



Australian Government  
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# ECPR General Conference

*Organised crime and public sector corruption*

*A crime scripts analysis*

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# Outline Acknowledgments

- Based on forthcoming *Trends & Issues paper no 444*
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# The argument

- Anti-organised crime measures have blocked opportunities for criminality
- As a consequence, organised criminals have sought to modify their tactics by forming corrupt relationships with public servants to provide access to information necessary for avoiding detection and or prosecution

# Presentation outline

- Crime control measures targeting organised crime in Australia
- Tactical crime displacement leading to corruption
- An example of tactical crime displacement in the NSW Crime Commission
- Cornish’s ‘crime scripts’ analysis of how tactical displacement occurs
- Applying Ekblom’s 5-Is crime prevention approach

**Foreword** | In 2006, the Australian Government introduced the Anti-money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF) which increased regulatory controls over businesses potentially able to facilitate organised criminal activities such as money laundering. The implementation of tougher legislation and associated law enforcement interventions may result in criminal organisations adjusting their tactics in order to continue their activities without detection. In this paper, the risk and potential impact of tactical displacement by organised criminals is discussed with regard to the potential for increased attempts by organised crime groups to corrupt public servants. There is a paucity of research exploring the nature and extent of public sector corruption committed by organised crime groups. This discussion is informed by literature on ‘toma script’ originally developed by Cornish (1994) and the 5-Is crime prevention framework developed by Ekblom (2011). Making use of public-source information about the commission of such crimes, as exemplified in two recent corruption cases, some intervention strategies are proposed that may be effective in reducing the risks of corruption of public sector officials by organised crime groups in Australia.

Adam Tomison  
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## Organised crime and public sector corruption: A crime scripts analysis of tactical displacement risks

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Organised crime in Australia has received increased attention over the last decade, with the enactment of legislation and the development of other interventions that have sought to control this serious criminal phenomenon. Although the success of such interventions in reducing organised crime is yet to be subject to detailed evaluation, prior research has identified certain risks associated with policy responses that could, arguably, also lead to counterproductive consequences (Guarotta & Flowers 2006; Smith, Vickers & Worrington 2005). One consequence of enhanced legislation and/or law enforcement approaches developed to control organised criminals so-called ‘tactical crime displacement’, namely that criminals may modify their tactics in order to circumvent the effects of new legislation or increased law enforcement activity, thus allowing them to continue to offend with a reduced risk of detection or criminal justice action being taken. One particular risk of tactical crime displacement is the potential for organised crime groups to focus more on forming corrupt relationships with public officials in order to obtain information that increases the risk of detection and prosecution.

This paper illustrates how organised criminal groups can alter their patterns of offending by involving public officials into corruptly disclosing information relevant to the facilitation of further criminal activity. This process of corruption is explained using the notion of ‘toma script’, as developed by Cornish (1994), and applied in the context of organised crime. Following an analysis of the crime scripts used by organised criminals in relation to the corruption of public servants in selected cases in Australia, various situational crime prevention solutions based on Eckhardt’s (2011) 5-Is approach to crime prevention are explored as potential ways in which to minimise risks of this nature.

### International context

The United Nations Convention Against Transnational Organized Crime (UNTOC) is the primary international instrument dedicated to controlling organised crime. For present purposes, organised crime will be defined in accordance with article 2 of UNTOC (UN 2000a), which is also the definition adopted by Australian law enforcement and government agencies following the Convention’s ratification in 2004, namely:



# Crime control measures targeting organised crime

## Conventions and legislation

- United Nations Convention Against Transnational Organised Crime (UNTOC)
- Organised crime control legislation; identity crime legislation;
- AML/CTF legislation; proceeds of crime legislation; unexplained wealth laws

## Law enforcement, policy and regulatory initiatives

- AML/CTF regime – FATF recommendations, Basel principles
- Commonwealth Organised Crime Strategic Framework, and Response Plan
- National Criminal Intelligence Fusion Centre; Identity Security Strike Teams
- Criminal Assets Confiscation Taskforce; Organised Crime Taskforces

## Impact of measures in Australia

- More than A\$623 million assets confiscated in Australia, 1995-96 to 2010-11
- Tax Office raised over A\$1.3b in liabilities and over A\$600m in collections
- 44 million financial reports made to Australian FIU in 2010-11
- 2.7 million searches of FIUs database conducted in 2010-11



# The problem of crime displacement

## Why displacement occurs

- *Fear of displacement is often based on the assumption that offenders are like predatory animals - they will do what ever it takes to commit crimes - just as a rat will do whatever it takes to steal food from the cupboard (Eck 1998)*

## Defining displacement

- *. . . A change in offender behaviour, along illegitimate means, which is designed to circumvent either a specific preventive measure or more general conditions unfavourable to the offender's usual model of operating (Gabor 1990)*
- Assumes that offenders engage in 'rational-choice' decision-making

