



Bundeskriminalamt



# Research Conferences on Organised Crime

Vol. IV

Preventing Organised Crime –  
European Approaches in Practice and Policy  
2017 in London

Julia Weber; Ursula Töttel



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## Introduction

During a period of globalisation and technological development when modi operandi and patterns of commission are changing constantly, law enforcement authorities must continue to keep pace with such developments and react flexibly to new conditions. International relations and interagency cooperation are essential for the fight against crime, now and in the future. However, not only political and worldwide social changes, such as the liberalisation of the market economy, have to be considered as causes of Organised Crime (OC). Any comprehensive examination will also have to include aspects of socialisation and culture – aspects that demand attention especially considering the extent of migration to Germany during the past years and the possible links between immigration and crime. However, it should be noted that not only economic and social influences contribute to the development of OC groups; the profit motive itself, which is behind many offences committed in the field of economic crime, for example, can motivate criminals to band together.

The „Serious and Organised Crime Threat Assessment (SOCTA)“<sup>1</sup> published by Europol every four years makes clear how important it is not to underestimate the threat posed by Organised Crime. The 2017 report identifies some 5,000 OC groups with international links comprising more than 180 nationalities. On average, seven out of ten OC groups operate in more than three countries. Furthermore, the perpetrators not only operate at the international level but, in about 45 per cent of cases, their offences involve more than one area of crime. According to SOCTA, certain fields of crime will represent a threat in the future as well, due in particular to different conflicts occurring throughout the world. The smuggling of refugees and the various links to human trafficking observed during the refugee crisis, for instance, are decisive factors. In addition, trade in illicit goods triggered by the conflicts in Libya, Syria and Iraq is increasing, and will probably continue to grow in the years to come.

As can be seen from the 2017 SOCTA report, Organised Crime is by no means limited to the local level. The exercise of violence, exploitation, and

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<sup>1</sup> See <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>.

the infiltration of legal structures in society and public life are characteristic features of Organised Crime. For the most part, as with human trafficking and smuggling, the perpetrators of Organised Crime tend to stay in the background, concealing their activities from the public. Usually the public only perceives Organised Crime if segments of the population fall victim to OC groups. This applies, for example, to dwelling burglary committed by itinerant criminal groups, or the theft of credit card data. Besides this, large segments of the population can fall victim to OC-based fraud or extortion committed via the internet. For the perpetrators, the internet is not only an instrument of crime, but also a virtual crime scene.

For many years, the question of adequate and effective concepts to fight Organised Crime has determined the direction of police strategies. At the European and global level, for example, Europol and Interpol ensure that crime-fighting efforts target the transnational activities of OC groups. In this context, the focus is on a close and multi-agency exchange of information aimed at identifying the potential threats posed by various criminal groups and initiating joint investigations. With regard to international collaboration and co-operation, it is important to build partnerships in the fields of police practice and criminalistic-criminological research, because studies from the social sciences can be used to analyse new forms of *modi operandi* or new fields of crime, as well as to assess existing connections, for the benefit of practical police work. The best-practice methods identified in this way should be used to develop recommendations for action with regard to security requirements.

Among other things, the cooperation between criminological research and policing practice has created an Organised Crime research network and inspired the annual OC research conferences held within this framework. This year saw the Ninth OC Research Conference, held in London and focusing on „*Preventing OC: European Approaches in Practice and Policy*“. One of the organisers was the Home Office, which has been a member of the research network from the beginning. In view of the constantly increasing threat and damage potential represented by OC groups and various crisis situations that facilitate Organised Crime, it is necessary to avoid exclusive dependence on repressive measures and, instead, to step up preventive action in this area. The objective of the conference was to present various European

approaches, concepts and research projects aimed at OC prevention with a view to identifying their common features as well as their differences.

The current report provides an overview of the OC research conference in London. This introduction is followed by a brief overview of the OC research network's partnering institutions as well as an overview of the project since 2008 (Part I). The next section (Part II) includes a summary of the general research results of the studies and projects dealing with prevention and Organised Crime. A summary of the papers presented is included in Part III. Following are the individual speakers' full-length presentations. The closing remarks on the Ninth OC Research Conference can be found at the end of Part III, the publication concludes with the speakers' curricula vitae.

# Einleitung

Im Zeitalter von Globalisierung und Technologieentwicklung erfordern permanente Änderungen der Tatbegehungsweisen und -muster von den Strafverfolgungsbehörden, stetig mit den Entwicklungen Schritt zu halten und sich neuen Gegebenheiten flexibel anzupassen. Internationale Beziehungen und behördenübergreifende Kooperationen sind aktuell und zukünftig für die Kriminalitätsbekämpfung unerlässlich. Jedoch sind nicht nur politische und gesellschaftlich-globale Veränderungen, wie bspw. die Liberalisierung der Marktwirtschaft, mitunter Ursachen für die Entstehung Organisierter Kriminalität (OK) – auch Sozialisierungs- und kulturelle Aspekte müssen in eine umfassende Betrachtung einbezogen werden. Letzteres ist insbesondere in Anbetracht der immensen Zuwanderung nach Deutschland innerhalb der letzten Jahre und der Frage zwischen einem Zusammenhang von Zuwanderung und Kriminalität vonnöten. Es bedarf allerdings nicht nur wirtschaftlicher oder sozialer Einflüsse zur Entwicklung von OK-Gruppierungen: Das Gewinnstreben selbst kann, wie z. B. bei zahlreichen Delikten im Bereich der Wirtschaftskriminalität, für Kriminelle ein Grund zum Zusammenschluss sein.

Der alle vier Jahre von Europol veröffentlichte Bericht „Serious and Organised Crime Threat Assessment“ (SOCTA)<sup>2</sup> verdeutlicht, dass die von OK ausgehende Gefahr keineswegs unterschätzt werden sollte. Der Bericht aus dem Jahr 2017 stellt dar, dass 5000 OK-Gruppen mit internationalem Bezug identifiziert wurden – hierbei sind mehr als 180 Nationalitäten involviert. Im Durchschnitt agieren sieben von zehn OK-Gruppen in mehr als drei Ländern. Zudem agieren die Täter nicht nur international, sondern auch zu ca. 45 Prozent deliktübergreifend. Laut SOCTA sind vor allem angesichts diverser weltweiter Konflikte spezifische Kriminalitätsfelder auch zukünftig eine große Bedrohung. So spielen u. a. die Schleusung von Flüchtlingen und die verschiedenen Verbindungen zum Menschenhandel im Zuge intensiver Fluchtbewegungen eine tragende Rolle. Aber auch der Handel mit illegalen Gütern als Resultat der Konflikte in Libyen, Syrien und dem Irak ist und wird vermutlich in den nächsten Jahren weiter zunehmen.

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<sup>2</sup> Siehe <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>.

Organisierte Kriminalität ist, wie auch aus dem SOCTA-Bericht 2017 hervorgeht, keineswegs auf einen lokalen Raum beschränkt. Charakteristisch für die OK sind die Ausübung von Gewalt, Ausbeutung und die Unterwanderung legaler Strukturen der Gesellschaft und des öffentlichen Lebens. Meist agieren die Täter der OK eher im Hintergrund und für die Bevölkerung nicht sichtbar. Für die Öffentlichkeit wird die Organisierte Kriminalität meist erst dann erkennbar, wenn Teile der Bevölkerung selbst Opfer organisierter Tätergruppen werden. Dies ist bspw. beim organisierten Wohnungseinbruch durch reisende Täter oder beim Kreditkartendatendiebstahl der Fall. Aber auch durch das Tatmittel Internet können breite Teile der Bevölkerung Opfer von Betrug oder Erpressung werden. Das Internet ist nicht nur Tatmittel, sondern auch Tatort.

Die Frage nach adäquaten und effektiven Konzepten zur Bekämpfung der OK bestimmt seit vielen Jahren die Ausrichtung polizeilicher Strategien. Auf europäischer und auch globaler Ebene wird mit bspw. Europol und Interpol die Bekämpfung transnational agierender OK-Gruppierungen gewährleistet. Dabei liegt der Schwerpunkt der Arbeit auf einem engen behördenübergreifenden Informationsaustausch, um das Gefährdungspotenzial unterschiedlicher krimineller Gruppen zu erkennen und gemeinsame Ermittlungen einzuleiten. Eine enge Zusammenarbeit zwischen polizeilicher Praxis und kriminalistisch-kriminologischer Forschung ist ein wichtiger Bestandteil der internationalen Zusammenarbeit und Kooperation, da sozialwissenschaftliche Untersuchungen dem Zweck dienen, neue Formen von *Modi Operandi* oder neue Kriminalitätsfelder für die polizeiliche Praxis wissenschaftlich zu analysieren und bestehende Zusammenhänge zu bewerten. Auf Basis entsprechender Erkenntnisse identifizierte *Best Practices* sollen Handlungsempfehlungen für die Sicherheitsanforderungen ermöglichen.

Ein Ergebnis der Zusammenarbeit zwischen kriminologischer Forschung und Polizeipraxis spiegelt sich im OK-Forschungsnetzwerk und in den jährlichen OK-Forschungskonferenzen in diesem Rahmen wider. 2017 fand die neunte OK-Forschungskonferenz unter dem Thema „*Preventing OC: European Approaches in Practice and Policy*“ in London statt. Organisiert wurde die Konferenz u. a. vom britischen *Home Office*, das seit Beginn Mitglied des Forschungsnetzwerks ist. In Anbetracht des konstant steigenden Gefährdungs- und Schadenspotenzials von OK-Gruppierungen sowie diverser die OK begünstigender Krisenlagen ist es notwendig, sich nicht ausschließlich

auf repressive Maßnahmen zu stützen, sondern vermehrt präventiv gegen das organisierte Verbrechen vorzugehen. Ziel der Konferenz war es daher, verschiedene auf die Prävention von OK abzielende europäische Ansätze, Konzepte und Forschungsprojekte vorzustellen, um Gemeinsamkeiten, aber auch Unterschiede zu identifizieren.

In diesem Bericht wird ein Überblick über die OK-Forschungskonferenz in London gegeben. Im Anschluss an diese Einleitung folgen eine Kurzübersicht zu den Partnerinstituten des OK-Forschungsnetzwerks sowie eine Übersicht über den bisherigen Projektverlauf seit 2008. Kapitel II beinhaltet eine Zusammenstellung verschiedener Studien und Forschungsprojekte zum Themenbereich OK und Prävention. In Kapitel III erfolgt eine Zusammenfassung der Beiträge der Referenten. Im nachfolgenden Abschnitt finden sich die verschriftlichten Einzelvorträge der Referenten in voller Länge. Der anschließende Abschnitt stellt die Ergebnisse der Diskussionen aus den Workshops dar. Nach dem deutschen Teil (Part IV) schließt die Publikation mit den Lebensläufen der Referenten (Part V).

**English Part**  
**Part I**

# Research Network on Organised Crime and Research Conferences on Organised Crime

## EU-Project “Research Network on Organised Crime” 2010–2019<sup>3</sup>

Multi-agency approaches, inter and intra-collaboration of law enforcement agencies, private and public institutions - these are inevitable needs in a time of constantly changing and evolving crime phenomena. Especially on a European level, the need for cooperation is eminent in the field of security and police research. The EU-project “Research network on OC” accordingly aims at establishing a platform on a European level for exchange of ideas, experiences and best-practises in academia and law enforcement agencies. The Research Network is based on partnerships between the BKA and research centres in Great Britain, the Netherlands and Sweden. The activities of the Network receive financial support from the EU. In the following, there will only be a short description, for an extensive review of the network, please refer to the previous publications in the framework of the project.

Within the framework of the Internal Security (ISEC) programme “Prevention of and Fight against Crime” – Framework Partnerships and together with research institutions in other countries, the Bundeskriminalamt requested funds for the EU project “Research Network on Organised Crime” (March 2010 – February 2013). Starting in 2010, the EU co-financed 70 percent of the project. The project included holding two working meetings with the project partners each year, organising an annual OC research conference, and publishing two collections of contributions made by the speakers at the research conferences. The objectives of the project were to identify current topics and methods in the field of OC research and to exchange information about research programmes and projects. Regular Network meetings were to be held during which areas of Organised Crime were examined and selected priority topics were discussed. The research conferences aimed at providing an overview of the research situation and areas of emphasis as well as information about the crime situation and strategies to combat crime

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<sup>3</sup> Parts of the document were adopted from “Research Network on Organised Crime 2010–2013 – Bericht über ein EU-Projekt” by Ursula Töttel and Gerhard Flach, “Kriminalistik”, 6/2014.



in European countries. The overall aim of the project was to intensify the exchange of information and ideas about Organised Crime among persons active in the academic and law enforcement fields at both national and international level.

