

From harmless incivilities to not-so serious organised crime activities

The expanded realm of European crime prevention and some suggestions on how to limit it

*Anna Di Ronco and Anna Sergi*¹

Introduction

People in Europe – as in many other parts of the world – fear about their personal safety and feel rather insecure. According to Eurobarometer (2017), although the large majority of Europeans tend to feel quite secure in their immediate city and neighbourhood, they tend to be less convinced about their country and much less so about the European Union in comparison to previous years. Among others, people in Europe tend to regard challenges to the internal security of the EU as important, particularly terrorism and organised crime. Factors that may have influenced the security feelings of EU citizens may have to do with the ‘recent’ refugee ‘crisis’ (for a critical account of the refugee ‘crisis’ see Siegel and Nagy, 2018), the terror ‘threat’ and recent attacks carried out by terror groups (or simply isolated individuals) in many EU cities, along with more general late modern fears, also linked to the effects of the 2007 financial crisis, which have often translated in governmental cuts in spending, especially affecting social policy.

The diffuse concerns about individual and social security, which have resulted from changes in the late modern society in which we live (see, *e.g.*, Bauman, 1987; Young, 1973, 1999; Waquant, 2008; Ponsaers, 2012), have led many European countries in recent years to intensify state intervention in

¹ Anna Di Ronco is a Lecturer in Criminology at the University of Essex (UK). Anna Sergi is a Senior Lecturer in Criminology at the University of Essex (UK).

the area of security and public order. To quickly respond to widespread fears and anxieties over the problem of safety and of physical and psychological integrity, which are often amplified by the media reporting on certain crime-related events or issues (Reiner, 2002), politicians and policy makers in many EU countries have adopted punitive security measures targeting both incivilities (nuisance, disorder, anti-social behaviour) and more ‘serious’ forms of crime regarded as organised crime or terrorism, with several negative implications for individuals’ liberties, social inclusion and integration.

On the one hand, punitive measures (not only ‘proper’ criminal justice measures, but also measures that are civil or administrative in their form yet punitive or criminal in their nature; Van Duyne and Van der Vorm, 2017) have been used against ‘incivilities’, or any behaviour or even social group considered a ‘nuisance’, ‘unsightly’ or annoying for powerful majorities despite not necessarily causing harm to others.² These measures have often been grounded on the assumed link between social and physical disorder with more serious forms of criminality. The underlying conviction is that if not tackled from its root ‘causes’ (disorder or incivilities) ‘serious’ crime would otherwise thrive in the city or city areas (for the example of England see, *e.g.*, Burney, 2005; Innes and Jones, 2006; Squires, 2008). On the other hand, some threats, perceived as increasingly serious and potentially very harmful due to their reach – national or transnational – or their impact on different communities, have been “securitised”.

This means that the realm of security – and especially national security – has enlarged to comprehend also crime issues (Farrand & Carrapico, 2012). This has certainly been the case with organised crime (Campbell, 2014) and cybercrime (Lavorgna and Sergi, 2016). While both are umbrella terms that include different types of misconducts, the potential harm associated to the

² Some of the conducts generally considered ‘anti-social’ or a ‘nuisance’ are or can be, to be sure, harmful and seriously offensive to people, at least at times. Arson, vandalism and physical assault do cause serious harm to others; however, these conducts tend to be already punished by criminal law proper and are often not in need of being re-regulated by other legal systems (*e.g.*, civil or administrative). By the same token, certain behaviour that is included in and punished through security policies is certainly harmless, as the case of young people hanging about in public spaces, which may be considered as causing ‘distress’ to certain dominant social groups and thus be penalised.

‘transnationality’ of organised crime and the ubiquity of cybercrime have elevated their *seriousness* for the national system and therefore subsumed both concepts within the national security context alongside threats of terrorism and concerns over border safety (Sergi, 2017).

These two processes have been observed both at state levels and in regional agendas and often intertwine. At the EU level, for example, EU institutions have given recognition to the importance of people’s (in)securities and fears, which may be engendered by both organised crime and disorder/petty crimes. Local crime and disorder (including incivilities like graffiti, vandalism, noise nuisance and unruly or aggressive behaviour) have been included in the EU crime prevention (henceforth: CP) strategy for them engendering fear and insecurities among Europeans. Most importantly, they are considered as being conducive to more serious forms of transnational and organised criminality (Crawford, 2002; Di Ronco, 2016) – regardless of their actual ‘seriousness’ or proven cross-border dimension.³ This reasoning, which has justified the granting of EU funding to national and local CP initiatives targeting low-level crime and disorder (Di Ronco, 2016), obviously resonates with the Broken Windows rationale (Wilson and Kelling, 1982). Thereby it supports its argued causal link between disorder, fear and crime, which has long been discredited in the literature (see, *e.g.* Sampson and Raudenbush, 2004; Sampson, 2009).

Organised crime, on its part, is considered a phenomenon that ‘undermines the values and prosperity of our open societies’ (EU Council, 2010: 2). Consequently, it is seen as a serious threat to the EU. As the EU Council states: ‘people have the right to expect the European Union to address the threat to their freedom and legal rights posed by serious crime’ (EU Council 2000: 1).

³ For example, in two policy documents of the European Commission (2000) and Council (2001), where they proposed (in the former) and deliberated (in the latter) the establishment of the European Crime Prevention Network (EUCPN), crime has been defined as any ‘anti-social conduct which, without necessarily being a criminal offence, can by its cumulative effect generate a climate of tension and insecurity’ (European Commission, 2000), and crime prevention as a group of ‘measures that are intended to reduce or otherwise contribute to reducing crime and citizens’ feeling of insecurity’ (Council of the European Union, 2001). As put it by Crawford (2002: 44), the logic behind these policies – and the importance they place on insecurities and fears – lies in the ‘perceived interconnectedness of transnational developments and highly localised activities’.

However, as it has already been observed (Carrapico, 2014), the approximation of the organised crime concept at the EU level has led to an enlargement of the anti-organised crime strategy, which has come to include both the protection of the single market and the protection of citizens due to the perceived increase of the threat and its seriousness for the EU. Most of EU criminal law actually comes from the need to tackle some sort of serious and/or organised crime. After the Lisbon Treaty, in fact, ‘seriousness’ is embedded in the rationale of EU criminal law, in the recognition that the EU can and should intervene to maintain citizens safe and borders secure from crime and criminals. This trend is also visible in the enhancement of the mandate of Europol, which originally required that there had to be “factual indications that an organised criminal structure [was] involved”.⁴ But in 2009, this was broadened to cover “serious crime affecting two or more member states”.⁵ Thus by inserting the feature ‘serious’, Europol is effectively involved whenever a serious crime – also not organised in its nature – is committed with a cross-border dimension, even in cases when Mutual Legal Assistance and bilateral agreements would suffice. In other words, the recognition of the seriousness in itself and organised crime types pushes the necessity for the EU and EU-wide institutions to take a more forceful step in the criminalisation and the prevention of such crimes.

