



Corruption in government agencies

The exertion of unlawful influence on insiders

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Summary of Brå report No. 2014:4

Summary

While practitioners and researchers now have a comprehensive picture of unlawful influence in the form of threats, violence and extortion, research on corruption remains limited. For this reason, the current study focuses on corruption that seeks to influence the core domain of the work of public sector agencies – the exercise of public authority.

In this setting, there are two main actors: the insider, who is an official at a public sector agency, and an offender on the outside with links to economic or organized crime. Their corruptive interaction occurs when the insider has an improper relationship with the offender and where this relationship benefits the offender's illegal activities. In this regard, the form of corruption studied here differs from the type of corruption that is generally associated with public sector agencies, namely that linked to the procurement of goods and services, where the agency acts in the same way any other purchaser.

Furthermore, the offences covered by the study concern more qualified types of crime. The economic and organized crimes included in the study are both characterized by a high level of organization. There is a hierarchical division of labour associated with the crime and the criminal activities are relatively long-term (Korsell, Skinnari and Vesterhav 2009, Brå 2005:11, Ruggiero 2012, Larsson 2008, cf. Kleemans and van de Bunt 2008). The economic crimes are characterized by an insider who cooperates with one or more offenders on the “outside”.

Through the study of this phenomenon, and of how corruption is utilised by offenders in the fields of economic and organized crime, the objective of the study is to increase our knowledge of serious corruption offences and the damage these produce, and to develop preventive and counteractive measures to enable public sector agencies to better protect themselves.

Participating authorities

One important reason for conducting the project was that security managers at a number of agencies had expressed concern over the possible existence of insiders within their agencies and over the damage that these might inflict. At the same time, there is a frustration among managers that they lack sufficient resources to tackle the problem.

Consequently, the idea for the project was developed in cooperation with a total of eleven agencies, which then also followed the implementation of the project via a reference group.

The agencies differ greatly with regard to their areas of authority. The law enforcement agencies comprise the Swedish Economic Crime Authority, the National Bureau of Investigation, the Swedish Security Service, the Swedish Prosecution Authority. An offender's interest in an insider at these authorities lies in the desire to escape detection and controls, to obtain information about upcoming seizures, avoid sanctions etc.

The Swedish Enforcement Authority is unique in an international perspective since it is responsible for enforcing both public and private claims, e.g. taxes, fines, custom duties, titles of execution, and judgments issued by general and administrative courts.

Obtaining information about upcoming seizures, minimizing the size of the seizure or influencing the way in which a claim is enforced is of interest to offenders, since these actions directly affect their access to their criminal profits.

The Swedish Social Insurance Agency and the Swedish Public Employment Service are part of the welfare system. The Social Insurance Agency assesses, approves and distributes social welfare benefits and subsidies. These may be paid to individuals or to companies. The Public Employment Agency not only assists people in finding employment but also assesses, approves and distributes various forms of financial support to newly

Participating authorities:

**Swedish Economic Crime Authority
National Bureau of Investigation
Swedish Security Service
Swedish Prosecution Authority
Swedish Customs
Swedish Prison and Probation
Service
Swedish Tax Agency
Swedish Enforcement Authority
Swedish Social Insurance Agency
Swedish Public Employment
Service
Swedish Armed Forces.**

established and existing businesses. The two agencies disburse large sums of money to individuals and companies. Offenders therefore have a strong economic interest in gaining access to the agencies' financial resources.

Swedish Customs and the Swedish Tax Authority are fiscal authorities. They also take part in combating crimes through their control operations. As in the case of the law enforcement agencies, information about upcoming controls or the information that these agencies have on offenders are valuable resources for the offender. In the case of the Tax Authority, they also assess, grant and approve various forms of tax rebates, and therefore have financial resources which interest offenders.

Some offenders end up in prison and in the custody of the Swedish Prison and Probation Service. When deprived of their freedom of movement, offenders have a strong interest in communicating with the outside, sometimes in order to continue their criminal activities. In these situations, a prison officer who smuggles information to the outside, allows unauthorized phone calls, or acts leniently during controls can be of great value to the offender.