An application was submitted for an EU follow-up project within the framework of the ISEC programme “Prevention of and Fight against Crime 2007–2013, Action Grants 2011, General call for proposals”. The European Commission again acknowledged the importance of the Network and the research conferences and approved the funding request. Compared to the original project, in the follow-up project some of the changes involved a (larger) number of participants, recruitment of speakers – also from overseas – and the subject matter dealt with at the annual research conferences. The follow-up project for which funding was requested – “Research Network on Organised Crime 2013–2016” – received even more EU support – 89.5%. It ran from March 2013 until the end of February 2016.

In 2016, a new application was submitted to the EU commission within the framework of the ISF. The application was approved and conceded in the project “Research conferences on Organised Crime 2017–2019”. Some changes have taken place within the organisation and financial responsibility of the project. The EU- research network on OC agreed that each network partner would have to financially contribute to the project. Moreover, the conferences are no longer carried out in Germany, but rather circulate within the hometowns of the network partners. In 2017, the Home Office hosted the 9<sup>th</sup> OC research conference in London, in 2018, the WODC will primarily organize the 10<sup>th</sup> conference in The Hague and last but not least, in 2019 the 11<sup>th</sup> conference will take place in Stockholm.

## **Conclusions**

The EU-project “Research Network on Organised Crime” created and is still creating added value for OC Research Network participants, both professionally and personally. On the one hand, there is an exchange of the most recent knowledge and best practice regarding developments and research activities as well as information about law enforcement in the field of Organised Crime, while on the other hand, years of regular meetings involving staff from the respective research institutions strengthen the cooperation.

Participants in the Organised Crime conferences also profit from the exchange of experience that occur in connection with the speeches and contacts at the conferences. The project publications make the results of the conferences available to a wide audience of professionals in this field.

# Description of the Research Partnering Institutions

## Research and Advisory Unit for Organised Crime, Economic Crime and Crime Prevention of the Bundeskriminalamt (BKA), Germany

Division IZ (International Coordination, Education and Research Centre) is responsible for international coordination and cooperation, institutions of higher education, and research. IZ 34, the Research and Advisory Unit for Organised Crime (OC), Economic Crime and Crime Prevention is the German police force's leading research institution on the subject of „Organised Crime“. IZ 3 is divided into the following sections and subareas of responsibility:

- Terrorism/Extremism Research and Advisory Unit (Forschungs- und Beratungsstelle für Terrorismus/Extremismus - FTE)
- Research and Advisory Unit for Police Crime Prevention (Forschungs- und Beratungsstelle Polizeiliche Kriminalprävention - PKS), research into unreported crime
- Research and Advisory Unit for Organised Crime, Economic Crime and Crime Prevention (Forschungs- und Beratungsstelle für Organisierte Kriminalität, Wirtschaftskriminalität und Kriminalprävention)
- Criminal Police Department of the Federal University of Applied Administrative Sciences (Fachbereich Kriminalpolizei der Hochschule des Bundes für öffentliche Verwaltung)
- Media Information Centre (Medieninformationszentrum)
- Research and Advisory Unit for Cyber crime (Forschungs- und Beratungsstelle Cyber crime)

The objective of Division IZ is to strengthen the link between international cooperation and criminological research. This includes obtaining funding, providing advice on matters of (international) police cooperation and also the planning, implementation and further development of education and

training programmes and measures at both national and international level. The Research and Advisory Unit for Organised Crime, Economic Crime and Crime Prevention is comprised of both scientists and police officers who jointly carry out interdisciplinary work on developing both preventive and repressive concepts for fighting crime and also for initiating new research projects. The criminological findings of this research can be applied to education and further training. IZ 34 conducts research and provides advice in the fields of Organised Crime, human trafficking and smuggling of migrants as well as economic crime and crime prevention.

Our research and consultancy are currently focused on the following subject areas where, since 2015, projects have been concluded or are still in progress:

- **REOK** (Combating Russian-Eurasian Organised Crime in Germany – Parallel Society and Conduct of Proceedings) is aimed at assessing the existence of a parallel society in Germany and at developing best practices for the law enforcement authorities.
- **AusMin** deals with unreported crime involving the exploitation of minors in Germany as well as in Bulgaria and Romania.
- The results of two IZ 34 monitoring reports - „**Social Engineering und CEO-Fraud**“ and „**Innentäter in Unternehmen – Gefahr der Vergangenheit oder stetige Bedrohung?**“ (Insider Offenders in Business Enterprises – A Past Danger or a Continuing Threat?) were published in November 2017 on the platform that deals with safeguarding businesses.
- Besides this, IZ 34 monitors the research sector, among other things in the field of crime in the context of immigration and in other areas of Organised Crime and Economic Crime.
- Furthermore, the EU-financed project **Cyber-OC – Scope and manifestations in selected EU member states**” was carried out together with the respective project partners from the Research and Documentation Centre (WODC) in The Hague and the Swedish National Council for Crime Prevention (Brå) in Stockholm. The corresponding publications are available under the following link: [https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/PolizeiUndForschung/1\\_50\\_Cyber-OC-ScopeAndManifestationsInSelectedEUMemberStates.html](https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/PolizeiUndForschung/1_50_Cyber-OC-ScopeAndManifestationsInSelectedEUMemberStates.html).

The Research Unit also provides support to a number of ongoing projects within the framework of national security research as an associated partner. The following collaborative projects on the subjects of Organised Crime and economic crime, which are promoted by the BMBF, Germany's Federal Ministry of Education and Research, are concerned:<sup>4</sup>

- **PrIMsA**, Prevention and intervention in the case of human trafficking for the purpose of sexual exploitation – A multidisciplinary and multi-institutional perspective
- **Illicid**, Procedures to shed light on unreported crime as a basis for crime fighting and prevention, using ancient cultural objects as examples
- **WISKOS**, Economic espionage and industrial spying in Germany and Europe
- In addition, IZ 34 is an associated partner in the ISF project **MORE** (Description of a risk assessment model regarding the infiltration of legitimate businesses by serious and organized crime in the EU).

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<sup>4</sup> The website of the VdI association provides an overview of current research projects included in the programme „Research for civil security“ (Forschung für die zivile Sicherheit): <http://www.vditz.de/forschungsfoerderung/sicherheitsforschung/laufende-forschungsprojekte-im-ueberblick/>.

## The Swedish National Council for Crime Prevention (Brå), Sweden

The Swedish National Council for Crime Prevention (Brottsförebyggande rådet – Brå) – an agency under the Ministry of Justice – is a centre for research and development within the judicial system.

Brå primarily works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work.

The Council produces Sweden's official crime statistics, evaluates reforms, conducts research to advance knowledge, and supports local crime prevention work. The results of Brå's research serve as a knowledge base for the adoption and implementation of laws and policies by decision makers within the judicial system, parliament and the government. Brå collaborates on a regular basis with organisations and public sector agencies. The Council also arranges the Stockholm Criminology Symposium, an annual international research conference, on behalf of the Swedish Government. Brå is headed by a director general appointed by the government.

### **The Division for Research on Economic and Organised Crime (EkoOrg)**

The Division for Research on Economic and Organised Crime aims at maintaining a national expert function in the field of economic and Organised Crime. Environmental crime is also one of the Division's research areas. The Division conducts various research projects, often in cooperation with other actors and sometimes backed by external funding, and disseminates this research through various channels. The research concerns uncovering the nature of economic and Organised Crime, primarily in Sweden, with an overarching emphasis on methods and strategies for crime prevention. Apart from conducting research and publishing reports, the Division regularly takes part in reference groups, expert groups, governmental commissions and responds to referrals. The Division is led by a head of division.

## **Research strategy**

The Division for Research on Economic and Organised Crime largely focuses on new and previously unexplored forms of crime and community action against such crimes. In the past, the Division has published reports on various topics, including Organised Crime in the major cities of Sweden, corruption and other forms of unlawful influence, money laundering, extortion, organised tax fraud, social benefit fraud, match fixing, criminal assets recovery, and administrative and multi-agency approaches, in order to combat Organised Crime.

The research carried out by the Division primarily concerns applied research and development. Based on empirical studies, the Division develops crime prevention strategies and methods together with other agencies within the judicial system. It also cooperates with other government agencies as well as international actors in common research projects. The Division is currently a member of two international research networks, through which it takes part in and organises conferences, seminars and publications.

Government agencies, the public and various organisations are highly interested in research on economic and Organised Crime. The employees of the Division regularly give lectures on past and current projects, provide expert advice to government agencies and maintain frequent contact with the media.

## **Past and current projects**

In 2017, the Division published a guide on how to prevent threats, violence and other forms of unlawful influence against public officials. It was based partly on a report published by the Division at the end of 2016 that described the exposure to such influence among 45,000 public officials. An evaluation of a local police operation targeting a socially disadvantaged area was also published in 2017, as was a report on qualitative and quantitative indicators of Organised Crime.

The Division for Research on Economic and Organised Crime is currently undertaking the following projects:

- The relationship with the police in socially disadvantaged areas,

- Unlawful influence in sports,
- Evaluation of the multi-agency approach towards Organised Crime in the municipality of Södertälje (Operation Tore 2),
- Evaluation of police use of body-worn cameras,
- Shootings connected to criminal networks,
- MORE (Infiltration of OC in public procurement).



## German Police University (DHPol), Germany

The German Police University is responsible for the training of leadership-level police officers from all German state- and federal-level police forces. In this unique role, it has to be regarded as in Germany's most important forum linking science and practice on topics related to policing.

It stands for a cosmopolitan, value-oriented police that is aware of its responsibility for freedom, security and peace in a constitutional democracy.

Core task of the German Police University is to provide the consistent and best possible qualification of the German Police's leadership level. To this end, it closely intertwines theory and practice.

In department III.3, "Criminalistics – phenomenon-oriented criminalistic strategies", especially strategic aspects of the enforcement of Organised Crime and Terrorism.

Organised Crime designates mostly complex, professional and long-term-oriented crime groups with a focus on maximising profit.

Because of its highly professionalised structures, Organised Crime is subject to constant change and adaptation. Societal, technical or other developments are quickly adopted, giving rise to new areas of crime or new *modi operandi*.

As a result, investigations in the field of Organised Crime deal with highly complex, long-term cases that require the use of especially covert investigative methods. Work in this area is demanding, not least in terms of human resources.

Along with these aspects, exemplified by the rising level of property crime, the distinction between Organised Crime and general crime is highly relevant for leadership-level police officers, especially in order to enable them to assess and implement strategic aspects, i.e. to prioritise crimes or allocate personnel, for instance.

Both the department's integration into the national boards (Commission Organised Crime and Commission Terrorism) and its police and scientific contacts at the international level allow students to experience first-hand

how intimately practice and science are connected. As a result, the department with its specific, but also politically highly relevant focus provides police science with significant input.

### **Theoretical training of master's students**

In this area, Organised Crime and Terrorism are taught in specific modules. The students learn to apply their knowledge of the phenomena and of police structures to enforce the latter in order to devise efficient and sustainable approaches to fighting these types of crime.

All students are required to write a basic thesis (12–14 pages) and can then choose to focus their master thesis on Organised Crime and Terrorism.

### **Training on the job**

The department holds annual seminars for experienced police officers at the leadership level lasting three days each. These seminars cover actual manifestations of Organised Crime and Terrorism, as well as strategic aspects of enforcement.

### **Research**

In 2017, a joint scientific project named “RIKO” (Risk management of corruption) was concluded. “RIKO” dealt with the public perception of corruption by involving the community, small- and medium-sized businesses and investigation staff (Public Prosecution and Police).

With its research on prevention and repression measures, the project was aimed at developing recommendations for action to fight corruption in companies, communities and law enforcement. These recommendations also include public perception, public expectations and legal claims.

Organised Crime and Terrorism, by their very nature, are perpetually in flux. This means they are continuously relevant to scientific research. Students therefore have the option to write their master's thesis in this area and work on actual, practically relevant topics.

