



Parsons, S. (2025) 'Tackling organised crime', *Journal of Criminal Law*, 89 (5-6), pp. 315-318.

Official URL: <https://doi.org/10.1177/00220183251398413>

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Tackling organised crime

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Abstract:

Organised crime poses a serious threat to the rule of law, both nationally and internationally and is characterised by planned criminal activity aimed at financial gain. This comment considers the extent and challenges posed by organised crime in the UK and elsewhere, and the methods used to tackle such crime both nationally and internationally.

Keywords:

organised crime, drug markets, artificial intelligence, asset recovery

Organised Crime Defined and the Problem of Mexico

Organised crime is characterised as planned and coordinated criminal activities conducted by individuals, groups, or networks for financial gain. The National Crime Agency outlines various serious offences associated with organised crime, including child sexual abuse, cybercrime, fraud, drug trafficking, modern slavery, and money laundering.¹ Organised crime is a serious threat to the rule of law both nationally and internationally. In many countries, citizens and governments are faced with the growing threat from organised crime, and this is something the United Kingdom must avoid by being tough on such crime. For example, in Mexico, there is a terrible problem with organised crime, as since 2006, the number of organised crime groups has grown from four to nine. They are the fifth-largest employer in Mexico. These groups are highly adaptable as they have reacted to the decriminalisation of marijuana in multiple US states and the decline in the use of plant-based drugs by dealing in synthetic drugs such as fentanyl, which is approximately 100 times more potent than morphine and 50 times more potent than heroin as an analgesic. The groups have also diversified from the drug trade to extortion, kidnapping, oil theft, human trafficking, and migrant smuggling. They are increasingly linked to disappearances, as it is estimated that in Mexico between October 2024 and January 2025, 40 people disappeared per day. There is the use of illegal cremations. The organised crime groups do this to maintain control, for example, in the town of Teuchitlán in Jalisco Province, Mexico, shoes, piles of clothes

¹ <https://www.nationalcrimeagency.gov.uk> (accessed 4 May 2025).

and charred bone fragments have been found. There are organised crime groups that are running training and extermination camps. The Mexican government denies the existence of such camps. The organised crime groups use social media (TikTok, etc.) as a means of recruiting young people into organised crime (up to 350 individuals per week) by promising benefits such as watches, clothes, shoes and even jobs. Organised crime has widespread tolerance in Mexico.²

Organised Crime in the UK

Organised crime in the UK did not end with the murder convictions of the Kray brothers in 1969 and remains a significant problem. There are drug markets on Telegram Messenger where illegal drugs are ordered and delivered via the post within 48 hours. It is highly organised with an administration taking orders and packers making up the orders. Postal strikes are a greater impediment to the Telegram vendors than drug seizures by the UK Border Force. There is limited correlation between seizures and the market price of illegal drugs. Criminal justice agencies tolerate rather than tackle this trade because drugs turning up in the post is a safe process in contrast to buying on the street.³

It is well known that illegal drug use is rife in UK prisons, but what is less known is that organised crime works out of prisons. To take the example of one high-risk prisoner, Davante Tomlin, who ran an international drug smuggling trade from inside prison by controlling several female couriers travelling to Thailand and New York. There was the use of mobile phones, drones (with the drone flyers being based in Dubai), a WhatsApp group, a Swiss bank account and the use of Kucoin. The enterprise had a one-million-pound turnover – £200,000 per suitcase. Criminal justice agencies initially were unwilling to deal with this enterprise, and the HM Prison and Probation Service and the National Crime Agency operation only tackled the problem because Heathrow airport was being swamped with ‘legal’ cannabis from the US. Another high-risk prisoner, Tenna Smith, was dealing in firearms from prison via WhatsApp and mobile phones. He is now serving 25 years for the absolute offence of possession of firearms without a certificate.⁴ Possession is not limited to having physical custody but includes where a defendant has something under their control.^{5 6}

In these cases, and others, large numbers of mobile phones were seized, revealing vast amounts of data and criminal justice agencies are faced with the difficulty of analysing

² Doctor Karina Garcia-Reyes, UWE, Organised Crime Symposium, University of the West of England, 23 April 2025.

³ Doctor Joshua Torrance, University of Bristol, Organised Crime Symposium, University of the West of England, 23 April 2025.