Finally, when it comes to the Swedish Armed Forces, they primarily have extensive material assets which offenders may seek to obtain, either for their own use or to sell for profit.

Material and Method

The study is based on three types of data:

- Case files
- Interviews
- Seminars.

Case files

The cases analysed in the study consist of internal investigations, court judgements, and files from the participating agencies' Staff Disciplinary Boards (Personalansvarsnämnd). The latter assess and make decisions in matters of employee misconduct. Most cases are drawn from the last few years, with the oldest being from about ten years ago.

Early on in the study we encountered difficulties in gaining access to cases of corruption. One important reason is that corruption remains unreported to a considerable extent (Brå 2009:7). In addition, several suspicions remain at the level of intelligence gathering, without investigations being initiated at the agencies concerned.

A number of methods were therefore used to identify cases. Interview subjects and members of the study's reference group have provided cases from their own agencies. The Staff Disciplinary Boards have also provided us with the cases that we have requested access to, and have suggested additional cases. A few more cases were obtained through another Brå-project on corruption (for further information see Brå 2013:22). In addition, the Swedish Security Service has assisted by providing general information (such as age, gender, profession and incidents) from intelligence information and other data (see for example Säkerhetspolisen 2012).

We identified a total of 18 cases in which it has been established that an insider assisted persons working in the fields of economic or organized crime. Approximately 40 other cases were also analysed. These lack clear signs that a public official had assisted offenders working with economic and organized crime. However, they have contributed information about employment-related misconduct in general and about how such cases are processed by the agencies concerned. The cases primarily relate to unauthorized information searches, conflicts of interest and professional misconduct.

The amount of information contained in the cases differs substantially, from single-page documents to large boxes filled with pre-trial investigation folders.

Since the purpose of the investigations has been to examine suspicions of professional misconduct and criminal offences, some factors that are of relevance to our research are not addressed. At the same time, however, the cases also contain documentation of interviews conducted with the insiders concerned, in which they give their own views of what has taken place and may also describe their motives. In addition,

this information can be compared with what colleagues and managers have said and with other forms of evidence (cf. Paoli 2000, von Lampe 2003).

Interviews

To compensate for the lack of cases, a larger set of interviews was conducted than had initially been planned. A total of 129 individuals were interviewed, including 96 government officials and 33 offenders with links to economic or organized crime.

The interviewed government officials included senior and middle managers, criminal investigators, public prosecutors, administrative and human resources staff, internal affairs investigators, administrative officials, police officers and analysts.

Contacts with the interview subjects were established in several ways. Interview subjects and members of the study's reference group suggested additional interviewees. Contact has also been taken with individuals at some of the workplaces where the cases from the case-study had occurred. Offenders with links to organized or economic crime have been contacted in part via inquiries made to associations for former offenders and in part via contacts with Swedish prisons.

Seminars

The project has been followed by a reference group consisting of representatives from the participating agencies. Three meetings were held with the group, at which previous research, results and preventive measures were discussed. Two focus group meetings were also held, which addressed the preventive role of legal employee tools and leadership respectively.

The objective of the seminars was primarily to obtain recommendations regarding preventive and counteractive methods. They also provided an opportunity to develop further knowledge about the roles of different actors at the agencies concerned.

The advantage of using several sources

Different methods have different strengths and weaknesses. Corruption involving an insider who assists individuals working with organized or economic crime is for obvious reasons a difficult research field, in which concrete examples are often mixed with rumours and speculation. In order to provide a balanced description of the insider phenomenon and to screen out rumours, we conducted several interviews and encouraged interviewees to be as specific as they could. We were thus able to check some of the information provided and came to understand that in certain instances, the data contained differing descriptions of the same case. We have also been able to confirm some of the information obtained from interviews by reading the relevant case files.

Results and conclusions

The insider: from assisting to taking a leading role

The extent of the insider's involvement in the offender's criminality varies. At one end of the scale, the offender conducts his or her criminal enterprise with the assistance of an insider. The offender would manage on his or her own, but having someone on the "inside" is clearly an advantage. In these situations, the insider leaks information regarding an ongoing investigation or the working methods of the agency and advises the offender on how to avoid controls and punishment.