## Tactical displacement

- Employing different *modus operandi* to circumvent the risks of detection and prosecution created by crime control legislation and policies
- e.g. – engaging in corrupt activities targeting public servants to gather strategic intelligence on crime control operations and law enforcement activities



# An Australian example of tactical displacement

## New South Wales Crime Commission drug crime handler

- Former Assistant Director Investigations at the NSW Crime Commission
- Had debts incurred from a mortgage, wife's addiction & lifestyle costs

### Informant

- International drug trafficker connected to a Dutch illicit drug syndicate
- Established a relationship with handler to obtain official intelligence on the importation of 300kg pseudoephedrine concealed in a container of rice

### NSWCC covert investigation

- Informant gave evidence of the handler providing law enforcement intelligence on the interception by Customs of the drugs shipment
- Search of the handler's computer revealed confidential police intelligence

### Criminal proceedings

- *Sentenced*: 22 years' imprisonment, 16 years non-parole in December 2011 for conspiracy in connection with the supply of controlled drugs



## A crime scripts analysis of the case

### Derek Cornish's (1994) procedural analysis of offending

- Detained analysis of the crime commission process by examining how criminal events and episodes unfold
- Crime scripts provide a means of understanding the procedural requirements of how crime is committed

### Situational crime prevention

- Crime scripts analysis provides information that can be used to develop interventions that will prevent crime from being committed
- Understanding how rational choices are made by criminals will enable effective crime prevention measures to be applied

### Paul Ekblom's (2008) 5-Is approach to crime prevention

- Develops crime prevention based on a sequence of tasks and steps – the 5-Is *Intelligence, Intervention, Implementation, Involvement and Impact*
- Applied to counter the crime displacement effects of organised crime control evident in the Australian case study relating to the NSW Crime Commission



# Crime scripts analysis-1

Script function	Script action	NSW Crime Commission case
<b>Preparation</b> (establishing network of contacts and background information)	<ul style="list-style-type: none"><li>• Acquire required IT equipment</li><li>• Find possible human information sources who could be corrupted</li><li>• Develop means of influence over these potential sources</li></ul>	<ul style="list-style-type: none"><li>• Access to computers and internet</li><li>• Forming friendship with the police investigator by obtaining financial records and medical records via phone and laptop</li><li>• Online searches of directories and social media sites to obtain information about his wife, family members and friends</li><li>• Gaining physical access to the police investigator</li></ul>
<b>Pre-conditions</b> (preparatory acts)	<ul style="list-style-type: none"><li>• Obtain target names</li></ul>	<ul style="list-style-type: none"><li>• Locate public sector employees' names</li><li>• Identify informant's handlers in Crime Commission</li></ul>
<b>Instrumental conditions</b> (agreeing on initial acts to commence activity)	<ul style="list-style-type: none"><li>• Select target</li></ul>	<ul style="list-style-type: none"><li>• The police investigator—on the basis of the established relationship with the target and desirability of his senior position</li><li>• The police investigator also had financial difficulties and family troubles creating motivations for corruption</li></ul>
<b>Instrumental initiation</b> (essential preliminary research needed to execute activity)	<ul style="list-style-type: none"><li>• Research background of target for information on how to coerce or induce acts of corruption</li></ul>	<ul style="list-style-type: none"><li>• Searching online resources and media reports to obtain home address and family members' names</li><li>• Using relationship and proximity to the police investigator to access personal information via phone, laptop and other ICT</li></ul>



## Crime scripts analysis-2

Script function	Script action	NSW Crime Commission case
<b><i>Instrumental actualisation</i></b> (first steps taken to commence criminality)	<ul style="list-style-type: none"><li>• Contact target</li></ul>	<ul style="list-style-type: none"><li>• Police investigator was the handler of the informant after an arrest and had interaction with the corruptor on a personal level therefore had the ability to contact him easily</li></ul>
<b><i>Doing</i></b> (undertaking principal criminal acts)	<ul style="list-style-type: none"><li>• Using obtained information for coercion or inducement of target</li></ul>	<ul style="list-style-type: none"><li>• Proposal made to the police investigator to import pseudoephedrine to assist with his financial troubles</li><li>• Provide the police investigator with information that could initiate corrupt behaviour</li></ul>
<b><i>Post condition</i></b> (procedures following commission of crime)	<ul style="list-style-type: none"><li>• Access information / induce behaviour / utilise corrupt official</li></ul>	<ul style="list-style-type: none"><li>• The police investigator used his connections and knowledge to assist in the importation of illegal substances by providing information on how to avoid detection and investigation by law enforcement</li></ul>
<b><i>Exit</i></b> (finalisation of criminal activity)	<ul style="list-style-type: none"><li>• Completion of the corrupt activity</li></ul>	<ul style="list-style-type: none"><li>• Ensuring that the corrupt conduct is not discovered</li></ul>