Drawing on the crime prevention and organised crime literature, and on examples taken from the authors’ previous research, this chapter discusses the implications of an expanded realm of CP to behaviour that – independently from its seriousness – is considered to be conducive to further criminality (as in the case of incivilities) and/or to involve an organised crime group. In essence, we argue that two processes occurring at the same time are expanding the remit and reach of CP:

⁴ Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) – Official Journal C 316, 27/11/1995 P. 0002 –0032 – [http://eur-lex.europa.eu/LexUriServ/LexUriS-erv.do?uri=CELEX:41995A1127\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriS-erv.do?uri=CELEX:41995A1127(01):EN:HTML).

⁵ Council Decision of 6 April 2009 establishing the European Police Office (Europol) OJ L 121, 15.5.2009 – <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009D0371>.

1. the increasing fears and insecurities among people have called for the application of prevention mechanisms also via criminalisation from below, in light of the connection between local disorder with (more serious forms of) crime;
2. the securitisation of certain concepts – such as organised crime – increases the perceptions of the *seriousness* of certain conducts and crimes and leads to excessive responses against them.

This chapter will also question whether – given its limited competence in CP – the EU has the potential to influence national and local ways of doing CP, at least through soft law mechanisms including the circulation of best practices by some of its bodies and networks.

Expanded Crime Prevention: its object, agencies and limits (in theory)

The (liberal) critical criminological literature is quite unanimous in arguing that roughly in the last thirty years we have witnessed a reconfiguration of security and its modes of governance (Jones, 2012) and, therefore, a change in the CP complex. Particularly, a change has occurred, among others, to the ‘criminal’ *behaviour* that is subject to criminalisation. This applies in particular to criminal justice and other punitive measures, which have often included behaviour that is harmless and had previously been tolerated. A change has also affected the number and nature of the local, national and EU *agencies* that are competent for the prevention, prosecution and punishment of ‘crime, including ‘serious’ crime. These agencies have expanded up to including partnerships, citizens involvement, private security firms etc. This expansion in CP has resulted in policies and practices that have often exceeded the *limits* set out by our constitutional systems and theorised by criminal law theorists and philosophers, and dangerously eroded individual’s exercise of civil liberties.

Object

The expansion in CP has been reflected in its goals, which, as put it by Garland (2001: 16-17), have broadened to include “prevention, security, harm-reduction, loss-reduction, fear-reduction—that are quite different from the traditional goals of prosecution, punishment, and ‘criminal justice’”. According to social theorists of risk, CP is currently dominated by an anticipatory logic (Zedner, 2007; Pleysier, 2015, 2017), which emphasises the importance of preventing the public from future harms and protecting it from ‘risk’ (Beck, 1992). In contemporary actuarial justice (Freely and Simon, 1994), individual and collective assessments of what constitutes a ‘risk group’ may largely be affected by public perceptions and fears, also fuelled by the media and contingent ‘moral panics’ (for a case of fears shaping the national security policy and its reliance on ‘risk profiles’, see van Swaaningen, 2005).⁶ Fears and a more generalised sense of ‘ontological insecurity’ (Giddens, 1991) are caused, among others, by the growing social polarisation and economic inequality, and the fragmentation and individualisation of society. All these developments have contributed to the contemporary heightened fear of the ‘other’ (Furedi, 1997, 2004) and to the adoption by many countries and cities of public reassurance initiatives. These cover a broad behavioural field, including anti-social behaviour legislations (Waiton, 2008a, 2008b) that aim at protecting the public from feeling negative emotions including fear (Peršak, 2017).

As put quite eloquently by Crawford (2009: 15), contemporary CP has put its “emphasis on wider social problems, including public perceptions and fear of crime, quality of life, broadly defined harms, incivilities and disorder”. To enhance people’s ‘quality of life’ and reduce fears and perceived ‘risks’, crime control at the local level has also intertwined with urban revitalisation projects – what is known as ‘gentrification’ – in many European cities (Peršak and Di Ronco, 2018).

The importance of protecting public spaces through urban design and revitalisation has also been emphasised at the EU level. In two of its recent communications, for example, the Commission has suggested a number of

⁶ Risks can be assessed through a probabilities calculus or, in the post-risk society, through the principle of ‘precaution’ – a response to uncertainty that operates by imagining worse case scenarios of possible inaction. This is what O’Malley (2017) called ‘speculative pre-emption’: “[i]f it can be imagined, it must be governed”.

measures intended to support member states and local authorities within them in their efforts to reduce the vulnerability of public spaces, in particular against terrorist attacks. These measures include the allocation of funding, and the organisation of initiatives aimed at bringing together relevant stakeholders (including private actors or ‘operators’, local and national authorities, practitioners etc.) and at sharing information and best practices between them (European Commission, 2017, 2018a).

Scholars from many disciplines, including not only criminology and sociology, but also urban planning, urban studies, and critical geography, have warned against the negative and exclusionary effects that spatial ‘cleansing’ or spatial ‘purification’ have on the ‘undeserving minorities’ (the poor, young people, ethnic minorities etc.) (see, *e.g.*, Atkinson and Helms, 2007; Bannister *et al.*, 2006; Belina and Helms, 2003; Sibley, 1995; Smith, 2005). The spatial and social exclusion of these minorities is often accomplished through gentrification, which tends to drive up the housing prices. In gentrified urban spaces, moreover, individual’s behaviour is also controlled and punished through regulations and particular policing styles (*e.g.*, zero tolerance policing). For example, place bans, administrative and civil measures and fines mainly target behaviour or social groups that are considered a ‘nuisance’, ‘unsightly’ or annoying for dominant majorities despite not necessarily causing harm to others. These coercive regulations and measures have been adopted not only in the UK with the New Labour’s infamous ASBOs starting from the 1990s (see *e.g.* Burney, 2005, and Squires, 2008), but also in many other European countries (Peršak, 2017) and cities (Di Ronco, 2014, 2016), despite the negative evaluation of many national supreme courts (Di Ronco and Peršak, 2014).

The expansion of CP has not only occurred ‘downwards’, towards low level crime – if we can talk about ‘crime’ at all. As pointed out by Hörnqvist (2004), the ‘security mentality’ that dominates current criminal justice has ‘ruptured the law’ – and compromised its legal protections – both upwards and downwards, *i.e.*, by erasing the line between crime and acts of war (as in the case of terrorism) and between crime and incivilities, respectively.

In a similar vein, in Europe the security mentality (legitimised by the too often invoked state of ‘emergency’) has justified the use of crime control measures – including incarceration – against asylum seekers and refugees from war zones in the Middle East and northern Africa. These victims of acts of war have often been assessed as ‘risk groups’ and framed in some countries

as ‘criminals’ and ‘terrorist’ (see Berry et al., 2015). The practice of detaining migrants for administrative purposes has been critically analysed in “crimmi-gration” studies (*e.g.*, Guia *et al.*, 2011; van der Woude *et al.*, 2017). Such detention is said to be required to establish their identities, or to facilitate their immigration claims resolution or their removal. However, they are *de facto* incarcerated, often without them having committed a crime. This has been much problematised in the light of excessive interference with individual’s rights (see *e.g.* Welch and Shuster, 2005).