Next is the insider who makes decisions or who omits to act in such a way that it benefits the offender. Omissions here involve a failure to report breaches and suspicions of crime. This passiveness is difficult to detect and was primarily described by interviewed offenders. Public officials are rarely aware of such cases.

In a few cases, the insider has been part of the agency's entire decision making process, from the point at which an application for e.g. benefits is filed until a payment is made. The insider has controlled the entire process and has thereby been able to influence the content of the decisions made.

At the other end of the scale, the insider plays the leading role. These situations were uncommon in the study, but where they were found, they involved economic crime. They primarily relate to payments of

public funds to the offender, who, in this instance, is the receiver and rather plays the role of an accessory to the crime. The crimes are enabled by the insider's professional function.

Most offenders use the contacts they stumble upon

The study indicates that there are very few strategic offenders within the fields of organized or economic crime who actively build relationships in order to utilise an insider. Nevertheless, there is a small group of offenders who are more tactical. Their "crime plan" includes having and creating contacts, preferably in relevant strategic positions in the private sector but also within public sector agencies. They can also take advantage of the contacts of accessories.

Offenders who lack this strategic capacity try instead to work with the contacts they happen to have or stumble upon.

Although most offenders have fairly instrumental motives with in relation to their use of the unlawful influence, some are driven by status goals. There are cases where individuals, who lack the coincidental but useful contacts with an insider, exaggerate the extent of their contacts with public officials. Individuals who are not established in the criminal environments sometimes claim to be more central than they are. Alleged police contacts are emphasized in particular. In some cases, the "police friend" is in fact a police officer who is trying to establish a good relationship in order to gain an informant or to persuade the offender to desist from crime.

Offenders and insiders meet at work

According to the findings from the study, the most common way for an insider and offender to meet is through work, the insider in the role as of a public official, the offender in the role of a "criminal entrepreneur". Public officials working with certain tasks also have longstanding and close contacts with potential offenders. Examples of such tasks are those of interrogating officers and prison officers.

Since the relationship develops through work contacts, the offender has knowledge of the insider's capacity to assist in the intended criminal activity. Some interviewed offenders felt that it was more effective to try to cultivate an insider in the right position than to search for suitable public officials within their circle of existing acquaintances.

Many interviewed public officials and offenders pointed out that by the time the relationship between an offender in the fields of organized or economic crime and an insider becomes inappropriate, the two have known each other for a long time. If they have not met through work, they are childhood friends, family or relatives. For the insider to disregard his or her exercise of public authority, by assisting or actively committing crime, a fairly close friendship with or even loyalty to the offender is required. Interviews and case files suggest that there has to be a triggering event or an increased vulnerability in the insider's life which allows for the offender to raise the question of "cooperation". It is difficult to pinpoint this event, but insiders describe it as losing their footing or their moral compass. The insiders in particular have a lot to lose by "cooperating" in this way, not least their position, income, reputation and references.

Several of the insiders and offenders included in the study have a great deal in common. Both parties are often socially skilled, and searching for excitement and status. In addition, they share a certain interest in crime, even if the offender commits the crime and the insider's task is to prevent it.

Particularly when they come to know each other on a personal level, the insider risks exposing personal weaknesses that the offender can later exploit. Examples include addiction, financial distress and dissatisfaction with one's employer.

Friends with benefits

In many ways this report is a story about different forms of friendship-related corruption. The friendship may also produce an economic benefit for the insider. It is difficult to know the size of the bribes involved, but information, not least from case files, suggests that it may be a few thousand Swedish Kronor for smaller favours. Examples of such favours include making an unauthorized phone call from a prison or getting information to people on the outside. For slightly more qualified help, such as leaking information which undermines seizures of e.g. drug consignments or confiscation of criminal assets, figures of around one or a couple of hundred thousand Swedish Kronor are mentioned. In a small number of cases, the bribes amount

to millions. These involve two types of situation. In the first, the offender has tried to escape detection and sanctions, but the public official has not been very willing to assist, which has influenced the size of the offer. In the other type of situation, the insider has played a vital role in relation to the criminality and has therefore received a large cut of the proceeds of the crime.

