Community safety and economic crime

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Abstract
The contemporary focus of crime reduction and community safety policies on youth crime, anti-social behaviour and forms of conventionally defined property and violent crime excludes many hazards, in particular those associated with economic and corporate crime, which, despite their considerable impact, have a contested ‘criminal’ status and have not generally been considered relevant to community safety. Drawing on work on the impact of economic crime, this article will map out the economic and physical harms associated with a selected range of economic and business offences. It will also argue that they pose a threat to citizens’ quality of life and will explore their relevance to community safety. It will include activities that involve physical dangers and intrusions of privacy in the home and others that have an impact on consumers, the local neighbourhood and the quality of life. It will conclude with an analysis of the extent to which these crimes can and should be incorporated into a broader construction of community safety.

Key Words
community safety • corporate crime • economic crime • regulation

Introduction

Economic crime, often associated with concepts such as business, white collar or corporate crime, is generally excluded from discussions of community safety, and its global as opposed to its local nature is often emphasized. Despite its absence from crime audits and victimization surveys a major theme in criminological analyses of this kind of crime is that its toll exceeds
that of so-called ‘conventional crime’. This article seeks to illustrate some of the many ways in which economic crime has an extensive impact on the everyday lives of individuals and communities and is therefore significant for theoretical and practical considerations of community safety. It will start by considering what is meant by the phrases community safety and economic crime.

The phrase ‘community safety’ is capable of a number of interpretations. The use of the term ‘community’ in relation to policing and other crime control initiatives has been associated with both right and left wing political connotations, with nostalgia implying a regret of some ‘lost’ community and a desire to reinstate it, or, rather more vaguely, as a generally ‘good’ thing (Hughes, 2002a; McLaughlin, 2002; Walklate, 2006). In theory, community safety, in what some commentators have identified as ‘holistic’ or ‘pan hazard’ approaches (Hughes, 2002a; Pease, 2002), can imply the involvement of a broad spectrum of groups within the community dealing with a wide range of harms, which might include transport, health or the environment. On the other hand, it can be more narrowly tied to governmental policies which, while using the phrase ‘community safety’ in effect focus on a narrower agenda of ‘crime prevention’ or ‘crime reduction’ (Byrne and Pease, 2003). Thus while, argues Stenson (2005: 266), there is no internationally accepted definition of community safety it generally refers to: ‘public order, the management of fear and insecurity, inter-ethnic violence, routine violent and pecuniary crimes against the person, personal and public property, women, children and elderly’.

It has also been related to a preventative turn in crime control, which has involved its ‘localization’ through the growth of locally organized partnerships. The focus has shifted from ‘crime’ towards notions of ‘safety’ and ‘security’ which encompass what are often described as ‘low level’ crimes or forms of ‘anti-social behaviour’ and ‘incivility’ which, while not ‘notifiable offences against criminal legal codes … jeopardize citizens’ quality of life and are therefore legitimate objects of control’ (Edwards and Hughes, 2005: 261). To critics this amounts to ‘defining deviance up’ (McLaughlin, 2002; Stenson, 2005) and reflects the association of community safety with the social control or management of deviant populations. This focus is widely acknowledged to neglect, among other offences, corporate, white collar or economic crime (Croall, 1998, 2004; Coleman et al., 2002; Hughes, 2002a, 2002b; Tombs and Whyte, 2006; Walklate, 2006).

The term economic crime, used in this article, also requires definition. It can refer to all crime committed for economic gain but is more normally used in relation to a range of offences associated with white collar and organized crime—terms which are themselves problematic, particularly in view of what some see as an increasingly blurred line between legitimate commercial activities (criminologically associated with corporate or white collar crime) and illegitimate economies and economic transactions (criminologically related to organized or professional crime) (Ruggiero, 1996; Croall, 2001a). The phrase economic crime can be justified on the grounds of inclusiveness
and is appropriate for the present article, which aims to illustrate the impact of a range of crimes associated with economic activity on individuals and communities. It is also more widely used in many European countries where the term ‘white collar crime’ is less familiar. The definition employed in this article is that of Korsell (2002: 201), who defines it as ‘crimes of profit that take place within the framework of commercial activity’.

Until recently, these kinds of crime have not been related to community safety (Coleman et al., 2005; Alvesalo et al., 2006; Tombs and Whyte, 2006), and many emphasize the increasingly global, rather than local nature of white collar and corporate crime and stress the threat of ‘serious’, transnational organized crime (TNC) involving global economic activities such as money laundering or people and drug trafficking (Croall, 2005a). Issues of criminalization, control and regulation tend to dominate analyses and, despite the long tradition following Sutherland’s (1945, 1949) pioneering work exposing vast amounts of ‘human misery’, victimization remains characterized as ‘diffuse’, ‘indirect’ and as lacking the personal confrontational nature of conventional crime victimization (Croall, 2001a, 2001b). Victims are often described in aggregate terms as ‘consumers’, ‘workers’, ‘governments’ or the ‘general public’, which depersonalizes the impact of offences and masks their ‘real’ effects on individuals and in communities. Moreover much work has focused on exposing mass harms such as deaths, serious injuries or major pollution incidents and has not focused on the less serious, more everyday effects of many illegal activities (Croall, 2001b, 2004).