Agencies

In his work, the French philosopher Michael Foucault understood and conceptualised power not as an exclusive prerogative of the state, but as something dispersed throughout the social field and used by institutions as diverse as the family, the church, schools, prisons etc. to control individuals and their behaviour. Working within the Foucauldian tradition of ‘governmentality’ (which, as put by Newburn (2007: 325), focuses not only on the state but also on the “nature and rationalities of certain social and political *practices*”), governmentality theorists have discussed how governmental power and control, including crime control, are dispersed in the social field. Agencies of social control have expanded much beyond the police, which is only one of the actors responsible for the prevention and control of crime. In addition to the military – deployed at least occasionally or in some EU countries, including France, Belgium and Italy, after the 2015-2017 terror attacks – also private actors share competences in CP (Garland, 2001): individuals, community groups (neighbour watch or warden schemes), private security actors, various local agents, and private-public partnerships. This ‘dispersal of discipline’ (Cohen, 1985) produced what Stan Cohen described, using his famous fishing metaphor, the ‘widening of the net’ and ‘thinning of the mesh’ of the criminal justice system. In practice, this results in more people being ‘captured’ and retained in the criminal justice ‘net’ for behaviour that had previously been accepted or tolerated. Obviously this pushes towards more serious responses to those forms of conduct already criminalised. Because of the need to justify the enlarging justice net for previously accepted/tolerated behaviours, low-level

and mid-level offences rise to more serious ranks and attract more severe sentences. An example of this is in the UK Public Order Act 1986, which now recognises the offence of ‘Affray’ as triable-either-way depending on ‘the seriousness of the effect that the behaviour of the accused has on members of the public who may have been put in fear’⁷.

The expansion of the penal sphere throughout society has much been problematized by critical scholars, who have also linked it to the sharpening of insecurities and anxieties, to the reduced tolerance towards low level crime and incivilities, and to greater public demands for security (*e.g.*, Tonry, 2004).

Law enforcement agencies operating in the crime prevention field have multiplied at the EU level as well (during a relatively long process and not without resistance of member states, see *e.g.* Baker, 2010). They are especially directed at tackling the so-called ‘EU crimes’, or particularly serious crimes with a cross-border dimension such as terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and ‘organised crime’. Since the 2009 Treaty of Lisbon, indeed, the EU Parliament and Council have been given the power to legislate in criminal matters (articles 82 and 83 TFEU). In short, following the ordinary legislative procedure, the Parliament and Council can establish minimum rules:

- i. to the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension; and
- ii. to approximate definitions of particularly serious crimes with a cross-border dimension and their sanctions.

⁷ Affray is an offence under section 3 of the Public Order Act 1986 and is triable-either-way. The maximum penalty on conviction on indictment is 3 years’ imprisonment and/or a fine of unlimited amount. On summary conviction the maximum penalty is 6 months’ imprisonment and/or a fine not exceeding level 5. Under section 3 of the Act, it must be proved that a person has used or threatened: unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety. - See Crown Prosecution Service’s Legal Guidance on Public Order Offences Incorporating Charging Standards at <https://www.cps.gov.uk/legal-guidance/public-order-offences-incorporating-charging-standard>.

Article 87 (2) TFEU also enables the EU to establish measures on police cooperation involving all the member states' competent authorities (including police, customs and other specialised law enforcement services), in particular concerning the collection, storage and exchange of information relevant for the prevention, detection and investigation of criminal offences (letter a) and common investigation techniques in relation to the detection of serious forms of organised crime (letter b), in particular through enhanced operational powers of Europol. For example, in April 2018, the European Commission put forward a proposal for laying down the rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, including serious and organised crime, as required by the European Agenda on Security adopted in April 2015 (European Commission, 2015) and its follow up Action Plan on strengthening the fight against terrorist financing (European Commission, 2016). As the European Commission (2018b: 3-4) states, CP is at the core of the criminal law framework against serious and organised crime.

This proposal complements and builds on the preventive side of the Money Laundering Directive⁸ and reinforces the legal framework from the point of view of police cooperation. Furthermore, this proposal for a Directive reinforces and builds the Union criminal law framework with regard to the fight against serious offences, in particular Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol).

Limits

Expanding the ambit and agencies of CP carries, however, dangerous implications for civil liberties. Modern democracies are based in their core on the liberal idea of individual autonomy, which is predicated on a limited and exceptional use of (criminal) measures restricting individual's rights. In other

⁸ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141 of 5.6.2015, p. 73) – as amended in December 2017 (5th Anti-Money Laundering Directive).

words, the criminal law – and punitive measures alike – is considered exceptional or a last resort (*extrema ratio*), and is thus only allowed for the most severe violations of constitutionally protected “goods” (values or interests). “Substantive” (Peršak, 2007) reasons for criminalisation instruct the legislator on the content of the criminal law or on which behaviour it can legitimately criminalise. The most accepted and recognised grounds for criminalisation are the harm and offence principles (see Feinberg, 1984; Jareborg, 2004; Peršak, 2007; Simester and von Hirsch, 2006, 2011). In addition to these substantive reasons, there are also formal principles that the policy-maker ought to follow to properly criminalise human behaviour (Peršak, 2007). Such formal principles are, for example, the principles of legality and proportionality.⁹ Because of the EU accession to the ECHR and the adoption of the Charter of Fundamental Rights of the European Union (henceforth: the Charter), which have both occurred with the entry into force of the Treaty of Lisbon, the EU has also given recognition to these two formal principles of criminalisation. Particularly, at article 52(1)¹⁰ the Charter crystallises the principle of proportionality:

Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

These formal principles – and particularly, to our purposes, the proportionality principle – appear, for example, in the European Agenda on Security, where

⁹ Of course, one important principle that limits EU competence in criminal law is the subsidiarity principle. According to this principle, the EU (excluding the areas that fall within its exclusive competence) can legislate only if the objectives of the proposed action cannot be reached more effectively at the national, regional or local levels, but are better achieved at the EU level because of the scale and effects of the proposed action. According to the proportionality principle, the content and form of the EU proposed action should also not exceed what is necessary to achieve the objectives of the Treaties (see article 5 of the Treaty on the European Union as amended by the Treaty of Lisbon).

¹⁰ The proportionality principle has also been laid down at art. 49 par. 3 of the Charter, which stipulates that the severity of the penalties must not be disproportionate to the criminal offence.

the European Commission (2015) places great emphasis on the need not to interfere with fundamental rights while protecting the security of citizens.¹¹ More in detail, the first of five key principles is to ‘ensure full compliance [of EU CP/security measures] with fundamental rights’. As put it by the Commission:

“All security measures must comply with the principles of necessity, proportionality and legality, with appropriate safeguards to ensure accountability and judicial redress. The Commission will strictly test that any security measure fully complies with fundamental rights whilst effectively delivering its objectives. The impact of any new initiative on free movement and the protection of personal data must be fully in line with the proportionality principle, and fundamental rights.”

