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THINKING SYSTEMICALLY ABOUT MULTI-AGENCY COLLABORATION – ORGANISING AGAINST ORGANISED CRIME

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ABSTRACT

Reflecting a philosophy of ‘joined-up’, ‘holistic’, or ‘integrated’ government, multi-agency collaborative partnerships are now a common mechanism for public service delivery in areas of social concern that span two or more departmental jurisdictions. Typically these partnerships exist in ill-defined and complex social problem areas such as crime, housing, poverty and child abuse. The paper seeks to demonstrate how, in face of a multitude of organisational challenges, harnessing the various components of service delivery to act coherently in addressing complex problems requires a commensurate way of thinking, namely one that is appropriately holistic and systemic. Using the example of the changing nature of transnational organised crime, the paper seeks to demonstrate how issues and problems that are arising with recent law enforcement collaborative arrangements can be investigated through whole-of-system mapping and debate.

Key Words: multi-agency, collaboration, law enforcement, transnational crime

INTRODUCTION

'the result of a management process cannot possibly be better than the model on which it is based, except by accident'

Markus Schwaninger (2001)

This paper addresses an important theoretical as well as practical issue: how might key stakeholders such as policy makers and senior managers grapple with the myriad intertwined organisational, cultural and political difficulties that seem to crop up when hitherto independent bodies or agencies are invited to work together in addressing and dealing with matters of complex social concern. Typically such collaborative arrangements – often introduced under a philosophy variously referred to as ‘joined-up’, ‘holistic’ or ‘whole-of-system’ management – target areas of complex social concern such as crime, unemployment, poverty, homelessness and regional development. Generally speaking these organisational arrangements have been introduced to address limitations associated with the traditional mechanism for public service delivery which, in most western democracies, has been the functional department. Although historically the functional department has been remarkably successful (see, for example, Cope & Goodship 1999; Kavanagh & Richards 2001; Ryan & Walsh, 2004), by its very nature it struggles to cope with those complex issues of social concern which cut across departmental boundaries (see, for example, Homel 2004; Ling 2002; Lowndes & Skelcher 1998; Peters 1998; Pollitt 2003).

Since collaborative multi-agency arrangements can provide a mechanism for horizontally as well as vertically coordinated action, such developments make good theoretical sense. In practice however, a range of inhibitors have been shown to inhibit performance. These include ambiguity, complexity and disagreements over accountability, inter-agency rivalries and budget silos as agencies fight over resourcing, elitism, mistrust, cultural and political difficulties, conflicting objectives, difficulties in measuring the effectiveness and impact of performance, opportunity costs of management and staff time spent ensuring integration, leadership problems, and a lack of information technology integration (see for example, Schneider and Hurst 2008; Pollitt 2003; Ryan, Gill, Eppel, & Lips 2005; Parker & O’Leary 2006). The nature and scope of these issues presents a formidable set of challenges to those who are required to deal with them.

As the quotation at the beginning of this section seeks to suggest, the main contention of this paper is that the successful design and management of ‘joined-up’ or ‘holistic’ organisational arrangements hinges upon there being a commensurate level of ‘joined-up’ or ‘holistic’ thinking. In the absence of this, interventions that are designed to deal with the sort of difficulties just described are likely to be ad hoc, piecemeal, contradictory and potentially detrimental to the longer term functioning of the whole system.

‘Joined-up’ thinking however, is not always easy. Indeed it presents major challenges, especially to discipline and/or professional specialists who find themselves being held responsible for the performance of a collaborative system but who might lack the knowledge or experience to know how any substantive individual intervention might ‘fit’ within the newly created ‘systemic whole’.

In what follows, the paper seeks to demonstrate that holistic and systemic thinking about collaborative arrangements can be extremely useful in providing the sort of assistance required. Following a short background section, the paper begins by outlining key criteria for what, in this context, might reasonably count as ‘useful’ theory. Next the paper discusses a body of theory and an associated modelling tool that meets these criteria. The final section seeks to demonstrate the value of this theory, and of systems thinking and modelling more generally, through reference to an area of serious global social concern. The area in question is transnational organised crime. Transnational organised crime provides a good illustration because it has many of the characteristics of complexity that ‘whole-of-system’ approaches seek to address. As such, in recent years, it has provided the impetus for the widespread adoption of numerous collaborative arrangements both across and beyond the various agencies that in some manner or other are involved in law enforcement.

THE NEED TO THINK HOLISTICALLY ABOUT INTER-AGENCY COLLABORATION

“A model that has emphasised specialisation and pre-specified accountabilities struggles to respond to new issues that demand systems thinking, interconnected responses and innovation”

(D.Gill, S.Pride, et al 2010)

Typically there are two major sets of organisational challenges that crop up in inter-agency collaborative ventures. The first of these involves coming up with specific solutions to defined problems. Such solutions are often technical in nature; they might, for example, include interventions such as designing an effective information architecture that integrates across collaborating parties, or allows them to more easily exchange data. It could include working out charging arrangements that cover staff secondments, developing appropriate cross-departmental performance measures, and suchlike.

Generally, dealing with problems such as these is not the prerogative of policy makers or the managers of collaborative groups. Once the basic parameters surrounding the intervention have been established, this kind of work can be delegated to in-house or external professional experts. Beyond that, there is another set of issues that policy makers and managers must grapple with, if only in general terms and in the first instance. For example, although the specifics of collaborative ventures will depend upon the context, there are nonetheless surely some minimum requirements that must be met if positive outcomes are to be achieved. Anyone who has any degree of overall responsibility for how these systems are designed and/or managed needs to know what these are, if only because the law of diminishing returns suggests that further optimizing a single necessary activity does not make sense if another necessary activity is absent. Committing additional resources, for example towards improving communication channels across collaborating parties, does not make much sense if, the collaborating parties see no value in working together, if excessive bureaucracy gets in the way, or if there is no real sense of purpose that garners commitment across the various collaborating parties. Equally, even if the various minimal requirements for success are in place, the system designers and/or managers need to conceptualise how issues that arise in relation to the functioning of one part of the system might have wider ramifications elsewhere; in other words they need to understand possible dilemmas and the possibility of having to consider trade-

offs. Decentralizing activities, for example, might improve adaptability and innovation in key areas, however it carries with it the threat of inconsistencies across the system as well as inefficiencies and an inability to realize scale economies. In short, whilst optimizing specific activities and working out technical solutions to narrowly defined problems is important, there is an associated need for key actors to think systemically about the system as a whole, and to appreciate that successful collaborative activity is as much an emergent property that arises out of the interactions across the various component parts of the system as it is a function of the performance of the individual components themselves.

WHAT MIGHT COUNT AS ‘USEFUL’ THEORY IN THE INTER-AGENCY COLLABORATION CONTEXT?

First and foremost, since inter-agency arrangements are almost always introduced as a mechanism for dealing with complex policy areas (variously described as ‘messes’ or ‘wicked problems’; see for example, Mason and Mitroff 1981; Checkland 1981; Rosenhead 1987), it seems self evident that ‘managing complexity’ needs to be at the theoretical core of any proposed framework for helping stakeholders deal with the attendant organisational challenges. Second, since these challenges are not merely bureaucratic or structural but also involve ‘softer’ personal, cultural and political factors, any such framework needs to be able to accommodate such aspects. Third, since outcomes and/or delivery focused service provision can require the involvement of a number of service providers not only across the public sector but also beyond it, any such framework needs to be flexible enough to accommodate relationships that cut across and possibly extend beyond formally established public departments. In other words any theoretical perspective that claims to be useful in this context must be able to accommodate emergent ‘organisational systems’ based, for example, on informal alliances or community involvement initiatives, as it can formally establish collaborative organisations. Fourth, since collaborative arrangements can occur at any level ranging from that involving a few individuals at one extreme to nation states at the other, any such theory must have such a ‘recursive’ feature.