It can nonetheless be argued that economic crime does have individual and ‘local’ effects and, like conventional crime, does affect the ‘everyday lives’ and quality of life of citizens. ‘Global’ trades, involving legitimate and illegitimate organizations have local markets. The goods involved, for example, in transnational trades in drugs, contraband cigarettes, bootleg alcohol, counterfeit and unsafe goods are sold in local communities by a plethora of small local enterprises, often operating on the fringes of legality and illegality. Corporate crimes involving breaches of health, safety, environmental, consumer or food legislation committed by both large multi-national corporations and local businesses are experienced by individuals in their homes, workplaces and local areas—and are subject to enforcement by local, non-police enforcement agencies such as Environmental Health or Trading Standards Officers. Many products are now widely marketed, sometimes fraudulently or ‘aggressively’, through the Internet, postal marketing campaigns and ‘telesales’ directly to consumers in their own homes.

Many of these offences have a serious, physical impact. As Box (1983) famously argued ‘corporate crime kills’, is not ‘merely economic’ and a high toll of deaths and injuries are associated with health and safety in the workplace, transport safety, food poisoning and pollution (Slapper and Tombs, 1999; Croall, 2001b). While generally omitted from conventional crime surveys, occupational health and safety cases alone have been argued to exceed the toll of homicide (Tombs, 1999).
Not all economic crimes have such dramatic and fatal consequences and many others, such as consumer offences, which less often involve mass deaths or injuries, may appear trivial. Yet, as South (1998: 444) points out in relation to environmental crime, an accumulation of seemingly small scale local pollution incidents can lead to ‘modest to devastating changes in people’s experience of the environment and conditions of life’. Indeed, while some offences have a less direct financial or physical impact they can nonetheless be conceptualized as a threat to people’s ‘quality of life’ (Croall, 2004) and as equivalent to the ‘low level’ disorder, incivilities or ‘anti-social behaviour’ which feature in the discourse of community safety. Noisy and dirty business operations, breaches of food regulations, selling unsafe, shoddy or counterfeit goods or invading householders’ privacy by aggressive marketing could equally be defined as anti-social or uncivil.

While the relevance of such offences to community safety will be discussed later it is interesting to note Pease’s (2002) comments on the limitations of the phrase community safety. He points out that:

Many things make a community unsafe. A community is unsafe whose citizens contract cholera through drinking water, food poisoning through salmonella in eggs and whose children have their health compromised by heavy lorries passing through at high speed, leaving asthma causing emissions in their wake. Vulnerability to crime is not the only way of being unsafe. Yet community safety appears to be a term reserved to reducing crime. (2002: 963)

It is interesting to note that all of these misfortunes could well fall under the heading of economic crime.

These points can be developed by further exploring the impact of selected forms of economic crime on individuals and communities. While not generally included in conventional crime surveys, many are perceived as ‘problems’, ‘scandals’ or social or health ‘issues’ and as such are investigated by regulators, journalists and a range of other organizations—investigations which, along with academic studies, constitute the main sources of information for this article (Croall, 2004). The following sections contain examples of the potential impact of selected forms of economic crime in similar sites to other crimes, explorations of the economic and physical harms with which they are associated along with activities which threaten the ‘quality of life’ of individuals and communities.

**Economic crime in the home**

While most often associated with housebreaking or interpersonal family violence, the home has for long been the site of fraudulent sales practices, from doorstep selling, currently subject to initiatives by the British Office of Fair Trading (OFT) and Trading Standards Officers (TSO), to tele and Internet sales. In Britain, major sources of consumer complaints and prosecutions
include ‘cowboy builders’, telecommunications services, the provision of utilities, financial services and doorstep selling (Biswell, 2004).

Many of these activities involve financial loss and fraudulent or deceptive activities on the part of small scale enterprises and large corporations. A major source of complaint has been for example, the activities of major utility companies who, following privatization, engaged in ‘unscrupulous sales techniques’ and ‘high pressure selling’ including giving misleading information about supposed savings to consumers (Energywatch Press Release, 30 January 2002). In one case involving a major electric supply company, reported by the BBC consumer affairs programme Watchdog, cold calling salesmen were filmed carrying a torch to look as if they were reading a meter, but once inside the home applied high pressure techniques to persuade people to switch their supply (Hickman, 2005). The activities of ‘cowboy builders’ have also been documented. One insurance broker has estimated that nearly five million people in Britain were victimized by ‘cowboy’ traders in a five year period. Victims reported sleepless nights along with feelings that their homes had been abused and some had to take time off work. A Welsh survey by British Gas estimated that more than 300,000 home owners were affected with more than a third interviewed reporting having been ‘ripped off’ (Blake, 2004).

