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A·O·C ASSESSING ORGANISED CRIME

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PROPOSAL FOR A COMMON EUROPEAN APPROACH TO ASSESS ORGANISED CRIME

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1　The Essential Philosophy and Aims of the New Approach

This report provides an overview of the New Common European Approach for Assessing Organised Crime, which has been developed by the Assessing Organised Crime (AOC) research project, partly drawing on ideas formulated earlier (Van Duyne and De Miranda 2001).

The New Approach as it is described here is subject to change in the course of a pilot study on the cigarette black market, which will serve as a test of its feasibility.

The New Common European Approach marks a fundamental departure from the current framework of organised crime situation reporting in various respects. Perhaps most fundamentally, with the New Common European Approach, the question "Is it organised crime?" is no longer raised on the level of data collection and data entry. This implies that the collection and processing of raw data no longer hinges upon a rigid definition of organised crime. Rather, data are collected and processed with a view to the final analysis and the answering of questions like: "To what extent is crime organised?" and "How do criminals cooperate?" In this sense, 'organised crime' is not treated as a coherent phenomenon but as a thematic frame of reference within which various issues are examined that are commonly addressed in the debate on organised crime. These issues include the way profit driven crimes are committed, how the offenders perpetrating these crimes are connected, what power structures exist among these offenders, and what links exist between these individuals, activities and structures and the legal spheres of society.

More specifically, the following three main features characterise the proposed assessment methodology:

1. A shift from separate to integrated raw data collection following the principle of one-time only data input for multiple use (investigation, crime analysis and organised crime assessment);
2. A shift in focus from "criminal groups" to criminal activities and to the individuals involved in these activities;
3. A shift from lay-theory led organised crime assessment to empirically grounded theory building integrated into crime analysis and organised crime assessment.

The rationale behind the New Approach is derived from a comprehensive critique of how currently the phenomena labelled organised crime are perceived, how data about them are collected and processed and how these data are interpreted, namely in the form of the EU Organised Crime Report.

Flaws in current data collection and processing

The analysis of the current system of organised crime reporting has revealed significant flaws in how the raw data are collected and processed in composing such assessments. There are essentially two reporting procedures in place, one requiring front line investigators and intelligence analysts to provide data input separately from their routine tasks. The other requires investigators and analysts to share their data with those who are charged with drawing up situation reports. The former procedure increases the workload of investigators and analysts and additionally burdens them with making judgments on whether or not particular information is relevant for the assessment of organised crime. The latter process produces compliance problems, particularly within the culture of law enforcement agencies where information is jealously protected. To solve these problems the New Approach integrates the collection of raw data into routine file keeping, and draws on this information only in an anonymised form.

"Criminal groups" vs. criminals and criminal activities

The current EU Organised Crime Report, in line with most national assessments, is characterised by a fixation on 'criminal groups' in the sense of visible and relatively stable organisational units capable of operating in one or more areas of crime over an extended period of time. Although the existence of 'loose network structured groups' (Europol, 2004: 7) is acknowledged, this perspective is at odds with the empirical evidence which suggests that offenders are embedded in ever changing networks of criminally exploitable ties and within these webs of relations tend to operate in changing partnerships and alliances (see ref. in von Lampe, 2005). These fluid structures can be pressed into the category of a 'criminal group' only at the expense of empirical accuracy and analytical clarity. It appears more appropriate to assume that offender structures are shaped or determined to a large extent by the type of criminal activity they are involved in. This calls for a shift towards the analysis of certain areas of crime and certain illegal markets in order to assess the nature of the pertinent activities and the offenders involved in these activities, with the organisational forms of co-offending being one point of interest, though not the focal point of attention. In fact, the underlying networks of criminally exploitable ties may be more relevant for the assessment than the organizational structures that emerge from them.

The assumption that activities shape structures, rather than the other way round, also means that there may be substantial differences between crime areas, which would forbid an overall assessment. The principle of homogeneity and heterogeneity must be heeded: if subsets are different treat them as such (different 'populations') and do not fuse them into the construct as one holistic 'organised crime phenomenon'.

It should also be noted that the areas of crime that are included in the assessment are only profit driven crimes (predatory and market based crimes in contrast to, e.g., road traffic related crimes, vandalism, crimes against the state etc.), because only profit driven crimes are

the crimes that are considered in the debate on organised crime and there is no reason to depart from this limitation.