⁴ Section 1(1) of the Firearms Act 1968.

⁵ Sullivan v Earl of Caithness [1976] 62 Cr. App. R. 105.

⁶ Nicholas Holland, HMPSS, Organised Crime Symposium, University of the West of England, 23 April 2025.

that data to ascertain admissible evidence in criminal prosecutions. This is where leveraging artificial intelligence is used to unmask professional enablers in organised crime, and ChatGPT is used in the preparation of evidence. Artificial intelligence (AI) and digital forensics are game changers. AI can be used to analyse complex ownership structures by flagging high-risk transactions in bank statements, revealing a fraud's structure and flow of funds. For example, there have been Ponzi schemes that have generated 15 million documents involving professional enablers-lawyers, and accountants as agents for organised crime. AI was hugely useful in the analysis of such schemes, as it was used to identify patterns and which investigation routes to follow. Crypto accounts can be AI-analysed, recognising, for example, that criminals sometimes use first names and sometimes surnames. A clear audit trail can be identified showing these complex ownership structures, which leads to successful prosecutions. Thus, there is a move away from traditional, slow manual methods of tackling organised crime, as it is now recognised that AI and digital forensics are essential for managing large, complex datasets. However, it should be noted that there is a need to ask the correct question to AI, as there can be difficulty in removing bias from AI and if garbage is put in, garbage will come out. There must be human oversight of AI analysis.⁷

Achieving Success in Asset Recovery

Asset recovery is a critical component in financial systems, particularly in the context of combating fraud, corruption, and other illicit organised crime activities. The process involves identifying, tracing, freezing, and returning assets obtained through illegal means. Success in asset recovery is measured through various indicators, which highlight the effectiveness of recovery efforts and the impact on restoring justice and deterring future crimes. There are key success measures in asset recovery, providing an analysis of the factors that contribute to successful outcomes. There is also an aim to reuse the proceeds of crime for the benefit of affected communities.⁸ In the UK, the National Audits Office's 2013 report, titled 'Confiscation Orders', examined the effectiveness of the system used to recover assets from criminals, particularly through confiscation orders issued under Part 2 of the Proceeds of Crime Act 2002 (POCA). The report found that while the system was in place, it was not being utilised effectively, leading to a significant shortfall in assets being recovered.⁹ The Law Commission's 2022 Report 'Confiscation of the Proceeds of Crime After Conviction' acknowledged a lack of clarity regarding the aim of the confiscation regime under Part 2 of POCA, leading to conflicting interpretations and applications. This report recommended reforms to

⁷ Paul Smith, Paul Smith Consultancy Ltd, Organised Crime Symposium, University of the West of England, 23 April 2025.

⁸ See, for example, the EU's Directive on Asset Recovery and Confiscation 2024/1260/EU.

⁹ <https://www.nao.org.uk/reports/confiscation-orders-2/?nab=1> (accessed 5 May 2025).

address these inconsistencies and enhance the effectiveness of the confiscation process, as explained in the Law Commission's report.¹⁰

Accredited Financial Investigators (AFIs), trained and accredited by the National Crime Agency, operate at the forefront of asset recovery efforts. Organisations such as Royal Mail, the police, local authorities, and HMRC use AFIs. AFIs operate under Part 2 of POCA and are its champion. But the AFI role is underutilised and poorly understood, especially within local authorities and the police. AFIs are specifically frustrated by the media's lack of focus on the POCA and its effects. Nominal confiscation orders are frequently misinterpreted by the media. A nominal confiscation order under POCA is a court's formal decision on confiscation, regardless of asset availability or identification, of only a minimal amount. The order, potentially as little as £1, is intended as a preventative measure, creating a future potential for prosecutors to revisit the order and increase the amount if the defendant's assets increase.¹¹ The aim is to be preventive by stopping small offenders from going back and increasing their offending. AFIs do not measure their success by the assets they bring in but rather the amount of compensation received by victims of organised crime. There is the Asset Recovery Incentivisation Scheme (ARIS), which is a Home Office programme to encourage law enforcement agencies to recover criminal assets. By allowing a portion of recovered assets to be allocated back to victims for specific purposes, ARIS aims to incentivise the agencies to focus on asset recovery as part of their broader efforts to combat organised crime and deliver justice. ARIS funds support projects such as the Springfield Centre in Bradford, where youth professionals and volunteers help young people connect and develop skills. The aim is to avoid young people getting involved with organised crime in the first place.¹²

