function of OC. The town, which is adjacent to the city of Manchester, is home to the Salford ‘Firm’. Predominantly white, it is composed of different kin-based crime Families, occasionally in conflict with each other. In the 1970s and early 1980s, these Families were involved in armed robberies (Int-1 and Int-2), a crime that requires the use of effective violence and courage; thus, these Families grew in criminal reputation. When the banks improved their security and reduced the amount of cash held in local branches, the number of armed robberies declined (Int-1 and Int-2). At that very time, the consumption of drugs exploded, and the Salford Families started to establish the market for heroin, cocaine and ecstasy. As most drugs were sold in dance clubs, gangs found a way to control the doors, often through legitimate security companies (Int-1 and Int-2; for a general study of the night economy, see Hobbs et al. 2003). The Hacienda, arguably the most important club in Europe

in the 1980s, hired one Salford Family, the Noonans, to guard the doors in 1991 (Hook 2010: 214–215). Damien Noonan was in charge of the bouncers. One of his brothers had been charged and acquitted of murder, while another had more than 40 convictions for armed robbery and assaulting the police. The Noonans were so menacing that, when they were pulled over, the police would let them go, no matter what they had done (Hook 2010: 214–215). Damien introduced a degree of order at the Hacienda. Gangs were allowed in, but each sat in its own corner to avoid bloody fights. They received their drinks at cost, so they would not steal them outright and harass the staff along the way. Peter Hook, a founding member of Joy Division and co-owner of the Hacienda, recalls that hiring gangsters offered additional benefits: some of the staff took interest-free loans rather than going through banks. Moreover, an association with a strong gang carried prestige: “Our bouncers were so powerful and so bloody violent that anywhere we went we had the cachet of being associated with them” (Hook 2010: 257).

Another prominent Salford gangster, initially involved in armed robbery and then drugs distribution, was Paul “Mr Big” Massey.<sup>4</sup> In the 1980s, he started to exercise his influence in the legal economy, creating a company officially named Personal Management Security, PMS for short, while another notorious local family also involved in armed robberies, the Pollard Family, created Marpol (Int-2). Over time, the Salford gangsters began to impose their services of protection upon construction sites, shops and malls, and even obtained a contract (later rescinded) to provide security to Metrolink (Int-1 and Int-2). As one of our interviewees stated, “these security firms are in effect protection rackets” (Int-1). Reputation played a key role. According to one interviewee, “everybody knew that PMS stood for Paul Massey Security. That name, PMS, was a form of deterrence; people knew who was behind the company and would not rob sites protected by them” (Int-2). According to a second interviewee, the company had people listed as employees on its books who were serving jail sentences. Allegedly, this was a way for the group to pay associates who were in prison (Int-1).<sup>5</sup> In an exposé of the Mancunian underworld, journalist Peter Walsh noted that shopkeepers and tenants in the area were asked to pay protection money to avoid being robbed or burgled (Walsh 2006: 132).

The ‘Salford Firm’ ran a parallel justice system. In their ethnographic study of Ordsall – a ward of some 6,500 inhabitants within Salford – Walklate and Evans (1999: 95) found evidence of “a locally well-known criminal gang” influencing community life and acting as

“a quasi-political network”. A local police officer they interviewed maintained that the neighbourhood “has always been a self-policing community” (Walklate and Evans 1999: 86). In one instance, the gang even set the amount of monetary damages that a joy-rider had to pay to a thirteen-year-old girl who had been knocked down during a public display of handbrake turns (Walklate and Evans 1999: 86).