## 5-Is framework-1

Script action	Intervention	Implementation
Acquire required ICT equipment	<ul style="list-style-type: none"><li>Controlling the dissemination of ICT</li></ul>	<ul style="list-style-type: none"><li>Registering names of ICT purchasers</li><li>Screening online transactions of high-risk individuals</li></ul>
Find possible sources of information	<ul style="list-style-type: none"><li>Limiting the amount of employee information released to the public</li><li>Preventing outside access to personal details of public officials</li><li>Limiting the ability of informants and officials to form close friendships</li></ul>	<ul style="list-style-type: none"><li>Reduce the amount of specific information released to the public and on social media</li><li>Firewalls – computer and internet security on all personal devices</li><li>Passwords – effective access control by using secure passwords and changing them regularly</li><li>Monitoring handlers when contacting high-risk informants</li></ul>
Obtain possible target names	<ul style="list-style-type: none"><li>Limiting the release of names of investigatory personnel</li></ul>	<ul style="list-style-type: none"><li>Withholding personal information and names from public internet sites and social media</li></ul>
Select target	<ul style="list-style-type: none"><li>Increasing the difficulty of accessing/making contact with public officials</li><li>Decreasing the desirability of using public officials to facilitate criminal activities</li></ul>	<ul style="list-style-type: none"><li>Monitoring handlers when contacting high-risk informants</li><li>Monitoring excessive lifestyle expenditure of public officials</li></ul>



## 5-Is framework-2

Script action	Intervention	Implementation
Research background of target for information for coercion or inducement	<ul style="list-style-type: none"><li>• Reducing possible information sources on public officials</li><li>• Limiting the ability of informants and officials to form inappropriate close friendships</li></ul>	<ul style="list-style-type: none"><li>• Limiting the use of social media by public officials</li><li>• Limiting dissemination of personal information on Web2 platforms (e.g. photos and names on social media sites)</li><li>• Monitoring handlers when contacting high-risk informants</li></ul>
Contact target	<ul style="list-style-type: none"><li>• Surveillance to limit contact</li><li>• Improving security within internal structures of the public sector regarding ICT usage</li></ul>	<ul style="list-style-type: none"><li>• Education of public officials to detect and recognise corrupt behaviour</li><li>• Anonymous hotlines for employees</li><li>• Workplace PC surveillance</li></ul>
Use information for coercion or inducement of target	<ul style="list-style-type: none"><li>• Increasing awareness of disincentives for colluding</li><li>• Limiting the ability of informants and officials to have inappropriate contact</li></ul>	<ul style="list-style-type: none"><li>• Enhanced codes of conduct</li><li>• Workplace personal computer surveillance</li><li>• Monitoring handlers when contacting high-risk informants</li></ul>
<ul style="list-style-type: none"><li>• Access information</li><li>• Induce behaviour</li><li>• Making use of the corrupt official</li></ul>	<ul style="list-style-type: none"><li>• Rule setting</li><li>• Disincentives for corrupt behaviour</li></ul>	<ul style="list-style-type: none"><li>• Codes for conduct</li><li>• Workplace personal computer surveillance</li><li>• Penalties for corrupt behaviour (e.g. assets confiscation, unexplained wealth laws, fines, professional sanctions)</li></ul>



## Conclusions

### Risks of crime displacement

- Organised crime continues to explore new *modus operandi* for the commission of crime and money laundering
- Corruption of public servants is an emerging risk of tactical displacement

### Role of ICT in corruption

- ICT is being used to facilitate corruption and to disseminate the information gained through corrupt activities

### The role of crime script analysis and 5-Is prevention

- Evidence-based crime script analysis useful in developing effective crime prevention measures
- Need to have access to intelligence upon which to base script analyses
- Need to conduct research to assess the effectiveness of crime script-based prevention approaches



## Conclusions

**Richard Heeks** (*University of Manchester 1998*)

- *Public sector management 'needs to understand the roots of corruption, not just the symptoms. It would address corruption not through individual management techniques but through strategies of institutional and contextual development. It would also see IT as having a potential role, but one which is limited and which forms only one small part of a much larger jigsaw'. <[http://www.man.ac.uk/idpm/idpm\\_dp.htm#isps\\_wp](http://www.man.ac.uk/idpm/idpm_dp.htm#isps_wp)>*

## Principal strategies to consider

- Ensure that CEOs & managers understand the risks they face
- Educate staff on how to use ICT securely (e.g. encryption, ID security)
- Publicise policies and the consequences of non-compliance
- Limit or monitor the use of personal ICT services and devices (email, SMS, social networking, USB devices) for work in the public sector
- Monitor ICT usage (IP addresses, logon-logoff times, data usage)



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