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'It doesn't stop at the Prison Gate': Understanding Organised Crime in Prison

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Introduction

'What happens out there, happens in here.' (Category B Local)

In July 2020, the National Crime Agency and the Metropolitan Police announced that they had made 746 arrests and seized £54m in cash, 77 firearms, over two tonnes of Class A and Class B drugs, and over 29 million pills of street Valium.[2] Operation Venetic — as it was dubbed — centred on the use of EncroChat, an encrypted communication platform that could be discreetly accessed on smart phones and had facilitated instant messaging between associates of a criminal network spreading across the UK and within Europe. When announcing the outcome of the operation, Chief Constable Steve Jupp, the National Police Chiefs' Council's Lead for Serious Organised Crime, announced:

> *'Serious organised crime is complex but working together with our Regional Organised Crimes Units and the National Crime Agency we have achieved an unparalleled victory against the kingpin criminals whose criminal activity and violence intimidates and exploits the most vulnerable. By dismantling these groups, we have saved countless lives and protected communities across the UK.'[3]*

Implicit in this statement is the assumption that organised criminal activity ceases when suspects are in custody, that criminal networks are permanently disrupted, and that communication between associates ends. As Van der Laan states, 'at first glance, prison would seem to be a prime example of a location with strict supervision, where offenders are separated from potential targets by walls of a prison.'[4] However, prisons are places where some individuals continue to offend and where organised crime can be initiated and become embedded in the very routine activities of prison life. Such activity has become increasingly more pronounced within prisons in England and Wales over the course of the last decade.[5] The possibility that organised crime groups and networks might seek to expand into 'new territories' has been observed in the community across a number of jurisdictions and, as Varese argues, such transplantation is more likely to be successful where there is a demand for protection and/or a desire to maximise the economic opportunities regarding the sale of illegal goods, particularly where the state has failed to manage those markets.[6]

Quite why organised crime has become increasingly well-established within the English and Welsh prison system merits careful attention, as does the forms of criminal exploitation represented (both within prison and extending into the community), the ways in which criminal networks continue or even expand, and the particular forms of organised crime within the British context (which bear little resemblance to some of the more notorious and iconic expressions of organised crime elsewhere).[7] Despite a significant growth in prison studies, and a well-established body of

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1.   Many thanks to Matt Hopkins (University of Leicester), Jamie Bennett (HMPPS) and Mick McNally (HMPPS) for their helpful comments on an earlier draft of this article.
2.   National Crime Agency (2020) 'NCA and Police smash thousands of criminal conspiracies after infiltration of encrypted communication platform in UK's biggest ever law enforcement operation,' 2 July. See: https://www.nationalcrimeagency.gov.uk/news/operation-venetic
3.   Ibid.
4.   van der Laan, F. (2012) '"Prison doesn't stop them": Orchestrating criminal acts from behind bars,' Trends in Organized Crime 15(2-3): 130-145, p.135
5.   National Crime Agency (2020) *National Strategic Assessment of Serious and Organised Crime*. Available Online: https://www.nationalcrimeagency.gov.uk/who-we-are/publications/437-national-strategic-assessment-of-serious-and-organised-crime-2020/file; Gauke, D. Rt Hon. (2018) *Justice Secretary Launches Fresh Crackdown n Crime in prison*. 12 July. Available Online: https://www.gov.uk/government/speeches/justice-secretary-launches-fresh-crackdown-on-crime-in-prison-speech; Ministry of Justice (2018) 'Specialist Financial Crime Unit to Crackdown on Prison Gangs,' 2 October. Available Online: https://www.gov.uk/government/news/specialist-financial-crime-unit-to-crack-down-on-prison-gangs
6.   Varese, F. (2011) *Mafias on the Move: How Organised Crime Conquers New Territories*. Princeton, Princeton University Press. The motives of 'profit maximisation' have also been noted in the context of the development of the county lines business model. See, Spice, J. (2019) 'That's their brand, their business: How police officers are interpreting County Lines,' *Policing and Society* 29(8): 873-886.
7.   See, for example, von Lampe, K. and Antonopoulous, G. A. (2018) Special Issue: Organised Crime and Illegal Markets in the UK and Ireland, *Trends in Organised Crime*. 21(2); Wright, A. (2006) *Organised Crime*. London: Routledge.

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literature on organised crime within the community and across national borders,[8] very little research considers the emergence or continuation of organised crime within prison. Even the Oxford Handbook of Organised Crime excludes from its remit a specific focus on organised crime within prison. Those studies that do exist retain an international, rather than a British, focus.[9]

This article begins to address this gap.[10] It begins by setting out the complexities in defining 'organised crime,' before discussing the relevance of the gang trope in England and Welsh prisons and offering an overview of reasons why organised crime has expanded into prisons in England and Wales. Finally, the article explores the extent to which those individuals participating in criminal exploitation, criminal networks and organised crime are identifiable within prison and to what end. In so doing, this article challenges the orthodox view that harmful group behaviour in prison is principally the preserve of 'gang' members. Rather, it argues that harmful group behaviour and criminal activity is better understood as organised crime. A continuum exists between criminal activities requiring organisation and those forms of organised crime where individuals and groups are seeking to usurp or corrupt prison authorities and operate with power, control and influence. Critically, this article argues that organised criminal networks and activities have become an embedded feature of prison life over the last decade, primarily because more sophisticated groups have been able to take advantage of the market opportunities created by a flourishing prison illicit economy, by exploiting weaknesses in State governance, and by accessing digital technology to communicate, trade and organise themselves (often without necessarily leaving the prison cell). As crime and criminality has changed in both the community and in prison, traditional local and internal responses within prisons cannot adequately address these new challenges, nor can a reliance on 'disruptive' moves or a focus on whomever is left holding contraband (who is not necessarily the real instigator). Rather, a more nuanced, agile, intelligence and evidence-based, and regional (sometimes national) response is required, one that focuses on law enforcement and public protection in the widest sense, recognising that criminal exploitation extends from the prison to the families and partners of prisoners and to vulnerable persons in the community.

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Methodological Note

This article draws on the findings of five separate but overlapping key studies. The first study focused on the incidence, prevention and responses to prison violence. This ethnographic and qualitative study of three prisons (a Category B Local, a Category C prison and a YOI) revealed the extent to which prison violence was underpinned by economic imperatives, how and why the illicit economy had flourished in some contexts, the criminal networks that such economic activity was linked to, and how organised crime had emerged in some prisons but not in others.[11] The second is a study of Crime in Prison, commissioned by the Police and Crime Commissioners of West Mercia Police, West

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8. See, for example, Levi, M. (1998) 'Perspectives on Organised Crime – An Overview,' *Howard Journal of Criminal Justice* 37(4): 335-344; Paoli, L. (ed) (2014) *The Oxford Handbook of Organised Crime*, Oxford: Oxford University Press; Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press; Varese, F. (2011) *Mafias on the Move: How Organised Crime Conquers New Territories*. Princeton, Princeton University Press; Gambetta, D. (1993) *The Sicilian Mafia: The Business of Private Protection*. London: Harvard University Press; Sergi, A. (2017) *From Mafia to Organised Crime: A Comparative Analysis of Policing Models*. Palgrave Macmillan; Barker, D. (2015) *Biker Gangs and Transnational Organised Crime*. Watham, MA: Anderson Publishing; Varese, F. (2018) *Mafia Life: Love, Death and Money at the Heart of Organised Crime*. London: Profile Books.

9. Dallas, C.N. and Salla, F. (2013) 'Organized Crime in Brazilian Prisons: The Example of the PCC,' *International Journal of Criminology and Sociology* 2: 397-408; van der Laan, F. (2012) '"Prison doesn't stop them": Orchestrating criminal acts from behind bars,' *Trends in Organized Crime* 15(2-3): 130-145.

10. Also see, Gooch, K. and Treadwell, J. (2019) 'The Illicit Economy and Recovery – What we need to understand,' *Prison Service Journal* 242: 56-63; Gooch, K. and Treadwell, J. (2020) "Prisoner Society in an Era of Psychoactive Substances, Organised Crime, New Drug Markets and Austerity,' *British Journal of Criminology* 60(5): 1260-1281.

11. Gooch, K. and Treadwell, J. (forthcoming) *Transforming the Violent Prison*. Palgrave. , Gooch, K. and Treadwell, J. (2019) 'The Illicit Economy and Recovery – What we need to understand,' *Prison Service Journal* 242: 56-63; Gooch, K. and Treadwell, J. (2020) "Prisoner Society in an Era of Psychoactive Substances, Organised Crime, New Drug Markets and Austerity,' *British Journal of Criminology* 60(5): 1260-1281.