REQUISITE VARIETY AND THE THEORY OF VIABLE SYSTEMS

"Only variety (in the regulator) can destroy variety (in the system being regulated)"

W. Ross Ashby (1952)

Building upon the principle idea of ‘managing complexity’, the paper’s most fundamental theoretical point of reference is W. Ross Ashby’s so-called ‘Law of Requisite Variety’ (Ashby 1952). This provides a solid platform for thinking through what high level options might exist for collaborative groups in dealing with complex and often ill-defined problem situations. Beyond that, this section argues that a derivative modelling tool, based upon the ‘Theory of Viable Systems’ (Beer 1972, 1979, 1985), meets the key criteria just outlined, and, as a result, is extremely helpful in providing guidance on how managing complexity might be realised organisationally and in an holistic manner.

When used in this context, the concept ‘variety’ is a proxy for complexity. Here it refers to the number of possible states that a system or its ‘environment’ might exhibit in relation to defined purposes. The ‘law’ itself states that these purposes are best sustained when the level of variety ‘inside’ the system approximates that ‘outside’ the system. This idea is captured in the maxim *“only variety can absorb variety”*.

In the social world, that which we commonly refer to as ‘the environment’, usually exhibits much more variety than that which exists within ‘the system’. In order to cope with this, system designers/managers must strike a balance by simultaneously increasing their own variety (technically known as *‘amplification’*) whilst simultaneously reducing the variety of ‘the environment’ (*‘attenuation’*). The broadening of law enforcement capability through inter-agency collaboration (amplification) combined with the targeting of particular types of criminal activity such as drugs or human trafficking, or particular groups e.g. Asian crime syndicates or ‘Outlaw Motor Cycle Gangs’ (attenuation), provides an example of this; in other words it shows how law enforcement agencies might respond to a proliferation of variety in criminality as groups extend their reach geographically, as they link together through networks, as they take advantage of advanced communications technology, and as they distribute and ‘hide’ their leadership through the system.

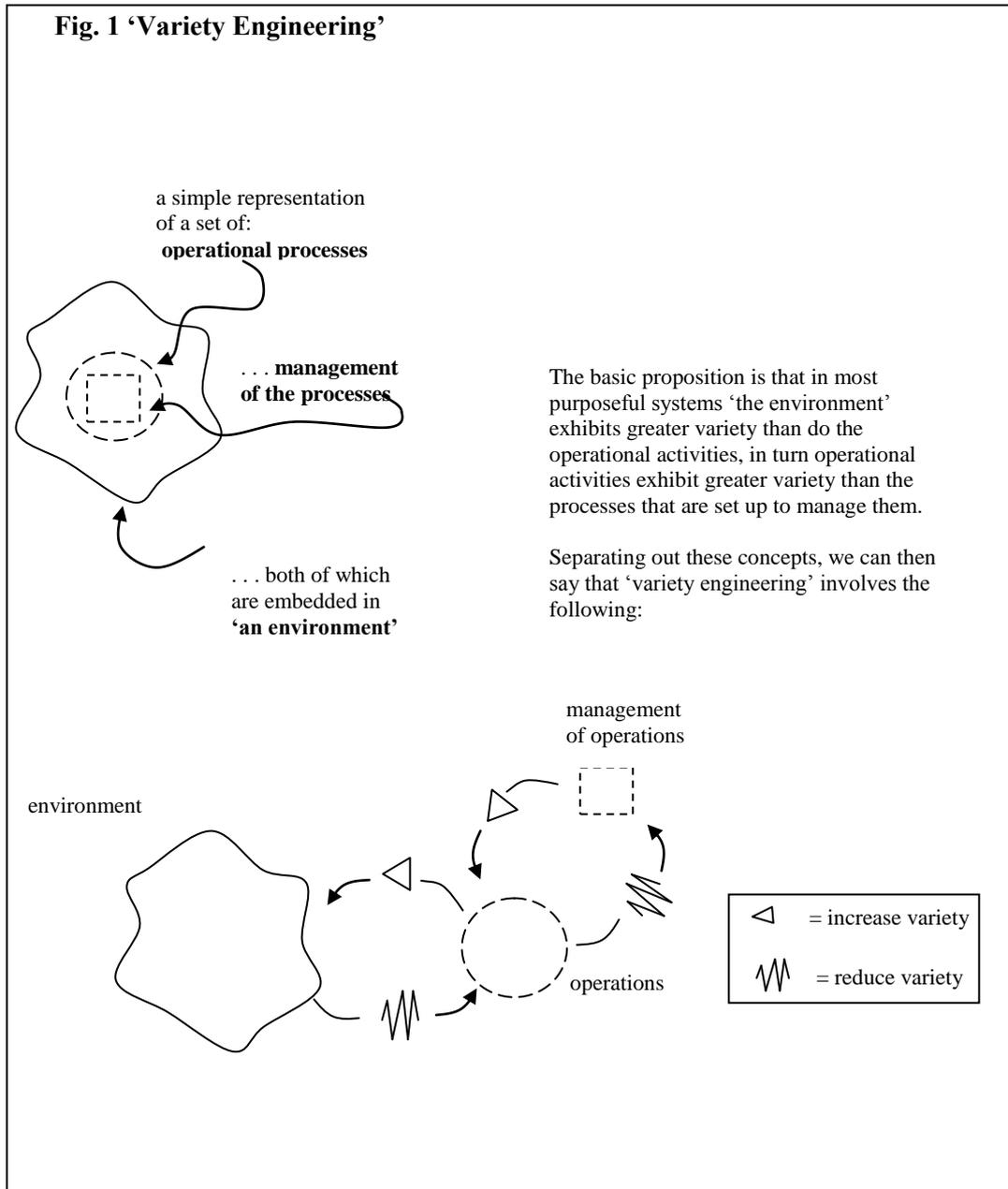


FIG. 1 'VARIETY ENGINEERING'

Building upon the law of requisite variety, this particular line of thinking has spawned a number of potentially powerful tools and models that can be deployed in enabling a more holistic approach be taken in designing and managing organizational systems operating under conditions of complexity (for an integrating perspective on these models, see Schwaninger 2001). The best known of these tools: Stafford Beer's

‘Viable Systems Model’ (1972, 1979, 1985) is used here. This has been used extensively in the organisational context (see, for example, Espejo Harnden, 1989; Flood and Jackson, 1991; Brocklesby and Cummings, 1995; Espejo and Schumann, 1996; Jackson, 2003) A rudimentary diagrammatic representation of this appears below.

Essentially the ‘Viable Systems Model’ (VSM hereafter) represents an attempt to work out in some detail what this way of thinking about managing complexity might mean in organizational or ‘organizational systems’ terms. It presents the main elements in the form of a diagnostic/methodological tool that is designed to assist stakeholders in better understanding and, through discussion and debate, ‘improving’ the performance of complex organizational systems. It is especially suited to examining situations where hitherto autonomous elements are combined in some manner and link together as part of a bigger system, as, of course, is the case with inter-agency arrangements.

