



GANG MEMBERSHIP PATTERNS IN THE LIFE-COURSE

Gang membership is strongly age-graded. There are six distinct pathways into gang membership.

Without empirical data on developmental life stages and gang participation, there is little that researchers can do to dispel a major myth about gangs; that gang membership is permanent. Such research exists for offending participation, frequency, career length and desistance, but gang membership continues to be poorly understood. Moreover, there is a discrepancy between databases maintained of gang membership by law-enforcement that are “adult-oriented,” while the empirical literature on gang-membership takes an “adolescent-oriented” approach. Without research on gang membership patterns over the life-course, there is the risk that research and practice are observing two separate gang problems. The author maintains that research related to the age of gang entry and the age when an individual is most likely to be in a gang is a different phenomenon that requires separate study.

Using data from the National Longitudinal Survey of Youth 1997 (NLSY97), the article examines the pattern of gang-membership over the life course. Using growth curve and group-based trajectory modelling (GBTM), the patterning of gang membership of 8,984 respondents surveyed annually is considered. While previous research estimates on gang membership are taken from populations with a wide range of demographic, geographic, and socioeconomic settings, the current research provides empirical results based on nationally representative data containing one of the largest subsamples of gang members studied longitudinally. All respondents were aged 12 to 16 as of December 31, 1996.

The research provides evidence to challenge the notion that gang membership is rare within the general

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population, at a rate of 8% of respondents being involved in a gang by their early twenties, though the prevalence of gang membership never exceeded 3% at any given age. The author argues that it is worthwhile to examine how gang membership is distributed over the life course for this 8%. The results demonstrate that gang membership onset is not limited to one particular age grouping, nor is the growth in gang membership uniform across time.

The author develops a six-trajectory GBTM solution which provides evidence for a number of distinct pathways for gang membership in the life-course. Moreover, the results show that the majority of gang memberships last less than 3 years for the respondent population, arguing that gang membership is not permanent. This research also supports the argument that gang membership is not exclusively an adolescent

domain, and a number of pathways into and out of gang membership exist.

The research also examines demographic characteristics of respondents to assess the demographic disproportionality hypothesis. The results support previous findings that both gender and racial/ethnic disproportionalities in gang membership persist in the life-course analysis, with statistically significant growth trends for males and Blacks. Finally, the author provides implications for this research in gang prevention and intervention programming. Moreover, the current study illustrates the need to consider research that is not limited to adolescence, as well as reassessing the need for expanding the theoretical perspectives on gang participation in this field.

Pyrooz, D. (2014). "From Your First Cigarette to Your Last Dyin' Day": The Patterning of Gang Membership in the Life-Course. *Journal of Quantitative Criminology*, 30(2): 349-372.

ORGANIZED CYBERCRIME AND SOCIAL OPPORTUNITY STRUCTURES

There are at least two types of organized cybercrime networks: locally rooted all-rounders and international specialists' networks.

Little empirical research has been done on organized cybercrime and there is insufficient evidence that establishes the link between patterns of organized crime and those for cybercrime. The author returns to criminological theory to develop a framework for the organizational structure of organized cybercrime.

Studies have demonstrated that social ties and social opportunities are important elements within the formation and functioning of criminal networks. As such, criminal organizations should be looked at within their social and societal context. Beginning with the concept of social opportunity structures, the author builds their hypothesis of organizational structures in organized cybercrime groups on the premise that temptation and opportunities prompt individuals to commit a crime. Moreover, actors are rational beings whose behaviours are motivated by a cost-benefit analysis.

With the aid of several case studies, the author illustrates how the Internet provides opportunities for organized cybercrime offending through decentralised,

flexible networks of loosely organized criminals. The structure of this online network differs from the traditional organized crime group structure, employing individuals collaboratively to distribute work based on knowledge and skill.

Using social network analysis, the research illustrates that while veterans and members with higher status take more central positions, newcomers are able to secure central positions relatively quickly. The role of reputation and trust continue to be important, and long-term membership is required to build up a good reputation. Just as in traditional networks, there continues to be important actors who function as bridge builders. However, the role of these nodes may be less important due to the fact that members can grow their own networks (and gain social capital) relatively quickly. Within this section of case studies, the author also discusses that access to these online forums often requires that new members know someone in the specific criminal network.