Midlands Police, Staffordshire Police and Warwickshire Police.[12] As part of this study, we have been able to further explore crime in prison from a prison perspective, but also from the perspectives of police representatives, court representatives, the Crown Prosecution Service, the National Probation Service, the Regional Organised Crime Units and from the Regional/National Intelligence Units. In this study we have been better able to understand trends in the nature and dynamics of crime in prison, the offences committed and by whom, the wider context within which these offences occurred, the penalties applied, and how the criminal justice response could be improved. The third study — with Professor Nathan Hughes[13] and Dr Isla Masson[14] — is a study of the experiences of care leavers in prison, involving semi-structured interviews in two Category C/YOIs and a women's prison. In this study, our interviews demonstrated how connections to criminal networks and criminal exploitations develop prior to imprisonment and how they manifest within prison, and the extent to which any harmful group behaviour could be defined or constructed as 'gang behaviour', 'organised crime' or 'crime that is organised.' The fourth study represents the first empirical, systematic study of prison homicide in England and Wales. This mixed-methods study not only draws on qualitative interviews with those who have perpetrated fatal or near-fatal offences in a range of prison settings, but also includes ethnographic and qualitative research within in a Category A prison. The final study is a comparative international study of prison violence in Aotearoa New Zealand, Australia and England. This study is ongoing but has allowed us to explore and test the differences in organised crime and gangs from an international perspective, and explore regional variations in the forms and dynamics of harmful group behaviour, harm and crime in prison.[15]

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In addition to the formal research projects, we have benefitted from the insights gained from invitations to visit a much wider range of prisons — either as part of specific research projects or to offer support or training on specific issues. We have also learnt much from an ongoing dialogue with representatives from the Ministry of Justice, Home Office, and HMPPS. This dialogue, coupled with the ability to draw on the experiences from a much wider range of prisons, has allowed us to — as best we can — test the generalisability of our findings, and better understand where organised crime has become more embedded, and where it has not, for what reasons, and how such trends are changing over time. Although each of these studies listed above focused on a slightly different aspect of prison safety and security, our continued presence in the field over the last seven years allowed us to observe, understand and to begin to articulate the transformations in prisoner society and within prisons themselves. It was significant to us that one such transformation that we observed — and that was confirmed to us throughout all the studies above — was the emergence of organised crime and the relative absence of 'gang behaviour'.

Defining 'Organised Crime'

'Organised crime' is an ambiguous and ill-defined concept.[16] There is in excess of 150 academic, policy and statutory definitions of organised crime, all of which vary significantly. The most consistently used definition is that provided by the United Nations Convention against Transnational Organized Crime which stipulates that an organised criminal group is 'a group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit.'[17] The emphasis on 'a group of three or more people' has achieved a statutory footing as part of the Serious Crime Act 2015.

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12. Treadwell, J., Gooch, K. and Barkham-Perry, G. (2019) *Crime in Prison: Where now and Where Next?* Research report for external body. Office for the Police and Crime Commissioner, Staffordshire. Available Online: http://eprints.staffs.ac.uk/5438/1/OPCC%20-%20Plan-to-government-to-tackle-organised-crime-in-prisons.pdf.

13. University of Sheffield

14. University of Leicester

15. Gooch, K. and Doolin, K. (2020) *An International, Comparative Analysis of Prison Violence in England, Australia and Aotearoa New Zealand – An Interim Report*. Bath: University of Bath.

16. For example, see Kelly, K., & Caputo, T. (2005). The linkages between street gangs and organized crime: The Canadian experience,' *Journal of Gang Research*, 13(1), 17–31.; Wright, A (2006) *Organised Crime*. Cullompton: Willan; von Lampe, K. (2016) *Organized Crime*. Thousand Oaks, CA: Sage; Hobbs, D. (2013) Lush Life. Oxford: Oxford University Press.

17. United Nations (2004) *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. Vienna: United Nations Office on Drugs and Crime, Article 2, p.5. Available Online: https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf.

However, as Levi explains, such slippery definitions mean that 'organised crime' can 'mean anything from Italian syndicates to three menacing burglar and a window cleaning business who differentiate by having on as a look-out, another as burglar, and a third as money launderer.'[18]

To complicate matters further, concern with organised crime has, in both academic and policy discourse, been somewhat superseded by references to Transnational Organised Crime (TNOC). TNOC is a term in common usage but is 'especially problematic,'[19] lacking a shared definition for operational or research purposes.[20] Broadly speaking, TNOC represents the transnational variant of organised crime — activity that is devised and carried out across geographical or jurisdictional boundaries. Links are often made to a diverse range of criminal activities, including: the more established global trade in narcotics; the greater illegal movement of people, goods, money and data across international borders; cross-border money laundering, bribery, corruption and the financing of criminal and terrorist activities; modern slavery; transnational sexual exploitation; and, the trade in counterfeit identities and goods.[21] However, as Hobbs argues, 'the global/transnational obsession that has dominated recent British organised crime discourse is difficult to justify.'[22] Rather it is more helpful to 'identify local units of activity that are linked via networks' and are taking full advantage of an illegal market that represents a 'form of unlicensed capitalism.'[23]

The best empirically informed accounts of organised crime establish it as a set of activities, rather than placing emphasis on the logistical and hierarchical structure of criminal groups.[24] Such activities include, for example, the provision and transport of illicit goods and services such as security and protection.[25] This is critical since British organised crime does not replicate the formal and highly structured hierarchies typical of the Mafia and 'Outlaw Motorcycle Groups'.[26] Much of what is considered professional and/or organised crime within the British context is, in reality, the antithesis of good management and coordination — it is messy, chaotic and disorganised.[27]

It is also prudent to distinguish between 'organised crime' and the 'organisation of crime,' with the latter requiring a degree of association and co-ordination but remaining diffuse, informal, and lacking the 'visible hand of violence and corruption which affects persons and events as evidence of an organising force behind 'organised crime'.'[28] Levi further argues that 'organised crime' is distinguishable from other sorts of criminal activities due to four essential characteristics: 1) violence; 2) corruption; 3) continuity; and, 4) variety in types of criminal conduct engaged in.[29] He suggests that there may be value in sustaining a distinction between those who generate (sometimes affluent) livelihoods from crime — professional criminals — and those who

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18. Levi, M. (1998) 'Perspectives on Organised Crime – An Overview,' *Howard Journal of Criminal Justice* 37(4): 335-344, p.336.
19. Hobbs, D. (1998) 'Going Down the Glocal: The Local Context of Organised Crime,' *Howard Journal of Criminal Justice* 37(4): 407-422, p.407.
20. See von Lampe, K. (2016) *Organized Crime: Analyzing Illegal Activities, Criminal structures and Extra-Legal Governance*. London: Sage; Wright, A. (2006) *Organised Crime*. London: Routledge.
21. See Campana, P. and Varese, F. (2018) 'Organised Crime in the United Kingdom: Illegal Governance of Markets and Communities,' *British Journal of Criminology* 58: 1381-1400.
22. Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press, p.27.
23. Ibid p.233.
24. Also see, Cohen, S. (1977) 'Concept of Criminal Organization.' *British Journal of Criminology* 17(2): 97-112.
25. Hobbs, D (1995) *Bad Business*. Oxford: Oxford University Press; Hobbs, D. (1998) 'Going Down the Glocal: The Local Context of Organised Crime,' *Howard Journal of Criminal Justice* 37(4): 407-422; Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press.
26. See Hopkins, M., Tilley, N. and Gibson, K. (2012) 'Homicide and Organised Crime in England,' *Homicide Studies* 17(3): 291-313 and Gillard, M. (2019) *Legacy: Gangsters, Corruption and the London Olympics*. Oxford: Bloomsbury, p.18. Cf. Gambetta, D. (1993) *The Sicilian Mafia*. London: Harvard University Press and Baker, T. (2015) *Biker Gangs and Transnational Organised Crime*. 2nd Edn, Watham, MA: Anderson Publishing;
27. Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press; Finckenauer, J.O. (2005) 'Problems of Definition: What is organised crime?' *Trends in Organised Crime* 8(3): 63-83.
28. Reuter, P. (1983) *Disorganised Crime: The Economics of the Visible Hand*. Cambridge, MA: Harvard University Press, cited in Wright, A (2006) *Organised Crime*, Cullompton: Willan, p.21. Also see: Edwards, A. and Levi, M. (2008) 'Researching the Organization of Serious Crime,' *Criminology and Criminal Justice* 8(4): 363-388 and Finckenauer, J.O. (2005) 'Problems of Definition: What is organised crime?' *Trends in Organised Crime* 8(3): 63-83.
29. Levi, M. (1998) 'Perspectives on Organised Crime – An Overview,' *Howard Journal of Criminal Justice* 37(4): 335-344, p.335.

fit this fourfold criterion and who are 'organised criminals'. For Levi, the true *social* definition of 'organised criminals' is that set of people whom the police and other State either regard, or wish us to regard, as 'really dangerous' to the State's essential integrity.[30] In addition, by introducing the dimension of profit and illegality, it is possible to see the role of (sometimes extreme) violence — or the threat of violence — in regulating an illicit market that is not constituted through legally enforceable contracts.[31] Furthermore, organised crime should be viewed as one end of a continuum of business and enterprise that extends between, and often blends, legitimate and illegitimate business activities.