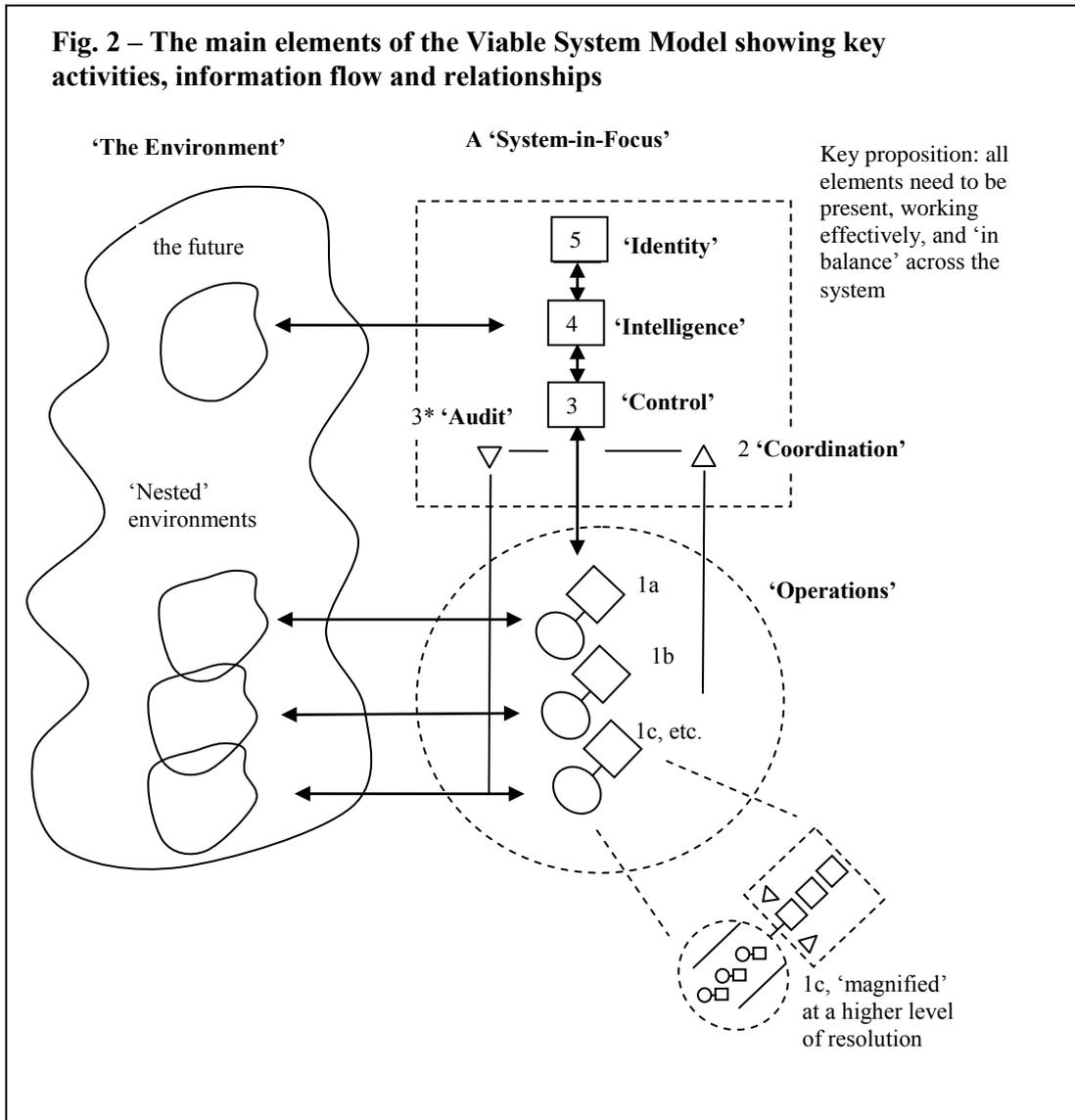


FIG. 2 – THE MAIN ELEMENTS OF THE VIABLE SYSTEM MODEL SHOWING KEY ACTIVITIES, INFORMATION FLOW AND RELATIONSHIPS

This abstract model seeks to capture the basic idea that all purposeful social systems can be thought of as sharing a number of basic properties. This can be summarised by saying that they all have what might meaningfully be described as *'operational elements'* that directly interface with the external environment (known as 'System 1'); *'co-ordination'* functions, that ensure that the operational elements work harmoniously ('System 2'); *'control'* activities that manage the operational system and allocate resources to it ('System 3'); *'audit'* functions that monitor the performance of the operational elements ('System 3*'); *'intelligence'* functions, that

consider the system as a whole - its strategic opportunities, threats, and future direction; and, finally, an *'identity'* function, that conceives of the purpose or *raison d'être* of the system, its 'soul', and place in-the-world ('System 5).

In some systems, for example in policing where community groups and even the general public can be regarded as carrying out 'operational' activities such as intelligence gathering, there already exists significant autonomy. Elsewhere, an important feature of this model is that the various units of System 1 are ceded autonomy commensurate with the level of variety that is perceived to exist in the environment. Beyond that, Systems 2-5 represent an attempt to outline in 'necessary and sufficient' terms how such autonomy might be managed for the benefit of the system as a whole. The main theoretical proposition is that the various systemic elements and the communication channels running between them, and between them and the environment, must be present and working effectively through the whole system. If these conditions are not met, then viability of the system can be seriously threatened.

Viability, however, is not just about how the parts of the system function; it is also about the nature of the relationships between them. A further theoretical proposition then is that the parts need to be working 'in sync' and 'appropriately balanced' across the 'systemic whole'. As we shall see shortly, some of the debate about the effectiveness of collaborative arrangements can be interpreted not only as being about 'missing links' in the system, but also about imbalances such as those that might exist between short term/long term thinking, or between operational autonomy and system-wide control.

Finally before we shift from theory to application, it is important to issue a number of caveats about what using this model in practice actually means. First and foremost, it is important to recognise that the VSM is only a model whose purpose is to assist stakeholders in organising their thoughts about the functioning of an organisation or organisational system in a distinctly holistic way. In doing this the model is more about helping people to ask the right questions and less about providing answers. In that sense the model is not prescriptive; any emergent 'answers' would always require detailed knowledge and consideration of the specific contextual circumstances that apply in a particular case. Theoretical deficiencies can certainly translate into 'real' deficiencies; however when wider contextual factors are brought under the spotlight, this is not always the case.

Second, although visually this model might be suggestive of structures and roles (as one might see, for example, in an organisation chart) this is not the intention. The boxes and lines represent activities and processes, and the model makes no assumptions about how these might translate into roles or structures. In some collaborative systems particular roles or groups might be exclusively tasked with carrying out particular activities. For example a committee might be given responsibility for coordinating across collaborating partners (S2); a ‘steering group’ might take responsibility for setting the broad policy parameters within which collaboration occurs (S5). Elsewhere however, these kinds of activities might be dispersed across a range of different roles/groups within the organisational unit or indeed beyond it. The later point becomes particularly important under the scenario where the operational aspects of a system, involves wider stakeholders such as community groups and the general public. Some authors (see, for example, Gill et.al.) have suggested that this ‘co-production’ model is becoming an increasingly popular model for public service delivery. The main point however is that the theory does not overly care about who or what is involved in the various activities; the important thing is that they take place and are done well.

Equally no presumptions are made about the nature of the mechanisms that might realise these activities. Formal performance appraisal systems often perform an audit (S3*) role. However informal mechanisms including the self monitoring of performance can, in certain circumstances, be equally if not more effective. Likewise the ‘shared understandings’ and daily physical interactions that occur in some organisations can provide an equally effective coordinating function (S2), as can specific structures or written operational manuals. Another example might be how formal ‘intelligence’ (S4) activities such as environmental scanning and strategic planning might work very effectively in one context, whereas in others, having operational personal (S1), simply ‘keep their ears to the ground and eye to the future’ might work better. This important feature of the model allows stakeholders to bring the somewhat less tangible personal, social, and cultural aspects of organizational life into consideration as well as the more structural, technical and role-related aspects.

Having outlined the relevant theory and issued some important caveats, let us now turn our attention to the context of application.

THE CURRENT STATE OF TRANSNATIONAL ORGANISED CRIME

“ . . . criminal networks are smart, future oriented organizations locked in combat with governments that by contrast . . . still operate along hierarchical lines and are further hindered by bureaucratic rivalry and competition, interagency antipathies and a reluctance to share information and coordinate operations”

A. Williams (2006)

For some years now transnational organised crime has been on a sharp upward trend. Most commentators (see, for example, Glenny 2009; Moore 1996; Saviano 2006) agree that the origins of this escalation in activity can be traced back to globalisation trends that began during the late 1980s and early 1990s, a period that witnessed a significant increase in economic growth in Asia and other developing nations and a geographical freeing up of the movement of people, money, products and services. On the supply side this motivated traditional criminal groups seek new opportunities, to extend their reach across national boundaries and in many cases globally. In addition, new criminal groups, often emerging out of what were national military and security services and warring militia in countries such as Russia, the Balkans, Central Asia, South Africa and Northern Ireland, became involved. On the demand side, in both developed and developing nations, a seemingly insatiable demand for counterfeit goods, cheap labour, drugs, sex, body parts, on-line financial transactions, protection, and weaponry has continued to gain momentum.