Physical hazards in the home include the provision of utilities such as gas, water and electricity and the servicing of appliances. Particularly dramatic was the death of four members of one family in Scotland in December 1999 due to the failure on the part of the gas supplier, TRANSCO, to maintain old and corroded gas pipes, which led to a record £15 million fine (Adams and Bannerman, 2005; Tombs and Whyte, 2007), and students and young people have been at risk from landlords’ failure to ensure the safety of electrical and gas appliances (Croall, 1998). A number of deaths and injuries are attributable to so-called ‘accidents’ in the home, although, as is the case with many forms of safety crime, few result in criminal investigation or prosecution and it is difficult to estimate how many result from avoidable neglect of regulations. One DTI investigation of 11,998 home accidents found that 1.6 per cent of fatalities, 0.4 per cent of serious injuries and 0.6 per cent of minor injuries were attributable to product fault mostly due to poor servicing or maintenance of gas and electrical heating equipment.¹ A Which? report estimates that seven people each year are killed by unrecalled unsafe products and 35 new products are dangerous but not recalled (Which?, 2004a) and the Royal Society for the Prevention of Accidents cites research estimating that around 750,000 injuries each year in the UK involve poorly designed or unsafe products (ROSPA, 2005). Electrical goods and toys, particularly cheap imported goods, are the subject of regular warnings from consumer magazines such as Which? and Trading Standards Officers (Croall, 2004). To these examples can be added the health hazards posed by food poisoning, polluted tap water and chemicals used in household cleaning products, which particularly affect women who work at home (Thomas, 2001).
The sales practices referred to above can also be likened to ‘incivilities’ and might also include practices, not in themselves illegal but subject to frequent complaints, such as junk mail, cold sales calling (much of it from large corporations), SPAM and junk e-mail which can be experienced as invasive. As Crawford (2002) points out, Internet crime threatens householders’ privacy, and in a British Telecom study, three-quarters of respondents found ‘foot in the door salesmen’ intrusive and irritating (Sayid, 2005).

The home setting therefore provides many opportunities for a wide range of offences and the Executive Director of the OFT has cited a report to the effect that:

what these salesmen are doing is trying to use the advantage of the home situation ... they treat you as a friend or a neighbour, engage you in conversation and try to find common interests ... this just would not happen in the same way in a showroom or shop. (Elliot, 2004: 3)

Economic crime in local neighbourhoods

Local neighbourhoods and communities are economically disadvantaged from the diffuse effects of major financial frauds, corruption or tax evasion, often widely seen as victimless. Corruption can for example, lead to the construction of unsafe or unsightly buildings and to higher expenditure for local taxpayers, and tax evasion reduces resources for public services (Croall, 2001b). In one recent case, 13 contractors had to pay a total of £2.3 million penalties following price fixing for Local Authority contracts for roofing in a swimming pool and car park (OFT Press Release, 22 February 2006). Fraud also affects local authorities—between 1998 and 2000, 104 cases of public sector fraud were investigated by 24 UK police fraud squads. In one case, a former labour councillor and the national co-ordinator of an anti-poverty charity swindled £172,000 from funds donated to alleviate poverty in former coalfields (Doig, 2006). Financial frauds can also as Doig (2006) points out, lead to the closure of companies with consequent losses of jobs which damage local economies. One example was the collapse of Universal Bulk Handling after a shortfall of around £11.5 million following the falsification of accounts by Directors. This led to the closure of a factory, the loss of 270 jobs and the demise of a number of creditors. A telling example of the indirect impact of corporate fraud on local authorities was the reduction of local services in the Western Isles following the collapse of the Bank of Credit and Commerce International (BCCI), in which it had invested (Croall, 2001a). Environmental crimes such as pollution can also damage the economic infrastructure of an area leading to loss of amenities and income from, for example, tourism.

Environmental crime also poses health hazards. One study of Merseyside found that ICI topped the list of the worst environmental offenders in relation to toxic air pollution, linked by the local press to high levels of lung cancer.
Nationally, the Department of Health has estimated that the total number of premature deaths attributable to industrial and transport pollution exceeds 10,000 in the UK (Coleman et al., 2002). Traffic pollution was also a problem with 37 Liverpool streets being found to exceed government nitrogen limits. Other offences include the contamination of beaches with radioactivity for which the Dounreay nuclear plant is facing prosecution having already suffered administrative fines (Edwards, 2006), illegal waste, the disposal of farm slurry, the leakage and spillage of regulated substances and sewage into watercourses and the pollution of rivers and fields. One firm was fined £400,000 after burning tyres had caused a dust cloud to ‘rain down’ on Rugby (Menaud, 2006). Environmental crime and pollution can threaten wildlife and fish—one farmer was fined £20,000 for polluting a beach with slurry and sewage and causing the death of an estimated 2,100 fish (Dube, 2005).