Reporting crime to the legitimate authorities was punished. Members of this crime group would “put themselves forward as alternative authority figures, meting out their own summary justice to transgressors and spraying the names of alleged ‘grasses’ on the estate in prominent positions” (Walsh 2006: 130). Direct intimidation or a public “naming and shaming” in the main shopping area of the estate was also reported by Walklate and Evans (1999: 90–92), who further observed that “whilst people living in this area were intimidated by the presence of the criminal gang and its activities, they also believed that the same presence afforded them a level of protection from criminal victimisation not provided by official agencies” (Walklate and Evans, 1999: 95. Indeed, the Salford Riots of 1992 were a week-long attack on the police and the fire services: see Newburn 2015). This code of silence is still in existence. In 2012, a man was shot in front of 30 people in a local pub. After the murder, the killer pointed his gun at the witnesses and warned them not to talk. As in other similar incidents, the CCTV footage went missing. No one was prepared to give evidence. The former Chief Crown Prosecutor for Greater Manchester concluded in 2016 that, “the impression will be that people are above the law ... some individuals will feel that they can get away with murder.” He further admitted that “there is a trust deficit in the police” (BBC *Panorama* 2016).

The next step is when the gangster himself becomes a community leader. In 2015 Paul Massey brokered a truce between four Manchester gangs that were waging a deadly war. *The Guardian* reported that Massey had been asked by police to intervene as mediator following violent incidents in the town, including a grenade and machete attack (Pidd 2015). He also acted as a mediator in several gang conflicts across the UK (Walsh 2006: 172–175; Pidd 2015; BBC *Panorama* 2016).

As in other contexts, entrenched OC is able to intimidate politicians. In May 1990, the Liberal Democrats decided not to contest the local ward due to safety concerns, and the Conservatives were unable to find anyone willing to run for that seat (Walsh 2006: 131). In

2010, Paul “Mr Big” Massey unsuccessfully ran for mayor of Salford. Yet he managed to collect 1,995 votes (4.5 per cent of the total votes), just below the Liberal Democrats (2,148) and more than the Greens (1,273).<sup>6</sup>

In July 2015, Paul Massey was shot dead by a masked gunman. Apparently, he did not quite manage to convince a faction of a new, up-and-coming gang known as the A-Team to dispose of their weapons (Int-1; Int-2; Britton 2016). His funeral was a grand affair, and a mass was held in the Church of St Paul the Apostle. Hundreds turned up to pay their respects on the day of his funeral (Allison et al. 2015; Pidd 2015). Unsurprisingly, armed police were on standby to ensure that no further violence took place on such a solemn occasion. As we visited the Church in 2016, we struck up a conversation with a church volunteer. She told us that the church takes in no fewer than 19 homeless people every night and, as we spoke to her, a jumble sale was being organised: “We have our problems, but people are very nice, they help me if I need something.” The area is also undergoing significant gentrification. She was, however, scathing about the effects of such developments: “They are pushing local people out, towards the dead-end part of the town. They are building new flats, but not social housing” (Int-3). Quickly, the conversation turned to crime: “There is crime in this area. During the day it is fine, but I would be careful of walking here during the night” (Int-3). She continued:

We also have our own mafia. They murdered one of our own. There are two sides to each person. He [Paul Massey] has done some bad things, but also some good things for the community. He had helped people (Int-3).

Myth-making is not far off. Racketeers are portrayed as benevolent figures and their actions are romanticised. A story from the 1990s was related to us in Salford. The story goes that an old lady from the community had her house broken into, and her pension money stolen. Paul Massey managed to track down the person responsible for the burglary, and made sure that the money was returned to the lady (Int-2). Massey, according to our interviewees, also claimed that he was responsible for stopping the introduction of heroin in Salford (Int-1 and Int-2).

The case of Salford shows that protection rackets and illegal governance can emerge in countries that possess an overall high level of trust and legitimacy in the police and other

institutions of authority. A high level of trust and legitimacy at the macro level may not be evenly reflected among all communities. Indeed, British police forces and other institutions of authority show a relatively high level of trust and legitimacy at the macro level (Jackson et al. 2013). However, in 2014, the Chief Inspector of Constabulary, Tom Winsor, maintained that some communities in Britain rarely, if ever, call the police to report a serious crime and stated that residents “administer their own form of justice... It could be anything from low-level crime right up to murder...” (Sylvester and Thomson 2014; *Guardian* 2014). When certain communities have a low level of trust in the police and the institutions of authority, they may turn to local stakeholders to settle disputes, including minor conflicts. This equilibrium is conducive to the rise of figures that might have less-than-civic intentions.