These figures should of course be taken with a pinch of salt. However, it is obvious from the interviews that, in relation to what the insider does and stands to lose, the size of the bribes is not considerable. This suggests that friendship is the primary motive.

Rare but serious

As has been shown in the summary to this point, several factors need to coincide for corruption to be successful from the offender's perspective. In other words, it constitutes an uncommon problem. So why devote an entire study to it?

One answer is that public sector agencies can do a great deal to improve their ability to prevent, detect and deal with the cases that do occur. Few agencies work systematically with this issue.

The most important reason, however, is that corruption focused on the exercise of public authority has severe consequences. Values such as the rule of law, predictability and democracy are generally speaking not subject to any major threats from organized and economic crime in Sweden, but they are sometimes challenged. The study shows that when an insider has assisted an offender, the damage produced becomes extensive.

At the societal level, corruption can damage citizens' trust in authorities. Moreover, corruption undermines or damages criminal investigations, leads to failed seizures or enables wrongful payments by public sector agencies. In some instances, these payments can add up to figures in the millions. Examples exist of inmates who, with the assistance of prison staff, have been able to continue their criminal activities from inside prison. In certain individual investigations, severe damage has been produced, e.g. in the form of leaks or of suspects having been able to corroborate their stories. As is shown by cases involving unauthorized information searches, the mere search constitutes a threat to the integrity of the individuals concerned.

At the organizational level, the affected working group often becomes unsettled. Colleagues wonder what has happened and feel let down. Trust towards others may also be damaged. Moreover, there are examples where the insider has not been the only employee to commit offences, but has acted with the support of a crime-enabling organizational culture. The manager has then felt a need to make a scapegoat of the insider. In these cases, there is also a risk that the offences will continue to create room for new insiders.

At the individual level, it is the insider who loses the most when corruption is detected. Generally speaking, the receipt of the bribe from the offender is the most severe crime that the insider commits. The insiders also risk becoming outcasts within their own group. Abusing the exercise of public authority, perhaps for personal profit, and assisting an offender in his or her criminal enterprise is looked upon with disapproval by the surrounding community. This is not the case for the offender on the "outside", however, in the sense that the act of paying a bribe is the least serious offence by comparison with the offender's other criminal activities.

Few cases are detected but he who seeks shall find

Our study did not identify a particularly large number of case files where an insider had assisted an offender. Interviewees described additional examples, and many argued that there are a considerable number of unknown cases, since this is a phenomenon that is difficult to detect. Despite these reservations, we would nonetheless conclude that overall it is unusual for public officials on the inside to assist offenders in the fields of economic or organized crime. Previous research on corruption levels and structures within various public sector agencies has often found higher levels of corruption than expected (The Knapp Commission 1972, Sherman 1974, Bezlov and Gounev 2012). When studying phenomena that are relatively uncommon, the point of departure is often that only a few individuals are involved and that the vast majority act in accordance with the rules. In-depth studies have provided a more nuanced picture. The presence of several corruption-related crimes at the same work place is often explained in terms of a crime-enabling culture. In

other words, several individuals have become insiders because such behaviour has been accepted by colleagues and managers.

One positive result from the current study, however, is that awareness of corruption issues has increased (cf. Bergh et al. 2013). Interviewees claimed that the problem in certain workplaces was more substantial 10–20 years ago. Today however, boundary issues and grey areas are discussed at most of the agencies studied. Many interviewees claim however that there is room for improvement.

Mostly rotten apples

It is primarily individuals who become insiders, rather than groups. Elements of systematic corruption can be seen in the cases included in the study, but on a much smaller scale than the corruption problems that have been found in several East European countries and in police forces in the USA (cf. Pope 2004, Center for the Study of Democracy 2010, The Knapp Commission 1972, The Mollen Commission 1994). The few cases that can be defined as systematic corruption have involved a number of colleagues who have simultaneously acted as insiders for the same or different offenders.