Although the criminal groups responsible for these kinds of activities do not in any way conform to a single universal structure and/or modus operandi, there are some common themes. For example, as has already been said, there is an increasing predilection for such groups to interweave and conceal criminal activity within legitimate business structures; to extend their reach, facilitate their operations, and acquire influence and protection by co-opting individuals in positions of power; to develop ‘strategic’ alliances with other criminal groups; and, importantly, to develop fluid, and often transient, network structures that affords superior organization performance through a flexibility and ‘fleet-footedness’ that allows the group to respond quickly to environmental threats and opportunities. Hierarchical structures such as those typically associated with family-based criminal groups still exist, however these are increasingly becoming embedded in more network-type arrangements. Such is the case, for example, with the Sicilian, Neapolitan, and New York Mafia, and the Japanese Yakuza (Glenny 2009; Klerks 2003; Williams 2006).

Such developments are not entirely new. However their recent escalation is now posing major challenges to government agencies that have not always operated collaboratively, and to traditional methods of policing that, in many cases, has and continues to be based on an hierarchically-organised area command. When there is a shift to more transient organizational arrangements, when criminal leadership is dispersed or physically distant, when criminal connections and relationships are constantly been formed, disbanded and then reformed as new opportunities are presented, and when the proceeds of crime are '*spirited away*' either to distant countries or cleansed through money laundering schemes into and/or through legitimate businesses, the law enforcement task is made infinitely more difficult. The Williams (2006:79) quote, at the head of this section captures the point succinctly.

In recognizing this apparent mismatch between organized criminal networks and traditional policing methods and structures, a view has emerged over the last fifteen years or so that law enforcement needs to be more flexible, innovative, and that there must be more collaboration between and across law enforcement agencies and experts from different areas of public life. This is prompting governments around the world to establish various structures that broaden policing capability and seek to transcend the normal bureaucratic way of doing business.

Typically these new law enforcement agencies work alongside rather than replace the traditional area command; they also operate at numerous 'levels'. These range from temporary 'operational taskforces' that might be charged with gathering intelligence on, and/or bringing to justice and prosecuting a particular criminal group, to permanently staffed national cross-jurisdiction agencies that seek to provide an integrated response by combining specialist input from areas such as law enforcement, coastguard, customs, cyber-crime, immigration, taxation, fraud. Above and beyond these there are international cooperative agencies that establish 'joint investigation teams' to coordinate law enforcement activity internationally and provide analytical, technical and logistical support to national police bodies.

INTER-AGENCY COOPERATION IN RESPONDING TO ORGANISED TRANS-NATIONAL CRIME

“ . . . maps animate people . . . this is the most crucial thing they do.”

K. Weick (1983)

In this next section, some of the commentary is augmented by annotated drawings or diagrams. This is a very important aspect of the overall systems-based approach, and, because diagrams or maps are a good way of presenting complex ideas and data, it makes a good deal of sense, especially when the intent is to see the ‘big picture’ without being distracted by too much detail. More importantly, as Weick (1983) notes, when complexity leaves people feeling confused and unsure how/where/when to proceed, having a drawing, map or model can animate them; it can give them the confidence to move forward. This is especially true when just enough detail is presented to allow people to focus and grasp the key issues (see, for example, Checkland 1981, Mintzberg and van der Heyden 1999, Cummings et.al. 2009, for supporting arguments). When used in this manner, and not as some sort of highly detailed and analytical ‘blueprint’ for organization analysis and/or design, the viable systems approach is extremely helpful.

The following selection of case vignettes reflects the desire to illustrate the so-called ‘*recursive*’ characteristic of the VSM. This refers to the general idea that there are no a priori restrictions placed upon the level of analysis where application might occur. At one extreme the model can be harnessed to think about collaboration between a small number of individuals or, at the other extreme, across nation states. More typically application occurs somewhere in between. Hence the approach taken here is to examine three levels of law enforcement collaboration that are currently in operation in various parts of the world. The first is the ‘operational taskforce’ which is very much at the ‘coalface’ of the organised crime problem, the second steps up a level and looks at the idea of a nationwide multi-agency collaborative group; the third, stepping up a further level, examines collaboration across nation states. Thinking about this in ‘joining-up’ terms, it is about ‘joining-up’ individuals, departments, and national police organisations respectively.

Illustrations for the first level are garnered from the experience of taskforces set up by the Organised and Financial Crime Agency of New Zealand (OFCANZ), the second from the UK’s Serious Organised Crime Agency (SOCA), and the third from EUROPOL, the so-called ‘European Police Force’. Since the aim here is simply to

demonstrate the utility of this particular theoretical perspective in helping stakeholders think holistically about the issues that they face, in all three cases data is taken from secondary sources. There is also a limit as to what level of detail can be included in a single paper, and in particular, shown in a drawing, hence the discussion highlights some of the more interesting aspects that arise out of this particular theoretical lens. Just enough information is presented to demonstrate the potential value and flexibility of the VSM modelling technique when used in this context; it is impossible to provide a comprehensive account.

THE OPERATIONAL TASKFORCE

Generally speaking the ‘operational taskforce’ is a temporary collaboration involving specialists from different areas of government and law enforcement. These operate primarily within particular jurisdictions, but can and do operate internationally as well. Taskforces are now well established in many parts of the world, particularly in countries where permanent inter-agency organisations such as the FBI, the Australian Crime Commission, the UK’s Serious Organised Crime Agency are able to provide a supporting organisational infrastructure. The illustration used here is taken from one such organisation, the Organised and Financial Crime Agency of New Zealand (‘OFCANZ’ hereafter).

Established in 2008, OFCANZ aims to coordinate the various criminal enforcement units in New Zealand. Despite being housed within, and administered by, the NZ Police Force, OFCANZ has its own strong identity and branding (‘S5’ in VSM terms). Organisationally it operates through permanent, standing and directed taskforces that include personnel from OFCANZ and those seconded from partner agencies including the Inland Revenue Department, the Serious Fraud Office, the National Enforcement Unit, and Customs and Immigration. During 2008/9 OFCANZ taskforces have targeted Asian organised crime, ‘Outlaw Motor-Cycle Gangs’, and serious and complex white collar fraud. Its biggest operational taskforce success to date involved the arrest of members of the internationally-aligned Tribesmen Motorcycle Gang. Members of this gang are now awaiting trial facing charges in relation to selling, supplying and manufacture of large quantities of methamphetamine.

Looking at the OFCANZ operational taskforces through a VSM lens raises a number of important questions. First and foremost it is hard to quibble with the idea

that dedicated multi-capability taskforces will, in principle at least, provide much greater variety in dealing with complex criminal networks than remains the case with the stand-alone area command. These taskforces have a broader knowledge base and their capability is enhanced through legislative and technological provisions that allow them to have enhanced surveillance and legal powers. In viable systems terms this represents significant ‘amplification’ of S1 variety. Equally, taskforces are explicitly designed to narrow their focus on a specific criminal activity or group in a manner that cannot be replicated within the area command structure since it has little choice but to respond to serious crime committed ‘on its patch’ even though it might prefer to concentrate on other matters. Theoretically this combination of amplification of capability and attenuation of focus significantly increases the likelihood of achieving positive outcomes. This, however, is by no means guaranteed, and when looked at within a more holistic framework, a number of important questions arise.

One interesting feature of this system revolves around the Government’s original intention to merge the NZ Serious Fraud Office with OFCANZ. This was strongly resisted by the former agency, and, as a result, did not proceed. In theoretical terms such separation is not necessarily a major issue; it is entirely possible, desirable even, for groups and agencies to be an integral part of ‘the system’ without being integrated organisationally. Indeed harnessing wider stakeholder capabilities and knowledge, is becoming a key feature of public service delivery in many areas of social concern. Notwithstanding this, the organisational separation of OFCANZ and the SFO does raise questions, particularly about the appropriateness of the branding of OFCANZ, and whether there might be concerns over where lies the primary responsibility for dealing with financial crime and/or the financial aspects of other criminal activity.