#### **4. Illegal governance in practice: the case of Derby**

Forms of illegal governance are not only a long-standing feature of some large urban centres, such as Greater Manchester. Under certain circumstances, they may emerge even in rural areas, yet effective early police intervention can stop the phenomenon from reaching the proportion of that in Salford. This is the case of the three Lowther brothers, based in the rural Amber Valley of Derbyshire, who teamed up with at least eight people to harass and extort legitimate business in the area, mainly operating in the transport and recycle sectors. Over time, they were able to offer some genuine services of protection to their business associates, by recovering debts and reducing competition for the benefit of some operators. Both activities are typical of mafias, as outlined above. The group operated between 2009 and 2017; the Derbyshire police investigation eventually led to successful convictions in 2017 for conspiracy to blackmail, to conceal criminal cash, and to pervert justice as well as the intimidation of witnesses (EMSOU 2016).

David Lowther, who received a nine-year prison term, appears to have played the leading role in the gang. Formally employed as a car washer and a ground worker, living in a caravan and uneducated, he and his brothers are reported to have been involved in the production of marijuana. Over time, they began to engage in the petty extortion of local business people, stealing their trucks and then offering to return them for a fee. In some cases, they would continue to harass the victim, even if he had paid. Their demands ranged between £1,500 and £20,000. When asked by police if he had paid the ransom to get his truck back, one victim

replied: “I have, yeah. I’ve got no choice” (EMSOU 2016: 11; see also Malcolm 2017; Slater 2017). Their early foray into illegal governance was rudimentary and predatory.

Yet over time they proved to be able, in some key instances, to offer a genuine service of protection. In one case, a businessperson turned to David and John Lowther asking them to recover a debt of £5,000 from a customer who had not paid for his cranes. It took one day for David Lowther to deliver the money in cash, although he kept £2,700 for payment (EMSOU 2016: 19). Finally, the Lowthers teamed up with the owner of a substantial transport and recycling business. They helped him to intimidate his competitors, a ‘service’ typical of the mafias in places such as Sicily, Russia and the United States. The Court heard how one of the victims had been harassed since early 2015. The victim worked for a grab lorry business in the Amber Valley area. The threats were made in the form of demands “to stop working in the area where the Lowthers had money invested in a local company and competitor” (EMSOU 2016: 27). The victim recalls that, on 1 January 2015, he received a phone call from Luke Lowther. He was told: “Listen here, you’re not trading around here, I am going to burn your fucking lorry” (EMSOU 2016: 28). As the conversation continues, another brother makes clear that the businessman should not trade in the local area, and should move to Yorkshire. Eventually, the victims agreed not to trade in the “patch” in which the business protected by the gang operated (EMSOU 2016: 27-29 and 33-36. See also Slater 2017).

Quite early on in the history of the gang, the Lowther brothers developed a reputation for serious violence. When the owner of a lorry reported a theft of his vehicle to the police, he called back saying that he had retrieved it thanks to the gang, and he added: “I can’t say too much, cos of the circles they move in, you know what I mean” (EMSOU 2016: 11) The same victim later elaborated: “the reason why I am so afraid of all the Lowthers is due to their *reputation for violence* and also their apparent disregard for the law” (EMSOU 2016: 18; emphasis added). Other victims were scared: “they go around terrorising everybody,” said a businessperson forced to stop trading in the Lowther’s ‘patch’ (EMSOU 2016: 29). The brothers got into fights at local pubs for futile motives. While it might have appeared as irrational behaviour, it actually served to strengthen their reputation. Although banned from the pub, they kept coming back, asserting their power of intimidation in a public place, where everybody could see for themselves what these people were capable of. Such displays helped them to be more credible when they asked for protection money or intimidated others.