Crimes in connection with the regulation of profit driven crimes (phenomena referred to with terms like 'power syndicates', 'conflict resolution', 'illegal monopoly of violence' and 'underworld governments') are also included, as they are either themselves profit driven or depend, by necessity, on the existence of profit-driven crime to prey on those involved with such activities.

Data interpretation and theory building

The New Approach also takes issue with the way information on organised crime is interpreted and is utilised by law enforcement and policy rationale. The current EU Organised Crime Report, for example, does not provide any measure of the significance of the observations contained within it. Similar to other assessments of organised crime, there is no analytical link between description on the one hand and evaluation on the other. Such links tend to be only implicitly established, and too often inferences are merely based on speculative and vague lay theories entangled in a web of mythical imagery and stereotypes. Yet, these assessments are used to justify decisions on policy and law enforcement strategy.

From a scholarly perspective it is fairly easy to expose the delicate relation between observation and interpretation. But it is not quite as easy to provide a remedy. The study of organised crime has so far not produced a sufficient body of knowledge to understand the inner workings of the phenomena associated with organised crime and their interrelations with the social environment. Consequently, neither from a lay perspective nor from the point of view of academic research is it possible to reliably determine what social impact particular manifestations of organised crime have and how they may develop in the future.

Before this background it could be argued that more empirical research and theorising is needed before it would make sense to start devising any new assessment methodologies. The New Approach, however, takes a different path by putting the systematic collection and analysis of law enforcement data in the service of empirically grounded theory building and by incorporating research into the overall process of organised crime assessment. The idea is to provide methodological rigour as a process aiming to improve, step by step, the basis on which more meaningful assessments can be made in the future.

2.   Four Phases

Overview

The New Approach is designed to address such challenges and also to resolve some other in-consistencies in the current system, including the contradiction between hard and soft data, between quantitative and qualitative data, and between a retrospective orientation and a pro-spective orientation. This is intended to be achieved by dividing the assessment into four dis-tinct Phases. The four Phases of the assessment include:

1. Raw data input as part of a standardised electronic file building;
2. Computer generated analysis of the raw data collected in Phase 1;
3. Additional data collection from law enforcement, other agency and open sources on the strategic analysis level;
4. Formulation of research questions and subsequent investigation.

The four Phases combined result in an integrated system of data collection, processing and analysis as shown in figure 1.

Figure 1: The New Common European Approach for Assessing Organised Crime
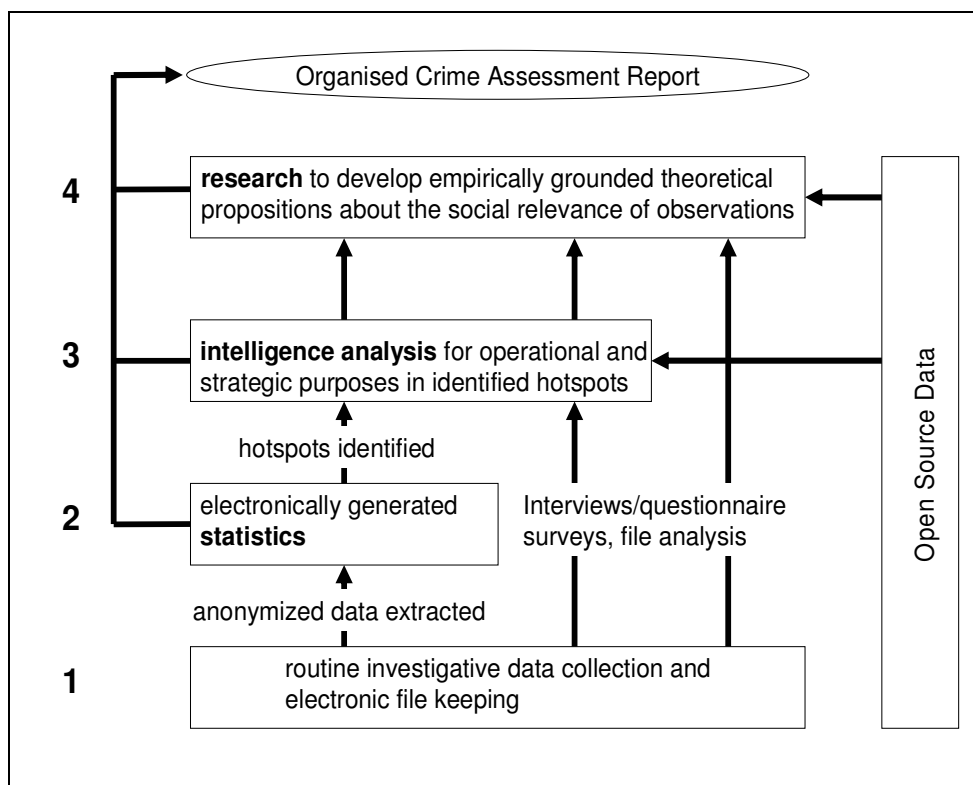
A significant section of the raw data used for organised crime assessment are collected as part of routine investigative data collection (Phase 1) and extracted from electronic file keeping systems for statistical analysis (Phase 2). The statistical analysis provides an assessment within broad parameters and also serves to identify focal points for in-depth analysis on the level of strategic analysis (Phase 3); which also draws on law enforcement data not included in the statistical analysis and data from other (open) sources. The descriptive observations made in Phases 2 and 3 have to be evaluated before the background of assumptions on cause-effect and inter-relational links that need to be continuously formulated, tested and reformulated where necessary. For this purpose and in order to produce the insights essential for a meaningful data interpretation in the long run, empirically grounded theory building is required as an integral part of the assessment process (Phase 4).