Mafia Myths and Legends: Understanding the British Context

Beyond the definitional dilemmas, the phenomenon of organised crime is understood differently, and has different origins, across the globe. Failing to understand these essential differences can cause, as Finckenauer argues, unduly simplistic and incorrect assumptions about the presentation of organised crime, with many viewing 'organized crime and what they know to be the mafia [as] synonymous terms and synonymous concepts.'[32] Certainly in the U.S. context, the 'myth of a powerful and centralized mafia organisation' was politically attractive and served to justify increased law enforcement powers and resources.[33] Organised crime was seen as an imported problem, traceable to immigration of Irish, and particularly Italian-Sicilian, communities. However, the US construction of organised crime contrasted rather starkly with the dominate forms of 'organised crime' within the UK in the aftermath of World War 2. While the US were expressing concern about Cosa Nostra, organised crime

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in England and Wales was synonymous with violent young men raised in the shadow of the Blitz who had matured through boxing gyms, street fights and petty instrumental criminality to more ambitious criminal ventures. The allure of both business and protection money gave these British 'firms' (to use the vernacular) their logic. Unlike the US concern of an 'alien' threat, British organiesd crime was very much a homegrown problem — a mixture of street heavies, hard men and sometimes more specialist criminals and corrupt businessmen. The Kray Twins became synonymous with just such a group, and embodied something of the status, celebrity and infamy that the 'family firm' appeared to enjoy.[34] However, the lesson that many had taken from the Krays was that it was important to be business savvy. As a consequence, armed robbery gradually ceased to be chosen source of income for the criminal elite. Those individuals with reputations to violence, criminal networks and access to firearms, gradually moved into the drug trade — a trade which was increasingly offering far greater financial rewards.[35]

By the 1990s, professional criminals had moved towards an 'entrepreneurial trading culture driven by highly localized interpretations of global markets.'[36] Those men versed in the heavy end criminality of commercial and armed robbery, became savvy and more business orientated.[37] New opportunities such as the homegrown business of cultivation of cannabis were profitable and less risky than importation.[38] The interconnected processes of de-industrialization, globalization, and neo-liberalism had normalized some criminal activity that was previously the exclusive prevail of a more professional criminal elite, with organised criminals increasingly depositing and cleansing their money in legitimate businesses, property portfolios, pubs, garages and car dealerships.[39] Cash businesses also fared well, as did those sports that

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30. Ibid.
31. See, for example, Finckenauer, J.O. (2005) 'Problems of Definition: What is organised crime?' *Trends in Organised Crime* 8(3): 63-83, p.81.
32. Finckenauer, J.O. (2005) 'Problems of Definition: What is organised crime?' *Trends in Organised Crime* 8(3): 63-83, p.73.
33. See Paoli, L. and Vander Beken, T. (2014) 'Organised Crime: A Contest Concept,' In: Paoli, L. (ed) (2014) *The Oxford Handbook of Organised Crime*, Oxford: Oxford University Press, 13-31, p.17.
34. See Pearson, J. (2015) *The Profession of Violence: The Rise and Fall of the Kray Twins*. 5th Edn, London: William Collins; Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press.
35. Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press, p.147.
36. Hobbs, D (1995) *Bad Business*. Oxford, Oxford University Press, p.115.
37. Gillard, M. (2019) *Legacy: Gangsters, Corruption and the London Olympics*. Oxford: Bloomsbury.
38. Ancrum, C. and Treadwell, J. (2017) 'Beyond Ghosts, Gangs and Good Sorts: Commercial Cannabis Cultivation and Illicit Enterprise in England's Disadvantaged Inner Cities,' *Crime, Media and Culture* 13(1): 69-84.
39. Gillard, M. (2019) *Legacy: Gangsters, Corruption and the London Olympics*. Oxford: Bloomsbury.

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had purchase in the working class milieus, increasingly adding a veil of legitimacy to the cash flowing form the drug trade. Drug dealing became increasingly 'normalised,'[40] offering an accessible 'alternative sphere of enterprise to declining opportunities in traditional male employment.'[41] These changes occurred within a context where online banking, online markets, the dark net, and digital technology were reshaping everyday life, culture and communications. These markets are underpinned by 'discreet, action-based networks that informally connect individuals.'[42] During the last decade (2010s), these networks have increasingly taken root and continued to operate from within the prison walls in ways that suggest that the gang trope is misleading and outdated, and only able to explain harmful group behaviour in very particular contexts.

From Prison 'Gangs' to the 'Prison Firm'

'It depends what jail you're. Like in Dispersals, you have Muslim gangs. Then you have other gangs where it depends what area you're from. I think London is a lot more gang orientated. More Manchester and Liverpool, I think it's just about making money and the fact you're from Liverpool obviously it gives you that bit of a head start. But I would say still London, obviously it's organised crime and there's less gangs. On the news they show a lot of these Black kids in London stabbing each other, like what about these guys that are getting executed on motorways and that? Like organised gangs, you never see that on the news. I know a couple of stories about people in like organised crime executions and things, they don't say anything about that on the news.' (Category C)

To date, explanations of harmful group behaviour within prison have routinely employed a gang narrative, erroneously importing a construct from countries such as the United States,[43] Brazil[44] and New Zealand[45] where prison gangs arguably have a greater symbolic and physical presence. Given the growing concern about youth violence and urban street gangs in the UK over the last 20 years,[46] it is perhaps unsurprising that 'prison gangs' have become an explanatory framework for prison disorder within the UK.[47] Despite the longstanding, international interest in prison gangs, the literature on gangs in prison is not well developed and it is for this reason that prisons are described as the 'final frontier in gang research.'[48] In the context of Texan prisons, Pyrooz and Decker argue that 'gangs occupy an important place in the social order of prisons,' adding 'Gangs are responsible for a disproportionate share of violence and misconduct and maintain a grip on contraband markets in prison.'[49] Similarly, Skarbek describes prison gangs in California as

> 'It depends what jail you're. Like in Dispersals, you have Muslim gangs. Then you have other gangs where it depends what area you're from.

40. Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press, p.124; also see, Coomber, R., Moyle, L. and South, N. (2016) 'The Normalisation of the Drug Supply: The Social Supply of Drugs as the "Other Side" of the History of Normalisation,' *Drugs: Education, Prevention and Policy* 23(3): 255-263.
41. Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press, p.116.
42. Ibid, p.233.
43. Pyrooz, D.C. and Decker, S.H. (2019) *Competing for Control: Gangs and Social Order of Prisons*. Cambridge: Cambridge University Press; Skarbek, D. (2014) *The Social World of the Underworld: How Prison Gangs Govern the American Prison System*. Oxford: Oxford University Press; Skarbek, D. (2011) 'Governance and Prison Gangs,' *The American Political Science Review* 105(4): 702-716.; Flesher, M.S. and Decker, S.H. (2001) 'An Overview of the Challenges of Prison Gangs,' *Corrections Management Quarterly* 5(1): 1-9.
44. Mariner, J. (1998) *Behind Bars in Brazil*. Human Rights Watch; Biondi, K. (2017) Prison Violence, Prison Justice: The Rise of Brazil's PCC. *NACLA Report on the Americas*, 49(3): 341-34; Biondi, K. (2016) *Sharing This Walk: An Ethnography of Prison Life and the PCC in Brazil*. Chapel Hill, The University of North Carolina Press; Butler, M., Slade, G. and Dias, C.N. (2018) 'Self governing prisons: Prison gangs in an international perspective,' *Trends in Organised Crime*
45. Gooch, K. and Doolin, K. (2020) *A Comparative Analysis of Prison Violence in England, Australia and Aotearoa New Zealand – An Interim Report*. Bath: University of Bath.
46. Centre for Social Justice (2009) *Dying to Belong: An In-Depth Review of Street Gangs in Britain*. London: Centre for Social Justice; Densley, J.A. (2013) *How Gangs Work: An Ethnography of Youth Violence*. Palgrave Macmillan; Densley, J.A. (2011) 'Ganging up on gangs: why the gang intervention industry needs an intervention,' *British Journal of Forensic Practice* 13(1), 1-12; Hallsworth, S. (2011) 'Gangland Britain? Realities, Fantasies and Industry,' In: Goldson, B. (ed.) Youth in Crisis? '*Gangs', Territoriality and Violence, Routledge*, 183–197; Hallsworth, S. (2013) *The Gang and Beyond*. London: Palgrave Macmillan; Hallsworth, S. and Young, T. (2008) 'Gang talk and gang talkers: A critique,' *Crime Media Culture* 4(2): 175-195.
47. Maitra, D.R. (2016) 'An Exploratory Study of Prison Gangs in Contemporary Society,' In: Harding, S. and Palasinski, M. (eds) *Global Perspectives on Youth Gang Behaviour, Violence and Weapons Use*. Hershey, PA: IGI Global, 215-237; Maitra, D.R. (2020) 'If You're Down with a Gang Inside, You Can Lead a Nice Life': Prison Gangs in an Age of Austerity,' *Youth Justice* 20(1-2): 128-145. Wood, J. (2006) 'Gang Activity in English Prisons: The Prisoners' Perspective,' (2006) *Psychology, Crime and Law* 12(6): 605-617.
48. Pyrooz, D.C. and Decker, S.H. (2019) *Competing for Control: Gangs and Social Order of Prisons*. Cambridge: Cambridge University Press, p.1.
49. Ibid, p.2.