The Derbyshire police took the decision to prioritise this particular group and assigned to it a dedicated team of officers. While the brothers accumulated considerable sums of money and a property portfolio (EMSOU 2016: 59-61), the police understood that the harm caused by this gang was only partially quantifiable in financial profits. Ultimately, the Lowthers were trying to set themselves up as figures of authority, controlling parts of the local economy through terror and violence. Some businesspeople understood the power of intimidation of the gang and decided either to yield to their demands or to team up with them to increase market shares. It is a testament of the police judgment that they decided to intervene early enough to prevent such control from escalating and becoming rooted in the community. Yet it is appropriate for police forces to develop standardised instruments to identify this form of OC and to prioritise it across the country.

## **5. Assessing the scale of illegal governance: the i-Gov Index**

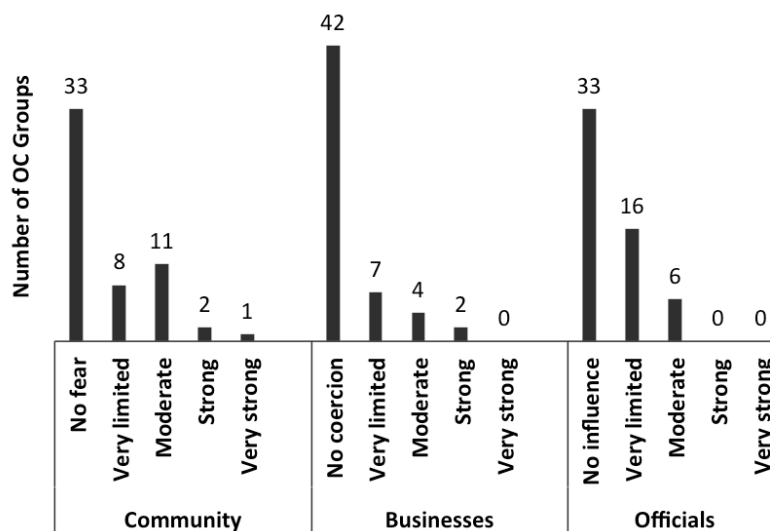
The two case studies discussed above have shown that instances of illegal governance of markets and communities are present in Britain and are comparable with what has been documented in territories traditionally associated with mafia activities. But how prominent is illegal governance in the United Kingdom? The data collection strategy currently adopted by British law enforcement makes it extremely difficult to tease out instances of governance from the broader OC activities (remember that OC is defined by the British National Crime Agency in broad terms “as serious crime planned, coordinated and conducted by people working together on a continuing basis”).<sup>7</sup> Rather than relying on the official definition, in this section we pursue a different strategy based on using a survey to elicit information from officials with thorough knowledge of the workings of specific OC groups.

British police forces normally compile a list of OC groups that are active in their jurisdiction. Individual forces may adopt a slightly different definition of what constitutes an OC group, but ultimately this would be in line with the definition set by the National Crime Agency.<sup>8</sup> These criminal activities normally fall within the definition of “serious crime”, namely “crime that involves the use of violence, results in substantial financial gain or is conducted by a large number of persons in pursuit of a common purpose, or crime for which a person aged 21 or over on first conviction could reasonably expect to be imprisoned for three or more years” (OCCGM Manual 2010: 15). Crime types currently classified by the National

Crime Agency as serious and organised crime include the production of counterfeit goods, trafficking in drugs, trafficking in human beings and modern slavery, fraud, identity crime, intellectual property crime, kidnapping, organised theft, and child sexual exploitation (NCA 2016). This serves our purpose well as it provides a rather broad starting point for our attempt to quantify the extent of illegal governance.