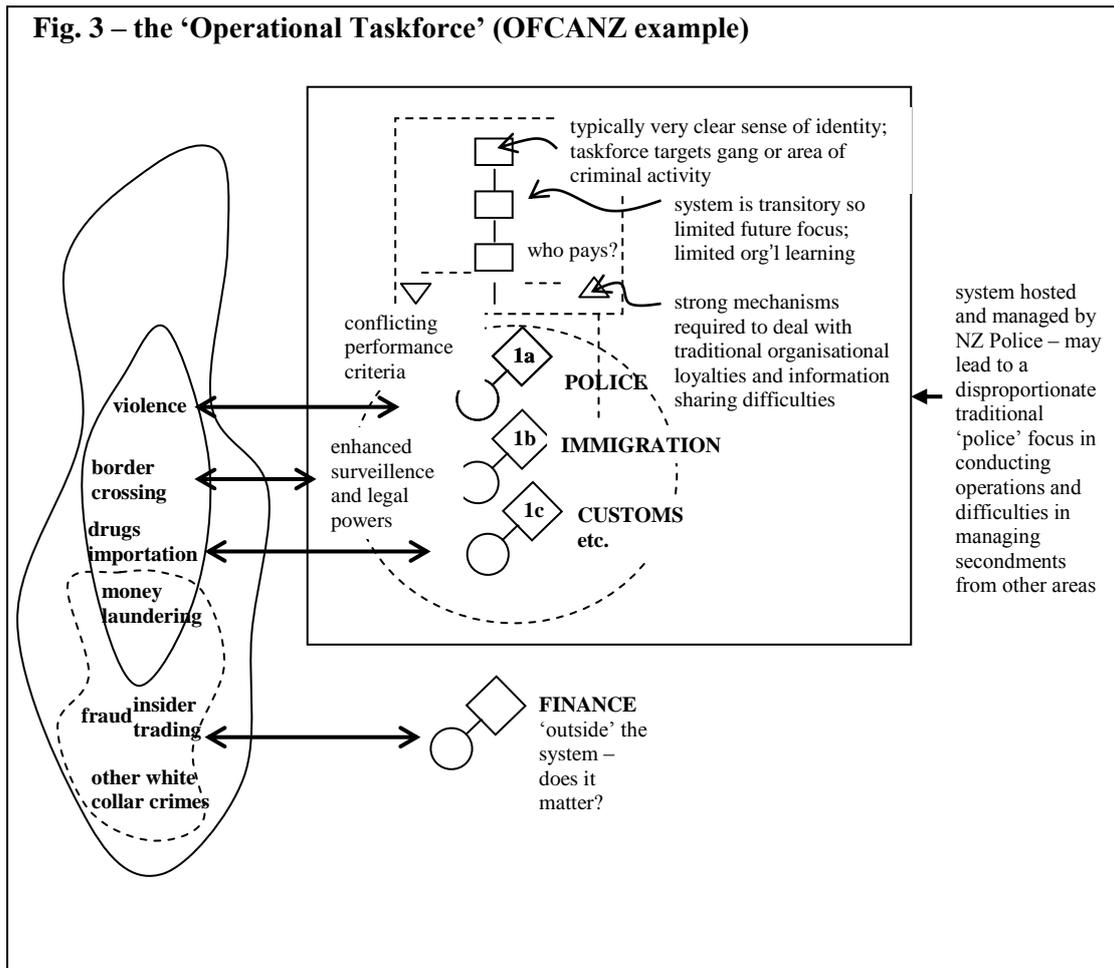


FIG. 3 – THE ‘OPERATIONAL TASKFORCE’ (OFCANZ EXAMPLE)

Note: figures 3-5 do not claim to present a complete picture of the system in question. The figures focus on a few key issues in order to illustrate how the particular drawing tool can show how they relate to the ‘bigger’ systemic picture. In most cases, and in order to focus discussion, such drawings would be disaggregated with more detail provided.

Turning now to the system-wide arrangements that govern how the operational taskforces are managed, a number of questions arise. One of these involves coordination. Since taskforce members are drawn from different organizations and professions, each with their own traditions, cultures and ways of doing things, coordination poses a major organisational challenge. Inter-agency rivalries, lack of trust, unwillingness to share information, and organisational loyalties arise as areas that are likely to require extremely careful handling. This places much responsibility on the shoulders of NZ Police which is the host organisation. Pre-existing or latent tensions in these areas might be compounded if non-police taskforce members are subject to any excesses in traditional policing approaches to the conduct of operations, its working language and norms of behaviour, ethics and ‘command and control’

leadership styles. Moreover genuine collaboration might be difficult if non-police members come to think that their role is, or might be somehow be seen to be less important. Managing secondments from other areas then arises as a major challenge.

The 'control' (S3) aspect raises the question of the day-to-day leadership of taskforces and the allocation of resources to it. As one might expect, recent operational taskforces in areas such as gang crime and drugs have been led by the police. However the situation is somewhat less clear cut in areas such as human trafficking, cyber-crime and corporate fraud where the main expertise might reside elsewhere. Here, host organization leadership might create tensions with non-police members who see themselves as being better informed and better equipped to guide the inquiry. Potentially, the opposite scenario, where leadership within the police organization and culture is delegated to non-police personnel is no less fraught with difficulties.

Relatedly, there is the 'audit' (S3*) question of how the taskforces are, and/or should be, judged. On this issue taking a system-wide perspective raises some interesting dilemmas and possible tensions that may need to be carefully managed. One such tension is that which exists between the longer term focus of OFCANZ's and the more immediate demands faced by the various taskforces. Publicly OFCANZ's espoused brief is to minimize the long-term damage and harm caused by organised crime and to make NZ a less attractive destination for international criminal groups. At the same time, in a country that is under severe pressure to cut costs, and has a relatively short 3 year electoral cycle, the organisation must, through its taskforces, deliver quick results in order to demonstrate its worth to both its political masters and the general public.

Judging the performance of individual taskforce members presents another set of challenges. Most taskforce secondments are from the police or from other public departments. This raises the issue of there being different and possibly competing performance criteria. Perhaps the greatest difficulty here will need to be faced by non-police members. Taskforces, by their very nature, are highly focused and are under pressure to 'get things done' quickly. In some areas of policing the ends justify the means. Such an approach will not always sit well with members from other government agencies who are more often evaluated on the basis of procedural diligence, i.e. 'doing things properly' is more important than 'getting results'.

Another system-wide issue concerns the need to find an appropriate balance between optimising the day-to-day management of a taskforce and carrying the learning and experience gained from a particular operation forward to assist in future enquiries. This S3/S4 balance issue creates a challenge within OFCANZ and similar agency taskforces since most are disbanded when a particular operation draws to a close. In practice however, there are a number of mechanisms that could be used for this important purpose. Carefully reporting activities, continuing membership from one operation to the next, and forging strong links between operational and standing taskforces are perhaps the likely options.

THE NATIONAL MULTI-AGENCY LAW ENFORCEMENT SYSTEM

Shifting up a level from the operational taskforce, the next illustration focuses on the United Kingdom's 'Serious Organised Crime Agency' ('SOCA') hereafter. SOCA is one of a number of national multi-agency law enforcement groups around the world; other examples include the FBI, the Australian Crime Commission, and the just discussed OFCANZ.

Prior to 2006, policing in the UK was mainly a local affair with most organised crime being fought by area commands augmented by various national intelligence agencies and regional crime squads (Hobbs and Dunnighan 1999; Levi 2004). At that time, there was growing recognition that the traditional local area command was becoming ill-equipped to deal with criminal activity conducted in its region but planned and managed elsewhere, that it was ill-equipped in terms of surveillance and bugging technology, had limited expertise in fraud, customs and immigration and ultimately had limited powers in working with criminals. In law of requisite variety terms this represents a massive variety 'gap' between the area command and its criminal adversaries. Other systemic issues identified include poor communication, inadequate coordination and even competition across area commands (S2), inadequate resourcing through S3, and a traditionally strong S5 that has always placed great emphasis on the need for local police forces to maintain the peace, promote safety, and deal expeditiously with criminal activity as it occurs in the local area.