The proportionality test and the harm principle¹² both support the development of criminal law – and the creation and implementation of security measures – at the EU as well as at national levels. In particular, when it comes to the criminalisation of organised crime, the characterisation of the harm is fundamental to understand the conceptualisation of organised crime in a given country. While for example in Italy organised crime is harmful against public order, in the UK it is a national security threat – which implies different degrees of the seriousness of the offence as well as different responses to such seriousness (Sergi, 2017).

The downwards and upwards spirals of crime prevention

As said, behaviours targeted by national and local CP measures are not always harmful, ‘serious’ or ‘so-serious’. Yet, they can engender fear – also in light of their (close or remote or probable, if any) connection with more serious forms of crime like organised crime – among other emotional responses. Al-

¹¹ In the Joint declaration on the EU legislative priorities for 2018-9, this appears as the first priority area (out of seven). See https://ec.europa.eu/commission/publications/joint-declaration-eus-legislative-priorities-2018_en.

¹² For the importance of the harm principle in EU criminal law, see Peršak (2018).

though these emotional responses ought to be taken into serious consideration, not all of them are deserving of protection by criminal law or punitive interventions.

Is the inclusion of harmless, or ‘deviant’ or ‘not-so-serious’ behaviour within the field of CP – often involving punitive measures – always legitimate and/or desirable? If we consider this matter from the point of view of national and local politicians, the answer would most likely be affirmative: punitive measures are often an easy and effective way to tap onto individual and collective fears and ensure (re)election. A different response comes from criminal law scholars: criminal law – and punitive measures in general – can only be used for certain substantive reasons (mostly, harm and offence, as above) and following specific formal principles – particularly the proportionality principle – lest being too intrusive of individual’s liberties. In the next sections, we will draw on examples to investigate cases where member states have *excessively* regulated behaviour that is not necessarily harmful or so-serious, yet considered as conducive to further criminality, or ‘serious’, because being committed by an ‘organised crime group’. In the final concluding sections, we will reflect on the possible soft-law/watchdog role for EU, particularly for the EUCPN in cooperation with other relevant EU bodies in the flagging of excessive national and local CP measures.

Harmless Incivilities

In Italy, as well as in other European countries (Peršak, 2017), punitive security measures have been put in place to target a wide range of behaviour considered a threat to public safety and urban security, or simply distressing or annoying to (at least, some) people. Starting from the 1990s, when insecurity feelings and fear of crime and disorder became a major concern in Italy, also in light of the increased presence of migrants (Pavarini, 2006; Melossi and Selmini, 2009), local authorities have been pressured to provide responses to crime and disorder at the local level. These pressures led them to apply administrative sanctions against “uncivil” people (including, *e.g.*, prostitutes’ clients), mostly for violations of road traffic, and public health and safety regulations.

The 2008 “Security Package” (Pacchetto Sicurezza or decree No 92 of 23 May 2008) of the then Berlusconi government, legitimised and further broadened the public order competences of local authorities. Through this law decree, local authorities have been given the power to sanction through administrative fines any conduct considered a threat to the safety and security of citizens. More concretely, municipalities have used these powers to sanction – and *de facto* criminalise – not only already criminalised behaviour (such as vandalism and drug dealing) but also rather harmless and long tolerated behaviour, including (among others) soliciting of prostitution, being drunk in public, begging, and littering. The end result has been the production of a scattered regulatory scenario, whereby different behaviours have unevenly been regulated in different localities according to the wish of the ruling coalitions (and their interpretation of people’s fears and perceptions of the ‘problem(s)’). Since the Security Package, moreover, local authorities have also been authorised to request the presence of the *military* on their municipal territory, particularly to monitor sensible targets (such as the *Identification and Expulsion Centres* for migrants), and patrol city areas in conjunction with the (state and municipal) police. This operation, called ‘Safe Streets’ (Strade Sicure), which currently deploys 7.100 soldiers across the national territory, is described as the “most onerous task of the military in terms of soldiers, resources and materials” – *i.e.*, more onerous than the operations on which the Italian army is deployed on foreign territories.¹³

The exercise of these sanctioning powers has, however, been found illegitimate by the Constitutional Court in one of its famous judgments in 2011. In this judgement it normatively assessed the legality of local security regulations and measures on the basis of the constitutional principles of legality and proportionality. In essence, local regulations have been found in breach of the legality principle as they prohibited *any behaviour* considered by local authorities (upon their discretion) a “threat to public safety and security” – rather than a conduct whose defining traits had been identified by law and made known and predictable to people before its adoption. Local regulation and measures have also been found in violation of the proportionality principle as they resulted in an excessive state intervention and intrusion into individual’s

¹³ See http://www.esercito.difesa.it/operazioni/operazioni_nazionali/Pagine/Operazione-Strade-Sicure.aspx.

exercise of fundamental rights and freedoms, such as the right to associate, to free movement and speech.

In overt opposition to this judgment, local authorities have not stopped from issuing (*illegitimate*) orders and applying punitive administrative sanctions, particularly against homeless people, street vendors and prostitutes, who in Italy are mostly migrants (Crocitti and Selmini, 2017). Public order powers against incivilities have also been recently re-introduced by the Gentiloni government through the so-called “Minniti Decree” (law decree No 17 of 20 February 2017), which borrows its name from the then Minister of the Interior Marco Minniti. According to this decree, municipalities are entrusted with adopting orders that aim at protecting the “decorum”, “urban liveability” and the “peace and quietness of residents” (art. 8 co. 1 lett. a no 1), and at preventing “situations that favour the occurrence of criminal phenomena or illegality, such as drug dealing, the exploitation of prostitution, begging with the aid of minors and disabled people, the illicit occupation of public space [*e.g.*, by unauthorised street vendors], and violent behaviour, also linked to alcohol or substance abuse” (art. 8 co. 1 lett. b No 1). In short, according to this decree local measures can target behaviour that falls within the pre-crime stage (Pleysier, 2015, 2017), for it favouring or being conducive to ‘serious’ crime, such as drug dealing, violence and the exploitation of prostitution.

The decree also allows local authorities to punish the behaviour of people that “impair[...] the free access and use” (art. 9 co. 1) of “special areas” (mostly, areas that have a touristic destination, or are green areas like public parks, see art. 9 co. 3) and areas of transit (*e.g.*, train and bus stations) by others in two different ways: by applying an administrative fine (up to € 300) and by banning them from that space for 48 hours (art. 9 co. 1 and art 10. co. 1). The length of the ban can be further extended by the police chief (questore) to up to six months (or two years, for a person who in the past five years had been found guilty of an offence against the person or property), if the banned person reiterates the prohibited conduct and providing that such a behaviour “may lead to a threat to security” (art. 10 co. 2).¹⁴

¹⁴ According to media accounts, many bans have so far seemingly been used against asylum seekers and refugees. See *e.g.* <https://www.fanpage.it/a-genova-il-decreto-minniti-divide-contro-i-bivacchi-arrivano-i-dissuasori-di-seduta/>.