In light of the evidence discussed above, we decided to operationalise illegal governance based on three (indirect) measures: (a) the ability of an OC group to generate fear in a community; (b) its ability to coerce legal businesses; (c) its ability to influence official figures. Next, we asked the police officers in charge of coordinating the investigations into OC in Derbyshire Constabulary to place each of the groups they have been monitoring on a scale from zero to four – with zero indicating ‘no fear/coercion/influence’ and four indicating ‘very strong fear/coercion/influence’ (see Appendix for the full questionnaire). We have modelled our scales on those included in the British Crime Survey and subsequently the England and Wales Crime Survey to assess fear of crime (see Gray et al. 2008). We have decided to adopt a 5-level scale to increase granularity in our measurement. The use of scales allows us to identify the presence of OC groups engaging in each of the three dimensions of illegal governance while at the same time assessing the strength of their (governance) activities. As illegal governance requires a different – more specialised – set of skills (see above), our expectation was that the number of groups that engage in such activities would be a fraction of the overall number of OC groups broadly identified. Figure 1 shows the number of groups engaging in each of the three dimensions of illegal governance, and the strength of their governance activities.

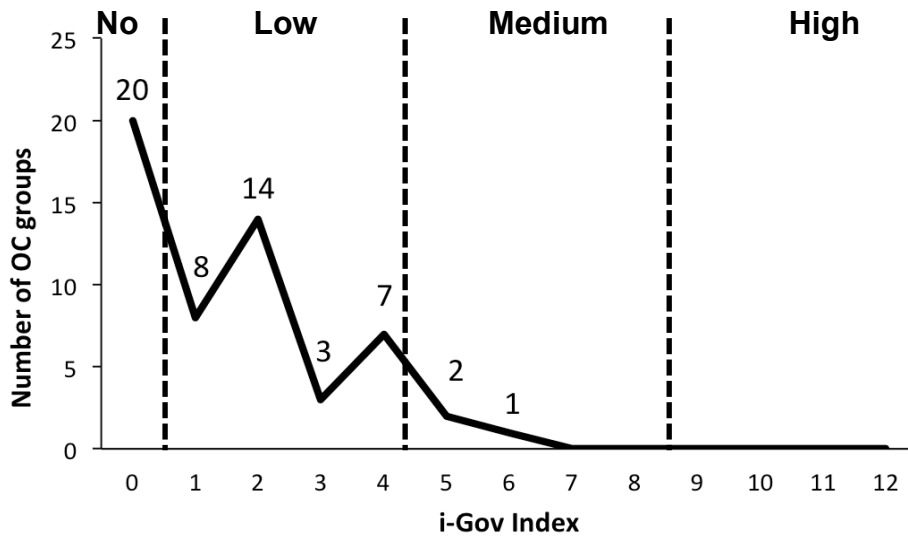
Figure 1. Organised crime and its impact on communities, businesses and officials  
(Derbyshire Constabulary, N = 55)



As expected, the number of OC groups involved in illegal governance is a fraction of the overall number of groups. Nonetheless, this fraction is far from negligible. Of the 55 OC groups identified by Derbyshire Constabulary, 22 groups generate some level of fear in the community with three groups generating a level of fear deemed ‘strong’ or ‘very strong’. Thirteen groups have coerced legal businesses, with two groups able to exert ‘strong’ coercion on those businesses. Finally, 22 groups have exerted some influence on official figures, but none has been reported to exert ‘strong’ or ‘very strong’ influence (the level of influence is mostly ‘very limited’ or ‘moderate’).

Next, we combined the three dimensions of communities, businesses and officials to generate an index of illegal governance (‘i-Gov Index’).<sup>9</sup> By definition, the Index ranges from zero to twelve (a group with a score of zero has not engaged in any of the three dimensions of illegal governance; a group with a score of twelve has a ‘very strong’ engagement in all three dimensions). Figure 2 shows the distribution of the i-Gov Index for Derbyshire Constabulary.