## Europol – Prevention in the core of the fight against Organised Crime at EU level

### **Fighting Organised Crime at EU level: From Europol Drugs Unit to the European Union Agency for Law Enforcement Cooperation**

Following the German chancellor Helmut Kohl's plea in 1991 for the creation of a European police agency along the lines of the American FBI, the realisation of this idea occurred in 1993, when Europol Drugs Unit (EDU) was officially established in The Hague, Netherlands, as a forerunner for a European Police Office. Over the years, Europol's mandate has expanded significantly from its initial role of supporting Member States' investigations related to drugs crimes. In 1999, it became an intergovernmental organisation and in 2010 a full EU agency, functioning as the leading European support centre for operations, a criminal information hub and a centre of excellence for law enforcement expertise.

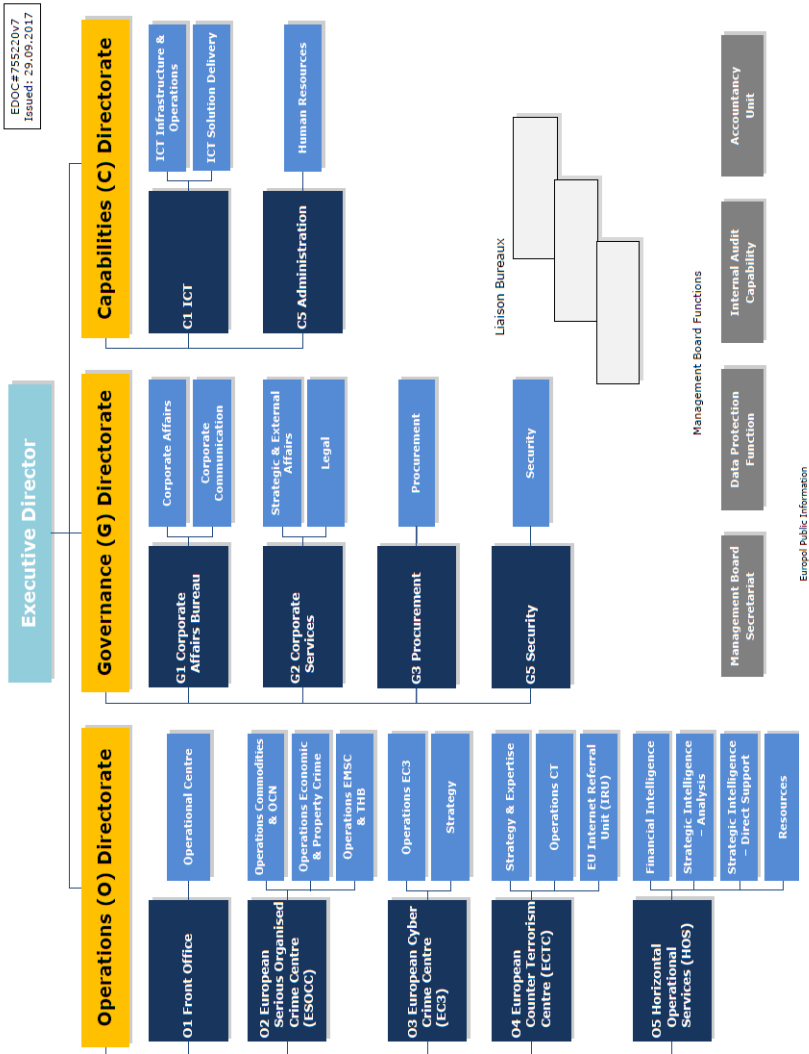
In May 2017, the European Police Office became the European Union Agency for Law Enforcement Cooperation, and is now at the heart of the European security architecture, covering a broad mandate that encompasses all forms of serious and Organised Crime, terrorism and cyber crime. In line with the organisation's expanding mandate, Europol has also grown in staff and financial resources, employing over 800 staff members and hosting more than 250 liaison officers in its headquarters.

### **Enhancing Europol's operational capabilities**

To better respond to new challenges and requests from Member States, Europol has had to adapt both structurally and operationally. In 2017, the agency transformed its core business functions in the Operations Directorate, in an effort to further improve its capabilities. Adopting a "centre approach" and concentrating its work in three central hubs, Europol now hosts the European Cybercrime Centre (EC3), the European Serious and Organised Crime Centre (ESOCC) and the European Counter Terrorism Centre (ECTC).

Figure 1:

## Organisational structure of Europol



The Operational 24/7 Centre is the primary interface for Europol's partners in terms of operational information exchange. Europol duty officers work on a 24/7 basis to ensure uninterrupted operational service for its partners, and maximise the intake and processing of criminal information and intelligence.

Reflecting the Centre's broad mandate, the Serious and Organised Crime Centre (ESOCC) is the largest of the three centres. More than 150 staff members and Seconded National Experts (SNEs) deliver operational and strategic support to Member States and other Europol partners. Their work is organised into three business areas clustered along criminal markets:

- Illicit Commodities such as drugs, weapons and explosives and Organised Crime Networks;
- Economic and Property Crime covers VAT and excise fraud, forgery of money as well as environmental crime and includes the Intellectual Property Crime Coordinated Coalition (IPC3) focusing on fighting counterfeiting and piracy;
- The European Migrant Smuggling Centre, which deals with crimes related to both migrant smuggling and human trafficking.

The European Cybercrime Centre (EC3) has emerged as the key platform in the fight against cyber crime, supporting Member States' investigations on high-tech crimes, online child sexual exploitation, and payment card fraud. EC3 has established itself as a recognised centre of expertise and innovation providing forensic expertise as well as operational and strategy support to a broad range of partners in both law enforcement and the private sector.

The European Counter Terrorism Centre (ECTC) was created in January 2016 as a direct response to the unprecedented political and public demand for cooperation mechanisms and information exchange in the field of counterterrorism. As Europe's first joint operational CT entity, ECTC directly contributes to strengthening the EU's counterterrorism capabilities by fostering information exchange among relevant authorities. Two years after its launch, it has become a key hub for CT with unique information sharing and support capabilities for law enforcement agencies in the EU and beyond.

A drive for innovation and the recognition that centres needed to increase their collaboration resulted in the creation of the Horizontal Operational Services (HOS) Department in the Operations Directorate. HOS deliver a

comprehensive portfolio of cross-cutting services to Member States, associated partners and Europol units. It is also responsible for the coordination and support of EMPACT (the European Multidisciplinary Platform against Criminal Threats), the management structure established to implement the priorities and objectives of the EU Policy Cycle against Organised and Serious International Crime.

## **Crime prevention on the European security agenda**

In line with the 1997 European action plan to combat Organised Crime<sup>5</sup> and the EU strategy on the prevention and control of Organised Crime adopted in 2000,<sup>6</sup> the European Council in 2001 supported the creation of a European Crime Prevention Network (EUCPN)<sup>7</sup> with the mission to establish a team of qualified experts on crime prevention who would contribute to the development and implementation of effective strategies at EU level.

This mandate also entailed supporting activities at the national and local levels by involving front-line local administrative authorities and law enforcement. Fully operative since 2009, the EUCPN has developed activities covering all forms of crime and established multi-disciplinary cooperation among practitioners and policymakers at local, national and international levels.

In November 2012, a report by the European Commission delivered to the Council recognised that

the best way to reduce the level of crime is [...] to take effective measures to prevent it from ever occurring, including promoting social inclusion, by using a multidisciplinary approach which also includes taking administrative measures and promoting cooperation between administrative authorities, citi-

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<sup>5</sup> At its Amsterdam meeting on 16–17 June 1997, the European Council approved an action plan to combat organised crime.

<sup>6</sup> Council Decision 2000/C 124/01 of 3 May 2000 on the prevention and control of organised crime, recommendation 6.

<sup>7</sup> Council Framework Decision 2001/427/JHA of 28 May 2001 on setting up a European crime prevention network.

zens of the Union that have similar experiences and are affected in similar ways by crime and related insecurity in their everyday lives.<sup>8</sup>

As a result, Europol's strategy for 2016–2020 identified crime prevention and the administrative approach to crime as a strategic priority for the agency, recognising the necessity to further enhance cooperation with other relevant partners to promote crime prevention within the wider EU community.

The Dutch Presidency of the Council of the EU during the first half of 2016 focused on enhancing crime prevention to combat Organised Crime. Europol's new regulation, which came into force in May 2017, further strengthens the role played by Europol in crime prevention at EU level, aiming to “develop, share and promote specialist knowledge of crime prevention methods, investigative procedures and technical and forensic methods, and provide advice to Member States [...]”.<sup>9</sup>

## **Prevention as a horizontal strategic goal in the EU Policy Cycle 2018–2021**

The European Policy Cycle for Organised and Serious International Crime<sup>10</sup> is the main framework for combating serious and Organised Crime at EU level. It provides a sophisticated mechanism for cooperation among law enforcement agencies, EU agencies and institutions and relevant third parties.

It is a four-year process, launched for the first time in the 2013–2017 period, with a main focus on ensuring an intelligence-led approach to fighting serious and Organised Crime at EU level that ranges from the setting of common crime priorities for the whole EU community to the actual implementation of actions at an operational level in the individual Member States.

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<sup>8</sup> European Commission, Evaluation report on the European Union Crime Prevention Network, COM (2012) 717 final.

<sup>9</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol), replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA with effect from 1 May 2017.

<sup>10</sup> See Europol, *EU Policy Cycle – Impact* [website], 2018, <https://www.europol.europa.eu/crime-areas-and-trends/eu-policy-cycle-impact>.

The Council adopted the new EU priorities for the fight against serious and Organised Crime for 2018–2021 on May 18 2017. The priorities include cyber crime, drug production, trafficking and distribution, migrant smuggling, trafficking in human beings, firearms trafficking, environmental crime, excise and VAT fraud, organised property crime, document fraud, money laundering and criminal finances.

Overall strategic objectives for activities in each of the new EU crime priorities have been set down in individual Multi-Annual Strategic Plans (MASPs) covering the full upcoming policy cycle. The MASPs include common horizontal strategic goals shared by each crime priority, to make the approaches to tackling the different criminal phenomena more consistent.<sup>11</sup>

The inclusion of prevention as a horizontal strategic goal has strengthened the approach to crime prevention at EU level and establishes the policy cycle as a key framework within which prevention activities can be planned and executed. The European multidisciplinary platform against criminal threats framework (EMPACT), through which concerted actions – including prevention measures – will be executed in the next four years, provides a tried and tested platform for Europol, EU law enforcement authorities and various partners.

The EUCPN has been recognized as a key stakeholder and an ideal facilitator to coordinate prevention activities in the context of the EU Policy Cycle. The tasks of the network are numerous and involve activities at EU, national and local level: developing various aspects of crime prevention at EU level; supporting crime prevention activities and promoting good practices; contributing to the development of a multidisciplinary approach to crime prevention; and supporting policy-makers and practitioners.

In order to facilitate the implementation of activities related to crime prevention, the EUCPN Secretariat was involved in the drafting of both MASPs and OAPs for the EU crime priorities on trafficking in human beings, organ-

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<sup>11</sup> These common horizontal strategic goals include enhancing the intelligence picture, defining operational activities, engaging in prevention and capacity building, fostering cooperation with non-EU partners, tackling document fraud, initiating financial investigations and combating the trade in illicit goods and services. Detailed activities within each EU crime priority are set out in Operational Action Plans (OAPs), which are drafted and implemented on an annual basis throughout the four-year cycle.



ised property crime and cyber crime. The Network is keen to expand its involvement in other EU crime priorities in the near future, to become a full contributor to the EU Policy Cycle for the fight against serious and Organised Crime along with Europol.

## **Europol's crime prevention campaigns**

Europol has been involved in activities aimed at crime prevention for many years and has received praise for its positive impact from the Member States and other partners. These activities highlight Europol's recognition of crime prevention as a key tool to mitigate the threats arising from different criminal activities to the EU and its citizens.

Targeted trainings, media campaigns and advocacy initiatives are regularly implemented as powerful tools for countering many of the serious crimes that Europol helps tackling. In this context, internet and other technological advances offer society numerous advantages and possibilities regarding communication and interconnection.<sup>12</sup> Nevertheless, the speed of progress and its technological components also cause risks and real damage to persons and infrastructure, resulting in the need to educate the general population, businesses, governments and law enforcement on how to better protect themselves and how to prevent the various forms of crime committed online or through digital means.