A variety of what might be seen as ‘low level’ environmental crimes also severely affect the quality of life in local areas. These include littering—in one reported case a large supermarket chain was prosecuted for failing to prevent the dumping of trolleys into a local river—27 trolleys were removed from the river (Environmental Agency Press Release, 7 October 2001). Another example is ‘fly tipping’, the illegal tipping of waste outside legitimate waste disposal sites, described by the Environment Agency as a ‘scourge of modern society’ (Croall, 2004, cited in Croall, 2007a). Noise pollution from industry, construction sites and night clubs further add to the toll of instances where environmental crime has an impact on the quality of life of local neighbourhoods.

Economic crime in the marketplace

Markets, taken broadly to include open air markets, retailing and ‘virtual’ markets in cyberspace, have long been associated with fraud and, as will be illustrated, goods on sale may also contain hidden dangers and health implications.

One of the oldest forms of consumer fraud is the adulteration of food by water or ‘non-food’ substitutes, now assisted by contemporary food processing. Major supermarkets such as TESCO and ASDA have been prosecuted for not declaring amounts of water in meat products (Lawrence, 2004b). Many ingredients in processed food, including food additives and chemicals, often used for largely cosmetic, marketing purposes are not declared on the label, not adequately tested and may carry health risks (Millstone and Lang, 2003; Lawrence 2004a). Despite tightening controls many foodstuffs also contain GM ingredients. In what is described as ‘meat laundering’, meat unfit for human consumption has been passed into the legitimate food chain including supplies to schools and hospitals (Croall, 2007b). A recent survey by the Guardian of food safety inspections revealed large amounts of decay and dirtiness in school kitchens including, in one
case, chicken meat having been mixed with vegetarian mince and in another, food seven months beyond its sell by date (Evans et al., 2005).

Other frauds on consumers include a wide range of mis-descriptions, the sale of short weight foods and goods, the use of deceptive packaging and deceptive price indications particularly concerning ‘sale’ or ‘bargain’ goods. Many terms used to sell goods are misleading, regulations are often difficult to comprehend and advertisements can give false impressions about the contents of products. A number of investigations have, for example, revealed that many products claiming to be ‘low-fat’ or ‘nutritious’ actually contain high amounts of salt, fat or sugar (Which?, 2005a). A Which? report on ‘cereal offenders’ found that 85 per cent of 100 cereal products, including most of those marketed for children, contained ‘a lot’ of sugar, 40 per cent contained ‘a lot’ of salt and many contained hydrogenated oils (associated with trans fats) (Which?, 2004b).

Health claims can also be misleading. Much publicized was the fine of 217,000 New Zealand dollars given to Ribena after school students’ research revealed that, despite the company’s claims in relation to vitamin content, the drink contained no detectable elements of Vitamin C (Guardian Unlimited, 28 March 2007). ASDA has also been convicted for claiming that ‘antioxidant properties’ in mangoes helped to fight cancer (Birmingham Post, 2004). Pictorial images are also ‘descriptions’. A Which? report lists a number of ‘photographic tricks’ such as blow torching food to give a ‘grilled’ or barbequed look and misleading indications of portions—in some cases, small plates are used to indicate a ‘full plate’. The British Independent Television Commission ruled against a McDonald’s advertisement in which all the fillings of a burger were pulled to the front making it look fuller than it really was (Which?, 2004c). Similar problems occur with cosmetics which are lavishly packaged and sold in double walled jars (Which?, 2004c), and it has been estimated that as much as 50 per cent of the cost of a bottle of perfume can be taken up by packaging and advertising. Britain’s Advertising Standards Authority (ASA) has ruled against Estee Lauder’s claims that products reduce the ‘appearance’ of cellulite which could readily be taken to claim an actual reduction, and also against the claim for Pantene Pro-v that the shampoo makes hair up to 10 times stronger as this could be taken literally as a claim that it actually repairs hair (Lister, 2005).

Other marketplace offences physically harm consumers. Food poisoning, often the result of inattention to basic hygiene regulations, can cause mass harms such as the deaths of 21 older people in the Scottish town of Wishaw in 1997 from E. coli when a butcher was found to have paid merely ‘lip service’ to health regulations (Croall, 2001a). A survey by the British Food Standards Agency (FSA) and Which?, found that 13 per cent had experienced food poisoning in the previous year, although only 0.5 per cent of the 42 per cent of UK food businesses found in 2001 to have failed to comply fully with food law, were prosecuted (Which?, 2004d). The chocolate manufacturer, Cadbury’s, were fined £1 million in 2007 after an outbreak of salmonella left 42 people suffering from food poisoning. The company was said by the
recorder to have fallen ‘seriously short’ of its obligations, having changed its tolerance levels in relation to chocolate containing bacteria (Williams, 2007).