Clearly, all these provisions of the “Minniti decree” are based on very vague concepts (such as the ones of “decorum” and “liveability”) and on nebulous definitions of the proscribed behaviour, which include: “situations that favour the occurrence of criminal phenomena or illegality”, and “behaviours that impair the free access and use” of specific and special areas by others “that may lead to a threat to security”. Similarly to the 2008 Security Package, also the legislative vagueness of this more recent decree opens up possibilities for abuses and for a quite arbitrary exclusion of unwanted people from public spaces by local authorities.

This legislative framework is (at least partly) the result of dominant representations of ‘problems’ and solutions, which have been presented by relevant actors (such as politicians) in the media overtime, in particular against migrants. For example, a longitudinal study that has analysed media representations of the local regulation of street prostitution in the national press from 2008 (the year of the adoption of the Security Package) until 2017 (Di Ronco, 2017), suggested that the ‘problem’ of street prostitution has been amplified in much of the news through the link with other “problems”. These are particularly connected to other cases of social disorder (*e.g.*, public drunkenness, rowdy behaviour), physical disorder (*e.g.*, littering), and crime proper (*e.g.*, drug dealing, physical assault). All these ‘problems’ have been deemed to contribute to the decay of neighbourhoods attended by middle class families, especially residential areas, city centres, areas of transit and of summer vacation. To overcome the ‘emergence’ and revitalise ‘degenerating’ districts, politicians in the press – mostly using a sensationalistic rhetoric – have invoked the need to increase the presence of police officers. This presence was made grim by a militarised appearance with heavy weapons, which are usually not carried by the police in Italy, and by the military. In addition, reference was made to the need of enhancing the public order powers of local authorities (including through administrative fines against both sex workers and clients).

Similar results emerge from a longitudinal study conducted over a similar period of time (from 2007 until the end of May 2017), which explored the representations of migrants (particularly, asylum seekers and refugees) in the local press of two different cities run by different political coalitions (centre-left in Udine and right in Padova) (Di Ronco and Lavorgna, in this volume). Either because of their association with social and physical disorder (in Udine) or with crime proper (in Padova, where crime has mostly consisted of sexual

assaults, and gangs-related criminal activities such as drug dealing and violence), migrants in both cities have been identified as a ‘problem’ enhancing citizens’ fears and making urban living ‘unbearable’. Once more, politicians in both cities have advocated the use of the military, the enhanced presence of the police and of the use of administrative fines, as the ideal solutions to the ‘problem’. This was presented as the key strategies to regaining control of areas that have been ‘invaded’ by unwanted migrants (Di Ronco and Lavorogna, in this volume).

In short, in Italy punitive and excessive measures (so judged by the national constitutional court) have been adopted by local authorities mostly against migrants (Crocitti and Selmini, 2017), who sometimes (for instance in the case of homeless and street sex workers) have been penalised for their mere unwanted presence in certain areas and their easy association with disorder and crime. This penalisation (and the granting of enhanced public order powers to local authorities by the national legislator) has been fed by the need of responding to the increasing fears and anxieties felt among Italian citizens, who seem to be particularly concerned about the perceived worsening standards of living (in terms of increased levels of disorder, crime, and social diversity) in ‘their’ neighbourhoods.

Not so serious Organised Crime

In the UK, the current system regulating gang injunctions provides a good example of both upwards and downwards spirals of crime prevention. In essence, on one side the seriousness of organised crime absorbs gang-related crimes, and on the other side, the aim of prevention of gang-related activity leads to more punitive responses for both adults and teenagers deemed to be involved in “gangs” (for a critical account of the gang label, see Alexander, 2008).

Gang injunctions are civil orders that have first been introduced by the Policing and Crime Act 2009; they are aimed at preventing gang-related violence and criminal activity. Terms imposed can (for example) prevent or restrict association with other gang members, prohibit travel to certain areas, prevent the congregation of people in groups of three or restrict individuals from possessing more than one mobile telephone. It can also prevent the promotion of

gang related activity on social networking sites. With the Crime and Security Act 2010 and the Crime and Courts Act 2013 these provisions have been applied to 14 to 17 year olds with the involvement of Youth Court and Youth Offending Teams. Research shows that there has been violence reduction associated to locations where gang injunctions have been used (Carr, Slothower and Parkinson, 2017). However, the Serious Crime Act 2015 amended the statutory definition of what comprises a ‘gang’ to make it less restrictive and expanded the scope of the activity, to include groups involved in drug activity.

Currently, a gang under revised section 34 of the Policing and Crime Act 2009 (a) consists of at least three people; (b) has one or more characteristics that enable its members to be identified by others as a group and; (c) engages in gang-related violence or is involved in the illegal drug market. The identifying characteristics of a gang may, but need not, relate to any of the following: (a) the use by the group of a common name, emblem or colour; The group’s leadership or command structure; (b) the group’s association with a particular area; (c) the group’s involvement with a particular unlawful activity. Crucially, this definition and the inclusion of illegal drugs as an element for requesting an injunction, substantially homologates gangs with organised crime groups. There remains one difference: the local level focus of the gangs and the expectation that the latter could have national or international reach.

Differently from the highly contested Anti-Social Behaviour Orders (ASBOs), whose breach consisted in a criminal offence, the consequences of breaching a gang injunction are not criminal per se. Breaching of a gang injunction amounts to civil content of court - even though arrest, remand in custody, followed by a prison sentence are still possibilities depending on the nature of the breach. The main issue with these injunctions, therefore, is not in the technicality of the provision, but rather in the overlapping between concepts and norms of gangs and concepts and norms of organised crime groups. The language of gangs – both adult and youth gangs – and organised crime constantly intersects across UK policy and law enforcement approaches (Sergi, 2017). Similarly, competences of institutions and agencies tackling both tend to overlap too. In fact, even though local police forces and local authorities are the ones to initiate an application for a gang injunction, the National Crime Agency’s (NCA), which is the agency leading the fight against organised crime, is often involved in investigations of gangs at local level. This is because the NCA focuses on illegal drugs markets and trends and

therefore monitors both both organised crime groups as well as local gangs – as a division is in practice quite impossible. The NCA also considers gangs a pathway into drug criminality at a more sophisticated level. As the NCA (2018: 10) notices:

“Young people brought up in deprived neighbourhoods by fragmented families are more susceptible to members of commodity-based OCGs or street gangs looking to recruit. Initially these young people can become involved in anti-social behaviour and petty crime before progressing into more significant criminality”.

As the NCA’s mandate is on serious and organised crime, local gang activities involving drug smuggling – which would often not pass the threshold of seriousness – are essentially included *de facto* within the agency’s mandate. Moreover, as the Home Office has been promoting local partnerships to fight organised crime, the cross-over between the NCA’s activities and those of local police forces against drug markets is a well-known consequence (Home Office, 2013). Further proof of this is the function the NCA has assumed within the Home Office’s programme “Ending Gang Violence and Exploitation (EGVE)” re-launched in 2016. The NCA carries out assessments of county lines – which is the phenomenon of gangs moving into drug markets outside urban areas where they usually operate. As vulnerable and young local people are groomed and/or coerced into moving or selling drugs, and the homes of vulnerable adults can be taken over as a base from which drugs are sold, the NCA has to step in. It provides an assessment of the situation, the nature and scale of the problem, and leads the national response together with local policing. In practice this means that the NCA – a national security and intelligence-led agency – is using its intrusive powers against less serious forms of organised crime irrespective of the proportionality principle. Therefore, this also translates in a downward spiral of crime prevention. That a national intelligence and security agency influences, more or less directly, the policing of street crime in the form of (youth) gangs – which might be, but not necessarily are, ‘serious’ forms of criminality according to the legal framework – means essentially securitising policing work, *i.e.* making traditional policing an instrument to deliver national security. This, in practice, results in the justification of special measures of prevention and disruption, which might be asked of police forces in the name of national security.