being highly structured and organised, operating with well-defined goals, clear criterion for membership, and 'elaborate written constitutions.'[50] Such gangs also restrict their membership and demand a lifelong commitment.[51] Crucially, Skarbek found that prisoners were not importing street gangs within prison in all U.S. states, rather, 'gangs formed as prisoners exploited the decline in traditional controls'[52] — namely, when 'officers lost control of prisons'[53] and prisoners could not 'rely on officials to resolve all disputes and to protect them at all times.'[54]

It is highly doubtful that English and Welsh prisons ever witnessed the particular forms of highly structured, well organised and formally constituted gang behaviour described in the US or elsewhere. Those research studies that claim to have demonstrated the presence of gang activity within English and Welsh prisons have suffered from important definitional and methodological weaknesses. For example, research by Woods[55] and colleagues[56] claimed that both prisoners and staff believed that prison gang behaviour was widespread within male prisons. However, Wood defined prison gangs as 'a group of three or more prisoners whose negative behaviour has an adverse impact on the prison that holds them.'[57] It is questionable whether this definition was sufficiently robust to create clear distinctions between 'gang' behaviour and the behaviour of groups of men who may have no affiliation with gang activity and whose association may be fleeting. It is also unclear whether it is because of these conceptual weaknesses, or despite them, that she 'discovered' gang related violence in the prisons surveyed.[58] Maitra has subsequently argued that 'prison gangs are now a reality within the English prison system.'[59] However, it is far less clear whether Maitra simply means that gang members are present in prison in greater numbers or if he believes such individuals are acting with the same level of power, influence and control described in the U.S. context, or making the same contribution to prison violence. Maitra also appears to employ the gang narrative too readily and without offering any conceptual definition of 'gang'. His arguments contrast starkly with his own earlier publications from the same two-week study which concluded that 'the lives of most prisoners were not defined by gang membership.'[60] He not only appears to overstate very loose — and as he himself describes — 'amorphous' peer groups with gangs, but also conflates the settling of community 'beefs'[61] with gang activity. Yet, as we found, resolving such disputes can occur independently of any gang association and often has little or no association with 'gangs'.[62]

Notably, and by way of contrast, Phillips found that the 'organised and violent gangs depicted in the US research' were 'seemingly absent in the UK context.'[63] Moreover, violent incidents 'began

> It is highly doubtful that English and Welsh prisons ever witnessed the particular forms of highly structured, well organised and formally constituted gang behaviour described in the US or elsewhere.

50. Skarbek, D. (2014) *The Social World of the Underworld: How Prison Gangs Govern the American Prison System*. Oxford: Oxford University Press, pp.8-9
51. Ibid, p.9.
52. Ibid, p.65.
53. Ibid, p.65.
54. Ibid, p.72.
55. Wood, J. (2006) 'Gang Activity in English Prisons: The Prisoners' Perspective,' (2006) *Psychology, Crime and Law* 12(6): 605-617, p.606.
56. Wood, J., Moir, A. and James, M. (2009) 'Prisoners' Gang-Related Activity: The Importance of Bullying and Moral Disengagement,' *Psychology, Crime and Law* 15(6): 569-581; Wood, J., & Adler, J. (2001). Gang activity in English prisons: the staff perspective,' *Psychology, Crime & Law* 7:167-192.
57. Wood, J. (2006) 'Gang Activity in English Prisons: The Prisoners' Perspective,' (2006) *Psychology, Crime and Law* 12(6): 605-617.
58. Phillips, C. (2012) "It ain't Nothing Like America with the Bloods and the Crips": Gang Narratives inside Two English Prisons," *Punishment and Society* 14(1): 51-68, p.54.
59. Maitra, D.R. (2020) 'If You're Down with a Gang Inside, You Can Lead a Nice Life': Prison Gangs in an Age of Austerity,' *Youth Justice* 20(1-2): 128-145
60. Maitra, D.R. (2016) 'An Exploratory Study of Prison Gangs in Contemporary Society,' In: Harding, S. and Palasinski, M. (eds) *Global Perspectives on Youth Gang Behaviour, Violence and Weapons Use*. Hershey, PA: IGI Global, 215-237, p.225.
61. Maitra, D.R. (2016) 'An Exploratory Study of Prison Gangs in Contemporary Society,' In: Harding, S. and Palasinski, M. (eds) *Global Perspectives on Youth Gang Behaviour, Violence and Weapons Use*. Hershey, PA: IGI Global, 215-237, p.232.
62. Gooch, K. and Treadwell, J. (2015) *Prison Bullying and Victimisation*. Birmingham: University of Birmingham,. IBSN: 978-0-7044-2859-1. Available Online: birmingham.ac.uk/prisonbullying
63. Phillips, C. (2012) "It ain't Nothing Like America with the Bloods and the Crips": Gang Narratives inside Two English Prisons," *Punishment and Society* 14(1): 51-68, p.55.

typically as individualised one-on-one masculine contests and while they might escalate with the involvement of supporters, they were not influenced by organised gang allegiances.'[64] Such findings correspond with our own research, which found little sustained 'gang'[65] activity, even within a historically significant context where two high profile gangs — and their affiliated splinter groups — had dominated the local Metropolitan area over a 20 year period.[66] Our continued research on crime in prison across a range of prisons and involving police representatives has further confirmed the absence of entrenched gang activity within most English and Welsh prisons. References to 'gang' were significant only in two specific contexts — YOIs and High Security Prisons — albeit for slightly different reasons.

Within the YOI context, 'gang activity' was associated with a small number of young men who had a post-code or regional affiliation and whose associations contributed only to a minority of incidents characterised by retaliatory 'tit for tat' violence. However, such gang activity did not structure the prison experience, nor were there any attempts to usurp or corrupt State authority. Within prison, there was also some conflation between the sort of fraternal groups loosely connected by geographical affiliations and those people who have 'imported' and sustained gang activities within prison:

> *'It's not even really gangs because I'm not in a gang but I just grew up in a certain area so I don't get along with a lot of people from other areas but I'm not in a gang. A lot of people think that I'm in a gang but I'm not in a gang. [People who associate with certain groups] are probably just around a bunch of people or friends or probably not even friends,*

> *probably associates, but they're just like this person has got my back.' (Category C/YOI)*

It is fairly typical for young men to form loose acquaintances with young men from the same area, partly because it offers some familiarity, reassurance and sense of solidarity.[67] Great care needs to be taken to ensure that young men identifying with friends or individuals from the same regions are not mis-identified as constituting a 'gang'. It is also possible that approaches such as 'keep apart lists' create rather than mitigate a gang problem since young people may feel more compelled to identify with a particular group for the purposes of safety, identity and protection. For those young men who did have a more sustained association with a 'gang' or street group, such activity could, however, act as an entry point for more sophisticated and organised criminal activity as young men matured and moved into adult prisons, primarily because they were developing their networks and moving into criminal activities that brought them into contact with more experienced and criminally active individuals.