Consumers can also be injured by the presence of ‘foreign bodies’ such as nails in food products and there are also suggestions that some food additives carry heightened risks of cancer (Lawrence, 2004a). Many of these are legal—although some regulations are avoided and many have called for further and tighter controls (Millstone and Lang, 2003). Other goods such as the electrical goods referred to above are unsafe. Considerable concerns have been voiced about the massive cosmetics and toiletries industry, which uses up to 9,000 chemicals many of whose long term effects have yet to be established (Barton and Branigan, 2004). These include carcinogenic substances such as coal tar, found in eye shadow and artificial colourings, nitrosamines, found in liquid foundations and used as wetting agents in facial cleaners, body washes and shampoos, and arylamines, present in hair dyes and linked to bladder cancer (Woods, 2005). While business representatives claim that these are only used in tiny amounts and pose no health threat, others are concerned, as is the case with food, about the ‘cocktail’ effect of combinations of chemicals.

Consumers’ quality of life can also arguably be worsened by the kind of aggressive sales practices discussed above, by bogus bargain offers and also by a lack of trust in widely used marketing practices which border on the deceptive and which might well be described as ‘creative compliance’ (McBarnet, 2006), in that they sidestep the letter of the law. According to the FSA, many food manufacturers routinely breach guidelines in relation to terms such as ‘fresh’, ‘natural’, ‘pure’, ‘traditional’ and ‘home-made’. Around three-quarters of ‘farmhouse’ products were found to be produced in industrial premises, and a major supermarket was criticized for selling a ‘traditional’ ‘Irish wheaten loaf’, which was baked in store and contained flour treatment agents that were ‘unlikely to be part of the Irish tradition’. The term ‘homemade’ was also widely misused to describe goods produced on a large scale (Rowan and Kellow, 2004; Uhlig, 2004). Despite these controls, many other ‘meaningless’ descriptions such as ‘light’ or ‘extra light’ for food, or ‘natural’ or ‘organic’ for cosmetics are widely used. There are complex rules surrounding which ingredients must be declared although the information is often placed in small print, which many consumers complain that they cannot read (Which?, 2002).

These examples provide an albeit selective illustration of the substantial local and everyday impact of economic crime in ways which are comparable to the crimes, low level incidents and anti-social behaviour most often associated with community safety. To these examples many more could be added—as the impact of economic crime is also felt at leisure and in relation to personal finance, health and welfare (Croall, 2004) and by safety crime in the workplace and through transport (Tombs and Whyte, 2007). Like other areas of community safety there are variations between areas, such as urban–rural variations (Stenson, 2005). The countryside for example is
the site of a variety of pollution offences from modern agriculture and of food frauds including meat laundering—where unfit or diseased meat is ‘laundered’ into the food chain (Croall, 2007b), along with the operation of gangmasters supplying low paid, exploited and often illegally ‘trafficked’ immigrant workers to local farmers (Lawrence, 2004a). While many offences may appear trivial others cause real distress and it is likely that many citizens experience more of these than they do ‘conventional’ crimes. Despite this they are not generally seen as part of the community safety agenda. The extent of and reasons for this neglect will be discussed below.

The exclusion of economic crime

While a broad construction of ‘community safety’ can therefore encompass economic crimes and its introduction was welcomed by commentators keen to move away from a narrow conception of crime (Hughes, 2002a), most agree that in practice a narrower approach has prevailed and its exclusion is marked in many ways. This is well illustrated in the Handbook of Crime Prevention and Community Safety, which aims to be an ‘accessible and authoritative snapshot of where we are now’ (Tilley, 2005: xxv). This contains no substantive chapters or even index references to white collar, economic, corporate or financial crime, and a chapter on ‘business crime’ deals exclusively with business as victims of crime. The narrow scope of partnerships is not restricted to England and Wales, but is present also in Scotland (Croall, 2005b, 2006), the Netherlands (van Swaaningen, 2005) and across Europe where the chief priority of international networks has been seen as urban, particularly juvenile and drug-related crime (Crawford, 2002).