At the same time, in an upward spiral of crime prevention, gangs and organised crime groups are increasingly becoming interchangeable concepts – even though the harm they pose to communities is quite different – thus elevating the status of gang criminality to national security levels. In essence, a too big (legal) hammer is used for a small social nail risks causing more harm than the one that it tries to reduce in the first place.

Discussion –

Is there a role for the EU in ensuring that national and local CP policy and practice are not excessive?

Many EU countries have expanded the remit and reach of their CP complex. In this chapter, we have used the cases of Italy and the UK to illustrate the expansion in CP both downwards and upwards. In Italy, ‘unwanted’ people like migrants have been targeted with punitive measures (mostly administrative fines and location bans). People’s fears have played a key role here: white middle-class Italians tend to feel rather uncomfortable and unsafe, also in the light of the association (rather unproblematised yet reinforced by politicians also through the media) of migrants with disorder and crime. In the UK, individuals may experience severe restrictions of their fundamental rights (including their rights to free movement, and to associate and assemble in public spaces) because of their alleged membership of, or participation in, a “gang” – a concept that is very vaguely defined by the relevant legislation and policies. In addition, gang-related activities, in particular when involving drugs, are equated with organised crime activities and are thus tackled by the NCA.¹⁵ CP measures as these are often excessive in their scope, especially if the harm

¹⁵ Another example is provided by 2003 Act Furthering Integrity of Decisions by Public Administration (or Bibob Act) in The Netherlands, which gives local authorities the power to decide on applications for licences and to reject or withdraw them in case infiltration of serious and organised crime groups is detected or seriously suspected. According to van Duyne and van der Vorm (2015), this power has essentially been used not that much to target organised crime, but nuisance and public order disturbances (particularly, pub violation of closing times, noise levels and public nuisance rules, dirty restaurants etc.) with great repercussions on people’s privacy and other fundamental freedoms.

(if any) they aim at preventing is compared to the effect they have on individuals, their liberties, possibilities of integration, and social opportunities.

Crime prevention – and especially, within it, the power to legislate in criminal matters – has historically been considered a national competence and has belonged to the sovereignty of member states. The European Council's meetings in Tampere, The Hague and Stockholm, have progressively paved the way for the Treaty of Lisbon and, therefore, to an EU expanded competence in CP matters. This competence was justified by the shared interest to create an Area of Freedom Security and Justice (AFSJ). Going beyond that was the aim of combating crime having a cross-border dimension, including OC and terrorism along with other 'Euro-crimes'. This relative long process, which has resulted into the broadening of the EU CP competences, has not been met without resistance from the member states (Baker, 2010).¹⁶

As a result, the EU competence in CP is anything but broad. As seen above, although the proportionality and legality principles in CP or security measures have been given legal recognition at the EU level (particularly, in the Charter), their violations by member states are not enforceable by EU bodies – unless they involve the implementation of EU law. In short, the EU has little to no power to 'tell off' member states for their eventual excessive use of CP measures. This notwithstanding, the EU has a number of bodies that can act as watchdog against excessively punitive CP measures against harmless incivilities (mainly, discriminatory practices against specific social groups) and non-so serious crime, which has yet been subsumed into the area of organised crime.

The European Crime Prevention Network (EUCPN), for example, is an EU body that has been established in 2001 with the specific mandate of supporting CP initiatives and activities at the national and local levels. The network has in the past few years worked towards the promotion of cooperation between member states as well as between local authorities. It has mainly pursued this

¹⁶ The EU competence in criminal law, for example, is limited, among others, by the principles of subsidiarity and proportionality. According to the former principle, the EU can only legislate in criminal matters if the goal cannot be reached more effectively with measures at the national, regional or local levels. In light of the latter principle, the EU ability to harmonise criminal law should not exceed what is necessary to achieve the objectives of the Treaties.

aim by making available through its online knowledge centre¹⁷ information regarding best practices in national and local CP, which have been collected through its national contact points.

In the past few years, there have been proposals to enhance the powers of the network. In the Stockholm Programme,¹⁸ for example, the Council suggested converting it into the Observatory for the Prevention of Crime. The European Commission (2012) suggested providing it with a better resourced Secretariat instead (EUCPN+ and observatory type of functions). These proposals have led in 2015 to the project entitled “the development of the observatory function of the European Centre of Expertise in the Prevention of Crime within the EUCPN” (EUCPN, 2015a, p. 14), which has strengthened the work of the EUCPN Secretariat around five ‘pillars’ (EUCPN, 2015a). Two of these ‘pillars’ are based on the goals to support and assist national and local policy makers as well as practitioners in their daily CP work and to disseminate qualitative knowledge on CP (EUCPN, 2015c). The goals of disseminating qualitative knowledge on crime prevention and of supporting crime prevention activities at national and local level both with knowledge (including evaluations) and assistance in funding applications, have also been reiterated in one of the network’s most recent Working Programmes (EUCPN, 2018) and in its Multiannual Strategy 2016-2020 (EUCPN, 2015b).

In sum, the EUCPN seems to be the best placed to provide guidance to member states and local authorities in their CP efforts. This ideal advisory role of the network is reinforced both by the increased competences and resources of its Secretariat (as reflected in its goals and plans of action),¹⁹ and by the EU focus on protecting individual’s fundamental rights while adopting and implementing CP measures at the EU, national and local levels. At a practical level, this means that, especially when requested by national and local authorities, the network should be able to warn them against possible violations of fundamental EU-principles, such as the legality and proportionality principles. In addition, it should also advise them against the adoption of ‘bad’ practices, and share with them the best ones, *i.e.* those that deliver security with the least

¹⁷ See eucpn.org/knowledge-center.

¹⁸ OJ C 115 of 4 May 2010.

¹⁹ For the increased funding and personnel available to the EUCPN, see <https://eucpn.org/about/network?language=24>.

compression of individual's freedoms. The EUCPN can do so also by partnering up with other relevant EU bodies, including: the European Network on the Administrative Approach tackling serious and organised crime (ENAA), which is already embedded in the EUCPN; the Agency for Fundamental Rights (FRA); the European Forum for Urban Safety (EFUS); Eurojust, and Europol.