In the High Security Estate, studies have identified concerns regarding a small number of prisoners operating in 'Muslim gangs.'[68] Such gangs are thought to have defined membership roles, be involved in circulating contraband, and in violence, bullying and intimidation 'under the guise of religion.'[69] Liebling *et al's* follow up study at HMP Whitemoor found that gang membership was one of seven motivating factors for converting to faith.[70] In addition, they found that there was a 'certain new type of gang culture that glorified terrorist behaviour and motives,' but the expressed attitudes 'constituted an artificial ideology' and 'insincere performance.'[71] Liebling *et al* further note that the 'ambiguous use of the term gang at Whitemoor

> **In the High Security Estate, studies have identified concerns regarding a small number of prisoners operating in 'Muslim gangs.**

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64. Ibid, p.56.
65. Although the notion of the gang is highly contested,67 we take as our definition section 34(5) of the Policing and Crime Act 2009 which suggests that the group must: 1) consist of at least 3 people; 2) have a name, emblem or colour or any other characteristic that enables its members to be identify by others as a group; and, 3) is associated with a particular area.
66. Gooch, K. and Treadwell, J. (2015) Prison Bullying and Victimisation. Birmingham: University of Birmingham. IBSN: 978-0-7044-2859-1. Available Online: birmingham.ac.uk/prisonbullying
67. Crewe, B. (2009) The Prisoner Society. Oxford: Oxford University Press, p.320; Phillips, C. (2012) "It Ain't Nothing Like America with the Bloods and the Crips": Gang Narratives inside Two English Prisons," Punishment and Society 14(1): 51-68, p.57.
68. Liebling, A., Arnold, H. and Straub, C. (2011) *An Exploration of Staff-Prisoner Relationships at HMP Whitemoor: 12 years on*. London: Ministry of Justice; Powis, B., Dixon, L. and Woodhams, J. (2019) *Exploring the Nature of Muslim Groups and Related Gang Activity in Three High Security Prisons: Findings from Qualitative Research*. London: Ministry of Justice.
69. Powis, B., Dixon, L. and Woodhams, J. (2019) *Exploring the Nature of Muslim Groups and Related Gang Activity in Three High Security Prisons: Findings from Qualitative Research*. London: Ministry of Justice, p.3.
70. Liebling, A., Arnold, H. and Straub, C. (2011) *An Exploration of Staff-Prisoner Relationships at HMP Whitemoor: 12 years on*. London: Ministry of Justice, p.58.
71. Ibid, p.67.

presented a problem when trying to explore differences between the (supportive) Muslim brotherhood and the (suppressive) 'Muslim gang'.'[72] One of the difficulties is that, as Phillips also identifies, 'Muslim solidarity' creates a strong power base[73] and a 'collective identity' that may result in Muslim brother defending each other against officers, or the collective defence of a Muslim prisoner against a non-Muslim prisoner(s).[74] This could engender fear, contempt and resentment amongst non-Muslim prisoners.[75] However, Phillips found that the ''gang label' can function as a racialised Othering device and as a repository for feelings of envy and frustration which abound in prison life.'[76] For prisoners in Liebling *et al's* study, there were 'new fears about misrepresentation,' especially since 'laughing too loud or 'having fun' ran the risk of being 'written up' for gang-related behaviour.'[77] Those who imported gang membership into the prison believed that they were monitored accordingly, but these prisoners assumed that 'staff would stereotype them as members of a 'Muslim gang' by conflating a criminal past with present religious denomination.'[78] Moreover, prisoners believed that 'helping and supporting someone who is in need, acting in accordance to Islamic principles was misinterpreted and exaggerated due to a misguided perception of what a gang was.'[79] Liebling *et al* add: 'Every close knit peer group was potentially a 'gang'.'[80] Powis et al similarly concluded, 'the nature of Muslim groups of prisoners and the difference between Muslim groups and gangs remains poorly understood.'[81]

The relative absence of 'gang' activity within English and Welsh prisons is not only indicative of important distinctions between British gang structures and contexts, and those of the North America, South America, Asian, Australia, and New Zealand context, but also reflects a much wider shift in criminal activity in the community. The evolution of street drug dealing into a 'county lines business model' and to a more 'entrepreneurial' approach has served to move (street) youth criminal associations from urban 'gangs' or street groups to a form of drug dealing and enterprise that needs little or no connectivity with a gang.[82] The 'county line' represents the use of a mobile phone line to co-ordinate the supply of drugs from a city hub into villages and towns, often well beyond regional boundaries (such as from London to the Bournemouth or Plymouth).[83] Such criminal activities offer flexibility, often involve the exploitation of more vulnerable individuals, and allow individuals to profit more directly from their 'graft'.

Whittaker et al found that over a ten year period, there had been a noticeable and significant shift away from the use of violence to defend postcode territories — as previous studies of street young gangs had described[84] — to the defence of (drug) marketplaces.[85] Young people were described as more ruthless but focused on the expansion of new

> ...helping and supporting someone who is in need, acting in accordance to Islamic principles was misinterpreted and exaggerated due to a misguided perception of what a gang was.

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72. Ibid, p.67.
73. Liebling, A., Arnold, H. and Straub, C. (2011) *An Exploration of Staff-Prisoner Relationships at HMP Whitemoor: 12 years on*. London: Ministry of Justice.
74. Phillips, C. (2012) "It ain't Nothing Like America with the Bloods and the Crips": Gang Narratives inside Two English Prisons," *Punishment and Society* 14(1): 51-68, pp.60-61.
75. Ibid, pp.61-62.
76. Phillips, C. (2012) "It ain't Nothing Like America with the Bloods and the Crips": Gang Narratives inside Two English Prisons," *Punishment and Society* 14(1): 51-68, p.62.
77. Ibid, p.26.
78. Ibid, p.67.
79. Ibid, p.68.
80. Ibid, p.68.
81. Powis, B., Dixon, L. and Woodhams, J. (2019) *Exploring the Nature of Muslim Groups and Related Gang Activity in Three High Security Prisons: Findings from Qualitative Research*. London: Ministry of Justice, p.6.
82. Densley, J.A. (2014) 'It's Gang Life, But Not As We Know It: The Evolution of Gang Business,' *Crime and Delinquency* 60(4): 517-546; Spicer, J. (2020) 'Between Gang Talk and Prohibition: The Transfer of Blame for County Lines,' *International Journal of Drug Policy*, in press; Coomber, R. and Moyles, J. (2018) 'The Changing Shape of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across 'County Lines',' *British Journal of Criminology* 58(6): 1323-1342.
83. Also see: Coomber, R. and Moyles, J. (2018) 'The Changing Shape of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across 'County Lines',' *British Journal of Criminology* 58(6): 1323-1342.
84. Pitts, J. (2008) *Reluctant Gangsters: The Changing Face of Youth Crime*. Cullompton: Willan.
85. Whittaker, A., Cheston, L., Tyrell, T., Higgins, M., Felix-Baptiste, C. and Havard, T. (2018) *From Postcodes to Profits: Changes in Gang Activity in Waltham Forest*. London: London South Bank University. Available online: https://drive.google.com/file/d/1AvLO4Al1MrzVzThuVDhRpjd8Y1EkCHi-/view.

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drug markets beyond the confines of a specific postcode and into other towns, replacing the 'emotional sense of belonging' to a gang with a more 'business orientated ethos.'[86] 'Gangs' were more 'organised' and had rejected 'visible signs of membership as 'bad for business' because they attract unwanted attention from law enforcement agencies.'[87] Thus, even amongst youth street groups, there has been a drift towards more organised forms of criminality. Given these shifts, it is questionable whether the 'gang' remains the correct construct for criminal group behaviour. Our contention then, is not that 'gang' members do not exist within prisons, but that constructing prison disorder, violence and drug supply within prison as 'essentially a problem of gangs is an exercise flawed on empirical, theoretical and methodological grounds.'[88] Ultimately, as Hallsworth and Young argue, 'gang talk … runs the risk of misrepresenting what it claims to represent — the reality of violence street worlds.'[89]

Explaining the Emergence of Organised Crime

Criminal activities within prison may include: organising the murder or violent assault of an individual in the community, homicide within prison, jury tampering and intimidation, harassment, blackmail, conspiracy to supply, money laundering, conveyance and/or possession of contraband, prison mutiny, assisting an escape or abscond, fraud, false imprisonment, sexual assault, physical assault, 'pottings' (throwing urine or faeces at or over someone), use of boiling/hot sugar water to injure, criminal damage, arson (including the destruction of cars in staff car parks) as well criminal participation (under the Serious Crime Act section 45). Although the vast majority of criminal activity is perpetrated by prisoners, staff may also be implicated in the conveyance of contraband (in amounts worth tens of thousands of pounds), assault, and in behaviour that may fall under the banner of 'misconduct in a public office,' such as forming inappropriate and sexual

> Gangs' were more 'organised' and had rejected 'visible signs of membership as 'bad for business' because they attract unwanted attention from law enforcement agencies.

relationships with prisoners. Some such crimes — whether involving prisoners or staff — can be isolated incidents, disconnected from wider criminal networks and not constituting a form of 'organised crime'.