The European Cybercrime Centre (EC3) and the Intellectual Property Crime Coordination Coalition (IPC3) have been Europol's forerunners, giving crime prevention a central role within their respective strategies. As a consequence, besides informing the general public about the latest cyber crime threats through the publication of the annual Internet Organised Crime Threat Assessment (IOCTA), Europol regularly issues guidelines and recommendations to enhance the public's cyber security, to prevent it from falling prey to cyber criminals and to protect consumers against dangerous and substandard products sold online. Other activities aim at discouraging

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<sup>12</sup> According to consulted statistical resources, 86% of the population of the EU has internet access, with an average number of active mobile subscriptions beyond one device per person: See We Are Social, *Digital in 2017: Global overview* [website], 2017, <https://wearesocial.com/sg/blog/2017/01/digital-in-2017-global-overview> and Internet World Stats, *European Union* [website], 2017, [www.internetworldstats.com/europa.htm](http://www.internetworldstats.com/europa.htm).

potential young offenders to turn into novice cyber criminals. Prevention also means building networks with the private sector, non-governmental organisations and academia in order to develop joint activities and responses.

## **Prevention campaigns: Best practice examples**

### **Cyber Crime**

Together with Eurojust, the European Banking Federation (EBF) and the European Money Mule Action (EMMA), the European Cybercrime Centre (EC3) aims to educate the general public on the serious consequences of acting (knowingly or unknowingly) as money mules and supporting organised criminal groups laundering the proceeds of illegal activities. The action combines an operational week where money mules are arrested and interrogated,<sup>13</sup> followed by an awareness week to inform the general public.<sup>14</sup> The campaign has taken place three times so far, providing educational material available in 19 languages.<sup>15</sup> It is promoted mainly via social media channels under the hashtag #DontbeaMule.

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<sup>13</sup> See Europol, *178 arrests in successful hit against money muling* [website], 2016, <https://www.europol.europa.eu/newsroom/news/178-arrests-in-successful-hit-against-money-muling>.

<sup>14</sup> See Europol, *Money Muling. Public awareness and prevention* [website], <https://www.europol.europa.eu/content/money-muling>, Europol, *159 arrests and 766 money mules identified in global action week against money muling* [website] <https://www.europol.europa.eu/newsroom/news/159-arrests-and-766-money-mules-identified-in-global-action-week-against-money-muling>.

<sup>15</sup> English, German, Dutch, French, Bulgarian, Croatian, Danish, Spanish, Finish, Greek, Hungarian, Italian, Latvian, Romanian, Polish, Portuguese, Serbian, Sweden and Ukrainian.

Figure 2:

## Campaign #dontbeaMule.



The “No more ransom” website is an initiative launched by the National High Tech Crime Unit of the Netherlands’ police, Europol’s EC3 and two cyber security companies – Kaspersky Lab and McAfee – “with the goal to help victims of ransomware retrieve their encrypted data without having to pay the fraudsters.” This project also “aims to educate users about how ransomware works and what countermeasures can be taken to effectively prevent infection.”<sup>16</sup> The portal currently contains 52 decryption tools that decrypt more than 90 ransomware families. It is available in 29 languages. More than 30,000 people have been able to decrypt their files for free since the launch of the site in July 2016. The initiative is open to other public and private parties. More than 100 partners have joined either as associated (providing decryption tools/keys) or as supporting (helping to translate and

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<sup>16</sup> See European Cybercrime Centre et al., No more ransom [website], <https://www.nomore-ransom.org/en/index.html>.

promote the portal). The project received the Editors' Choice Award in the SC Awards 2017.

Figure 3:

**Portal “No more ransom!”.**



The “Say No!” campaign<sup>17</sup> has been designed to raise awareness among minors of the dangers of sexual extortion and coercion in its two forms – economic and content-driven –, besides promoting the implementation of an effective reporting system in Member States. A short movie published on Europol’s YouTube channel shows cases of child sexual extortion carried out online.<sup>18</sup> It has been translated into the national languages of all EU Members States as well as into Norwegian and Switzerland’s official languages. Material is promoted mainly via social media channels using the hashtag #SayNo.

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<sup>17</sup> See Europol, *Online sexual coercion and extortion is a crime. Public awareness and prevention* [website], <https://www.europol.europa.eu/activities-services/public-awareness-and-prevention-guides/online-sexual-coercion-and-extortion-crime>.

<sup>18</sup> See *Say No! – A campaign against online sexual coercion and extortion of children* [online video], 2017, <https://youtu.be/5ttHYODhenY>.

Figure 4:

## Campaign “Say No!”.



Europol’s EC3 also works closely with ENISA, the European Union Agency for Network and Information Security. The annual European Cyber Security Month (ECSM) has seen examples of this collaboration, for instance through the “Mobile Malware” campaign that has been launched to help people better protect their mobile devices from cyber crime.<sup>19</sup> Campaign materials are available for public download in 25 languages. It provides an overview of the threat and key vulnerabilities of the mobile devices, as well as a set of security tips explaining how to go about everyday activities such as downloading apps, using internet banking, and connecting to WIFIs, or how to avoid becoming a victim of mobile ransomware. More information can be found on the social media via the hashtag #MobileMalware.

## Intellectual property crime

To raise awareness of the growing threat of counterfeiters taking advantage of the web to deceive, sell and ship fake products to unsuspecting consumers, Europol’s IPC<sup>3</sup> (Intellectual Property Crime Coordination Coalition) launched the online campaigns “Don’t F\*\*\*(ake) Up”<sup>20</sup> and “Stay street-

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<sup>19</sup> See Europol, *Mobile malware. Public awareness and prevention* [website], <https://www.europol.europa.eu/activities-services/public-awareness-and-prevention-guides/mobile-malware>.

<sup>20</sup> See *Don’t order on illicit websites* [online video], 2016, <https://www.youtube.com/watch?v=QUczGhR-fg8>; *Don’t order on illicit websites – Pharma* [online video], 2016, <https://www.youtube.com/watch?v=hYv1DIGBvzc>; *Don’t order on illicit websites – Make Up* [online video], 2016, [https://www.youtube.com/watch?v=uaQ\\_Pt74ZW0](https://www.youtube.com/watch?v=uaQ_Pt74ZW0); Europol,

smart in cyberspace”<sup>21</sup> The campaigns highlight the risks of buying fake products online, provide advice that helps users identify websites selling counterfeit goods and other means used by fraudsters, such as fake social media accounts and fake apps. The videos have also been used in the context of the operation “In Our Sites”, coordinated by Europol and supported by the US Immigration and Customs Enforcement (US ICE) and INTERPOL, which tackles the online sale of counterfeit goods and online piracy.

The embedment of prevention strategies in the fight against serious and Organised Crime at EU level will be develop and expanded further in the future, hopefully inspiring other original initiatives and new synergies among its many stakeholders.

Drafted by Eleonora Forte (HOS Strategic Analysis Team), Maria Sanchez (European Cyber-crime Centre), Francesca Cumbo (Intellectual Property Crime Coordination Coalition).

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*Awareness campaign on online counterfeiting. Public awareness and prevention* [website], <https://www.europol.europa.eu/dontfakeup>.

<sup>21</sup> See *Stay street-smart in cyberspace* [online video], 2017, <https://www.youtube.com/watch?v=ODUA2NAHHJI>.

## Organised and Cyber Crime Research & Analysis of the Home Office, United Kingdom

Organised and Cyber Crime Research & Analysis (OCCRA) is a team of social researchers, operational researchers and economists working within the Office for Security and Counter-Terrorism (OSCT) at the Home Office. The Home Office is the lead government department for immigration and passports, drugs policy, crime, fire counter-terrorism and police. OCCRA conducts objective analyses to help develop, implement, monitor and evaluate government policies and services. The research team is responsible for providing analytical support to a directorate of the Home Office called the Strategic Centre for Organised Crime, and aims to:

- improve knowledge and fill key evidence gaps regarding serious and Organised Crime & Cyber Crime,
- support an evidence-led, policy-making approach; and
- help address objectives set out in the Serious and Organised Crime Strategy<sup>22</sup> and the UK Cyber Security Strategy<sup>23</sup> for tackling and improving UK resilience to serious and Organised Crime and cyber attacks.

At a practical level, this involves conducting and commissioning quantitative and qualitative research projects, assessing and synthesising evidence from a range of sources, providing advice and briefing on a wide range of requests from ministers and policy officials, and acting as an interface between policy and academic research in crime and policing.

The OCCRA research programme is principally directed by commitments made in the 2013 Serious and Organised Crime Strategy. The strategy was published to coincide with the launch of the National Crime Agency (NCA), and aims to substantially reduce the level of serious and Organised Crime

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<sup>22</sup> Serious and Organised Crime Strategy (2013), available at: <https://www.gov.uk/government/publications/serious-organised-crime-strategy>.

<sup>23</sup> The UK Cyber Security Strategy (2011), available at: <https://www.gov.uk/government/publications/cyber-security-strategy>.

affecting the UK and its interests. Based on the framework developed for counter-terrorist work, the strategy has four components:

- prosecuting and disrupting people engaged in serious and Organised Crime (Pursue);
- preventing people from engaging in this activity (Prevent);
- increasing protection against serious and Organised Crime (Protect);
- and reducing the impact of this criminality where it takes place (Prepare).

Previously published OCCRA work includes a report on the criminal careers of Organised Crime offenders,<sup>24</sup> a review of the evidence on cyber crime,<sup>25</sup> an estimate of the scale and costs of serious and Organised Crime,<sup>26</sup> and a report on the nature of online offending.<sup>27</sup> Current analytical projects are focused on understanding more about the structure of Organised Crime networks; strengthening the evidence base on offenders and understanding more about how to deter individuals from entering Organised Crime or Cyber Crime; the impact of asset recovery powers on offending, as well as building the evidence base on economic crime, including corruption; exploring ways to influence behaviour change to encourage better cyber security; and economic assessments relating to various new initiatives and policies, as well as updating estimates of the social and economic costs of Organised Crime.

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<sup>24</sup> Understanding Criminal Careers in Organised Crime (2013), available at: <https://www.gov.uk/government/publications/understanding-criminal-careers-in-organised-crime>.

<sup>25</sup> Cyber Crime: A Review of the Evidence (2013), available at: <https://www.gov.uk/government/publications/cyber-crime-a-review-of-the-evidence>.

<sup>26</sup> Understanding Organised Crime: Estimating the Scale and the Social and Economic Costs (2013), available at: <https://www.gov.uk/government/publications/understanding-organised-crime-estimating-the-scale-and-the-social-and-economic-costs>.

<sup>27</sup> The Nature of Online Offending (2015), available at: <https://www.gov.uk/government/publications/the-nature-of-online-offending>.



## Research and Documentation Centre (WODC), Ministry of Security and Justice, the Netherlands<sup>28</sup>

The WODC (Research and Documentation Centre) of the Dutch Ministry of Justice and Security is an international knowledge centre focusing on security, police, criminal, civil and administrative justice and migration issues. “Excellence” and “customer orientation” are the organisation’s guiding principles. Its main output is knowledge for the benefit of policy development.

The WODC conducts research in the areas of the social and behavioural sciences as well as legal research. The WODC broadly disseminates the knowledge it has acquired. All research results are made available on its own website, while all key and comprehensive research is published in book form or electronically. Moreover, on the basis of its research findings, the WODC provides advice to the Ministry of Justice and Security. Finally, the WODC acts partly as a funding body, since a considerable part of the research portfolio is outsourced to external partners.

The WODC is made up of the following divisions:

- Crime, Law Enforcement and Sanctions Research Division;
- Justice Administration, Legislation, International and Aliens Affairs Research Division;
- Commissioning Research Division;
- Statistical Data and Policy Analysis Division;
- Documentary Information Division.

The Crime, Law Enforcement and Sanctions Research Division (CRS) has a team of about 30–35 colleagues. It works on a broad range of topics, its major lines of research being focused on Organised and Economic Crime, terrorism, Cyber Crime, criminal investigation methods, recidivism and neurobiological factors of criminal behaviour. The WODC cooperates with key external research institutes, including the Centre for Information and

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<sup>28</sup> See <https://english.wodc.nl/>.

Research on Organized Crime (CIROC, a collaboration between the WODC and Vrije Universiteit Amsterdam, Erasmus University Rotterdam, Utrecht University and Maastricht University) and the International Research Network on Organized and Economic Crime.

The Commissioning Research Division (EWB) supervises and coordinates research projects that are conducted by other organisations on behalf of, and funded by, the WODC. This external research includes several projects on topics such as Organised and Economic Crime, terrorism, Cyber Crime and criminal investigation methods. The following lists the most prominent lines of research of both CRS (in-house research) and EWB (external research).