The next section of this article explores the recruitment and growth of online cybercrime networks, which differs from the traditional organized crime network where social relations and network dynamics play a much more important role. Due to the nature of cybercrime, criminal networks can be formed with participants across the world, and creating new contacts is much easier than in traditional models of organized crime. However, existing contacts may not be adequate to enter all criminal networks, especially in transnational crimes. Without empirical evidence, the author suggests that the expectation is that social ties will provide the opportunity structure for entering the cybercriminal network.

Convergence settings are places where criminals meet, and are important settings because they provide opportunities for newcomers to establish links with criminals in those settings, as well as to enter existing criminal networks or form new criminal alliances. While convergence settings are physical locations where criminals can meet, the Internet has its own offender convergence settings, such as online fora. Online convergence settings are important in ensuring that criminals can acquire new contacts, that new social capital enter the criminal group, and that the restrictions of social networks can be lifted. While such fora allows for the transnational meeting of other

criminals, it is unclear to what extent existing cybercriminals use such fora, nor if these criminals also meet in offline offender convergence settings. The author argues that cybercriminals have both locally rooted and international partnerships, similar to traditional organized crime.

Leukfeldt, R. (2015). "Organised cybercrime and social opportunity structures: A proposal for future research directions." *The European Review of Organized Crime*, 2(2): 91-103.

BEST PRACTICES IN POLICING TRANSNATIONAL ORGANIZED CRIME

Combatting transnational organized crime would benefit from ensuring best-practices are being adopted in transnational policing efforts.

In today's globalized world, organized crime has moved beyond borders. Organized crime has become transnational and borderless in nature, undermining traditional policing methods and techniques that attempt to control its spread and influence. In their study, the authors highlight the paucity of effective 'best practices' models in international policing efforts that address transnational organized crime (TOC). The focus of this study is to identify areas of best-practices in international policing of TOC and the elements for successful law enforcement responses to TOC.

In establishing characteristics for successful international policing, the authors identify the importance of sharing intelligence, coordinating operations, securing evidence and targeting suspects. Intelligence and information sharing is a key element for successful international policing cooperation, as it provides jurisdictions with a system with which police can build a knowledge base of actual and/or potential criminal activities globally. Advantages of working directly with bilateral contacts, police officers, and Joint Investigation teams highlight the importance of personal networks and knowledge in the efficient and trust-driven cooperation across jurisdictions. Studies on characteristics of international police cooperation in Europe and the United States Drug Enforcement Administration (USDEA) further demonstrate the importance of the exchange of information and pooling of resources in international police cooperation. Moreover, international policing in TOC benefits from

complementary efforts that reflect similar overarching priorities.

The United Nations Convention against Transnational Organised Crime provides guidelines and protocols for the cooperation of state parties in activities related to organized crime. Cooperation during the investigation and prosecution of TOC requires collaboration efforts of governments, given the high likelihood that criminal trials take place in more than one jurisdiction. In this vein, more research is needed to examine how countries with established legal systems can assist less developed states to create equally effective legal systems. As TOC can operate without borders, the prosecution of offenders is only possible when agencies have the appropriate power and capabilities to conduct their duties and operate at the same level of flexibility and adaptability.

Combatting organized crime must be supported by efforts in reducing and containing the spread of organized crime activities. These efforts are not restricted to the public sector, and the authors note effective partnerships between governments and the private sector, such as private banking institutions, in anti-money laundering efforts.

Without access to specific types of knowledge, success in TOC investigations is often hindered. To maximize the chances for successful investigations, effective information sharing and knowledge management is necessary. Careful consideration of the most appropriate method to exchange information from one policing agency to another is needed. In addition to a transfer of knowledge, agencies should take into account how the information can be re-created to ensure its cultural-appropriateness for the new context. This may require that certain police skills and knowledge developed in the country of origin be re-created or adapted to the policing context of the country where it is being applied.

Previous research has shown that the capacity of law enforcement agencies collaborating to control TOC is fragmented, and that coordinated international policing efforts are complicated because the issue is mostly considered as pertaining to state sovereignty. Policing capabilities, power and resources between states are often unequal, and it has been suggested that there is a need for training for law enforcement agencies in less

developed nations with limited expertise and training initiatives.

The authors illustrate elements of the best-practices highlighted earlier in this paper through two case studies on the TOC policing models used by the Australian Federal Police (AFP) and the USDEA.

Le, V., Bell, P & Lauchs, M. (2013). "Elements of best practices of policing transnational organized crime: Critical success factors for international cooperation." *International Journal of Management and Administrative Sciences*, 2(3): 24-34.