However, criminal activity may require a network of acquaintances and associates to, for example, threaten, blackmail, rob, assault, or murder an individual in the community whilst the organising individual or co-conspirator is in prison. Clearly this requires communication, co-ordination and organisation — and, using Levi's characterisation of organised crime requiring violence, corruption, continuity and variety — it is possible that such acts can represent either 'criminal activities that are organised' or 'organised crime' depending on the extent to which such activities may reflect an enduring network of criminal association and a variety of activity. For example, arranging the murder of an individual in the community will require organisation between a prisoner and his co-conspirator(s) but may be a relatively isolated incident. By contrast, the murder may constitute a 'hit' or retaliation between organised crime groups where homicidal violence is only one form of criminal activity that these individuals engage in. Thus, in seeking to identify those acts that might constitute 'organised crime', it is prudent to consider 'the way criminal activities are carried out,' how individuals interact with other accomplices, and the extent to which such networks are seeking to amass and use power.[90] Inevitably, there will be a 'continuum' between 'market-based crimes' (e.g. drug supply) that require some degree of organisation and communication to 'what could be termed…'control-orientated,' 'regulatory' or 'governance' crimes involving the setting and enforcing of rules of conduct and the settling of disputes in the absence of effective government regulation.'[91] In the latter case, alliances form to not only gain 'a share of illegal profits' but also to exercise power, to 'govern' and to regulate behaviour between prisons (and to some extent prison staff).

86. Densley, J.A. (2014) 'It's Gang Life, But Not As We Know It: The Evolution of Gang Business,' *Crime and Delinquency* 60(4): 517-546
87. Ibid, p.4.
88. Hallsworth, S. and Young, T. (2008) 'Gang talk and gang talkers: A critique,' *Crime Media Culture* 4(2): 175-195, pp. 176-177.
89. Ibid, p.177.
90. von Lampe, K. (2016) *Organized Crime: Analyzing Illegal Activities, Criminal Structures and Extra-Legal Governance*. London: Sage, p.31-32.
91. Ibid, p.31.

Prison based criminal entrepreneurs require networks and associates beyond the prison walls. Increasingly the smuggling of contraband, the associated transfer and recovery of payments, reflects something more sophisticated than an isolated incident of 'crime that is organised', typically involving criminal networks that spread across the country and into more than one prison. For example, serving prisoners at HMP Hewell were able to orchestrate drone deliveries of drugs, weapons, and mobile phones by drawing on a wider network of accomplices both within prison and the community. These drone deliveries spread across prisons within the Midlands, the North West, Lancashire and Scotland.[92] This is not an isolated example, and whilst the supply route may vary, the involvement of a wider network does not, nor does the possibility of co-ordinating or communicating with associates either via mobile phones or pin-phones/in-cell telephony:

'It's 100 per cent business for me, nothing else, and it was set up as a business with a tier of people with me at the top as your chief exec, if you like, and then you've got people beneath you that are running the thing. So, you've got a lad that drives and picks it up, you've got a lad that holds it, you've got a lad who holds the money, you've got people that move it. It's just purely business.' (Category C)

Notably, the criminal exploitation of vulnerable individuals in the community — such as female partners or associates and/or care experienced individuals — can represent a form of modern slavery, where vulnerable individuals are coerced into driving criminal associates, transporting contraband, conveyancing contraband into prison (including through visits, throwovers or drones) or collecting payments. In addition, prisoners are active in recouping debt payments not just from fellow prisoners, but also members of their family.[93] Efforts to co-ordinate and profit from the supply of drugs within prison, and to more deliberately corrupt state authority, may come in the form of the partners or associates of individuals affiliated organised crime group entering the workforce. Such 'plants' may be operating as 'sleepers' or may be very actively involved in criminal activity.

For some individuals, imprisonment was unwelcome, but did not serve to halt their criminal activities:

'Say someone's convicted on the outside of organised crime — of a massive drugs, money laundering type of thing, drug smuggling, huge, worth a lot of money, and then they come into jail, they carry on the illegal activities because they know they right people, they're able to. It is more coordinated, it's less violent, but it's more financially beneficial if you know what I mean.' (Category C)

'[Drug dealing] puts food on a lot of lad's tables out there and in here, you get me? We need to keep earning, and there are ways to do that. Big money, as much money as can be earned on the out, on road [in the community]' (Category B Local)

In some cases, imprisonment was less an occupational hazard than a business opportunity since they were able to make more money within prison than in the community:

'I know a lad who does nothing but little silly sentences. He'll go and do a stupid shoplifting just so he'll come in plugged up to make his money again, so he'll come back out and take the missus to the Bahamas and stupid holidays, so it's serious money. Well, one Kinder egg94 full of spice can make you anything up to £4,000 or £5,000, so if you've got three of those inside you that's £15,000.' (Category C)

There was remarkable consistently across prisons both in the amounts that could be gained by selling the illegal contents of a Kinder egg, but also the possibility that individuals might commit minor offences or be deliberately recalled to prison. In some cases, this was a voluntary act, but in other cases, individuals were coerced into returning to prison with contraband:

'It's not that all recalls are earning money. There are muppets, sad cases, debtors, they are being put up to it. They are […] not the ones making any money off of it, they are paying back the debts they have been driven into. It's a business model, they come back in to pay their debts.' (Category C)

The possibility that someone may deliberately jeopardise their freedom illustrates something about

92. BBC News (2018) 'Gangs who flew drones carrying drugs into prisons jailed,' *29 October*. Available online: https://www.bbc.co.uk/news/uk-england-45980560; BBC News (2017) 'Ten sentenced for smuggling drugs into prison by drones,' 13 December. Available online: https://www.bbc.co.uk/news/uk-42341416.
93. Gooch, K. and Treadwell, J. (2020) "Prisoner Society in an Era of Psychoactive Substances, Organised Crime, New Drug Markets and Austerity,' *British Journal of Criminology* 60(5): 1260-1281.

the power and control that some prisoners — and their associates in the community — are operating with.

The possibility that the prison serves as a key marketplace and site for organised crime activity seems counter-intuitive. Individuals not only need to navigate prison walls or fence lines, but also the restrictions on freedom of movement, social contact and communications. How and why organised and serious criminality appears to have increased within prison over the last decade merits attention. As Varese illustrated, organised crime groups can and do expand and transplant into new territories:

'The critical factor [in the emergence of Mafias] is proximity to a sudden market expansion that is not properly regulated by the State and the presence of people who can step in and regulate such markets. In a nutshell, opportunities in the market economy bring about mafias.'[95]

Whilst Varese focuses specifically on 'Mafias', the principles apply equally well when considering the structural conditions that make the expansion of organised crime within prison possible. His findings also correspond with Skarbek's research which found that prison gangs provide 'extra-legal governance', protection and security when individuals cannot rely on officers to provide the governance they require, but in so doing, they 'govern crime' and allow prisoners to participate in the illicit economy.[96] Taken together, these studies suggest that whether it is a 'prison gang' or the 'Mafia', such groups flourish when there is a lack of State governance, where individuals cannot rely on the State to regulate or resolve market disputes, and when there is the opportunity to invade or expand a market. In these cases, the Mafia and the prison gang serves to create order as much as they can destabilise order.

It is, therefore, no surprise that prisons in England and Wales became vulnerable to increased organised, serious, and ongoing criminal activity over the last decade. First, 'sudden market expansion' was possible due to increased demand and greater ease of supply. Limited time out of cell, a lack of meaningful activity, a growing sense of hopelessness and feeling 'stuck in the system' contributed to increased demand for drugs.[97] In addition, supply routes diversified as drones became available. This diversity of supply methods — which includes reception, visitors, mail, staff, throwovers, and escorts — meant that individuals could change and switch supply routes in response to security tactics or measures. In addition, drones were cheaply available, offering an additional supply route, one that could be directly exploited when conditions were poor (and a delivery could be flown straight to a cell window) or supervision was lax. Crucially, though, the possibility of spraying psychoactive substances onto domestic or legal mail meant that drug supply and consumption was far easier — and incredibly profitable. The exploitation of the market was easier due to technological advances. Those individuals who imported or expanded their network in prison could run operations from the prison cell using mobile phones. In addition, online banking, social media and crypto currencies means that financial transactions can occur outside of the prison and in ways that are difficult and resource intensive to investigate and track. Poor prison conditions and the inconsistent or inadequate supply of basic items compelled individuals in some prisons to engage in the illicit economy simply to, for example, have sufficient underwear, access a television remote, have sufficient bedding and toiletries. At the point of entry into the economy, individuals may not necessarily be trading contraband but they are quickly in debt, the repayment of such may involve doing the bidding of more dominant and controlling individuals (including holding contraband, assaulting staff or assaulting prisoners).[98] The exploitation of illicit markets in prison can, therefore, 'be understood as evocative of the crude market rationality.'[99]

> The possibility that the prison serves as a key marketplace and site for organised crime activity seems counter-intuitive.