Concluding thoughts

This chapter has used the two case studies of the Italian security regulation and of the UK gang legislation to illustrate how CP in European member states has often expanded both upwards and downwards. It did so by equating incivilities to crime and not-so serious crime to organised crime. But in both directions this erodes individual's rights and violates the proportionality principle. Expanded CP is also mushrooming a multitude of bodies and agencies that are competent in CP at the local, national and European levels. At the EU level, this has occurred more substantially from the 2009 Treaty of Lisbon onwards, when the EU has been given competences to (among others) approximate definitions of and sanctions for 'Euro Crimes' and facilitate and promote police and judicial cooperation in criminal matters between member states mainly through EU bodies such as Europol and Eurojust. This extension of CP powers at the EU level has, however, come along with the recognition of the need to respect people's rights while delivering security and, therefore, with the duty for the Union, its member states and local authorities within them, of not imposing measures that have a disproportionate effect on individual's autonomy. We have suggested that the EU – particularly through the EUCPN and other 'soft law' bodies and networks – could play a role in facilitating the compliance of national and local CP measures with the proportionality principle. This does not mean, however, that this role will be taken up by the EU and its networks, or that – if exercised – it will be effective in persuading member states and local authorities not to adopt excessive CP measures. In the end, we cannot ignore the fact that the field of CP is very much politicised and that crime and fear of crime – and discourses around them – have

proven in recent years to be crucial to decide elections and positions of political power. The urge of showing to the electorate that ‘problems’ and ‘serious threats’ are being handled – and preferably handled with a firm hand – by the relevant institutions and bodies, may ultimately frustrate (as has certainly done so in the past) the need to balance security with the safeguarding of fundamental rights.

References

- Alexander, C., Rethinking “gangs”. Runnymede Trust
<https://www.runnymedetrust.org/uploads/publications/pdfs/Rethinking-Gangs-2008.pdf>), 2008.
- Atkinson, R. and G. Helms, *Securing an urban renaissance*. The Policy Press, Bristol, 2007.
- Bannister, J., N. Fyfe and A. Kearns, Respectable or respectful? (In) civility and the city. *Urban Studies*, vol. 43, no. 5-6, 2006; p. 919-937.
- Bauman, Z. *Legislators and interpreters. On modernity, post-modernity and intellectuals*. Cambridge: Polity Press, 1987.
- Baker, E., Governing through crime—the case of the European Union. *European Journal of Criminology*, 2010, vol. 7, no. 3, pp. 187-213.
- Beck, U., *Risk society: towards a new modernity*. Sage, London, 1992.
- Belina, B. and G. Helms, Zero tolerance for the industrial past and other threats: policing and urban entrepreneurialism in Britain and Germany. *Urban Studies*, 2003, vol. 40, no. 9, pp. 1845-1867.
- Berry, M., I. Garcia-Blanco and K. Moore, *Press coverage of the refugee and migrant crisis in the EU: a content analysis of five European countries* (December 2015). 2015. Available at:
<http://www.unhcr.org/56bb369c9.pdf> (Accessed 1 June 2017).
- Burney, E., *Making people behave: anti-social behaviour, politics and policy*. Routledge, London, 2005.

- Campbell L., Organized crime and national security: A dubious connection? *New Criminal Law Review: An International and Interdisciplinary Journal*, vol. 17 issue 2, pp. 220–251.
- Carr, R., M. Slothower and J. Parkinson, Do gang injunctions reduce violent crime? Four tests in Merseyside, UK, *Cambridge Journal of Evidence-Based Policing*, vol. 1, issue 4, pp. 195-210, 2017.
- Carrapico, H., Analysing the European Union's responses to organized crime through different securitization lenses, *European Security*, 2014, vol. 23 issue 4, pp. 601-661.
- Cohen, S., *Visions of social control: crime, punishment and classification*. Polity Press, Cambridge, 1985.
- Council of the European Union (EU Council), *The Prevention and Control of Organized Crime. A European Union Strategy for the beginning of the New Millennium*. Official Journal C124/1- 124/33. 3rd May 2000.
- Council of the European Union (EU Council), *Draft Council Conclusions on the creation and implementation of a EU policy cycle for organised crime and serious international crime*. 15358/10. 25th October 2010.
- Crocitti, S., and R. Selmini, Controlling immigrants: the latent function of Italian administrative orders. *European Journal on Criminal Policy and Research*, 2017, vol. 23, no. 1, pp. 99-114.
- Di Ronco, A., Regulating street prostitution as a public nuisance in the ‘culture of consumption’: a comparative analysis between Birmingham, Brussels and Milan. In: N. Persak and G. Vermeulen, (eds.), *Rethinking prostitution: from discourse to description, from moralisation to normalisation?* Maklu, Antwerp, 2014 (pp. 145-171).
- Di Ronco, A., Disorderly or simply ugly? Representations of the local regulation of street prostitution in the Italian press and their policy implications. *International Journal of Law, Crime and Justice*, 2017, vol. 52, pp. 10-22.
- Di Ronco, A., and N. Peršak, Regulation of incivilities in the UK, Italy and Belgium: courts as potential safeguards against legislative vagueness and excessive use of penalising powers? *International Journal of Law, Crime and Justice*, 2014, vol. 42, no. 4, pp. 340-365.
- EUCPN, *Annual Report of activities in 2014*
(http://eucpn.org/sites/default/files/content/download/files/eucpn_annual_report_2014.pdf), 2015a.
- EUCPN, *Multiannual strategy for the European Crime Prevention Network*

- http://eucpn.org/sites/default/files/content/download/files/mas_2016-2020_final_version.pdf), 2015b.
- EUCPN, *Work Programme 2015* (https://eucpn.org/sites/default/files/content/download/files/work_programme_2015.pdf), 2015c.
- EUCPN, *Work Programme 2018* (https://eucpn.org/sites/default/files/content/download/files/work_programme_2018.pdf), 2018.
- Eurobarometer, *Special Eurobarometer 464b. Report. Europeans' attitudes towards security.* file:///C:/Users/ad16315/Downloads/ebs_464b_en.pdf), 2017
- European Commission, *Report from the Commission to the Council. Evaluation report on the European Union Crime Prevention Network*, COM(2012) 717 final, Brussels, 2012.
- European Commission, *Communication from the Commission to the European Parliament, the Council, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Agenda on Security*, COM(2015) 185 final, Brussels, 2015.
- European Commission, *Communication from the Commission to the European Parliament and the Council, on an Action Plan for strengthening the fight against terrorist financing*, COM(2016) 50 final, 2016.
- European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Action Plan to support the protection of public spaces*, COM(2017) 612 final, Brussels, 2017.
- European Commission, *Communication from the Commission to the European Parliament, the Council, the European Council and the Council. Thirteenth progress report towards an effective and genuine Security Union*, COM(2018) 46 final, Brussels, 2018a.
- European Commission, *Proposal for a Directive of the European Parliament and of the Council laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA*, COM(2018) 213 final, 2018b.
- Farrand, B., and H. Carrapico, Copyright law as a matter of (inter)national security? The attempt to securitise commercial infringement and its spill