United Nations Office on Drugs and Crime. (2004). *United Nations Convention against Transnational Organized Crime and the protocols thereto*. New York: United Nations.

LAWYERS AND ORGANIZED CRIME

A tailored approach of criminal and regulatory tools is needed to deter lawyers who are willing and able to assist in organized crime

Focusing our attention on 'primary offenders' and analyzing the factors that motivate them to break the law limits our understanding of what occurs at the fringes of crime commission. Organized crime 'enablers' who facilitate crime, white-collar crime in particular, have increasingly garnered attention through academic, policy and practitioner circles. For example, fraud and money laundering are both areas where organized crime 'enablers' can act in a deliberate manner to assist clients in committing white-collar crimes, or even to commit white-collar crimes themselves. Previously, this attention was fixated on bankers, regulators, and accounting firms, but this article specifically addresses the role of lawyers. The role of such professionals embodies the power of 'gatekeeping' as they control access to corporate secrecy, etc. The status and special protections afforded to lawyers, such as solicitor-client privilege, make the investigation and prosecution of suspected criminal activities challenging. Greater attention is needed on the issue of lawyer wrongdoing, and the use of regulatory approaches for situational prevention.

Legal ethics scholars have posited the issue of solicitor actions that place the facilitation of wrongdoing as parties to a crime as residing within the realm of criminality. As a result, criminal offences that are aided by lawyers are examined by law enforcement rather than professional regulators. However, strategies to reduce solicitor crimes must find a balance between

the use of regulation and criminal prosecution. The threat of criminal punishment does little to deter lawyers from wrongdoing. In striking an appropriate balance, it is important to realize that professional discipline alone is unlikely to significantly lower the number of lawyers engaging in criminal activity if the threat of criminal sanctions already does not. Indeed, the protection of the public and reduction of social costs as a result of regulatory action is greater than with criminal prosecution. As such, there is a desire for greater attention to regulatory remedies for legal misconduct.

There is previous research that considers trends of legal misconduct in areas such as mortgage fraud, high-yield investment fraud, immigration law practice, fraudulent claims for financial loss, theft of client money, and financial schemes. The practice of high-yield investment fraud had been observed on a large scale in the late 1990s and early 2000s before beginning to fall until a sharp rise in 2013. In considering trends in legal misconduct, such as this rapid spike, can reveal where heightened attention is required. A loss of collective memory about the strictness of regulation, or increased tolerance of higher-risk investment lending practices in light of a tougher market can be targeted by the appropriate use of sanctions. A range of penalties, including the use of fines and suspension, are employed in instances of legal misconduct. Generally, the level of seriousness of the penalty is connected to the level of demonstrable dishonest or reckless behaviour.

Certain areas within the law are identified as having inadequate safeguards, and increases the opportunity for fraud to take place. For example, mortgage fraud is relatively easy to commit and can result in significant losses for lenders. Despite opposition from the Law Society in its representative role and brokers and financial institutions, fraud-led insurance providers managed to exclude financial institutions from the compulsory professional indemnity cover. Thus, insurance providers are not financially responsible for inadequate advice from mortgage professionals. The Solicitors Regulation Authority is conducting research in this area to identify areas for improvement, but recognizes that there is a need to address situational prevention of solicitor misconduct through regulatory tools in addition to criminal enforcement.

There is a need to classify and use the appropriate tools to target undesirable legal practices, instead of relying strictly on enforcement or regulation. In cases where lawyers have directly facilitated the commission of a crime, the use of law enforcement is more common. This is due to access to investigative techniques that are uniquely accessible to police. The ethics of threatening or filing litigation has been used to extort money from individuals.

Law enforcement is not always the most appropriate tool to address lawyers who aid in the commission of a crime. As lawyers adopt different lifestyles or find themselves in difficult career or financial situations, shifts in motivation occur. Regulatory structures provide constraints that limit opportunities for undesirable behaviour and can include standard-setting, practice support functions and disciplinary and preventative action. Situational prevention of solicitor wrongdoing through regulatory reform must be specific enough to the situations where lawyers may find themselves as well as disparities in organizational context.