In addition to this, national law enforcement agencies such as the National Criminal Intelligence Service, National Crime Squad, National Hi-Tech Crime Unit were restricted in their actions due to bureaucratic struggles between them, difficulties in the sharing of information and intelligence and the large amounts of time taken to

implement any actions or changes. There was also a perceived duplication of work across these agencies and lack of accountability (Dunnighan and Hobbs 1996; Harfield 2006; Segell 2007; Wright 2006).

In recognising these sorts of issues the UK Home Office decided that there was a need to replace these individual agencies with a single body focusing its combined resources on a single strategy designed to operate more effectively in a less organisationally fragmented manner and to better equip it in dealing with an increasingly borderless criminal world. SOCA was established in 2006 for this purpose.

One interesting feature of SOCA is that the formal introduction of plea bargaining for criminals and an explicit strategy of working with so-called 'supergrasses', means that the wider 'SOCA system' is now more than simply an aggregation of the formal structural units of the organisation itself. For example, law enforcement agencies have always worked in various ways with criminals particularly in intelligence gathering and in 'striking deals' that lead to criminal prosecution. However with SOCA these arrangements are now significantly more formalised; to all intents and purposes known criminals are now effectively an integral part of the SOCA system and central to its' crime strategy. When looked at in isolation, such involvement can clearly enhance variety at the operational level and can provide a valuable (S3) resource. However, there are wider systemic ramifications of this change in policy that need to be carefully managed. Working directly with known criminals, for example, might violate professional codes of conduct and create tensions especially for SOCA personnel who are drawn from non-policing areas such as taxation and finance. Given the history of working with informants the problem may be less acute in the policing areas. However even here tensions can and do arise, for example when having investigated a suspect an area command seeks to lay charges, only to discover that the individual concerned is, has, or might be working with SOCA personnel 'at higher levels'.

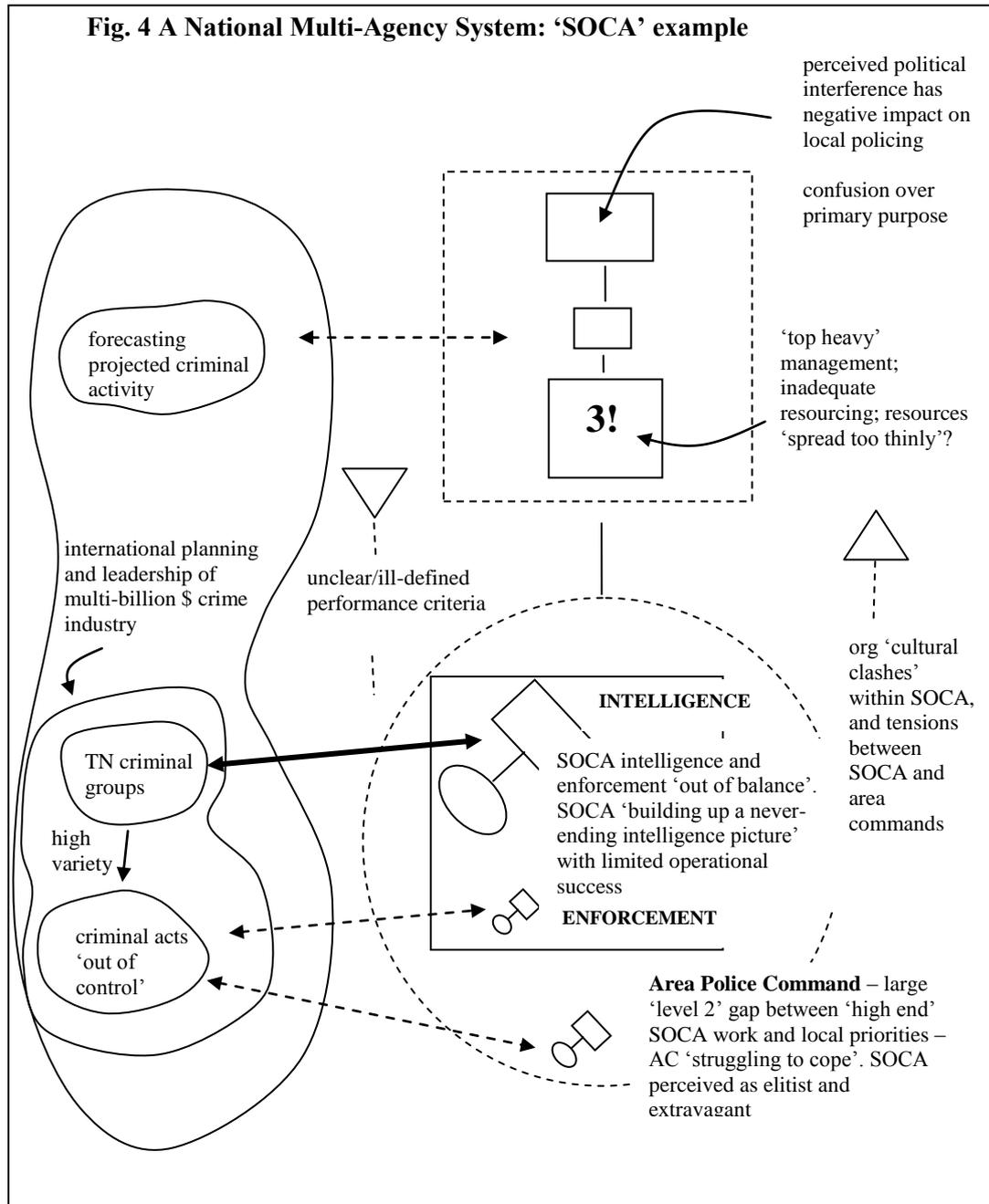
Organizationally, SOCA consists of four specific groups each specialising in a separate area. In VSM terms, three of these seek to directly enact the espoused purpose of the system and are therefore part of its operational wing. These are 'Intelligence' which is responsible for gathering and analysing information and building alliances with other agencies, 'Enforcement' which provides an operational response to identified threats and builds cases against targets, and 'Intervention'

which focuses on asset recovery and international work. The other key organisational unit, 'Corporate Services' is responsible for resourcing and capability-building. In combination these groups enact SOCA's mission which is to: "reduce the opportunities for organised criminals to make money, disrupt and dismantle their enterprises, and raise the risks they run by more successful and targeted prosecutions of the major figures".

In theoretical terms, the consolidation in a single organisation of activities that were previously spread across a number of departments represents a signification increase or amplification of operational variety. This is further enhanced through SOCA's law enforcement officers now being endowed with increased authority and having the delegated powers of a police constable, a customs officer and an immigration officer across the whole of the UK. In addition, as has already been said, there are new prosecution structures, which include being able to offer criminals reduced sentences in return for cooperating with the investigation and testifying against fellow criminals, and compelling witnesses to answer questions valuable to an investigation (BBC 2005).

In itself, this enhancement of operational variety significantly reduces the traditional disadvantages faced by law enforcement agencies when it comes to the pursuit of sophisticated criminals. However when looked at holistically important questions remain. One such question concerns the balance of activities across the system. For example, many within the organization as well as some outside of it, see SOCA as being too focussed on the gathering and processing of intelligence, building up a "never-ending criminal intelligence picture" and, in spite of its stated priority, failing to "stem the flow of drugs into the country" through a lack of operational activity (Laville 2009). In response, SOCA (2009) claims that its' operation has led to drugs shortages in some parts of the UK, but also admits that it is still a new organisation in law enforcement and that it cannot be expected to gain impressive results for the first few years of operation.