### **Dutch Organised Crime Monitor**

An important ongoing research project is the Dutch Organised Crime Monitor. The main sources of this research project are files of closed Dutch police investigations of criminal groups. In five data sweeps conducted between 1996 and 2016, it systematically analysed 180 large-scale investigations. Each case focuses on a criminal network. Together, the 180 case reports contain information on many hundreds of suspects. The Dutch Organised Crime Monitor includes a wide cross-section of cases covering various crimes, including different sorts of drug trafficking/production, cyber crime, human smuggling, human trafficking and illegal arms trade, but also (large-scale) fraud and money laundering.

Each case study always starts with structured interviews with police officers and/or public prosecutors. After these interviews, the police files are analysed and summarised. Those files contain the results of all police activities referring to a case, such as wiretapping, observation techniques, undercover policing, gathering intelligence, interrogations and financial investigations. These sources provide us with detailed insights into the social world of Organised Crime. In describing and analysing the police files, use is made of an extensive checklist which elaborates upon the following lead questions: What is the composition of the group and how do offenders cooperate? What kinds of illegal activities do they engage in and how do they operate? How do they interact with the opportunities and risks of their environment? What are the proceeds of the criminal activities and how do they spend these proceeds? In addition to the police files, use is made of expert interviews, in-

formation from other investigations, confidential reports, crime analyses and (scientific) literature.

The case studies of the Dutch Organised Crime Monitor were used to draft main reports for the Dutch parliament on the nature of Organised Crime in the Netherlands, numerous scientific articles, book chapters and presentations. Moreover, the data of the Dutch Organised Crime Monitor lay at the heart of two PhD theses.<sup>29</sup>

## **Other research on Organised Crime and related topics**

Besides producing the Dutch Organised Crime Monitor, the WODC conducts several other research projects on Organised Crime and related topics. Recent examples include:

- Organised crime and corruption;
- The nature and scope of the influence exercised by criminals over local public administration;
- Targeted Contract Killings/Liquidations in the Netherlands;
- Proton: Modelling the Processes leading to Organised crime and Terrorist Networks (participation in a EU-funded project);
- Mobile banditism;
- National Risk Assessment Money Laundering;
- Extortion: “Undergoing or undertaking. Developments in the nature and approach of business extortion”;
- Monitor on coffee shops;
- Terrorism and Jihadi activities.

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<sup>29</sup> Van Koppen, M. V., *Pathways into Organized Crime: Criminal Opportunities and Adult Onset Offending*, Amsterdam, Vrije Universiteit, 2013; Kruisbergen, E. W., *Combating Organized Crime: A Study on Undercover Policing and the Follow-the-Money Strategy*, Amsterdam, Vrije Universiteit, 2017.

## **Cyber Crime**

In recent years, cyber crime has become an important line of research. The WODC has participated in a EU-funded joint project on Organised Cyber Crime. Other projects it has been involved in include money laundering in Cyber Crime cases, inventory and classification of cyber security standards, limits and possibilities of international law for cross-border criminal investigation in cyberspace and the cloud, opportunities, threats and measures in the Internet of Things, as well as criminal investigation of cyber crime (to be taken up soon).

## **Investigation methods, counterstrategies and prevention**

Another important line of research at the WODC is research into methods of criminal investigation and preventative measures. Recent reports cover topics including undercover policing, wiretapping (including internet tapping), retention of telephone traffic and internet data, human trafficking in the Amsterdam Red Light District (phenomenon, investigation and multi-agency approach), Emergo: a multi-agency approach in Amsterdam, the use of DNA in criminal investigations, avoiding tunnel vision in criminal investigation, prevention and identification of sex trafficking, financial investigation, confiscation/asset recovery, administrative approaches to Organised Crime; analysis of the national counterterrorism strategy, as well as criminal investigation of terrorism.

## **Recidivism monitor**

The WODC Recidivism Monitor is a long-term research project that conducts standardised measurements of recidivism amongst diverse groups of offenders. Measurements are repeated at fixed intervals in order to trace the criminal careers of members of the most important groups of offenders.

## **Brain & Cognition: Focus area Safety**

In September 2009, the proposal “Brain & Cognition – social innovation in health, education and safety” received 20 million euros in funding from the

Dutch government. The purpose of this program is to promote research focused on these areas. The focus area Safety, which is coordinated by the WODC, receives 6.7 million euros from this budget. Within the focus area Safety, interdisciplinary consortia comprising universities, research centres and societal partners will conduct research on themes including the effectiveness of behavioural interventions for severe antisocial behaviour, improving decision-making processes in high-pressure situations, resilience or vulnerability to stress, early prevention of antisocial behaviour and innovative treatments for severe aggression.

For further information please visit the WODC website at <http://english.wodc.nl/>.

## Part II

# Report on OC and prevention

## 1 Description of German research contributions on preventive measures for Organised Criminal Groups

Due to the potential threat represented by Organised Crime (OC), the extensive financial damage caused by OC groups each year, and the influence this has on the public sense of security (cf. Germany's 2015 Situation Report on Organised Crime: 11), it is necessary to think about measures that have a deterrent effect and can thus prevent possible offences by OC groups, with a view to reducing their future influence. However, monitoring „the“ OC phenomenon is difficult in the field of prevention – studies that deal with „general aspects of OC and prevention“ usually stay on the surface. This is why preventive approaches often deal with the individual fields of criminal activity where OC groups operate. Furthermore, in most cases measures against organised criminal groups are limited in their geographical scope and apply to individual OC groups that commit offences in a particular region. The transnational component of OC groups makes prevention difficult. This is why preventive OC measures at international level depend almost exclusively on cooperation, whether this be between particular public authorities at home and abroad or between public authorities and various businesses, institutions and private individuals. In this connection, different definitions of OC or the specific interests of individuals can interfere with cooperation and thus get in the way of working together successfully and exchanging the necessary information. Nevertheless, preventive approaches aimed at OC groups have enormous potential to facilitate the suppression of Organised Crime, also for law enforcement authorities. The following summary of preventive measures in the field of Organised Crime beginning in 2010 provides information about the current state of research in the field of “OC and Prevention”.

## **2 Studies and articles about OC - modi operandi and OC in general**

### **2.1 Research results in Germany**

#### **2.1.1 Johannes Kaspar/ Stephan Christoph (2016): The “State’s Witness Provision“ in Legal Reality – initial empirical findings from a research project on assistance in solving and preventing crimes pursuant to Section 46b of the German Criminal Code**

##### *Subject*

An empirical study of Section 46b of the German Criminal Code based on interviews with judges, police officers, public prosecutors and more than 900 law students as well as an analysis of court decisions. The empirical study includes an online questionnaire sent by e-mail to the competent justice and interior ministries of the German states and the Federal government as well as the German bar association<sup>30</sup>. Law students at the universities in Göttingen, Augsburg and Leipzig were interviewed. Qualitative interviews were carried out with practitioners, and the authors analysed decisions in cases where Section 46b of the German Criminal Code was applied.

##### *Objectives*

Evaluation of the effectiveness of the statutory provision in practice based on the assessment of judges, public prosecutors and students. At the same time, the study assesses the prevailing criticism of the state’s witness provision. On the one hand, this concerns the person who acts as a state’s witness, for example the definition of the state’s witness, and on the other hand this concerns the misleading of justice through untrue accusations made by the state’s witness against third parties. In addition, the study looks at how this provision is accepted by the general public. The overall aim is to describe, and take a closer look at, how the law is applied.

##### *Research questions*

The following research questions were derived from the objectives of the contribution formulated above and cannot be found explicitly in the text. Has the state’s witness provision according to Section 46b of the German Crimi-

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<sup>30</sup> The adjusted response rate for the questionnaires is 5.4 %.



nal Code been effective in practice? Does it contribute to crime reduction or prevention in the fields of crime that were originally targeted (OC, economic crime and terrorism)? To what extent is the state's witness provision accepted by the general public?

### *Results*

Regarding the question as to what extent the statutory provision has proved its worth, according to the author those responding often could not make any definitive statements because the provision is so recent (since 2009). However, two thirds of the respondents from the police and public prosecutors' offices did make positive statements about the effect the provision has had on clarification and prevention, while most defence attorneys are critical of it. Another question dealt with the credibility of a state's witness who appears in court, and here almost all the respondents tended not to doubt the credibility of a state's witness. Two thirds of the respondents could not confirm that demonstrably untruthful statements had been made by state's witnesses, but the possibility of false testimony was certainly recognised as a potential problem. Reform proposals for the law include:

- Possible reopening of the proceedings if the state's witness makes false statements
- More severe sanctions if false testimony is given
- Further development of the statutory provision

Besides, this, analysis of the court decisions revealed that the preventive aspect of the law seemed to be less important. Thus the provision is more likely to be applied in other fields of crime – OC was involved in only in 27 per cent of the cases analysed. Regarding types of state's witnesses, it was established that there is no „standard state's witness“. State's witnesses generally tend to come from the lower ranks of the criminal group and thus are somewhat distant from the inner core of the group.

### *Assessment*

The complete results of the study are not yet available, which means that further information could still come to light. However, on the whole the study shows that criminal-law measures need to be further refined to be

effective in the intended field of application. As is the case here, this can only succeed together with experienced practitioners.

### **2.1.2 Arndt Sinn (2016): Organised Crime 3.0**

#### *Subject*

For the most part, the contribution deals with Organised Crime in the Internet era. Consequently, there should be a particular focus on the “Internet dimension” of the OC phenomenon. For this report, only the chapter on law enforcement strategies and best anti-OC practices is relevant.

#### *Objectives*

The objective is to point out the discrepancy between what Sinn regards as an outdated definition of OC and the treatment of OC in criminal law. In this connection it is noted that German case law<sup>31</sup> relating to Section 129 of the German Criminal Code does not correspond to international legal guidelines. On the whole it is intended to take a new look at the changing conditions of the OC situation. Description of the state of cooperation at national and international level thus far. Identification of possible weaknesses and opportunities for improvement.

#### *Research questions*

The following research questions were derived from the objectives of the contribution formulated above and cannot be found explicitly in the text. Is there a discrepancy between the OC definition and treatment in criminal law and, if there is, how can it be described and by means of which measures can the discrepancy be bridged? What deficiencies does the German Criminal Code have and how can these be compensated for? To what extent has the OC situation changed in connection with the Internet in recent years and how should the change be taken into account by the law enforcement authorities? What effect will the different faces of Organised Crime have in the future and what approaches can be used to fight OC in the future?

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<sup>31</sup> Here with reference to the Federal Court of Justice (Bundesgerichtshof).

## *Results*

Every law enforcement strategy can be supported with preventive approaches. Sinn identifies two basic law enforcement strategies: On the one hand a strategy focused on criminal offences and on the other hand a strategy that deals with potential threats.

- Solid cooperation between authorities at national level (including cooperation based on expanded cooperation platforms and the inclusion of public prosecutors' offices in such platforms)
- The transnational modus operandi of OC requires handling security issues at domestic level with an increasingly international approach. Therefore data and information exchange at international level, the exchange of best practices, and promotion of language skills are required. Here special emphasis is placed on the possibility of founding further agencies such as Europol and Eurojust, which offer support in practice and in theory and stand for a united approach to OC. Even though very good approaches to information exchange (such as the SIS) already exist at Europol, the EIS data collection system, for example, is said to be in need of improvement.
- Improvement and further development of IT tools and databases for the purpose of combating Organised Crime
- The association „Mafia? Nein Danke!“<sup>32</sup> (Mafia? No thanks!) demonstrates that confronting OC at the civil-society level must be encouraged. Besides this, Clan activity is monitored within the framework of the project.

Furthermore it is emphasised that cooperation should not only be strengthened at international level but that efforts should be made to optimise cooperation between the national authorities.

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<sup>32</sup> This registered association was founded in 2009 following the 2007 bloodbath in Duisburg and works to sensitise the public to the Mafia <http://mafianeindanke.de/ueber-uns/>.

### **3 Areas of Organised Crime and prevention measures**

#### **3.1 Theft-type property crime**

##### **3.1.1 Bavarian State Ministry of the Interior, for Building and Transport (2016): Eight-Point Programme**

###### *Subject*

Coalition of the German states Hesse, Rhineland-Palatinate, Bavaria and Baden-Württemberg focused on itinerant OC groups. The transnational *modus operandi* of organised groups of burglars makes it necessary for the German states to act jointly.

###### *Objectives*

Identification of patterns in different offences and reconstruction of group structures by this means.

###### *Research questions*

Which measures are required to improve interstate cooperation by the German states in the battle against itinerant criminals?