Previous work by Benson et. al (2009) on white-collar criminals can be applied to uncover why lawyers come to assist in undesirable legal practices that aid criminal behaviour. Despite having the opportunity to commit crime regularly, most white-collar professionals choose to abide by the law. As such, opportunity cannot be considered sufficient motivation for these cases of criminal behaviour. The authors present a table that proposes techniques where situational crime prevention can be used to minimize money laundering by lawyers. The table, which includes strategies such as increasing the perceived risk and perceived effort of crime, while reducing provocations and the perceived reward, stress several methods which would counter the causes of lawyer misconduct. For example, by considering other reasons crimes are committed instead of on offender motivation, routine activity theory views that the lawyers who are motivated to engage in undesirable behaviour are exposed to a greater number of potential victims, increasing the likelihood for a motivated offender and suitable targets. Alternatively, crime pattern theory places greater emphasis on opportunity and considers how more regularly practiced procedures or transactions result in a greater understanding of the white-collar crime opportunities in those areas, thus making commission of those offences easier. Finally,

situational crime prevention posits that any theory should consider where criminal opportunity and rational choice converge. Opportunity arises when legitimate business processes intersect with a dependent illegitimate process. When legitimate processes alone result in loss of status or economic resources, the process of rational choice allows illegitimate processes to be justified as acceptable behaviour. Situational crime prevention applied to the legal profession requires social design and adjustments to the regulatory framework that alter the cost-benefit analysis to weigh more towards conducting legitimate legal practices. It is also highlighted that a range of regulatory changes could reduce illegitimate activity in other areas plagued with lawyer misconduct.

Middleton, D & Levi, M. (2015). "Let sleeping lawyers lie: Organized crime, lawyers and the regulation of legal services." *British Journal of Criminology*, 55: 647-688.

Benson, M. L., Madensen, T. D. and Eck, J. E. (2009) "White-collar crime from an opportunity perspective", in S. Simpson and D. Weisburd, eds, *The Criminology of White-Collar Crime*.175-94. Springer.

ATTRITION IN THE INVESTIGATION AND CONFISCATION OF PROFITS OF ORGANIZED CRIME

Challenges in estimating 'criminal profits' and the practice of collecting profits results in patterns of attrition.

'Follow the money' is a policing strategy that is grounded on several key assumptions: confiscating 'dirty' money reduces the profitability of crime; decreases an offender's capital to commit future crimes; upholds the norm that 'crime does not pay'; and, compensates society for the negative cost and effects of crime. Increased focus on this strategy has resulted in greater amounts of recovered money in countries like the UK and the Netherlands. Even so, scholars have noted the problem of attrition, the difference between expected criminal profits and the actual amount of money that is recovered by the criminal justice system. Few empirical studies have examined the 'follow the money' strategy and the authors attempt to close the research gaps in this area.

Using mixed methods, empirical data sets from three parallel sources were examined for qualitative data to identify cases that met the criteria for being included in the study. Each case required: an overview; completed

financial investigation; confiscation order court procedure; and, execution of the confiscation order of the crime. By amalgamating the original data from the Dutch Organized Crime Monitor (DOCM) with court files and Central Fine Collection Agency (CJIB), the authors were able to analyze 102 cases where attrition of confiscation orders could be measured.

Attrition occurs when the original estimation of profit is greater than is received by the criminal justice system through confiscation. Within these two periods, financial investigation at each stage of the court process may be eroded. Original estimations require fewer burdens of proof than what is upheld in court, subsequently having the possibility to decrease at each legal stage. The authors then discuss the challenges associated with providing appropriate evidence of profit associated with the evidence of the estimations of profit, as well as the ways in which investigators are able to uncover clues. Actors in the criminal justice system disagree in several aspects of profit estimations for organized crime offences, including the definition of criminal profit and the net profits for the convicted offender. The authors highlight how divergent views are not negative but do demonstrate the impact of subjectivity in the attrition rates between estimates and the confiscation of criminal profits.

In addition to the impact of definitions on attrition of confiscation orders, the authors also suggest that the manner in which a confiscation order is carried out is imperative. In practice, legal reasons to stop collection without full payments, unwillingness to pay, and financial inability to pay all contribute to the substantial discrepancies between the original confiscation order and the amount collected by those orders. Further research on the 'law in action' is needed.

Limitations in the research design include that the sample used may not be representative of all cases of organized crime with a confiscation order and thus caution should be used in generalizing the findings.

Kruisbergen, E.W., Kleemans, E.R., and Kouwenberg, R.F. (2016). "Explaining attrition: investigating and confiscating the profits of organized crime." *European Journal of Criminology*. Advance online publication. doi: 10.1177/1477370816633262

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