Findings as well as interpretations, open questions, and indications for further data collection and analysis will be presented in an annual report.

The four Phases of the process leading up to the annual assessment report are described in more detail below.

Phase 1 - Standardised Electronic File Building and File Keeping

IT technology in police work

In traditional investigative practice, data collection and data processing tended to be uncoordinated, being generally dependent on the preferences of individual officers. With the introduction of information technology into police work the practice, monitoring and evaluation of investigations has undergone significant transformations. The use of Information Technology (IT) has made the management and exchange of information easier and more efficient for law enforcement agencies. The current trend seems to be progressing towards integrated data systems that provide information drawn from individual cases and from a broad range of other internal and external sources to investigators and intelligence analysts. These integrated systems can serve several purposes at the same time, including case management, research, communication, coordination, as well as strategic and operational analysis (see e.g. Eder, 2005; Scholz, 2005).

The New Common European Approach rests on the assumption that this trend will prevail and that in the future, accordingly, investigations will be conducted using electronic file keeping integrated into an overall system of law enforcement data collection and analysis. Currently the European law enforcement community is characterised by a patchwork of different software applications and data organisation philosophies, often incompatible, with varying degrees of sophistication. It is anticipated that at some point in the future a system of compatible software and data formats across the European Union will eventually emerge. For the purpose of a meaningful assessment of organised crime the introduction of such a system is emphatically advocated. A standardized European system of electronic file keeping will enable the collection of a set of raw data in a consistent fashion.

These raw data by themselves will serve several purposes. First, they will provide a rough sketch of the situation in statistical terms that can be updated at any time in real-time. At this operational level, it will also be possible to make cross-national comparisons and, in addition, to conduct time-series analyses once the system is in place for a number of years. Secondly, the raw data collected through electronic file keeping will be used to identify emerging or previously neglected hotspots and to focus attention accordingly (see descriptions of Phases 2 and 3, below). Thirdly, the database created through phase 1 can be utilised for other analytical purposes not covered by the New European Approach to the Assessment of Organised Crime, be it on the level of operational or strategic analysis, be it on the level of scientific research.

Basis Ideas

There are several ideas shaping the way in which raw data are supposed to be collected in Phase 1.

One-time only data input: The data are entered electronically only once regardless of their particular use for investigation, intelligence analysis, or organised crime assessment. This multiple-purpose use will increase the overall efficiency of information gathering.

'Bill of lading': The data that are generated during a specific investigation are organised in a standardised electronic case file, which is continuously updated. This primary set of data is attached to the investigation and grows from the first procedural stage to the next while at each stage of the criminal processing it is updated (investigation, prosecution, trial). This implies that during the investigation, prosecution and trial, data may have to be complemented or altered. Therefore, the database can differ from one procedural stage to the next: for example, additional evidence may suggest that a witness is in fact a co-offender, or a defendant may be acquitted. Which part of the database represents the 'real' state of affairs cannot be determined in abstract terms. Naturally, there is no transcending yardstick of reliability. However, the procedurally layered database provides the possibility to analyse layers separately and comparatively.

Key variable 'individual': The key variable or basic counting unit around which all other information is organised is the individual (natural or legal) person who has come to the attention of law enforcement because of his or her suspected involvement in a particular criminal activity.