94. 'Kinder egss' are small chocolate eggs with small plastic containers within them. The plastic containers are used to store contraband, and are typically concealed within the body.

95. Varese, F. (2011) *Mafias on the Move: How Organised Crime Conquers New Territories*. Princeton, Princeton University Press, p.12.

96. Skarbek, D. (2014) *The Social World of the Underworld: How Prison Gangs Govern the American Prison System*. Oxford: Oxford University Press.

97. See Gooch, K. and Treadwell, J. (2020) "Prisoner Society in an Era of Psychoactive Substances, Organised Crime, New Drug Markets and Austerity,' *British Journal of Criminology* 60(5): 1260-1281

98. Also see Treadwell, J., Gooch, K. and Barkham-Perry, G. (2019) *Crime in Prison: Where now and Where Next?* Research report for external body. Office for the Police and Crime Commissioner, Staffordshire. Available Online: http://eprints.staffs.ac.uk/5438/1/OPCC%20-%20Plan-to-government-to-tackle-organised-crime-in-prisons.pdf.

99. Coomber, R. and Moyle, L. (2018) 'The Changing Supply of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across 'County Lines'," *British Journal of Criminology* 58(6): 1323-1342, p.1339.

Second, prisoners cannot rely on staff to arbitrate disputes over financial transactions, primarily because of the nefarious nature of such activities. Thus, intimidation, threats and the actual use of violence serve to generate compliance and regulate behaviour. As market activity increases, there are of course more disputes to resolve, further cementing the role of those willing to resolve conflict and govern conduct. Third, prisoners have not always been able to rely on the State to provide the governance they need, to supervise them effectively, to define rules and boundaries, and to protect them when needed. A combination of too few officers, too many inexperienced officers and managers, physical withdrawal by officers to the back-room spaces and offices, and a lack of the competent, consistent and legitimate use of authority have served to create the fertile conditions for sophisticated, domineering and organised individuals to gain power in some prisons. It is undoubtedly true that State governance has been inconsistent and unreliable as a direct result of efforts to reduce financial resources beyond a threshold where it is possible to meaningfully maintain the moral, legal and ethical performance of the prison. Thus, the combination of technological changes, changes in the drug economy, the diversification of supply routes, poorer prison conditions, impoverished regimes, changes to the composition of the workforce, structural hopelessness caused by long and IPP sentences,[100] and the increased use of recall have creating the ideal conditions for organised criminals to expand their activities and exploit the market that emerged.

> It is undoubtedly true that State governance has been inconsistent and unreliable as a direct result of efforts to reduce financial resources beyond a threshold.

The 'Screw Boys' and the 'Businessmen': The Organisation of Organised Crime in Prison

Prior to, and during, the 1990s, the 'faces' of the most notorious criminals — such as the Krays — were well-known, occupying the position of the self-avowed criminal elite.[101] Today, serious and sensible criminals increasingly prefer to perform the faceless role of chief executive and to maintain some distance from front-line operations.[102] Moreover, not all organised crime requires direct coercion or violence — involvement in the latter may, for example, frustrate business activities by bringing unwanted attention. Organised crime groups merely want compliance, so they can and will express power in more subtle ways — the business is never all about the money, but a chaotic world of complex interactions and drivers, where acquisition and dominance can feature as clear motives.[103] Similarly, within prison, the 'Businessmen'[104] who are co-ordinating activities often operate at a distance from every day 'operations,' keeping their hands away from the 'dirty work' and avoiding suspicion:

> *'You'll find lads in prison, you're sorting out logistics, you're sorting out product, you're sorting out buyers, you're sorting out sellers. You're sorting out, in effect, a massive industry. You've got to go under the radar, haven't you, so you'll find they're very business-orientated.' (Category C)*

> *'In my hierarchy, I've done all that [drug dealing], but since I've been in this prison, I just send an order down, because shit rolls downhill. So if I just send it downhill to the Middlemen and they would send it out to the Foot Soldiers and that. … There's about another three or four here on this wing that I consider at the top, and they know it as well. But they're not above me.' (Category C)*

The 'Businessmen' recognise the importance of developing a network of people, with the 'Middlemen', 'Foot soldiers' and 'Runners' remaining primarily responsible for trafficking, holding and distributing

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100. Also see Her Majesty's Inspectorate of Prisons (2016) *Unintended Consequences: Finding a way forward for those serving sentences of imprisonment for public protection*. London: Her Majesty's Inspectorate of Prisons.
101. Hobbs, D. (2013) *Lush Life*. Oxford: Oxford University Press.
102. Gillard, M. (2019) *Legacy: Gangsters, Corruption and the London Olympics*. Oxford: Bloomsbury. Similar patterns have also been noted in the context of 'county lines', where Coomber and Moyle found that the 'top dogs' protected themselves from enforcement risks by avoiding the markets they profited from. See Coomber, R. and Moyle, L. (2018) 'The Changing Supply of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across 'County Lines ',' *British Journal of Criminology* 58(6): 1323-1342, p.1337
103. Hobbs, D. (2012) ''It was never about the money': market society, organised crime and UK criminology,' In: Hall, S. and Winlow, S. (eds), *New Directions in Criminological Theory*, 257-275.
104. This terminology was used by both prisoners and prison staff/managers.

contraband, as well as punishing non-repayment, holding debt lists and bank account details, and sending threatening notes, texts or phone calls when needed. This might lead us to erroneously conclude that criminal activities are difficult to observe and identify within prison. However, much organised crime within prison hides in plain sight. The names are barely hidden from those who need to know them. Careful observation of — for example — who is associating with who, commonalities in terms of visitors or pin phone contacts, who volunteers to push the servery/kitchen trollies, who is trying to access wings/residential units for no other explicable reason, who has a plentiful supply of 'canteen'[105] and 'exclusive' items, who wants to be 'padded up'[106] with who, who is passing to who, who is in debt to who, who assaults staff and for what reason, who holds the 'respect' of their peers (whether through fear or respect based on admiration):

'They can see who's grafting. It's like when you see them on the wing and they're running around, you can see who's selling drugs. […] So, when they're running around, in and out of pads, it's obvious who's doing what, do you know what I mean? I think some of it is the thrill of the chase. […] You know, obviously, you can have a better existence.' (Category C)

The Businessmen often operate from positions of responsibility — such as peer support, mentor or representative roles — and continue on 'Enhanced regime'[107] for periods, appearing convivial, polite and charismatic with staff and able to exert pressure on staff should there be any hint of a negative report or 'nicking' (adjudication report). This is, of course, the path of least resistance, scrutiny, and oversight, ensuring that they can enjoy greater freedom (including more time out of cell and unescorted movements), can progress and can move to a lower security prison at the earliest opportunity. Rather than being governed 'tightly',[108] they both exploit the advantages offered by the State whilst operating their 'drug empires' from within. They don't try to 'beat the system' but have learnt to 'play the game'. In so doing, they are able to effectively manage the vertical relationship with State agents and the horizontal relationships with peers. Balancing a legitimate front with the co-ordination of

criminal activity was familiar behaviour to those who had been involved in the organisation of drug importation or distribution in the community and knew how to compartmentalise activities:

'You were getting up in the morning and going to work, you were looking after the kids, you were taking them on holiday so the kids had their time, [the wife] had her time, the business had that time, the drugs had that time, and you had your time.' (Category C)

Those who had been caught typically gave reasons such as 'getting greedy' or 'getting lazy' by, for example, forgetting to take the same safeguards with vehicles, mobile phones and taking other shortcuts that they would have been careful to avoid in the earlier days of those operations. Notably, for those who were connected with organised crime but did not occupy a leadership role, those key individuals continued to exert power and influence from other prisons or other prison wings:

'Because I'm here and I work with psychologists and I say, 'Yeah, I really want to get away from all that bollocks to do with all the firm I'm with and having to worry about what they think and…' But at the end of the day, I do need to worry about what other people think, because I can easily be whacked in prison if I do something that pisses them off, do you know what I mean, someone can easily come after me that knows them. […] I'm more worried about what my firm think of me and what I'm doing, than anyone else.' (Category A)

In such cases, even those individuals who were subject to bureaucratic forms of power — such as being the focus of regular risk assessment, psychological assessment and psychological intervention — their chief concern was not how penal power 'gripped' them, but how they were perceived by more senior members of their criminal network and how reprisals and punishment could still be organised and exacted.