Figure 2. i-Gov Index (Derbyshire Constabulary)



The evidence shows that gaining a multi-faceted governance of community and markets is a difficult task for OC groups; currently, there are no groups in Derbyshire that occupy the ‘high’ level in the i-Gov Index (i.e. a score between 9 and 12). Nevertheless, three groups have managed to reach the ‘medium’ level (one of them is the case study discussed above, Section 4). This constitutes roughly five per cent of the OC groups active in the area. Finally, 32 groups are currently in the ‘low’ bracket of the Index.<sup>10</sup>

The Index we developed captures a feature of OC that is currently underexplored in the UK, and it offers several advantages. The Index taps into the extensive knowledge of police officers tasked to investigate a particular group. The use of expert opinion is a standard method in the social sciences (see, e.g., Dorussen et al., 2005). A common validation technique is the use of the Delphi Method, which involves sending a questionnaire to a panel of experts several times. The responses are then aggregated and shared with the group. Experts can adjust their answers until a ‘correct’ response is reached through consensus (Clayton 1997). At this stage, we opted against such a strategy, as there is a single expert on each group, and the involvement of superior officers (who are not experts on the group) might bias the overall results. The Index is based on extremely easy-to-collect information: it takes only a few minutes for an officer to answer the questions. In the context of limited resources and time constraints, it is unrealistic to expect that hundreds of analysts would spend hours compiling a long survey. The likelihood of low-response rates would therefore

be high. The survey is easy to roll out to several forces and would produce a map of governance-type OC in the UK within a reasonably short time. The results from Derby are encouraging; variation by place and case supports the conclusion that officers were not expressing some folk wisdom or common self-serving mythology.<sup>11</sup>

Yet issues related to the validity of the officers' assessments remain. As noted above, Derbyshire Constabulary has been ranked as "outstanding" in the assessment of the Force's effectiveness in tackling OC (HMIC 2017: 127), hence we can have a high degree of confidence in the analysts' opinions. Nonetheless, greater care must be taken when the Index is applied to areas in which the local Force is less effective. It should also be noted that this is a preliminary stage of mapping. On the basis of interviews with police analysts (Int-5 and Int-6), we have identified several recorded offences that should form the basis of an additional quantitative component. Such offences include 'Arson with Intent to Endanger Life', 'Arson Threat', 'Possessing Anything with Intent to Destroy or Damage Property', 'Perverting the Course Of Justice', and 'Intimidation of Witnesses'.<sup>12</sup> Scholars should then team up with local forces to further validate the Index with additional, qualitative studies of specific communities, using the kind of data employed in the first part of this paper (field interviews and trips, systematic analysis of local newspapers, and police and court data).

## **6. Conclusions**

This paper has focused on one particular aspect of OC, namely its ability to govern territories and communities. It has shown that the governance dimension of OC is present even in England, although with varying degrees of sophistication and development. In Salford, local gangs fight over shares of the drugs market, striking transient agreements and occasionally resorting to turf wars. Bosses such as Noonan, Pollard and Massey have also been able to enter the legal economy and impose their protection on legitimate businesses. A parallel justice system and what appears to be a degree of community consensus has emerged. Massey even stood for mayoral election and cultivated the image of a local leader, protecting people against petty theft and hard drugs. His funeral – which bore a striking resemblance to mafia funerals in Italy<sup>13</sup> – was held in the local church and attended by hundreds of mourners. The case of Salford displays a more advanced and entrenched governance-type of OC than that of the Amber Valley in Derbyshire. Yet even in this rural part of the country, the police were able to prove that the Lowther brothers terrorised the local community, extorted

businesses, and were even able to engage in debt recovery and intimidation of competition for the benefit of their business associates. All these activities are typical of traditional mafias, such as Cosa Nostra in Sicily.