The focus on individuals not only makes sense in terms of data organisation, it is also justified from an empirical angle: It is in the last instance individuals who commit crimes and who link up with each other to form partnerships and alliances for a shorter or longer period of time. Therefore, to assess the significance of a given situation requires not only the observation of offences that have been committed and the current co-offending structures, but also an assessment of the individuals involved in terms of skills and capabilities. This provides some basis of determining what these individuals may be able to achieve in the future with

regard to, for example, types of criminal activities, geographical areas of operation, levels of sophistication and social impacts.

Anonymised data sets: The individual's identity is coded for statistical and analytical purposes (European Criminal Pin Code) to ensure that the same person is treated as such, and at the same time that the individual cannot be identified in order to reduce compliance problems connected to information sharing within law enforcement. However, it should be possible for the competent authorities to reconnect the strategic analysis with the operational level for investigative purposes.

Key analytical categories are computer generated: Criminal cooperation structures are not raw data input categories, but construed by electronic analysis of data generated in the first phase of data input. The same applies to crime areas of interest (certain types of predatory crimes/illegal markets). They are not identified or inserted by the user of the system on the input level, but are instead determined on the basis of the analysis of field values of certain variables on the output level.

Ergonomic data input: The complexity of the variable structure (and table and database structure) is not reflected in the complexity of the interface designed for data input. For example, where the relevance (applicable/ not applicable) of variables depends on other variables or on variable combinations, these dependencies must automatically be reflected in the input options of the end user of the system. The rationale behind this is the principle of ergonomy. This implies that any variable structure is a compromise between the complexity of the data required for analysis and the time and effort investigators and analysts are capable and willing to invest in data input and management.

Variables

The database can consist of different tables (e.g. suspects, other individuals, places, cases, legal entities, criminal records), of which the suspect table is the most important one. In the suspect table, as stated above, the individual is the (ultimate) bearer of information (primary key), which can be captured in variables.

The key to a comparative assessment is comparative variables. Designing a list of variables (and a connected code book) is quite a precise task and craft, which is the subject of a subsequent stage in the elaboration of the New Common European Approach. At this point it should be sufficient to state that the data input will be designed, on the one hand, with a view to routine data collection practices already in place, and, on the other hand, with a view to data that should be routinely collected to enhance investigations, intelligence analysis, organised crime assessment and research.

Data gathering on individual characteristics and financial management provide a serious added value. However, this kind of data is not always collected in police investigations. Indi-

vidual characteristics, including social background, personality profile and personal skills, are potentially relevant from a "know your enemy (=suspect)"-perspective. However, they may be difficult to conceptualise and operationalise. While personal characteristics of 'organised criminals' are increasingly acknowledged as an important explanatory factor, it is probably one of the most under-researched aspects in the study of organised crime (Bovenkerk, 2000; van Duyne, 2000; von Lampe, 1999; Levi, 1998). Therefore this is one area where the assessment process will have a very strong research side to it.

Another aspect also still widely neglected in investigations and in research is the management of criminal finances, although it potentially provides a key to understanding how crimes are organised (see Van Duyne et al., 2001).

The list of variables for data input will include the following conventional categories:

- General information about the investigation (e.g. date of first law enforcement activity)
- Information on the individual (e.g. age, gender)
- Information on the offence (e.g. type, location)
- Information on legal entities (e.g. legal form, ownership)
- Information on assets (e.g. type, value)

These variables will in many instances be linked automatically upon data input, because the information is entered in relation to particular individuals, and individuals, in turn, are connected through a shared case-number in the event of co-offending. In addition, certain variables will be included to document interpersonal relations, for example:

- Familial relations
- Membership in criminal association (e.g. outlaw motorcycle gang)

It is still a matter of debate what level of reliability data should have that are entered into the system in Phase 1. According to one view, only hard data should be included. According to another view, the reliability of every piece of information should be evaluated but soft data should also be permitted for inclusion as long as they are identified as such.

Phase 2 - General Statistics and Areas of Interest

In Phase 2, the data collected in Phase 1 will be extracted from the electronic files and analysed statistically, possibly in connection with data drawn from other data bases. This analysis serves essentially two purposes. On the one hand, already on this level an assessment of the situation can be provided within broad parameters. On the other hand, the statistical analysis serves to identify focal points for in-depth analyses in Phases 3 and 4 (see below).