There are also signs that corruption re-emerges within the same type of work groups and functions. In one case, an insider replaced a person who had also acted as an insider for the same offender. In other words, organizational culture in combination with the insider's function can serve to explain why corruption re-emerges.

In concrete terms, the organizational culture can contribute by providing rationalizations and neutralizations such as “everyone else does it” and “I was only trying to help” which makes it easier to assist the offender, even though this involves the insider neglecting the exercise of public authority. There are also elements in some organizational cultures that appear to allow co-workers not to follow rules, for example concerning conflicts of interest, inappropriate relationships and bribes. Cultures that do not recognise corruption, and where inappropriate actions are brushed under the carpet, or even denied, also serve to obstruct the detection of insiders. Thus taken together, these findings underline the importance of working preventively to combat corruption.

Challenges for the authorities

Some cases are more difficult to detect than others

The study indicates that agencies are relatively successful at detecting cases where the insider has assisted the offender over a long period of time. When this assistance does not involve obvious unauthorized information searches in data files, however, it is difficult to prove that the insider has committed a crime.

Cases that involve the insider omitting to take action are particularly difficult to detect. In such cases, there are no erroneous decisions, interventions or other actions, but merely a lack of action. Pure friendship relationships, where no apparent bribe has been given, are also difficult to detect. Relationships involving family, relatives or love relationships are all described as being more visible than plain friendships.

The integrity of public officials

The aim of the study is to describe how organizations can better protect themselves against insiders. Many public officials come to know potential offenders through, but also outside work. This is not necessarily entirely negative; in many cases, some form of relationship is necessary to exercise one's duties, particularly in prisons and in the context of investigations. When this is the case, however, it is important that public officials have a high level of integrity. It is particularly important in relation to agency functions that involve having extensive contacts with potential offenders, such as those of prison officers, handlers of informants, interrogating officers, criminal investigators, and certain staff working in “the field”.

Catch the strategic offenders

One important finding is that strategic offenders who actively build relationships with the intent of developing an insider are a rarity. This is positive news for the authorities, since other offenders rely more on coincidence, which means that the chances of successfully exerting unlawful influence will be small.

Although the number of strategic offenders is small, however, their actions cause extensive damage. They are described as a constant problem, not least in prisons, where they have the time to develop contacts. They are perceived as being good at reading people and are therefore able to identify which public officials they might be able to influence. These offenders are fairly easy to identify since they are so active in their attempts to exert influence, thus giving the authorities good opportunities to chart their activities. To the extent that they are active in the field of organized crime, there is also a structure of cooperating agencies – the majority of the agencies that participated in the study are a part of this – that can be used for this purpose.

Identify corruption early

Perhaps the largest challenge for the authorities is that of detecting and interrupting inappropriate relationships before the insider has engaged in serious irregularities. In this way, the damage can be minimized. Particularly in cases where the offender is a member of organized crime, intimidation is often involved, which makes it more difficult for the insider to back out of the relationship for fear of extortion and violence. In such cases, the insider is entangled in the exchange with the offender to a greater extent.

One important factor is to have colleagues and preferably the insider him or herself turn to their immediate manager or to someone else in a senior position of trust within the agency. In this situation, as the study shows, certain organizational cultures facilitate corruption by providing excuses and thus render detection more difficult. Strengthening a favourable organizational culture would enable more insiders to be stopped.

Combine, quality, work environment and security

One important conclusion from the study is that inappropriate relationships between offenders and insiders tend to fall between two or more stools. The problems are detected by colleagues. Unit managers are responsible for their staff, but may lack the knowledge, resources, motivation or tools to act. In some cases, it is the manager who is the insider. In staff matters, the human resources function provides the primary source of support. At the same time, having an insider within the agency constitutes a security problem, and thus those in charge of security and a possible internal investigations division also need to be involved.

Since each of these actors only has access to a fragmentary picture of the situation, they need to work together towards the goal of an insider-free agency.

Developing preventive work

Few authorities work systematically to *prevent* problems involving insiders. Instead the work becomes reactive, once something has happened. In some cases, there are no clear guidelines describing how officials should act, even in critical situations.