FIG. 4 A NATIONAL MULTI-AGENCY SYSTEM: ‘SOCA’ EXAMPLE



SOCA’s balance between operations and control has also come under attack, with critics accusing it of being “top-heavy” in terms of management and complaints that it has been wasting money on top management. Critics portray it as an organisation which is “cautious and bureaucratic, overburdened with managers and inexperienced at the sharp end” (Laville 2009; O’Neill 2008). Similar questions have been raised about the balance between its ‘inside and now’, and ‘outside and then’ management. A recent 2008 external review of SOCA arose out of claims that there is too much

forward thinking, too much strategising and planning, and not enough activity to support current operations. Others (see, for example Edwards 2008; BBC 2009) have drawn attention to the overall lack of resources allocated to SOCA and point to the relative funding allocated to fighting organised crime and terrorism (in 2008 £457m and £2500m respectively), as an indication that the fight against organised crime remains subordinate to the effort to combat global terrorism.

Performance evaluation within the SOCA system has also come under scrutiny. SOCA, quite rightly, claims that this is particularly challenging in important but often ill-defined performance areas such as ‘reducing harm’ and enhancing the quality of the intelligence it is collecting both for its own enforcement units and local police commands. Certainly the aim of reducing harm is a difficult concept to measure compared to the usual means of measuring crime figures to judge the effectiveness of certain crime fighting initiatives. In its defence, SOCA points to evidence of changes occurring in criminal markets that might indicate that criminals are finding the United Kingdom a more hostile environment in which to operate than was the case previously (SOCA 2009).

Taking a whole-system perspective raises questions about which body should be given responsibility for SOCA’s overall performance evaluation. To date, the organisation itself has been responsible for its own assessment and in the area of law enforcement this was always likely to present challenges. As Eades (2007:11) notes “Public confidence was expected to be difficult to capture (due to the) weak mechanisms of accountability and oversight, far-reaching powers, and politically appointed leadership of this criminal justice organisation”. The British Government is now saying that due to its low public profile and perceived lack of results it is necessary for SOCA to be policed by a body other than itself.

THE REGIONAL COLLABORATIVE AGENCY

The highest level at which law enforcement collaboration can occur is across nation states. To illustrate this, this final section considers Europol, colloquially known as ‘The European Police Force’. First established through the Maastricht Treaty in 1992, the current Europol regime began in 2005 when 27 Ministers of the European Community agreed on a ‘European Criminal Intelligence Model’ for coordinating investigations using ‘unique information capabilities’ and the expertise of permanent staff as well as police officers seconded from member states. Their role is to identify and track the most dangerous criminal networks in Europe. This ‘intelligence-led’ policing stresses the collaborative targeting of member state police resources on particular criminal groups. To that end, Europol is involved in thousands of cross-border investigations each year. It claims to have disrupted many criminal networks, contributed to the arrest of thousands of dangerous criminals, and the recovery of millions of Euro in criminal proceeds (for further details see Brady 2008; van Duyne 2009, de Buck 2007; Shepticki 1995).

In the context of the present discussion there are two distinctive features of the Europol approach that are worth highlighting. The first revolves around the idea of the ‘Joint Investigation Team’ (‘JIT’); the second, around what is arguably Europol’s seminal product for policy-makers and police chiefs, the annual Organised Crime Threat Assessment (‘OCTA’).

JIT’s were first set up in 2000. Prior to their establishment all cross-border investigations required a ‘Mutual Legal Assistance’ request between member states which, in many cases, was a slow, bureaucratic ‘low variety’ process. Today, in addition to harnessing Europol’s substantial analytical and technological capabilities, JIT’s seek to better coordinate international investigations, expedite the exchange of information across member states, speed up investigations, allow Member States to share ‘best practice’ and enhance trust. They also aim to avoid inefficient and costly ‘double’ investigations.

As has already been shown in the previous two examples, increasing operational variety through mechanisms such as these is almost always necessary in dealing more effectively with complex situations. On its own however, this is not enough. If collaborative arrangements are to work well, even high variety operational elements must be carefully managed through meta-systemic processes such as coordination, control, performance monitoring, and, importantly, through system-wide agreement

on basic purposes. Within Europol this presents a particular set of challenges, not least because although it can recommend the establishment of a JIT, their actual establishment, operation, and leadership is almost always at the discretion of individual member states. In other words while the JIT's are an integral part of the Europol 'system', they are not organisationally 'owned' by it.

This distinctive feature of the Europol/JIT relationship might go some way towards explaining a number of issues that have been raised about their operation and performance. First and foremost, as de Buck (2007) notes, there has always been some ambiguity within Europol concerning the basic purpose of the JITs. Specifically it is not entirely clear whether Europol JIT's are primarily geared towards supporting national police organisations, or to engage in operations; or even to do both. Europol's own documentation continues to emphasise operational involvement as well as providing member state support; however, in practice, a careful reading of this documentation indicates that the balance has shifted strongly towards the latter, i.e. for the JIT's to mainly providing analytical, facilitation, technical and logistical support to independently established international police operations (Europol 2009).

Another thing that is fairly clear about a system that seeks to operate across national boundaries yet is operationally driven from within a single member state is that the organisational/professional impediments to collaboration that exist within single jurisdictions (such as OFCANZ or SOCA) are potentially many times magnified when this is expected to occur internationally. Coordination issues associated with perceived threats to sovereignty, different languages, and cultures, arise as likely difficulties. In itself, the ceding of JIT leadership to a member state, is not necessarily a bad thing; however it does suggest that Europol needs to carefully manage the process since nationalistic tensions, cultural and linguistic difficulties, and traditional rivalries will undoubtedly crop up from time to time. In this regard, much responsibility rests on the shoulders of the JIT leader who must manage the possible tension that is created, for example, in the trade off between sharing and protecting country-specific knowledge while maintaining a careful balance between competition and cooperation (see Parkhe 1993). This becomes a very difficult issue in policing since much of the most useful intelligence on criminal groups comes from 'unofficial' sources such as informants and undercover agents. Sharing such information even with trusted and close colleagues carries significant risk.