A key challenge for scholars and analysts alike is to map the extent of this type of OC in the UK. Thanks to the collaboration with Derbyshire Constabulary, we have begun this process. We asked officers in Derbyshire whether OC groups have the ability to generate fear in the community, coerce businesses, and influence public officials. The results show that the majority of OC groups are not generating fear in the community (33 out of 55), coercing legal businesses (42) or influencing official figures (33). This highlights the importance of adopting a tool to re-classify the broader set of OC groups. However, instances of illegal governance do take place. Of the 55 groups being monitored by the police, 40% of them are generating some level of fear in the community, 40% exert some level of influence on official figures and 24% are able to coerce illegal businesses. While the strength of these activities is 'very limited' or 'moderate' for the vast majority of the groups engaged in these three dimensions of illegal governance, three groups were nonetheless deemed to generate 'strong' or 'very strong' fear in the community and two groups exert a 'strong' level of coercion on legal businesses (influence of public figures was 'moderate' at the maximum).

On the basis of the survey results, we have created an index of governance, the i-Gov Index, by adding up the score that each group obtained in each dimension (community; businesses; officials). This procedure, which could easily be adopted by other police forces in the UK (and elsewhere), shows that there are no groups in Derbyshire that occupy the top level in the i-Gov Index ('high'). However, three groups have managed to reach the 'medium' level (one of them is the case study discussed in Section 4). This constitutes roughly five per cent of the OC groups active in the area. We believe that while governance-type OC is comparatively rare, it is pernicious and highly destructive of communities, and its existence cannot be measured solely through an analysis of crime profits. This paper calls for a systematic evaluation of this form of OC across England and Wales.

This study has shown that there is a high degree of variation in the forms of OC, and that the governance-type form is likely to be less widespread than the other two (production and trade). Within Derbyshire, we found that most OC activities are conducted in the absence of governance-type OC. How does the absence of this type of criminality shape illegal markets?

Most generally, governance is less likely to emerge when it is harder to control the territory in which transactions take place: if there is only one spot in which the purchasing of a ‘good’, for example, can take place (such as at a port, or in a covered market), this type of control will emerge more easily. If, on the other hand, trading and production can move easily, customers can find suppliers through the internet and mobile phones, and the ‘good’ can be consumed in a variety of places. We would therefore expect governance to be more likely to emerge.

Illegal governance may well be limited, but it exists in the UK and it is likely to be clustered in less affluent, deprived areas and neighbourhoods with recent large migration. This phenomenon therefore goes well beyond simple crime; it is the result of social issues affecting a community, e.g. the lack of trust in legitimate institutions (as noted by Walklate and Evans 1999: 97 in relation to Salford). This calls for a response that goes beyond simple police intervention, requiring multi-organisational policy networks designed to bring together state and non-state actors, including the civil society (van Waarden 2012; see Crawford 1997: Chapters 2 and 4 and Walklate and Evans 1999: 112-113 for a discussion of community policing and inter-agency partnerships). Placing illegal governance within the broader governance framework helps devise more effective strategies aimed at eradicating it from communities. Where decisions are taken is indeed crucial, and striking the right balance between the local (community) level and the national level may not always be straightforward (Walklate and Evans 1999; Crawford 1997). For instance, as more decisions are devolved to a local level, the risk of corruptive practices increases, and the potential for inadequate oversight is higher. This is a vulnerability that should be considered – and addressed – when setting up mechanisms to devolve powers from central to local authorities.<sup>14</sup> We believe that recognising the risks posed by illegal governance is a first step in the right direction. This paper proposes a method to identify and measure the strength of this phenomenon and calls for a significant reorientation of thinking about OC in the UK. Future lines of enquiry include the study of the determinants of variation in governance-type OC across communities in the UK.

## **Appendix. Illegal Governance Index Questionnaire**

In your opinion, how much fear does this OCG generate in the community?