Push-of-the-button assessment

With the raw data collected in Phase 1 it will be possible to conduct standard statistical analyses in a simple and quick process at the push of a button. These statistics, for example, could provide an overview of the situation in terms of crime areas, crime regions and co-offending networks. It would also be possible to show the relative importance of particular illegal markets in terms of number of offences, number of offenders, and profit volume. Another perspective to compare crime areas would be the level of co-offending that occurs within such local, regional, national and cross-boundary frontiers. For example, it would be possible to highlight regional variations in the prevalence of particular offences or, by highlighting regional patterns of interpersonal links between offenders. Finally, networks of criminally exploitable ties could be identified by establishing direct and indirect co-offending links, and they could be related, for example, to types of offences and illegal profit volumes (see Korsell et al., 2005, and Sarnecki, 2001, for existing endeavours in this direction).

Such level and quality of statistical analysis will provide valuable insights especially when they are collected over an extended period of time. Trends will become discernible with the technical possibility of continuous monitoring. However, the picture emerging from this statistical analysis will provide a fragmented overview and in as such only a partial assessment. Yet, Phases 1 and 2 of the assessment methodology are designed so that optimal use can be made of standardised quantitative data. A more thorough analysis, which by necessity will have to be confined to select aspects, is reserved to Phases 3 and 4.

Identifying areas of interest

Identifying areas of interest for an in-depth and more qualitatively oriented analysis is the second purpose of Phase 2. Again, the distinction between crime areas (types of crime and types of illegal markets), crime regions (geographical areas characterised by particular crime phenomena) and criminal networks (defined by direct and indirect co-offending links) appears useful. The idea is to highlight certain facets of the overall picture of profit driven crime that merit further analysis.

The rationale is that an in-depth analysis across all profit driven crimes and connected manifestations is such a labour intensive undertaking that a careful selection is warranted. However, it is an open question by which criteria the selection should be made. It may be better to include a set of core areas that are continuously surveyed while additionally to flexibly

select other areas of interest based on ad-hoc evaluations of their relative importance. Such evaluations could be based on various characteristics identified through the statistical analysis. For example, a particular type of criminal activity may be identified as a crime hotspot based on the level of illegal profits. Likewise, a region could shift to the centre of focus when it becomes apparent that it functions as a trade route, or hub for a particular illegal commodity. Finally, a co-offending network may be worth closer inspection because of the diverse range of activities its members are involved in.

Phase 3 - Data Combination, Data Validation and Additional Data Collection on Selected Crime Areas

The areas of interest that are pre-determined or identified through computer-based analysis of the raw data collected in Phase 1 will be subjected to further examination by intelligence analysts in Phase 3. The intelligence analysts involved in Phase 3 are charged with three main tasks:

1. Combination of the data collected in Phase 1 above and beyond the links established electronically in Phase 2;
2. Verification, clarification and categorisation of data collected in Phase 1, especially in the case of open text variables;
3. Additional data collection, especially data which are relevant from a strategic and assessment point of view, though not bearing immediate relevance for case building purposes, from internal and external data sources. Additional data may be derived, for example, from:

   - In-depth file analysis
   - Interviews with investigators
   - Data from non-law enforcement agencies
   - Data from NGOs

The purpose of Phase 3 is in the first instance to arrive at a denser and more coherent picture than the one produced in Phase 2. The task, thus, is still mainly a descriptive assessment. The major difference between Phases 2 and 3 is that while additional statistical data, namely those obtained from electronic data bases, will be introduced in Phase 3, the emphasis is on a more qualitative approach. This raises the problem of interagency and cross-national compatibility of data.

In order to ensure that the collection, processing and organisation of data is done along the same lines by all officers involved, a fairly rigid conceptual framework needs to be applied and adhered to. The description of the crime phenomena should be made in accordance with a classification scheme that distinguishes for analytical purposes:

- activities
- individuals
- interpersonal structures
- 'underworld structures'
- illegal/legal nexus

Within these broad categories, further differentiations need to be made. For example, criminal activities should be captured with regard to distinct phases: preparation, perpetration, use of proceeds, and protective measures. To further illustrate the undertaking, the latter category, in turn, could usefully be subdivided into categories of blending in (imitation and camouflage), confrontation, and cooperation/accommodation within the legal business environment.

To take another example, criminal structures should be described with regard to dyadic (bipolar) ties and with regard to action sets, i.e. sets of relations that are activated for a particular endeavour. A number of useful concepts from organization theory and network analysis can be put to good use here. For instance, the distinction between markets, networks and hierarchies could be employed to characterise these cooperative structures (see Smith, 1994; Thompson, 2003).