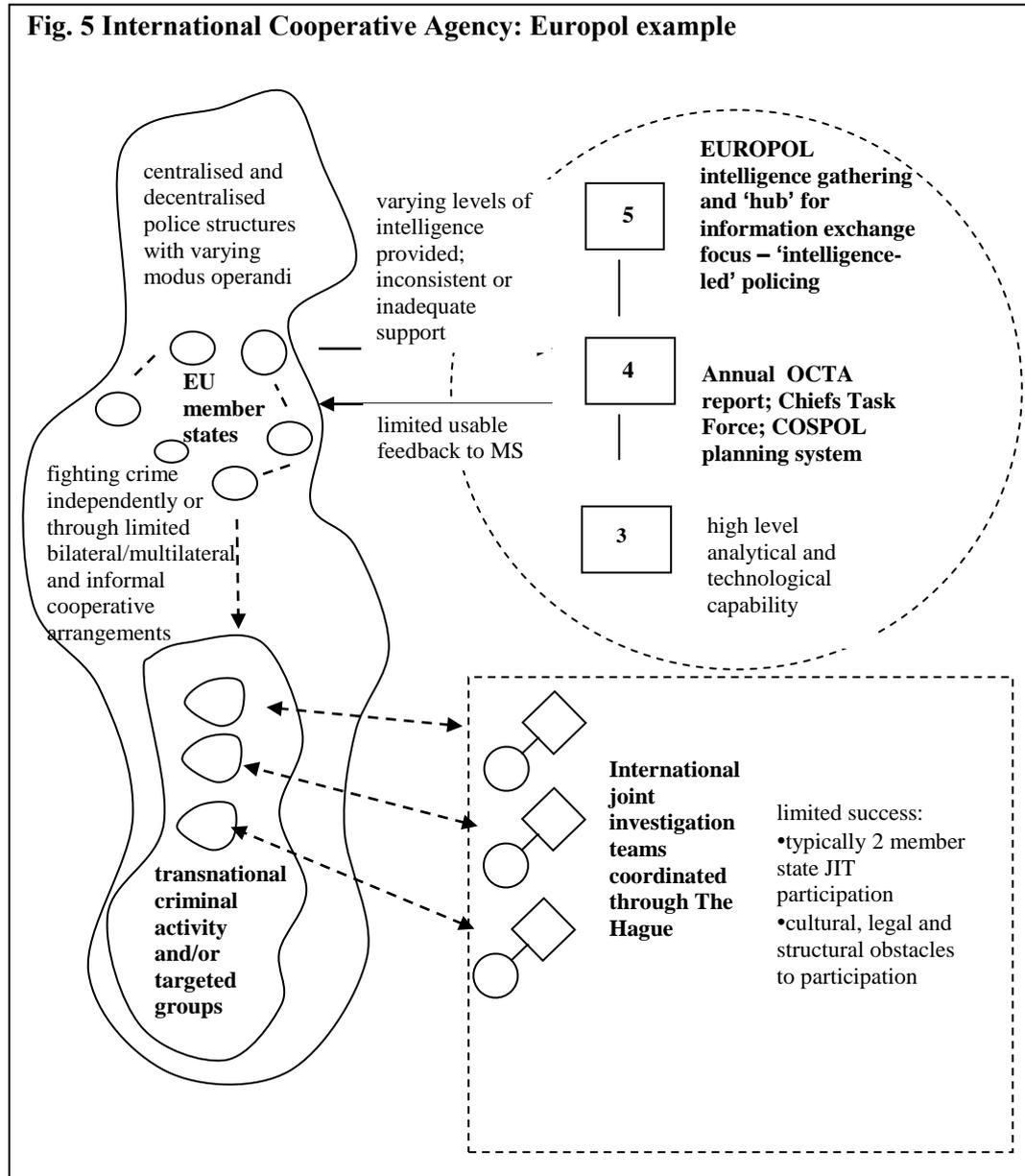


FIG. 5 INTERNATIONAL COOPERATIVE AGENCY: EUROPOL EXAMPLE

Another issue concerns the use and disposal of information obtained through a JIT. Currently national laws and law enforcement conventions impose limitations on the use of information obtained by Europol and other country officials while taking part in a nationally-hosted JIT; in particular the inclusion of information obtained into Europol databases is subject to the approval of the participating member states.

Given these difficulties, it is perhaps unsurprising that where JIT's have worked particularly well, this has typically involved a small number of member states (usually two) which have been able to build and capitalise upon pre-existing mechanisms for

coordination, communication and control, and have not had to develop these from scratch. Block (2008), for example, cites the case of a successful joint UK/Netherlands drug trafficking JIT which was initiated through a 'bottom-up' initiative of well-connected police commanders in the two countries concerned and where considerable effort was put into orientation and training for the seconded British officers. Elsewhere, JIT's have worked well in cases of geographically and/or culturally closely aligned countries. For example, recent successes have included French-Spanish JIT's targeting Basque terrorism, and Belgium-Netherlands JIT's targeting drugs and human trafficking.

Looking beyond coordination, communication and control issues, there are other questions that one might ask about how the arrangements work at this meta-systemic level. One area of concern has to do with the 'Organised Crime Threat Assessment' ('OCTA' hereafter), which we have already said is Europol's core product of the intelligence-led policing concept for policy makers and police chiefs. In systemic terms it fulfils the key S4 role, i.e. it provides for a future-focused and pro-active assessment of organised crime. In theory its database becomes the basis on which JIT's are established and towards which Europol's information gathering and analytical capabilities are targeted. The key OCTA instrument is three detailed questionnaires that are completed by member states on an annual basis. One questionnaire focuses on criminal groups, the second on general criminal activities, the third on a specific criminal activity, which, for example, in 2008 was money laundering.

In essence OCTA seeks to plug the gap between projected futures and day-to-day operations. As such it plays a pivotal systemic role. However, experience to date has been mixed, with member states providing varying levels of support. By most accounts, some have taken the project extremely seriously while others have paid lip service to it, preferring instead to fight transnational criminal activity independently, or through limited bilateral and often informal cooperative arrangement with close neighbours. Other criticisms have centred on the methodological limitations of the OCTA instrument. Thus, in a scathing attack, van Duyne (2009) raises questions about the reliability of the data, its processing, the reliability of the findings, and validity of the conclusions about the stated threats. He further claims that the 2007 questionnaire is unwieldy, impractical, user-unfriendly, and frequently ambiguous in its wording. To cap it off van Duyne submits that most of the threat observations

could just as well have been made 15 years ago. Since it is difficult to assess these claims, they should probably be taken with a grain of salt. However it is instructive to note that Europol itself has acknowledged weaknesses in the approach and has recently taken steps to improve the instrument (see Europol 2009).

By necessity, methodological limitations and varying levels of OCTA support from member states impacts on the quality of feedback provided back to national police organisations. The viability of the whole system rests as much upon the variety balance between the operational elements and meta-system management as it does between operations and the external environment. Hence, any lapses or omissions in the quantity and/or quality of information being fed to the JIT's has the potential to seriously undermine the viability of the whole system. Typically problems of this sort show up at some point in the future when unanticipated changes in external circumstances leave the system ill-equipped to cope. In today's fast-changing world of transnational organised crime this remains a distinct possibility.

CONCLUSION

The main argument of this paper is that complex real world problem situations that have precipitated a move towards collaborative inter-agency organisational arrangements brings with it a need for ways of thinking and specific tools and approaches that assist in understanding, managing and assessing whole-of-system performance. Systems thinking has much to offer because it explicitly attends to the question of complexity and, as a meta-discipline, it can accommodate and integrate the myriad of individual, social, cultural and political impediments that, in the real world, seem to frustrate or mitigate against successful collaboration. A further, very important benefit of systems thinking is that its modelling tools and representational drawings can animate and give people confidence to act where otherwise they might be struggling to know what to do or where to start. Not only that, but these models and representational drawings provide something tangible that can be shared amongst stakeholders as they seek to identify what interventions make most sense in the specific circumstances.

Looking at the area of application, one can debate the merits of whether governments should primarily be dealing with the problem of transnational organized crime from the demand or the supply side, or indeed be doing both in equal measure. One thing that seems clear however is that given the level of public expectation and financial resources vested in the agencies that have been charged with dealing with the supply side of problem, it seems axiomatic that these bodies operate as efficiently and effectively as possible. To this end, the paper has argued that the debate about the functioning of these groups needs to better account for the complexity and multi-faceted nature of the challenge and point towards more holistic and integrated organisational solutions. The law of requisite variety, the theory of viable systems, and the associated modelling approach are particularly well-suited to assisting key stakeholders with this: (a) because their focus on complexity is at the heart of the problem facing law enforcement agencies; (b) because these concepts can accommodate the full range of structural, technical, cultural, political, and personal factors that can frustrate collaborative efforts; (c) because the focus can easily extend from formally established organizations to broader 'organizational systems' that incorporate a wide range of participants, the community at large and criminal informants included, involved in service delivery; (d) because the recursive feature of

the modelling tool enables application at any hierarchical level of collaboration from individuals at one extreme to nation states at the other.

In terms of the specifics of inter-agency collaborative law enforcement the paper has used the modelling tool to identify examples of what might be referred to as ‘systemic deficiencies’. Since this is always a matter of judgement, one should always urge caution when using any model to identify what, in the real world, one might deem to be ‘deficient’ or otherwise. The insights of models are never sacrosanct (Checkland 1981; Gass 1994; Brocklesby 2009). Nonetheless, it is safe to say that the aforementioned ‘systemic deficiencies do, at least, translate into questions that stakeholders might first want to place in the broader whole-of-system context and then think very carefully about.

Mapped out in the text and in an annotated diagrammatic form, some of the more important questions include the following. Most obviously there is the question of whether people will want to work together. We cannot assume this to be the case, no matter how compelling is the argument for collaboration. Will long-standing historic, cultural and operational tensions stifle cooperation? Will politics compromise results? Will governments dedicate sufficient, long term funding if results are not instant? While the positive implications for such collaborative projects are enormous the enthusiasm around it may be contained by these cultural, political and resource issues. Moreover successful implementation would appear to depend on a number of things including developing clarity over identity and purposes, knowing who and/or what is responsible for coordination, knowing how leadership should work, knowing what each individual and group’s role is, who they report to, how performance is assessed, how resources are managed, and, perhaps above all else how these various activities, individuals, groups and organizations ‘fit together’ both horizontally and vertically as part of a synergistic and coherent whole.

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