One important result from the study is that the relevant agencies have a great deal in common in terms of staff and the type of functions that are at risk and also in terms of the offenders who are interested in establishing a relationship with an insider. However, there are differences in the ways in which the agencies work against corruption. This means that there are substantial opportunities for the development of preventive work. Great opportunities exist here if the authorities agencies intensify their already on-going work to learn from one another. Not least within the existing framework for cooperation against serious organized crime, agencies have started to increasingly work together in order to prevent employees becoming insiders.

The agencies also have important experiences of their own which can be shared. An example of this can be found in the work of the Swedish Prison and Probation Service, whose basic training programme has over recent years focused on clarifying how employees should act in cases involving inappropriate relationships.

The Social Insurance Service has experienced a small number of severe cases that have attracted a substantial amount of attention. In the wake of these “scandals” the agency has established a security unit and has increased the focus on security issues in the context of the agency’s everyday work. By comparison with the other participating agencies, the police have a strong internal investigations division, which also works to investigate suspicions of corruption. This is a result of the police’s long tradition of having to investigate possible employee misconduct, since there is a great deal that can go wrong in the context of police interventions.

The varying experiences of the different agencies provide a good starting point for developing the expert competence needed to maintain insider-free public sector agencies.

Preventive measures in focus

The preventive measures proposed on the basis of the study are presented below in relation to the specific actors on which the respective measures are focused.

The employee

- Relations which become inappropriate often begin with small, seemingly innocent questions. Insiders describe how difficult it is to back away once you have been drawn into a relationship of this kind. It is therefore important to be attentive, particularly if your work involves extensive contacts with offenders who may potentially work to exert unlawful influence.
- Some offenders are rather sophisticated in their attempts. In order to better recognize the risk situations that you may find yourself in, and to improve your ability to “resist” possible unlawful influences, participate in training programmes and exercises focused on inappropriate relations and other forms of corruption. Discuss with your manager and colleagues how best to handle difficult situations.
- As a co-worker, you can identify signs that your colleagues are about to develop inappropriate relationships. Bring this to the attention of someone who can act before it goes too far, such as your immediate manager or the human resources division.

The manager

- The manager should function as a role model. This entails a great responsibility to act correctly. Employees often do not do as you say, but as you do.
- Discuss security at workplace and staff meetings, appraisals and in training. In concrete terms this might involve exercises relating to corruption, conflicts of interest and risk relationships.
- If something happens: utilize managerial colleagues and the security and human resources units, who have greater experience of insider issues. Employees may also provide substantial assistance.
- It very important to document your suspicions about the insider and also the actions you have taken.

The security function

- Corruption is often forgotten in relation to issues of threats and violence. However, as this report shows, corruption causes substantial damage. It is therefore important to analyse and follow up risks within the organization by including corruption in incident reporting systems. The results must also be disseminated throughout the organization, perhaps with the help of the human resources function.
- One central task for the security function is to act as a support when inappropriate relationships and irregularities occur, particularly in relation to the immediate manager. What can they do, and what should they do if they discover something? Can the security function step in and relieve the manager in “critical situations”?
- Collaborate with the human resources function and other managers within the organization to motivate and explain the importance of preventive measures. It is important to formulate and communicate measures so that employees understand that they also apply to them.

The human resources function

- Work, together with the security function, to formulate good practice and to spread knowledge about ethics and issues of integrity within the organization. This might, for example, involve exercises to train employees in their role as public officials. Describe cases that are of relevance for the organization and clarify how employees should have acted instead. Some agencies make use of their internal communication systems for these purposes.
- Develop specific interview guides and tests with the objective of determining candidates' integrity, security awareness, risk propensity and similar.
- Ensure that there are useful introductory programs for new employees, with the possibility of appointing a mentor.
- Be attentive to signs of crime-enabling cultures within the agency or in specific work groups. Inform the security function and executive management of possible signs so as to prevent and detect potential insiders.
- Educate managers about labour legislation in order to increase their knowledge about the process of dealing with an insider. Managers should also be provided with support and assistance describing what their documentation needs to contain in concrete terms for it to be useful in the case of a possible legal process.

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