Although the 'Businessmen' sought to exploit the available opportunities and freedoms for their own benefit, prisoners made distinctions between those who were operating as 'Businessmen' but with a

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105. 'Canteen' refers to the items that can be bought from an approved list within the prison. It typically includes food, toiletries, e-cigarettes and stationary.
106. 'Padded up' is prison slang for being in their cells. Thus, the expression 'padded up together' refers to the sharing of a cell with one or more other individuals.
107. The
108. Crewe, B. (2011) 'Depth, Weight, Tightness: Revising the pains of imprisonment,' *Punishment and Society* 13(5): 509-529; Crewe, B. and Ieins, A. (2020) ''Tightness', recognition and penal power,' *Punishment and Society* (Online First): 1—22.

legitimate 'front', and those who sought responsible roles for genuine motives or to support and evidence their attempts to desist from criminal activity. Those men who were seen to be willingly and uncritically complying with penal power, and enjoying 'close' relationships with staff, were dubbed 'Screw Boys' by others and did not enjoy the same level of status, power and control as the 'Businessmen':

> *'I've got four jobs. I've got unsupervised worker on my card, I've got more jobs that entitle me to free movement, do you understand? So, I'm supposed to be treated like a man. I'm a person that abides by the rules. […] When I was downstairs, I was probably one of the main ones that was pro-social to the staff. So, basically, what I do, I'll have my coffee and then I'll sit on my table with my paper, or whatever. A lot of the staff members would come and sit around and have a talk. A lot of lads took a disliking to this. They were, like, 'Oh, screw boys, blah-de-blah.' Not to my face, just behind it but, you know, you'd hear about it.' (Category C)*

To be named a 'Screw Boy' was a slur, but it is not always apparent to the individual concerned that his peers were describing him as such. Some such 'screw boys' remained relatively unaware and were happy to maintain some distance from wider wing politics. Those who were volunteering for peer support or other responsible role for benevolent reasons or to earn a positive report from staff became frustrated when their motives were misunderstood and their integrity questioned. The argument here is neither that prisoners operating in positions of responsibility should not be empowered to operate with some degree of trust and autonomy, nor that staff should be immediately cynical or suspicious of all prisoners. Indeed, evidence suggests that such roles and schemes (e.g. the Listener Scheme) can have a range of significant benefits, including personal transformation, development of a 'positive self-image' or new identity, developing a sense of purpose, a sense of achievement, having a chance to 'give something back', acquiring new skills and 'earning the trust of others'.[109] Rather, we argue that such roles need to operate within a context of the confident, competent and consistent of legitimate authority by prison staff, where there is 'intelligent trust,'[110] and with dynamic, agile and responsive assessments of risk. Those 'Businessmen' who operate with impunity do so because it is either directly or inadvertently permitted. Much criminal activity can be prevented when staff (and managers) ensure they are present, engaged, neither too 'light' nor too 'heavy' in the use of power,[111] are observant, reward positive behaviour, challenge poor behaviour, enforce the rules judiciously, notice the subtleties of human interaction (including when the risk of harm is increasing or an individual is becoming more vulnerable), and operate with a curious and open mind.

When prisoner support, mentoring and 'representative' roles function in a context where power is imbalanced and prisoners are poorly or ineffectively supervised, a Faustian pact can occur when organised criminals exert influence in prisons and are able to help to ease managerial pressures on a prison establishment itself. For example, we encountered examples where prisoners were used to 'stabilise' a prison wing — either because staff (and in some cases managers) arranged 'straighteners' within cells and/or appointed violence reduction representatives and allowed them to adopt a pseudo-officer role.[112] When this is accompanied by a physical or psychological retreat by staff, or staff are unwilling to use their authority, this can distort the balance of power and the moral order. In such cases, this provides opportunities for more sophisticated,

109. Perrin, C. and Blagden, N. (2014) 'Accumulating Meaning, Purpose and Opportunities to Change 'Drip by Drip': The impact of being a Listener in Prison,' *Psychology, Crime & Law* 20(9): 902-920; Edgar, K., Jacobson, J. and Biggar, K. (2011) *Time Well Spent: A Practical Guide to Active Citizenship and Volunteering in Prison*. London: Prison Reform Trust; Peerin, C. Blagden, N., Winder, B. and Dillon, G. (2018) '"It's Sort of Reaffirmed to Me that I'm not a Monster, I'm not a Terrible Person": Sex Offenders' Movements Toward Desistance via Peer-Support Roles in Prison,' *Sexual Abuse* 30(7): 759-780.

110. Liebling, A., Arnold, H. and Straub, C. (2011) *An Exploration of Staff-Prisoner Relationships at HMP Whitemoor: 12 years on*. London: Ministry of Justice, p.185.

111. Crewe, B., Liebling, A. and Hulley, S. (2014) 'Heavy-Light, Absent-Present: Rethinking the 'Weight' of Imprisonment,' *British Journal of Sociology* 65(3): 387-410.

112. Gooch, K. and Treadwell, J. (2017) *An Evaluation of a Violence Reduction Representative Scheme*. Leicester: University of Leicester.

Faustian pact can occur when organised criminals exert influence in prisons and are able to help to ease managerial pressures on a prison establishment itself.

entrepreneurial, or organised criminals to fill the power vacuum left by staff.[113] Whilst staff may achieve some temporary sense of physical or psychological safety by using prisoners to reduce violence, handle disputes or put prisoners 'back in line,' this can ultimately benefit those involved in, and profiting from, the supply of contraband. Organised crime and corruption have a complex relationship, one that can benefit both criminals and, in some instances, the prison and its staff. The corruption that supports organised crime activity does not necessarily always come in the form of staff acting at the requests of criminally active prisoners, but can come in the form of the inadvertent or indirect abdication of responsibility. Once the balance of power is distorted, it is harder to regain control than if it had never been lost in the first place. Such a rebalancing can only occur when the staff group as a whole acts consistently — those officers who try to do the right thing alone may find themselves the target for assault and 'pottings', acts which are ultimately aimed at humiliating them and reasserting power and control.[114] The response to such incidents by the officer group — not just managers and criminal justice agencies — indicates whether efforts to undermine a staff member are successful in the long-term.

Concluding Thoughts

Crime does not stop at the prison gate, and incarceration alone is not a barrier to ongoing and serious organised criminal activity. Digital technology makes it possible to arrange, co-ordinate, continue and develop criminal networks and activities without leaving the prison cell. Organised individuals can adapt to changes in security and disruption 'tactics' with the effect that supply routes are adjusted when needed by, for example, diverting from throw-overs and drones to the corruption of staff, or from the use of legal and domestic mail to greater use of visitors and people arriving in Reception. The traditional response has been to arrange a 'disruptive' move of those individuals who generate the greatest concern for staff. However, such moves either create opportunities for other individuals to function in their absence or serve to expand criminal networks across the prison estate. Transfers do not automatically end communications between individuals within and/or across different prisons, or with community associates and accomplices. Similarly, moving vulnerable prisoners who are being exploited or victimised does not necessarily mean that the threat is mitigated or harm averted — more controlling individuals can continue to not only arrange 'hits' from other prison wings or prisons, but also directly contact, intimidate or victimise family members. Thus, prison-based organised crime is not solely a prison problem, nor can it be dealt with purely at a local level. Yet, just as with the investigation of EncroChat, prison based organised crime is ultimately detectable, prosecutable and preventable. Effective prevention, investigation and legal or disciplinary responses require regional and national solutions — those that draw on multiple stakeholders and law enforcement agencies, and that take seriously the safeguarding responsibilities to those in the community, not just the prison. Indeed, the Serious Violence Bill — if implemented — will put the safeguarding responsibilities of prisons to those in the community on a statutory footing. In this respect, public protection is as much about law enforcement within prison and the protection of victims of prison-based offences as it is about those offences committed in the community (either prior to imprisonment or on release). Whilst there is a tendency in prison scholarship to view forms of State power with suspicion, cynicism and as 'inherently damaging',[115] this article serves as a corrective — seeking to illustrate the ways in which the legitimate, judicious, ethical and competent use of power and authority by prison staff and by wider law enforcement agencies can serve to reduce the pains and burdens of imprisonment. Indeed, our argument here is that it is in the absence of effective State governance and material provision that organised crime networks and groups can operate most effectively. Thus, prisons can only be safe, secure, decent, orderly, and rehabilitative when they operate in the context of the rule of law, moral order and effective governance.

113. Ibid. See, for example, Her Majesty's Inspectorate of Prisons (2018) *Report of an announced inspection of HMP Birmingham – 30 July – 9 August 2018*. London: Her Majesty's Inspectorate of Prisons. Available Online: www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/12/HMP-Birmingham-Web-2018.pdf

114. Gooch, K. (2020) *Understanding Staff Assaults – A Research Briefing*. Bath: University of Bath.

115. Crewe, B. and Liebling, A. (2017) 'Reconfiguring Penal Power,' In: Liebling, A., Maruna, S. and McAra, L. (eds), Oxford Handbook of Criminology. 6th Edn. Oxford: Oxford University Press, 889-913, p.892.