At a local level, one study found that local authorities did not mention serious environmental crimes that had taken place, nor did it include them in consultations or surveys (Whyte, 2004b). The regulatory agencies dealing with economic crime at a local level, such as Trading Standards and Environmental Health Departments, are not strongly involved in partnerships and, where they are, are more likely to be involved in activities such as the sale of alcohol to young people—thus slotting into the ‘anti-social behaviour’ agenda. The construction of ‘business crime’ as crime against businesses renders harmful business activities even less visible (Coleman et al., 2005). As Stenson (2005: 267–8) argues, while ‘organizing for public safety could link hazards from disorderly youth on the street to terrorism, creating local administrative empires in the governance of crime and insecurity … in practice, regulatory responsibilities are more segregated’. This downplays a range of harms including those associated with automobile use as well as businesses as ‘vandalism, noisy neighbours, public use of alcohol and illegal drugs and other incivilities described as “anti-social behaviour” are prioritized’ (Stenson, 2005: 267–8).
Many factors underlie this invisibility. Public, political and criminological representations of white collar and corporate crime all illustrate its long recognized ambiguous criminal status (Sutherland, 1949; Nelken, 2007). They are less likely to feature in the media, and when they do, are generally not represented in the same way as so-called ‘conventional crimes’. Even cases involving serious harm or injury, which do receive considerable publicity, are often described initially as ‘disasters’ or ‘tragedies’ and even where responsibility can be placed on businesses, often following lengthy inquiries, the language of crime is often not used (Wright et al., 1995) and subsequent convictions given less space. While, therefore, they can be, as seen above, reported as ‘issues’ or ‘scandals’ their criminal elements are not stressed and, in effect, crime is ‘imagined out’ (McMullan and McClung, 2006).

There is also a scarcity of the kind of criminological research on these issues, which, for conventional crime, informs discussions of criminal justice and community safety policy. Criminologists, many of whom tend to accept dominant definitions of crime, are also deterred from questioning conventional definitions or including different activities by the structure of research funding which reflects and reinforces conceptions of what kinds of crime to prioritize (Tombs and Whyte, 2003). As seen above, few victim surveys include these forms of crime and ideological issues are exacerbated by the nature of offences themselves (Croall, 2001a, 2001b). In many, such as environmental offences or consumer frauds, victims are unaware of any harm. As Sutherland (1949) pointed out, many have a scattered effect in time and place and, as in classic consumer or bank frauds, where one person takes a little from a lot of people, the harm may not be detectable or simply too trivial to report. Where harms are reported, they are reported to a number of different agencies as ‘complaints’ rather than ‘offences’. Victims, however aggrieved, may perceive that nothing can be done and in many cases do not see themselves as victims of ‘crime’. In yet other cases, victims blame themselves by accepting the widespread notion of caveat emptor—let the buyer beware—and blame themselves for choosing unsafe, shoddy or unsatisfactory goods, or for having been taken in by, for example, ‘cowboy’ builders.

All of these factors form the context within which victims and local agencies respond to the activities in question. To Sutherland (1949), a major factor underlying what he described as the lack of organized public resentment towards white collar crime was the different form of law enforcement as these offences are not dealt with primarily by the police and rarely prosecuted—factors which, he argued, increased their invisibility. Regulatory agencies on the whole tend to proceed by using a more compliance-based approach, which involves fewer prosecutions and more persuasion and advice. This means that the activities for which they are responsible are less likely to receive high profile publicity unless in the case of major incidents, which are often not, as seen above, reported as ‘crimes’ or ‘community safety’ issues.

This is reflected in the perceptions of enforcement agencies. To the police, key players in community safety partnerships, they are not seen as
either crime or as their responsibility. In one Glasgow study, a Police Community Safety Officer was ‘not quite sure’ of the criminal as opposed to civil status of selling dangerous goods and issues such as the policing of open air markets which included sales of counterfeit goods and contraband cigarettes were seen as ‘not a police’ and certainly not as a community safety matter (Helms, 2003: 52). And while other agencies, such as Trading Standards Departments, may see some of the activities for which they are responsible as ‘crime’ and indeed may stress their ‘criminal’ elements, they are not major players in partnerships.

The perceptions of participants in partnerships are crucial in determining the scope and agenda of community safety and these include local elites and business groups (Coleman, 2003, 2004). Coleman also points out that community safety has been linked to processes of urban regeneration, on the assumption that consumers will be attracted to city centres if they feel safer (Coleman, 2003, 2004). Any inclusion of crimes committed by largely legitimate businesses would, therefore, be likely to meet resistance. Other partners’ attitudes reflect dominant concerns and perceptions of crime, anti-social behaviour and the scope and purpose of community safety. Asking ‘whose voice is to be heard?’, in relation to community safety, Gilling (2001: 392) argues that it is the voice of the ‘patriarchal, mono cultural dominant class, the moral standards of whom are imposed on the rest’. Walklate (2006: 177), commenting on the exclusion of economic and corporate crimes, asks a number of questions about whose community, whose safety and whose protection is involved, concluding that the discourse of community safety reflects ‘very conventional understandings of communities and what it is that they need to be kept safe from’.

Including economic crime?

Given the persistence and pervasiveness of these constructions of crime and community safety and their strength among key players, is it possible or desirable to include economic crimes within the discourse and policies of community safety? This would clearly involve challenging the prevailing agendas and definitions of the kinds of crime and anti-social behaviour with which it has been associated. Some avenues for change however could be considered.