###### *Results*

- Continuing to promote the exchange of information (for example, with joint situation reports)
- Carrying out perpetrator-oriented investigations that involve more than one German state
- Joint concept aimed at itinerant (East European) criminals who are very active
- Targeted controls and search measures
- Improved coordination of forensic cooperation
- Cross-state “prevention network” for citizens, for example regarding measures to secure their homes
- Strengthened international cooperation, especially with public authorities in southeastern Europe

- Further development of a uniform concept of „Predictive policing“ for the German states

#### *Assessment*

Expansion of the current measures to prevent dwelling burglary based on strengthened cooperation and a harmonised approach to this crime phenomenon by the German states. Furthermore the transnational component of dwelling burglary is addressed – the demand for expanded cooperation with southern European authorities appears to be a useful approach to obtaining further information.

### **3.1.2 Gina R. Wollinger (2017): Itinerant and Incoming Criminals Who Commit Dwelling Burglaries – Results of an Interview Study**

#### *Subject*

The project deals with a qualitative study of dwelling burglaries based on 30 interviews with perpetrators<sup>33</sup>. In particular, the project concerns itinerant and incoming criminals who do not have a fixed abode in Germany.

#### *Objectives*

The central objective of the project is to gain more information about the background and motivation of itinerant and incoming perpetrators as well as to describe the structures used by such itinerant criminals, who join together in organised groups and jointly commit burglaries of dwellings. Another aim is to conduct more detailed research about the modus operandi of the burglars and about the extent to which these criminals move around inside Germany. Besides this, the behavior of the perpetrators after the burglaries is to be examined in greater detail. In addition, the project wants to provide information about biographical backgrounds and how perpetrators become involved in dwelling burglaries.

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<sup>33</sup> The narrative-biographical interview was the basis for the interview method. Besides this, access to interviews was made possible via prisons for young offenders, and participation in the interviews was promoted by using an incentive.

### *Research questions*

Who are the itinerant and incoming perpetrators of dwelling burglaries and how do they perceive themselves? What motivates the perpetrators to commit dwelling burglaries in Germany and what are their criteria for choosing where to strike? How does the modus operandi of these criminals function and to what extent are they organised in groups? What do they regard as indicators for a lucrative burglary and how mobile are these offenders? What do the burglars do with the valuables and what structures are available for handling the stolen goods? What measures can serve as a deterrent and thus help prevent burglaries of dwellings?

### *Results*

The central finding of the study can be stated as follows: The composition of itinerant and incoming groups of criminals is very heterogeneous, and it is thus not possible to make the general claim that the perpetrators of dwelling burglaries come solely from East European countries. The project identifies three types of perpetrators: 1. those who commit burglaries “out of necessity”<sup>34</sup>, 2. those who commit burglaries to obtain money as quickly as possible and 3. professional burglars. It does not become completely clear from the project just how fully the perpetrators are integrated into criminal networks, because they reveal little about their social contacts<sup>35</sup>. Only on a few occasions does it become clear that criminal circles do have at least loose structures because, for example, one of the perpetrators mentions that an acquaintance taught him how to open windows. The second type of perpetrator, who commits burglaries to obtain money, cultivates more personal ties to accomplices and criminal circles (through peer groups, for example) than

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<sup>34</sup> It can be noted here that the perpetrators from this group are usually asylum seekers or migrant workers who often face difficult economic conditions in their home countries. They then leave their home countries hoping for upward social mobility, which they usually do not achieve. For this reason they consider their situation to be hopeless and do not see any other way to earn money legally. They thus see dwelling burglaries as a legitimate way to cope with their situation and consider the crime to be a relatively trivial offence, because no one is home when they break in and thus no one is harmed directly. When looking for contacts in their new homelands, asylum seekers and migrant workers often move in cultural and social circles similar to their own and, according to the authors, they can thus end up in criminal circles.

<sup>35</sup> There is apparently a special relationship of trust between the perpetrator and his acquaintance, because each can be certain that the other will preserve anonymity.

does the first type. In this case the results are more heterogeneous. Many speak of acquaintances or purely work-sharing relationships, while many other relationships are based on friendship or even family ties. In the second case, the relationships usually last for a number of years. The third type of perpetrator, the professional burglar, is described as being involved in criminal circles even during the early years of childhood and being more or less socialised by them. Such perpetrators view their criminal peers more as business contacts, and in this connection the perpetrators develop a form of professional ethics and establish clear rules of conduct. Therefore perpetrators of this type view burglary as a kind of exclusive professional field, as an occupation where one must begin by having a certain degree of skill and amount of knowledge. For this type of criminal in particular, friends and colleagues are viewed as providing useful networks for “business” activities. The respective jobs and contacts are arranged for via the network if a criminal is an established member of the peer group<sup>36</sup>. Preventive strategies are aimed primarily at the victims. Thus the study describes the inadequate security technology in many dwellings and the need for preventive security to deter burglars. Social control and watchful neighbours who deter activity by burglars are emphasised. With regard to preventing burglaries by means of sentencing and application of penalties, the report notes frequent comments by perpetrators regarding their own participation that indicate the price they pay for their offences is not commensurate with the gains from burglary. However, in this case as well the answers vary widely. One perpetrator states that more severe sentences for dwelling burglary do not serve as a crime preventive because the criminals act out of necessity and they often have better living conditions in jail than at home. Furthermore, it becomes clear that many of the perpetrators do not consider the severity of a sentence before acting. Interesting comments were made by a perpetrator who is highly mobile in Germany and who decides where to commit burglaries based on how the range of available penalties is applied in the German states.

### *Assessment*

A research project that provides insight into the biographical backgrounds and modus operandi of the offence as well as the criteria applied by the perpetrators when choosing where to commit an offence. The extent to which

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<sup>36</sup> In order to be considered a full member and thus to enjoy respect in criminal circles, above all it is important to have a good reputation and to be a dependable and recognised individual.

the perpetrators are organised in gangs and more detailed results about the social milieu of the perpetrators are treated only in a superficial manner. It was only possible to determine that criminal networks and loose ties to others exist, as well as business ties and even relationships based on friendship or family. Some inexperienced and also professional perpetrators act alone – primarily to minimise the risk of detection by the police. For the most part, if an offense is committed jointly this occurs because the perpetrator has acquaintances in his social surroundings who know about his activities and want to get involved. Due to the reticence of the perpetrators, achieving deeper access is difficult. The sections written about preventive measures offer few new insights.

### **3.1.3 Hubert Dortans (2015): MOTIV - Focus on mobile offenders**

#### *Subject*

Support for the crime-fighting strategies (repressive and preventive) of the district police authorities in view of the increasing number of mobile criminal groups that act on a supraregional basis. In the search concept of the German state of North Rhine-Westphalia,<sup>37</sup> mobile groups of offenders are defined by persons who have come to the notice of the police with at least five property crimes committed in at least three district police precincts over a period of at least 12 months.

#### *Objectives*

The objectives of the concept are to reduce the number of property crimes as well as to raise awareness and increase sensitisation with regard to this field of crime. Corresponding measures are aimed at identifying travel and transit routes.

#### *Research questions*

Because no explicit research questions are formulated in this contribution, the questions are derived from the objectives. To what extent, and through which measures, can the number of dwelling burglaries be decreased and the public be sensitised to this field of crime?

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<sup>37</sup> See [https://www.polizei-nrw.de/artikel\\_\\_12765.html](https://www.polizei-nrw.de/artikel__12765.html).



## *Results*

- Controls on motorways and central thoroughfares to reduce the infrastructure for transporting stolen items or for escape; days of targeted checks (with supraregional participation by relevant agencies)
- Establishment of investigative commissions
- Combined proceedings and their implementation at the public prosecutor's office
- Consolidation of offender information and development of a concept that includes repressive and preventive measures tailored to the respective person
- Circulation of MOTIV suspects as wanted, reporting of the motor vehicles and identifying numbers
- 470 prolific offenders who are mobile and involved in property crime were recorded in the project; 252 prison sentences; 20 investigative commissions dealing with 41 suspects
- 73.73 per cent decrease in the offences committed by MOTIV suspects
- Transnational activity: Need for information exchange between Germany's State Criminal Police Offices, Federal Police, Federal Criminal Police Office (BKA), Europol, the Netherlands and Belgium

## *Assessment*

Before this search concept was developed, due to prolific offender concepts limited to local areas, it was not possible to gather data about offenders active in more than one region. Initial successes have been achieved based on effective networking between the police authorities and on the use of preventive measures.

### 3.1.4 Dominik Balogh (2016): Near Repeat Prediction Using PRECOBS at the Zürich City Police<sup>38</sup>

#### *Subject*

Problem of assessing findings at the scene of a crime with a view to identifying the perpetrators. To an increasing extent, organised gangs take a suprarregional approach and divide up tasks.

#### *Objectives*

On the basis of available data, use of computer technology to identify patterns and predict where a future crime could be committed. Targeted steps can then be taken. The basis is formed by PRECOBS (Pre Crime Observation System), which takes criminological and sociological data into consideration as well and does not depend exclusively on mathematical statistics. The data include information from case files regarding place and time of the crimes as well as modi operandi.

#### *Research questions*

Because no explicit research questions are formulated in this contribution, the questions are derived from the objectives. How is the success of PRECOBS measured, and what benefits does predictive police work try to achieve?

#### *Results*

A central aspect of this analysis is the „Near Repeat Prediction“, the probability of another burglary in an area where burglary has already occurred. In this connection a study in Munich, Duisburg, London and Zurich confirmed that, in districts where there have already been burglaries, often more burglaries must be expected in the near future.

- Using Near Repeats (NR) to minimise the hotspots, with no evident displacement or relocation; due to targeted deterrence, the potential repeat

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<sup>38</sup> Because the “Predictive Policing” approach is being used in several of the German states and it is constantly being developed, this article will describe some of the opportunities it offers. There will not be a detailed analysis of or focus on the subject, because this is done in the “Predictive Policing” progress report of February 2017.

offenders are not able to find a suitable area as a substitute within a short time.

- PRECOBS seems to have a positive preventive impact in the affected areas; the number of dwelling burglaries and Near Repeats decreased significantly in the areas of prediction.

#### *Assessment*

A promising approach that has produced initial successes at the regional level. However, the extent to which PRECOBS can be employed when predicting the probability of potential crime sites and times for supraregional groups of criminals is debatable.

### **3.1.5 Frank Kawelovski (2014): Combating Dwelling Burglary – How Can We Win? (Parts 1 and 2)**

#### *Subject*

Description and evaluation of possibilities for improving police investigations with some references to prevention. At the beginning, the situation for the police is described on the basis of the police crime statistics for dwelling burglaries. By describing several research contributions that deal, among other things, with home security measures, the author points out what is already known and problems encountered.

#### *Objectives*

Description of the current situation with regard to dwelling burglaries, followed by an assessment of preventive measures thus far and recommendations. Drawing of conclusions about possibilities for improvement and new approaches.

#### *Research questions*

Because no explicit research questions are formulated in this contribution, the questions are derived from the objectives. What are considered to be problems with regard to police law enforcement and the use of measures to prevent dwelling burglaries? Where should efforts begin?

## *Results*

The mobility of gangs of burglars is a big problem for the investigating authorities, because often intensive maintenance of databases is lacking and the updating of identification instruments tends to be infrequent. Therefore a central unit should be created that provides an overview of the prolific offenders identified by the police. Furthermore, a 2012 study established a correlation between “lack of a school diploma” or “failure to complete training” and commission of theft-type property offences. It thus makes sense to employ preventive measures in this area: encouraging the integration of truants, promoting social interaction and thereby minimising exclusion. There is disagreement with the Rational Choice Theory (RCT) approach, because offenders tend to have a short time horizon, and the costs as well as the risks of committing an offence are not easy to calculate. However, if increased police presence is perceived in an area, the greater risk of discovery that is felt can reduce the commission of offences (a 10 per cent increase in police presence could reduce offences by 3 to 4 per cent).

## *Assessment*

The preventive recommendations are very general, and the author’s precise ideas about promoting social interaction remain unclear. The author’s recommendations are directed primarily at improvements to optimise law enforcement (the establishment of a central unit). In addition, a focus on overall social prevention in the sense of integration measures is recommended, with a view to again ensuring social integration.

## **3.2 Crime in the context of migration**

### **3.2.1 Rita Haverkamp (2016): Refugees in Germany; Immigration, Life Situations, Integration, Crime and Prevention**

#### *Subject*

Description of the legal framework for immigrants, crime in the context of immigration, and factors that impede and promote integration. The focus of the analysis is solely on the subject of “criminal groups and prevention”.