- over onto individual liability. *Crime Law Social Change*, 2012, vol. 57 issue 4, pp. 373–401.
- Feinberg, J., *Harm to others*. Oxford University Press, New York, 1984
- Freely, M., and J. Simon, Actuarial justice: The emerging new criminal law. In: D. Nelken (ed.), *The Futures of Criminology*. Sage, London, 1994.
- Furedi, F., *Culture of fear: risk taking and the morality of low expectation*. Cassell, London, 1997.
- Furedi, F., *Therapy culture: cultivating vulnerability in an uncertain age*. Routledge, London, 2004.
- Garland, D., *The culture of control: crime and social order in contemporary society*. Oxford University Press, Oxford, 2001.
- Giddens, A., *Modernity and self-identity: self and society in the late modern age*. Polity Press, Cambridge, 1991.
- Guia, M.J., M.A.H. van der Woude, and J. van der Leun, *Social control and justice: crimmigration in the age of fear*. Eleven International Publishing, The Hague, 2011.
- Home Office, *Serious and organised crime strategy*, London, The Stationery Office, 2013.
- Hörnqvist, M., Risk assessments and public order disturbances: new European guidelines for the use of force?. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 2004, vol. 5, no. 1, pp. 4–26.
- Innes, M., and V. Jones, *Neighbourhood Security and Urban Change*. Joseph Rowntree Foundation, London, 2006.
- Jareborg, N., Criminalization as last resort (Ultima Ratio). *Ohio State Journal of Criminal Law*, 2004, vol. 2, no. 2, pp. 521–534.
- Jones, T., Governing security: pluralisation, privatisation, and polarisation in crime control and practice. In: M. Maguire, R. Morgan, and R. Reiner (eds.), *The Oxford handbook of criminology*. Oxford University Press, Oxford, 2012.
- Lavorgna, A. and A. Sergi, Serious, therefore organised? A critique of the emerging ‘cyber organised crime’ rhetoric in the United Kingdom. *International Journal of Cyber Criminology*, 2016, vol. 10 issue 2, pp. 170–187.
- Melossi, D. and R. Selmini, Modernisation of institutions of social and penal control in Europe: the ‘New’ crime prevention. In: A. Crawford (ed.),

- Crime Prevention Policies in Comparative Perspective*. Cullompton, Willan, 2009, pp. 153-176.
- National Crime Agency (NCA), *National Strategic Assessment of Serious and Organised Crime*, London, The Stationery Office, 2018.
- Newburn, T., *Criminology*. Abingdon, Willan Publishing, 2007.
- O'Malley, P., Crime and risk. In: P. Carlen and L.A. França (eds.), *Alternative criminologies*. London, Routledge, 2018.
- Pavarini, M., *L'Amministrazione locale della paura. Ricerche Tematiche Sulle Politiche di Sicurezza Urbana in Italia*. Carocci, Roma, 2006.
- Peršak, N., *Criminalising harmful conduct: the harm principle, its limits and continental counterparts*. Springer, New York, 2007.
- Peršak, N., *Regulation and social control of incivilities*. Routledge, Abingdon, 2017.
- Peršak, N., EU criminal law and its legitimization: in search for a substantive principle of criminalisation. *European Journal of Crime, Criminal Law and Criminal Justice*, 2018, vol. 26, no. 1, pp. 20-39.
- Peršak, N., and A. Di Ronco, Urban space and the social control of incivilities: perceptions of space influencing the regulation of anti-social behaviour. *Crime, Law and Social Change*, 2018, vol. 69, no. 3, pp. 329-347.
- Pleysier, S., Local governance of safety and the normalization of behavior. *Crime, Law and Social Change*, 2015, vol. 64, no. 4-5, pp. 305-317.
- Pleysier, S., Normalisation of behaviour in public space: the construction and control of "public nuisance" in Belgium. In N. Peršak (ed.), *Regulation and social control of incivilities*. Routledge, London, 2017 (pp. 95-107).
- Ponsaers, P., *Social analysis of security. financial, economic and ecological crime – crime (in)security and distrust – public and private policing*. Eleven International Publishing, The Hague, 2012.
- Reiner, R., Media made criminality: The representation of crime in the mass media. In: M. Maguire, R. Morgan and R. Reiner (Eds.), *The Oxford handbook of criminology*. Oxford University Press, Oxford, 2002; p. 302–340).
- Sampson, R.J. and S.W. Raudenbush, Seeing disorder: neighborhood stigma and the social construction of "broken windows". *Social Psychology Quarterly*, 2004, vol. 67, no. 4, p. 319-342.
- Sampson, R.J., Disparity and diversity in the contemporary city: Social (dis)order revisited. *The British Journal of Sociology*, 2009, vol. 60, no. 1, p. 1-31.

- Sergi, A., *From mafia to organised crime. A comparative analysis of policing models*, London, Palgrave Macmillan, 2017.
- Siegel, D. and V. Nagy, *The migration crisis? Criminalization, security and survival*. Eleven International Publishing, The Hague, 2018.
- Sibley, D., *Geographies of exclusion: society and difference in the west*. Routledge, London, 1995.
- Simester, A.P. and von Hirsch, A., *Incivilities: regulating offensive behaviour*. Hart Publishing, Oxford, 2006.
- Simester, A.P. and von Hirsch, A., *Crimes, harms, and wrongs: on the principles of criminalisation*. Hart Publishing, Oxford, 2011.
- Smith, N., *The new urban frontier: Gentrification and the revanchist city*. Routledge, London, 2005.
- Squires, P., *ASBO Nation: The criminalisation of nuisance*. The Policy Press, Bristol, 2008.
- Tonry, M., *Punishment and politics: evidence and emulation in the making of English crime control policy*. Willan, Cullompton, 2004.
- van der Woude, M., V. Barker and J. van der Leun, Crimmigration in Europe. *European Journal of Criminology*, 2017, vol. 14, no. 1, pp. 3-6.
- van Duyne, P.C. and B. van der Vorm, From organised crime threat to nuisance control. In: P.C. van Duyne, A. Maljević, G.A. Antonopoulos, J. Harvey and K. von Lampe (eds.), *The relativity of wrongdoing: Corruption, organised crime, fraud and money laundering in perspective*. Wolf Legal Publishers, Oisterwijk, 2015 (pp. 127-158).
- Waiton, S., Asocial not anti-social: The 'Respect Agenda' and the 'therapeutic me'. In: P. Squires (ed.), *ASBO Nation: The criminalisation of nuisance*. The Policy Press, Bristol, 2008a (pp. 337- 357).
- Waiton, S., *The politics of antisocial behaviour: amoral panics*. Routledge, London, 2008b.
- Welch, M. and L. Schuster, Detention of asylum seekers in the US, UK, France, Germany, and Italy: A critical view of the globalizing culture of control. *Criminal Justice*, 2005, vol. 5, no. 4, pp. 331-355.
- Wilson, J.Q. and G. Kelling, The police and neighborhood safety: broken windows. *Atlantic Monthly*, 1982, vol. 127, pp. 29-38..
- Young, J., *The amplification of drug use. The manufacture of news: social problems, deviance and the mass media*. Constable, London, 1973.

Young, J., *The exclusive society: social Exclusion, crime and difference in late modernity*. Sage, London, 1999.

Zedner, L., Pre-crime and post-criminology? *Theoretical Criminology*, 2007, vol. 11, no. 2, pp. 261-281.