It would for example be theoretically possible to consider some of the activities described above as ‘anti-social behaviour’. As Stenson (2005: 268) points out this is ‘an increasingly mobile signifier’, and Anti-Social Behaviour Orders (ASBOs) can be used in relation to business activity—an executive of the Sony corporation was awarded an ASBO for illegal fly posting, although as Whyte (2004a) points out this can be seen more as part of a drive against littering than any move against corporate crime. One problem with this is that any suggestion of extending either ASBOs or the definition
of anti-social behaviour faces the dilemma faced by critical criminologists of criticizing policy in relation to conventional crime but at the same time seeking their application to corporate or business activities. As referred to above, the construction of anti-social behaviour can be criticized as ‘defining deviance up’ and criminalizing the ‘low level’ activities of largely lower class young people. On the other hand it could be argued that a sanction such as the Anti-Social Behaviour Order could, like other sanctions, be more appropriate for companies (Croall and Ross, 2002) than individual offenders, and could overcome the problem often faced with companies of establishing the necessary level of intent for a criminal prosecution (Whyte, 2004a). Moreover, defining business activity as ‘anti-social’ could provide a symbolic challenge to the current association of ‘anti-social behaviour’ with relatively powerless groups.

Some forms of economic crime could be rendered more visible by being incorporated into national and local victim surveys. While as seen above, the nature of offences has led to the general assumption that the nature of economic crime makes it difficult to capture in victim surveys, the examples above illustrate that many are investigated by surveys and regulatory agencies. Others, as one victim study of consumer, workplace and landlord offences illustrated, can be measured by standard victim survey techniques (Pearce, 1992). Experiences of many safety crimes, consumer frauds, cowboy builders, some food offences, substandard or unsafe goods, invasive or aggressive sales practices could readily be included in crime surveys and compared to other offences. Some surveys have included credit card frauds and similar questions could be developed. Moreover, such data as are available could be included in crime prevention publicity, which would raise awareness of the risks of these kinds of victimization and encourage vigilance among the public (Tombs and Whyte, 2006).

Another means of incorporating economic crime would be to involve local enforcement agencies more fully in local partnerships (Tombs and Whyte, 2006). Some, such as Environmental Health and Trading Standards Officers are located in Local Authorities and the latter have publicly expressed a willingness to be involved more fully in community safety, which might improve low morale and their status within Local Authorities. Trading Standards Officers are also involved with the police in respect of a number of offences such as the recent ‘scambusters’ initiative (Office of Fair Trading, 2006), albeit this has to date been concerned with targeting more conventionally defined ‘low level’ crime and the activities of small, rather than large businesses.

While not exhaustive, these examples suggest some ways in which economic crime could relatively easily be incorporated within a community safety agenda. Moreover, it can be argued that its inclusion, along with other harms, could address some of the criticisms made of the narrow focus of community safety in relation to social exclusion, social justice and urban regeneration.
As seen above, critics of the narrow focus of community safety have emphasized its exclusionary elements and its tendency to protect the safety of the more affluent by further excluding the least powerful groups. Thus in the Netherlands, politicians’ definitions of safety have largely involved ‘getting all those people off the street that threaten the general public’s feeling of safety’ (van Swaaningen, 2005: 291), thus associating it with a process of banishment and, while intending to combat the deprivation of the powerless, contributing to a more polarized society. To Coleman et al. (2005), current practice, by ‘protecting’ aesthetical space from contamination by the poor, and leaving it open to less visible but often deadly corporate harms, reproduces structures of vulnerability and intensifies divisions of rich and poor within entrepreneurial cities. Including economic crimes could involve different, often disadvantaged groups, in prioritizing a wider range of offences thereby being more inclusive. By involving for example, more local community and workers groups, it could be, as Tombs and Whyte (2006) argue, linked to wider projects of social justice or equality.

Social justice is therefore a further consideration. An often neglected feature of economic crime is its more severe impact on those most vulnerable to other forms of crime (Croall, 2001a, 2004). While all citizens risk being harmed by the activities described above, the more affluent are better able to avoid many of the worst forms. They are protected by their economic and cultural capital which enables them, for example, to move away from areas with high levels of industrial or traffic pollution, makes them less likely to have to purchase cheap, substandard goods or second hand cars. They are likely to be better informed and can seek ‘expert’ information to avoid poor services, the worst excesses of cowboy builders and to resist seemingly tempting offers from tele or doorstep sales personnel. They are also for example, more likely to know their rights. Poorer citizens on the other hand are more vulnerable to consumer frauds (Burden, 1998), have fewer information resources and less choice in relation to purchasing cheap goods. Placing many of these activities into a wider community safety agenda could, therefore, enhance social justice by targeting offences which involve all citizens but also at the same time have a more severe effect on the more disadvantaged.