## *Objectives*

The objective is to point out needs for modification of work in refugee hostels and preventive approaches aimed at successful integration of refugees into society. In addition, it is intended to provide a comprehensive overview of various aspects of immigration by refugees in Germany.

## *Research questions*

Because no explicit research questions are formulated in the contribution, the questions are derived from the objectives. What are the practical effects of changes in asylum and refugee law? To what extent is there a need for further action on integration measures at federal, state and municipal level? To what extent can crime statistics be used to assess the crime committed by refugees and what are considered to be possibilities for improvement in this connection? To what extent must crime prevention measures be implemented with a view to decreasing crime committed by refugees and increasing a sense of security among the public?

## *Results*

Thus far a slight trend can be discerned: Refugees tend to commit petty offences. In addition, as a result of petty grievances, conflicts and attacks on underrepresented groups often occur in refugee hostels. For example, sexual attacks on unmarried women and also domestic violence are problems.

The following are important preventive measures for refugees and migrants:

- Measures designed to raise the level of education and to promote integration into the labour market (projects like “get your act together”- „Kurve kriegen“<sup>39</sup> or “Cope with it – providing opportunities through local prevention” - „Klarkommen! Chancen bieten durch Prävention vor Ort“<sup>40</sup>)
- Promotion of integration with a view to suppression of crime; however, the integration measures should be specifically adapted to the respective ethnic group.

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<sup>39</sup> See [https://www.polizei.nrw.de/artikel\\_\\_155.html](https://www.polizei.nrw.de/artikel__155.html).

<sup>40</sup> See <http://www.awo-koeln.de/fachstelle-fuer-gewaltpraevention/klarkommen-chancen-bieten-durch-praevention-vor-ort.html>.

- Crime prevention measures (also for creating a sense of security in the majority society) that include measures to suppress right-wing extremism and provide information about the demographic composition of the refugees. The use of programmes for migrants can also be appropriate for refugees, although in this connection it might be necessary to take gender composition into account.
- Crime prevention measures in refugee hostels: ensuring that heterogeneous groups are not created; preventing recruitment by Islamists
- Improvement of communication with regard to relevant local agencies
- An overview of refugee projects for crime prevention is lacking at state and municipal level.

### *Assessment*

Plausible approaches – however it should be emphasised that the Organised Crime aspect is not addressed in this article and is therefore only a peripheral issue. The article deals more with social preventive measures intended to keep young migrants and refugees, in particular, from being tempted to commit criminal acts.

### *Note*

With regard to crime prevention measures for young migrants, Haci-Halil Uslucan's 2012 study about criminogenic development risks for young people with a migration background and possibilities for prevention and intervention is worth reading.

With regard to expressions like „parallel society“ or „parallel justice“, interesting articles were found that deal with the use of so-called justices of the peace (Friedensrichter) and the development of parallel social structures in extended families or clans. In this connection, special mention should be made of the contribution by Markus Porsche-Ludwig, How parallel is parallel justice and the article by Erol Özkaraca, Parallel justice in immigrant neighbourhoods as well as the study by the German Ministry of Justice and Consumer Protection, Is there parallel justice in Germany?. However, these contributions were not evaluated in greater detail because they do not take a preventive approach. The analysis project AP Migrant Smuggling (formerly FP Checkpoint) is mentioned on the Europol website. In this project, support

is provided to help identify and break up organised gangs of people smugglers.

### **3.2.2 Mahmoud Jaraba/ Matthias Rohe (2015): Parallel Justice**

#### *Subject*

The study deals with parallel justice in Berlin. To begin with, the authors clarify their definition of parallel justice and note in this connection that an extrajudicial system for settling conflicts is not intrinsically unlawful or equivalent to a parallel system of justice<sup>41</sup>. Furthermore, due to the framework conditions of the study, it is considered essential to deal with specific social, ethnic and religious milieus in this connection. For example, parallel justice is said to often manifest itself in forms of Organised Crime or in certain ethnic circles that are excluded from the majority society and identify themselves with other basic cultural features. For Berlin, the Muslim communities were then examined in greater detail based on their numbers. Roma communities were used as a comparison group for the study. The methodical procedure is based on a total of 93 experts from Islamic religious circles and organisations as well as on expert interviews with representatives from the police, public prosecutors' offices and NGOs. There were also eleven group interviews. It should be emphasised at this point that the study does not claim to present valid quantitative results. Within the framework of this report, only the results regarding clan-related crime by Muslim migrants are considered<sup>42</sup>.

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<sup>41</sup> It is stated: „The task of government to protect those who are weaker and to maintain essential common standards of behaviour must be pursued consistently in order to ensure peaceful relations under the law within the framework of a free system of government that respects human rights. Someone who goes beyond these limits is opposing this system of government and must be restrained by using all means available to a legal state in order to preserve the rule of law in daily life“ (Rohe/Jaraba 2016: 8).

<sup>42</sup> Should there be interest in a more intensive evaluation of this study, all aspects brought up by the authors can be taken into consideration. The present assessment does not look more closely at problems and mechanisms of parallel justice.

### *Objectives*

Decisive description of the circumstances that can favor development of parallel justice in individual communities and presentation of recommendations for preventive measures.

### *Research questions*

Because only an outline of the project is currently available, the research questions derived from the objectives are presented in interpretative form. Which factors promote the development of parallel justice and how can this development be counteracted?

### *Results*

Parallel justice is encouraged by the following factors:

- Cultural and religious influences
- The results of migration processes
- Rivalry in the mosques and clan families

Recommendations for preventing the development of parallel justice in the following areas:

- Criminal law - increasing personnel resources in the fields of justice and police work; intercultural training courses; sensitisation to the dangers, and development, of parallel justice; detailed documentation of the investigative process; warning of potential perpetrators; contacts with imams and heads of families; strengthening of the cooperation network between administrative offices, NGOs and other actors; round table discussions
- Family - making information easily available about the regulations in Germany that apply to contracting marriage and divorce; provision of information about civil marriage and the religious background of marriage in mosques and religious NGOs

### *Assessment*

The prevention recommendations tend to deal with a social framework aimed at protecting the potential victims of parallel justice (in this case, especially women) and at raising overall awareness as well as expanding the knowledge available in society. At the same time, recommendations are also



made to the police and the judicial system that concern increased staffing and provision of further training on specific phenomena. One key proposal, which has also been mentioned in earlier studies, is to optimise cooperation, not only between the relevant authorities but also between local actors. For example, the author recommends setting up round table discussions with a view to enhancing the exchange of information and ideas about a specific phenomenon.

### **3.2.3 Friederike Zigmann (2015): The Power and Powerlessness of the State? The Structure and Influence of Arab OC Structures in Large German Cities**

#### *Subject*

In connection with her bachelor's thesis, the author was concerned with clan crime committed by Miri and Mhallamiye Kurds in Berlin as viewed by the police and society, and with the mistakes made in dealing with migrants from the perspective of crime prevention. According to the author, the way the Lebanese civil war refugees were treated led to their segregation from the majority society. Because the refugees had been uprooted, cultural values associated with the family were reinforced. Reliance on the family in economically disadvantaged regions is something that the Mhallami have in common with Italian Organised Crime. Where the state does not act, in rural areas family networks fulfil some of the government's functions in underdeveloped countries. Reference is also made to the „crime families“ approach, which examines OC by focusing on networking and family relationships. It becomes clear that Arab families, like the Lupollo family that is analysed, are involved in a network characterised by both legal and illegal forms of cooperation.

#### *Objectives*

The objective is to describe the influence of Arab OC groups on society and to consider a future approach aimed at breaking up the clan structures.

#### *Research questions*

Because only an outline of the project is currently available, the research questions derived from the objectives are presented in interpretative form.

Can the criminal networks that have arisen in these large families be viewed as criminal organisations? To what extent do difficulties arise when law enforcement pursues the clan members and how can these difficulties be overcome?

### *Results*

The extended families do not live solely in one city, but usually have relatives in other large cities and outside the country. Because research is lacking, it is not possible to prove that a higher rate of juvenile delinquency in Berlin is due to the existence of criminal networks in extended Arab families. The research situation is difficult, because the criminal activities are closely associated with the family circle and are thus protected by family members who may not be involved. With regard to the hierarchy, it is noted that the ranking of the criminal family members is geared to the family hierarchy.

It is estimated that one extended family could account for about 100 police measures per year, with offences in different fields of crime. To an increasing extent, the illegal profits are transferred outside the country through the hawala system and invested, for example, in restaurants, real estate or discotheques. Thus analysing the legal and quasi-legal income of the families could provide initial insights into the scope of their influence. Extending financial investigations to confiscation of assets, and closer cooperation with the tax authorities as well as foreign authorities, are said to be desirable. Berlin public prosecutor Kamstra considers a zero tolerance strategy and constant controls to be useful for containing clan crime but thinks they are less effective in this case than for motorcycle gangs.

### *Assessment*

Because the clan families position themselves in the community by investing their criminal profits in real estate, etc. and due to the lack of available information, the author calls for expanding financial investigations aimed at confiscation of assets. However, the question about how to keep such clan structures from developing remains unanswered.

### **3.3 Organised Crime on the internet (OC-related Cyber crime)**

#### **3.1.9 Integration of Linked Information and Early Detection of Organised Crime (LIDAKRA) (2018)**

##### *Subject*

The expanding use of the Internet to plan and commit criminal offences results in a corresponding need for increased staffing to handle the relevant research tasks. Because the data concerned are so diverse, such research must usually be recorded manually – and this takes an enormous amount of time.

##### *Objectives*

Development of a software program that partly automates the searches. This makes it easier to analyse the results and possibly establish a link to Organised Crime. Besides this, the aim is to reveal patterns or certain modi operandi used by criminals on the Internet. Due to the strict data privacy requirements, the idea behind the project is to provide a general platform that can be used by all security authorities.

##### *Research questions*

Because only an outline of the project is currently available, the research questions derived from the objectives are presented in interpretative form. To what extent can the introduction of a software program lead to more efficient analysis and processing of data when criminal offences are suspected in the Internet?

##### *Results*

The project runs until February of 2018 and the results are not yet available.

### **3.3.2 Analysis and Suppression of Gang-type Fraud in Online Mail Order Transactions (ABBO) (2018)**

#### *Subject*

The project looks at the extent to which criminal offences are planned and committed in connection with online mail order sales. Due to the increasing popularity of online mail-order companies – which, according to the project outline, account for about 70 per cent of orders through the Internet – such companies are becoming increasingly attractive for criminals. For example, large group orders are placed by organised criminal groups and not paid for. Tracking down the criminals is difficult, because they usually use fake identities for their orders.

#### *Objectives*

Provision of new research findings with a view to identifying and combating this form of Organised Crime. Development of a platform that analyses large online orders placed at the same time and searches for specific patterns. Such analysis would be directed at assessment of potential fraud. By this means customers and online vendors, as well as the public authorities, are better protected from Internet fraud. A special aspect of the project is its focus on data protection rights.

#### *Research questions*

Because only an outline of the project is currently available, the research questions derived from the objectives are presented in interpretative form. To what extent can customers and online vendors be protected from fraud committed by organised gangs?

#### *Results*

The project runs until January of 2018 and the results are not yet available.

Note: A call for proposals with regard to developing new methods for the prevention, investigation and mitigation of cybercriminal behaviours was found in the „Security“ part of the Horizon 2020 programme<sup>43</sup>. The deadline

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<sup>43</sup> For information about the Call and the requirements, see: Human Factor for the Prevention, Investigation, and Mitigation of criminal and terrorist acts – SEC-07-FCT-2016-2017 <http://>

is mid-August 2017. In connection with this call, projects concerning „Technologies for prevention, investigation, and mitigation in the context of the fight against crime and terrorism” are sought that deal, among other things, with the development of new technologies in the field of cybercrime. The focus is on virtual currencies and on prosecution with regard to supporting online markets in the darknet<sup>44</sup>.

### **3.4 Organised Crime associated with economic life**

#### **3.4.1 Prosecution and Prevention of Organised Financial Crime with Virtual Currencies (Bitcrime) (2017)**

##### *Subject*

The increasing use of virtual currencies, trading of virtual currencies between users, and the lack of control mechanisms. The German part of the project looks at supervisory bodies within the market and the course of action if there is concrete suspicion. Afterwards the results are to be reviewed and harmonised with the prevention mechanisms developed by Austria. It should be noted that this evaluation refers primarily to the preventive component of the project<sup>45</sup>.