Apart from that, an in-depth study and analysis of the data may lead to new categorisations, adapted to the special findings.

In Phase 3 the analysis goes beyond the description of offences, offenders and offender structures to also include broader environmental conditions that possibly have an impact on these phenomena or are impacted by them, such as socio-economic conditions and the legal framework. This wide scope is necessary in order to obtain a comprehensive picture. However, it is not intended to integrate broad environmental scans as a standard procedure into the assessment methodology because this would tie up too many resources.

The environmental factors to be included in the analysis will vary depending on the specificities of the areas of interest and it will be a matter of further research to determine their actual relevance. Fairly sophisticated tools for the analysis of the environmental dimension of organised crime so far only exist in the area of threat assessments and vulnerability studies with regard to legal sectors (see e.g. Vander Beken, 2005).

Phase 4 - Formulation and Investigation of Research Questions Derived from Phases 1+2

The descriptive observations made in Phases 2 and 3 have to be evaluated before the background of assumptions on cause-effect and inter-relational links. In Phase 4, therefore, mere descriptions will be supplemented with more explanatory components, including hypothesis testing and theory building. The current implicit and explicit assumptions are primarily based on lay theory, since the study of organised crime - scientifically speaking - is still in its infant stage and only a fragmentary body of knowledge exists to date. Therefore, empirically

grounded theory construction is required as a continuous process of hypothesis formulation and hypothesis testing. For obvious reasons this process should be integrated in the collection and analysis of what will probably be the largest systematically assembled and continuously updated and enlarged database on organised crime.

Empirically grounded theory construction is a social science endeavour, which should be conducted by social scientists. However, this research community should maintain its institutional and professional independence from law enforcement to avoid any interest led bias and to enable them also to conduct field research, based on the principle of bi-directional confidentiality regarding sensitive information. This calls for continuous cooperation between law-enforcement agencies and academic institutions, but it may also be feasible and even desirable to invite researchers to conduct research only on a particular organised criminal activity. A possible procedure could be to coordinate organised crime assessment and research funding on the level of the European Commission, thereby ensuring continuous research in this area, ultimately improving the current lack of valid, measurable and reliable data on organised criminal activity within the EU.

A broad range of data sources, including those used in Phases 2 and 3, will have to be utilised in order to implement these improvements. One key aspect will be the triangulation of available data obtained from each of the preceding three Phases. Researchers involved in Phase 4 will thus use, inter alia, the following methods:

- File analysis
- Investigator interviews
- Offender interviews
- Expert interviews

3 Intended Outcome: Final Report

The intended outcome of the assessment process is a report produced at regular intervals. The statistical analysis could be produced in relatively short intervals, accompanied by a brief description of the main trends. For example every four or six months, standard tables can be produced. Reports that combine the findings of Phases 2 and 3 should be issued on an annual basis in accordance with the current practice. Research results from Phase 4 might take more than one year to produce, but in the long run it could be possible to have an annual assessment report, which combines findings from Phases 2, 3 and 4. Such a report could have the following structure:

Statistics Section
- Administrative statistics (law enforcement resources, duration of investigations etc.)
- General crime statistics
  - offenders
  - offences
- Statistics on areas of interest
  - areas of crime (offence category, illegal market)
  - crime regions
  - co-offending networks

In-depth analysis
- Offences
  - modus operandi
  - geography
  - facilitating factors
  - impacts
- Offenders
  - individual characteristics
  - cooperative structures
  - underlying links

Research
- fundamental research
- comparative research (cross-national, cross-sectorial)
- case studies

Recommendations
- criminal policy
- socio-economic policy
- law enforcement strategy

4   Overview of advantages of the New Approach

The New Approach is seen to have a number of advantages of current approaches to assess organised crime, including the following:

- reduction of workload for front-line officers through one-time-only data input
- reduction of compliance problems through automatic anonymisation of data used for the assessment
- cross-nationally standardised data collection
- assessment relatively independent from the specialisations, investigative preferences and politically induced bias of organised crime units
- analysis of crime patterns independent from national boundaries
- reduction of intervals between data collection and assessment, especially with regard to the statistical analyses conducted in phase 2 which allows real time use of data
- continuous monitoring of trends regarding crime areas, crime regions and co-offending networks
- integration of data collection, crime analysis and research to arrive at more meaning-ful interpretations

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