Despite the strength of these arguments however, there are many barriers to be overcome, not least the difficulties of challenging deep seated perceptions of the focus of community safety and the resistance likely to be forthcoming from the business and commercial interests involved in partnerships. Indeed it could be argued that the processes of urban regeneration themselves can lead to an increase in corporate crime such as the use, in the construction industry, of the casualized labour and short term contracts which have been linked to workplace fatalities (Coleman et al., 2005). Stenson (2005) also points to the contradiction that the anti-social behaviour linked to the ‘binge drinking’ of youth is implicitly encouraged by government and local authority policies which have loosened licensing regulations to encourage longer opening hours.
A further barrier is the assumed differentiation between ‘real’ and ‘regulatory’ crime, a differentiation which is, if anything, likely to persist, with signs that regulatory agencies are being less proactive and undertaking fewer inspections and prosecutions under the ‘better regulation agenda’ which has involved a reduction in inspections. Coleman et al. (2005) point to a decline in prosecutions by enforcement agencies such as Environmental Health, Health and Safety and Trading Standards Officers, all of whom had suffered from staffing reductions. A clear preference for compliance methods is indicated in the MacRory (2006) report, which starts with the assumption that there are too many criminal prosecutions. This report was accepted in full and a wider range of administrative penalties was introduced in the 2008 Regulatory Enforcement and Sanctions Act, which, however, failed to introduce the accompanying criminal sanctions which MacRory had envisaged. If and when implemented this could lead to an even lower profile for these activities. While some enforcement agencies may well see involvement in community safety as a means of improving morale, this is more likely to involve activities easier to define as ‘criminal’ or community safety issues such as underage drinking, littering, graffiti and ‘scams’.

It can also be argued that there are no public or political demands for any of these kinds of activities to be included in community safety agendas. As Sutherland (1949) pointed out in the 1940s the lack of public pressure reflected the prominence of what he saw as the ‘folklore of capitalism’, which stresses the desirability of minimal regulation of business, and he also pointed out that the necessary opposition between the public and government on one side and business on the other did not exist.

Do these considerations suggest the impossibility of change? Against some of these points it could be argued that some forms of regulation can benefit business interests as many forms of economic crime threaten economic activity. Where for example publicity has been given to economic crimes such as food poisoning, ‘ripping off’ shoppers or pollution, businesses may fear a loss of custom. Previous research on how trading offenders were dealt with in court found that magistrates reacted more strongly when offences were perceived as a threat to the local business community (Croall, 1991), particularly in areas or venues reliant on tourists and visitors. Others observe that, while many forms of economic crime are widely perceived to be ‘victimless’, offences such as corruption or tax evasion have a delegitimising effect (Friedrichs, 2007), leading to a loss of confidence in businesses and local government. Moreover, as Whyte (2004a) points out the absence of public demand is largely because the public have not been asked. As Sutherland (1949) also highlighted, societal tolerance and business relations do change, leading to the development of new standards. In some jurisdictions there have been signs of a willingness to apply much tougher approaches to economic crimes, particularly in the wake of high profile corporate collapses of the early 2000s such as Enron. In the UK, the Sentencing Advisory Panel (2007) has recommended heavier financial penalties for companies convicted of offences involving death
and serious injury thus signalling, for some offences, a tougher regulatory environment.

Conclusion

In summary, it has been illustrated that a wide range of economic crimes could theoretically and practically be included in community safety agendas and furthermore that such an inclusion could go some way to addressing criticisms of their current narrow focus. Thus Byrne and Pease (2003) see the term community safety as a misnomer—crime and disorder reduction, they argue, should fit within a Community Safety Act. It is telling, argues Hughes (2002a: 128), that ‘we have community safety in a Crime and Disorder Act rather than crime and disorder in a Community Safety Act’.

Is any change likely however? While suggestions for change might be welcomed by those who initially hailed community safety as a positive step, the issues outlined above would suggest some pessimism. At the same time however there are some reasons for optimism. At the level of academic criminology, there has been widespread criticism of the focus on low level disorder, and calls for variously redefining crime by exploring the potential of a social harm approach (Hillyard et al., 2005) or ‘greening’ criminology (Beirne and South, 2007), which draw attention to the harmful activities of business and corporations. These in part reflect wider social and political movements in relation to the environment and ethical consumerism, which increasingly draw attention to issues such as the health implications of food and the widespread use of chemicals. Some corporations have made responses to these pressures although to sceptics, these merely pay ‘lip service’ to environmental or consumer pressure (Lynch and Stretesky, 2003).

Tombs and Whyte (2006) refer to a ‘shift in social mood’ which may lead to a shifting of the boundaries between what is acceptable and unacceptable and which harms become seen as issues of public ‘safety’ or ‘security’. Regulatory reform tends to follow ‘regulatory crises’ (Snider, 1991) and while it is early days, it could be argued that the recent financial crisis may also herald a move away from the emphasis on deregulation and a greater recognition of the harms inflicted on communities and citizens by the activities of financial institutions.

Notes

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