- (0) No fear
- (1) Very limited fear
- (2) Moderate fear
- (3) Strong fear
- (4) Very strong fear

To what extent has this OCG coerced legitimate businesses?

- (0) No coercion
- (1) Very limited coercion
- (2) Moderate coercion
- (3) Strong coercion
- (4) Very strong coercion

To what extent has this OCG influenced official figures?

- (0) No influence
- (1) Very limited influence
- (2) Moderate influence
- (3) Strong influence
- (4) Very strong influence

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Int-6. Senior Police Officer, Derbyshire Constabulary. Derby, March 2017.

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## Endnotes:

<sup>1</sup> On the chequered history of the concept of OC, see Levi (1998); von Lampe (2001); Paoli (2002); Varese (2010); Kleemans (2014); von Lampe (2016: 15-35).

<sup>2</sup> See <http://www.nationalcrimeagency.gov.uk/crime-threats/organised-crime-groups> (accessed on 8 June 2017).

<sup>3</sup> Data from the Office of National Statistics:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/policeforceareadatatables>

<sup>4</sup> Massey was named as 'Salford's Mr Big' by councillor Joe Burrows during a 1992 council meeting discussing the Salford Riots (Williams 2015).

<sup>5</sup> The creation of security companies as a way to facilitate the collection of protection money has been also identified in Belfast, Northern Ireland where, according to Clarke (1989: 33-35), building sites and taxi companies have been subject to protection rackets. Maguire (1993: 280) maintains that all the extra-legal organisations in both Loyalist and Republican communities "collected protection money on their own estates", particularly from shopkeepers. These groups set up security companies as a way to facilitate collection.

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Companies run by racketeers could save on the actual provision of the service as they “did not have to provide patrols to ensure that their customers were not harmed. They simply had to make their desires known in the community as to what the punishment would be for any freelance criminal” (Maguire 1993: 283).

<sup>6</sup> Data on the 2010 local elections are at: <https://www.salford.gov.uk/elections-2012.htm>

<sup>7</sup> See <http://www.nationalcrimeagency.gov.uk/crime-threats/organised-crime-groups> (accessed on 8 June 2017)

<sup>8</sup> “Organised criminals working together for a particular criminal activity or activities are called an organised crime group”: see <http://www.nationalcrimeagency.gov.uk/crime-threats/organised-crime-groups> (accessed on 8 June 2017).

<sup>9</sup> We have explored more sophisticated ways to combine the three dimensions, including a Principal Component Analysis (PCA). As the correlation between the additive index and the first component of the PCA was 0.973 ( $p < 0.001$ ), we opted for the additive index (superior in terms of readability).

<sup>10</sup> The i-Gov positively correlates with two measures of risk assessment currently adopted by law enforcement in Derby: Tier ( $r = 0.426$ ,  $p < 0.001$ ) and Score ( $r = 0.368$ ,  $p = 0.006$ ). This is an indication of the validity of our strategy; at the same time, our Index adds to the current measures of risk assessment (note that the correlations are both below 0.5). ‘Score’ is a measure calculated on the type of activities carried out by an OC group as well as the level of capabilities/resources possessed (OCGM Manual 2010: 27-31). ‘Tier’ is a measure reflecting the nature and complexity of the response required as assessed by the police (OCGM Manual 2010: 39-40).

<sup>11</sup> We are grateful to a Referee for pointing this out.

<sup>12</sup> For a description of these offences, see <http://www.cps.gov.uk/legal/index.html>.

<sup>13</sup> Compare the video of the Casamonica boss’s funeral in Rome (Tuscolano neighbourhood) (<https://www.youtube.com/watch?v=L-Dzw4CJvH8>) with Paul Massey’s funeral in Salford (<http://www.manchestereveningnews.co.uk/news/greater-manchester-news/police-raid-home-murdered-salford-12493435>).

<sup>14</sup> Transparency International issued a report warning of the “mounting risks” of corruption in local government in the UK (Transparency 2013).