Tackling International Organised Crime

Organised crime is not just national but also international; there are crime risks in international financial centres such as money laundering, proliferation financing (aimed at obtaining weapons of mass destruction – a dirty bomb risk) and terrorism financing. The Financial Action Task Force (FATF) is an intergovernmental body established in 1989 by the G7 to combat money laundering and terrorist financing. Its main role is to set international standards and promote their effective implementation through legal, regulatory, and operational measures.¹³ The FATF periodically evaluates state action

¹⁰ Law Commission No. 410.

¹¹ Section 22 POCA.

¹² Dr Amber Phillips, UWE, Organised Crime Symposium, University of the West of England, 23 April 2025.

¹³ The FATF Recommendations or Standards set out the essential measures that countries should have in place to: (1) identify the risks and develop policies and domestic coordination; (2) pursue money laundering, terrorist financing and the financing of proliferation; (3) apply preventive measures for the financial sector and other designated sectors; (4) establish powers and responsibilities for the competent authorities (e.g. investigative, law enforcement and supervisory authorities) and other institutional measures; (5) enhance the transparency and availability of beneficial ownership information of legal

against organised crime.¹⁴ The FATF goes into states and ascertains their compliance with FATF standards. The FATF compliance lists are the Whitelist, which is good, the Greylist is which is bad enhanced and the Blacklist, which is very bad. The FATF does not just look at the anti-organised crime laws in place, because if they are not prosecuted, they are worthless. Thus, the United Arab Emirates has impressive laws and standards tackling organised crime, but remains on the Greylist because there are issues regarding the prosecution of these laws. Only a half-dozen states fully meet the required standards, such as Mauritius, Qatar and Guernsey. It is unclear as to whether all the G20 members are fully compliant.

The FATF investigates both financial sectors (banks) and non-financial sectors (estate agents and lawyers) to assess the risk of organised crime. FATF aims to find the beneficial ownership of financial bodies to ascertain the risk. In the UK, Companies House is extremely poor at identifying beneficial ownership of corporations. This should change (due changes to the Companies Act 2006 made by the Economic Crime and Corporate Transparency Act 2023 Part 1) from 18 November 2025 as Companies House will then be required to require directors and people with significant control of a company to verify their identities before incorporating a company or being appointed to an existing company. Existing directors must confirm their identity when filing the annual confirmation statement during the 12 month transition period. Individuals with significant roles in companies must verify their identity within 12 months of the mandatory verification starting on November 18.

The FATF looks at the large-scale organised crime because helping individuals with such crime does not really deal with the overall risk. The FATF has encountered challenges in organising its policies efficiently, as indicated by the difficulty in consolidating all its policies into a single booklet. Due to the intricate nature of organised crime fund structures, which may include roles such as fund administrator, calculation agent, register, and placement agent, there is a need for the FATF to have experts in both banking and non-financial sectors, as these structures often obscure beneficial ownership, making specialised knowledge essential. There is evidence that Hamas uses such structures to obtain money for terrorism. In the UK, the National Crime Agency needs to investigate such funds, but it is not doing so because it does not know how to, as there are too many multi-jurisdictional issues.¹⁵

Conclusion

persons and arrangements; and (6) facilitate international cooperation. <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/Fatf-recommendations.html> (accessed 10 May 2025).

¹⁴ The FATF standards largely form the basis of the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, which is the main international instrument in the fight against transnational organised crime.

¹⁵ Richard Gold, Illicit Finance Limited, Organised Crime Symposium, University of the West of England, 23 April 2025.

Organised crime is both a national and international threat to the rule of law. Tackling it remains difficult because it is very adaptable, and the anti-organised crime offences remain primarily local, whilst organised crime is becoming transnational, both regional and global. In certain regions around the world, addressing organised crime can be challenging. For instance, in Caribbean states such as Jamaica, the British Virgin Islands and Haiti, there is a lack of political will to tackle organised crime.¹⁶ To tackle organised crime in the UK, more financial experts and resources are needed. Internationally, enhanced understanding and compliance with FATF standards are required.

¹⁶ Doctor Mary Young, UWE, Organised Crime Symposium, University of the West of England, 23 April 2025.