##### *Objectives*

One central objective is the development of innovative, practice-oriented approaches to the identification, prosecution and prevention of organised financial crime involving virtual currencies. By integrating the analysis results into a demonstrator and providing a test environment at the Bundeskriminalamt, possible patterns associated with criminal trading in virtual currencies can be identified. In addition, the effectiveness of the regulatory measures that are developed can be evaluated.

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[ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sec-07-ict-2016-2017.html](http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sec-07-ict-2016-2017.html).

<sup>44</sup> See <http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sec-12-ict-2016-2017.html>.

<sup>45</sup> Should a more detailed evaluation of the project be required, the other research questions can also be examined in greater detail.

### *Research questions*

The research questions are derived from the objectives, because no explicit research questions are formulated in the present report about the project. This leads to the following questions: What is the current state of the technical fundamentals underlying virtual currencies and to what extent are these being used legally or illegally? To what extent do acts involving virtual currencies violate the law? What are the technical and legal limits for the conduct of investigations? Which preventive regulatory approaches could be employed in connection with virtual currencies?

### *Results*

Among other things, the approach of using “intermediaries” for monitoring aimed at the prevention of money laundering is discussed. However, this approach must be considered ineffective in both practical and legal terms. Transaction blocking lists intended to prevent money laundering may be of greater value. On the whole, the preventive measures should motivate the parties involved in the financial transactions to implement monitoring and identification measures and, where appropriate, to report unusual transactions, because these parties are the only reliable source for identification of transactions that are otherwise invisible to the authorities. In addition, it is noted that the classic measures for combating money laundering cannot necessarily be applied for prevention in virtual space; for example, having several cryptocurrency accounts is sometimes required by the wallet software. Criminals can evade the regulatory approach by means of private exchange platforms. Thus it is necessary to develop a regulatory approach tailored to the virtual world:

- Identification of recipients (for example, obligating the miners not to process transactions in the blockchain; intermediaries as service providers for virtual cryptocurrencies; standardisation of blockchain technology)
- Identification of the holders of trustworthy accounts through intermediaries; a blacklisting approach and limiting the contact of intermediaries to legal account holders

One possibility for regulation would be:

- The introduction of blocking lists in accordance with the blacklisting of transactions and obligating the intermediaries not to accept cryptocurrencies from certain transactions. If cryptocurrencies are accepted, penal sanctions should follow. In this connection, it must be specified precisely when a transaction is to be entered in the blocking list. For the time being, this should be limited to the catalogue of offences in Section 261 Para 2 of the German Criminal Code, and the blocking list should be publicly accessible to the users.

#### *Assessment*

The project presents the possibility of highly effective blocking lists with a relatively minor intervention in the fundamental rights of individual citizens and thus represents an interesting recommendation for action in police practice.

### **3.1.12 Organised Financial Crime – Methods-based Analyses of Cash Flows, Data Flows and Know-how Flows (INSPECT) (2016)**

#### *Subject*

Joint effort by Germany and Austria join aimed at preventing data theft in connection with financial transactions.

#### *Objectives/Research questions*

Analysing illegal cash and data flows to make possible preventive measures available. Making information available about how insider knowledge is spread, doing so in part through interviews with offenders. This information is intended to make it easier for the authorities to solve financial crimes.

#### *Results*

Project scheduled to run until October of 2016 – Results not yet available.

### **3.1.13 Stiftung Wissenschaft und Politik (2018): Modelling and mapping the risk of Serious and Organised Crime infiltration in legitimate businesses across European territories and sectors (MORE)**

#### *Subject*

Continuation of the ARIEL pilot project<sup>46</sup>. The methodology of the project includes both quantitative (reports, files, databases) and qualitative (interviews, text analysis) elements.

#### *Objectives*

Identification of the risk for infiltration of legitimate businesses by OC. In addition, a risk model is to be developed and evaluated. In this connection, it is planned to collect and analyse cases in 28 EU countries.

#### *Research questions*

The research questions are derived from the objectives, because no explicit research questions are formulated in the project outline. To what extent can the risk of Organised Crime infiltrating the economy be measured and how does such infiltration manifest itself? How can infiltration be minimised or even prevented in the future?

#### *Results*

The project runs until December 2017 and the results are not yet available.

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<sup>46</sup> The ARIEL analysis is focused on five Member States and is an exploratory study. The central objective of the project is to identify the risk of legitimate businesses being infiltrated by OC based on a prepared list of risk factors. The risk factors are identified by means of a comparative analysis that looks at local and operational weaknesses, the *modi operandi* of the criminals and the characteristics of infiltrated businesses. In a further step, these factors can be used to develop a risk model. ARIEL is based on two previous projects: Organised Crime Portfolio (OCP) and Mafia investments (PON). Central research questions deal with the role that OC plays in the economy and with the question about which illegal markets are used by OC to infiltrate the economy. The projects also consider questions such as: In which businesses and economic sectors do OC groups invest their illegally obtained money? To what extent are assets confiscated by European authorities?



## 4 Conclusions

To sum up, it can be said that very few German-language studies about the phenomenon „Organised Crime and preventive measures“ are available. With regard to Germany, an interesting article, written from a legal perspective, was summarised that deals with the issue of using the state’s witness provision as a preventive measure. The article demonstrates clearly that it is necessary to evaluate the actual effectiveness and applicability of stricter laws and amended provisions. Optimisation of legal measures for prevention can only result from in-depth dialogue and subsequent analysis that are coordinated with those who apply the laws.

The studies summarised deal with concrete analysis and the evaluation of files relating to individual OC groups as well as corresponding preventive measures that were either taken by the law enforcement authorities locally or that scientists think would be meaningful in the future. In this connection, it was above all striking that every study sees a need for cooperation with other authorities and institutions that goes beyond the individual police authority if Organised Crime is to be contained effectively. In addition, some of the studies emphasise the importance of limiting opportunities and places for commission of offences by the members of OC groups, with a view to ultimately breaking up the groups. There can be no doubt that this requires a considerable investment of time and human resources. Based on these recommendations, it is necessary to ask an important question: Which authorities and institutions can join together with a view to shrinking the field of action for the OC groups? One recommendation derived from the available literature is to organise round tables about possible preventive measures and concepts for action. This could help to identify patterns and group structures for OC groups. Furthermore, this would serve to promote an exchange (of data and information) between authorities and institutions and could possibly help to reduce the cooperation difficulties mentioned in some of the studies. Training in intercultural competence and a broader knowledge of languages are of considerable significance for ensuring stable international cooperation. In addition, where appropriate, during the investigations there could already be a focus on destroying the individual fields of activity of OC groups. Another approach presented concerns intervention when the OC group is recruiting additional members. Thus one recommendation is to identify the places where OC groups recruit new members and to prevent recruitment

from taking place there. This can not only prevent the beginning of a criminal career but also might weaken the respective OC group. However, preventive measures must not be taken at the police level alone - also at the level of society as a whole, the aim must be to increase public awareness about the forms of Organised Crime as well as its impact and scope. Prevention of Organised Crime must begin at the community level so that preventive measures taken by the police can have an effect. The definition of Organised Crime is another problematic area in connection with implementing preventive measures against OC groups. Thus Kirby notes that the lack of a uniform definition of Organised Crime and the absence of a standardised approach to combating OC groups make the implementation of concepts for action more difficult. Especially when a multi-agency approach to OC prevention is concerned, this could lead to problems.

With regard to dwelling burglary, which is gaining in significance due to the involvement of itinerant criminal groups, numerous studies that deal with preventive measures are available. The studies on hand advocate a cross-border approach to dealing with itinerant and incoming perpetrators of dwelling burglaries and improved coordination between the authorities when combating such crime. Here the focus is on development of a joint concept (such as MOTIV). Another focal point is security technology for the home and raising public awareness of dwelling burglary. Putting a central office in charge of monitoring prolific offenders is considered meaningful, because insufficient maintenance and updating of databases and identification instruments are criticised in the studies. Socially oriented preventive measures are also recommended within the framework of the research projects. For example, one contribution notes that there is a correlation between dropping out of school or vocational training and commission of property-related crimes. Preventive measures are intended to intervene precisely at this point and, by improving social integration (such as projects for the integration or reintegration of dropouts and truants, projects for disadvantaged youth or late repatriates of school age), to keep such young people from beginning criminal careers.

The preventive measures identified in the field of crime associated with immigration tend to focus on measures in civil society such as promoting the social integration of migrants. In some studies about parallel justice and parallel societies in Germany, it is the absence of exactly this type of integra-

tion by the receiving society that is criticised. In the KFN study about itinerant and incoming perpetrators of dwelling burglaries, the following is noted in this connection: Above all in the case of perpetrators who act out of necessity and are sometimes asylum seekers, the alternative of committing criminal offences is initially generated by a lack of prospects in the receiving society. According to this, it is absolutely essential to provide information to immigrants in the refugee hostels and youth homes (in the case of unaccompanied refugees who are minors) about the approaches taken by organised groups of criminals. Only in this way can potential recruiting by such criminal groups be prevented. In the respective accommodations, information about the German legal system and the rule of law in Germany should be provided by police or experts from relevant institutions in order to achieve greater understanding and, above all, acceptance by the asylum seekers. Rather than a lack of prospects, both occupational and social opportunities need to be created. The Rohe/Jaraba study recommends culturally specific sensitisation of police officers, provision of information about the potential dangers of parallel societies and what can cause them to emerge, and the development of a network comprised of authorities, NGOs and other practitioners (through contacts with imams, for example), with a view to exchanging information about current developments and concepts for action aimed at preventing the rise of clan structures and parallel justice. Because much of the criminally obtained cash at the disposal of the extended families is invested through the hawala system in real estate and the like, one of the authors recommends expanding financial investigations to include confiscation of assets and/or monitoring of the legal and quasi-legal income of such families. This would make it possible to counteract difficulties associated with access and/or disclosing the criminal activities of individual members in such extended families.

Only a few scientific studies about preventive measures focused on criminal groups were found with regard to Organised Crime in the Internet and Organised Crime associated with economic life. However, some EU projects that deal with prevention were identified in the above areas. The central recommendations of the projects concern the development of software programs and tools that improve assessment and observation of the potential for fraud. In addition, crime patterns and certain *modi operandi* used by the criminals can be linked more easily, which would reduce the risk of crime. The Bitcrime project concerns an approach for prevention of money launder-

ing that can be used to reveal the patterns of trade in virtual currencies by criminal groups. A concept was developed that provides for the use of transaction blocking lists, a concept that would thus motivate the participants in the financial transactions to implement monitoring and identification measures. On the whole, the capacity for preventive research about the mod operandi of organised criminal groups in individual fields of criminal activity has not yet been exhausted. Specific recommendations for action and effective measures based on empirical proof still need to be studied in greater detail. As a next step, currently available research contributions about preventive measures and concepts for action dealing with victims of OC groups could be examined more closely.

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## Part III

## Preventing OC: European approaches and responses in practice and policy, 9<sup>th</sup> OC research conference in London, UK

The 9<sup>th</sup> OC Research Conference on Organised Crime was conducted at the premises of RUSI in the city centre of London on 23 –24 October 2017 and focused on “Preventing OC”. The thematic focus of the OC Research Conference 2017 lay on the research efforts and the illustration of the situation with regard to prevention measures and concepts in various European countries. The speakers referred to OC and prevention in Germany, the UK, the Netherlands and Sweden. The Home Office gave an overview of OC-related issues and its new concept for countering OC in Great Britain. In the presentations that followed, speakers talked about significant projects aimed at preventing OC at the local level, but also highlighted specific problems and issues regarding future problems and the relevance of prevention in the field of Organised Crime. The focus of the German presentations lay on crime in the context of migration, specifically on crime perpetrated by clans. Sweden focused on its upcoming weapons amnesty and projects in disadvantaged areas. The Netherlands focused on cases and projects related to the administrative approach and the English contributions highlighted various projects aimed at preventing young people from getting involved in OC.

**Richard Agar** and **John Denley** from the West Midlands Police presented “**Operation Jigsaw**”, which is concerned with a Randomised Control Trial (RCT) designed to assess the ability of West Midlands Police to identify those most at risk of becoming involved in Serious and Organised Crime. The aim is to identify and implement a Serious and Organised Crime prevent programme, of course in concordance with the national strategy to counter OC.

As opposed to other prevention measures and initiatives, this operation focuses on pro-active prevention, i.e. looking to prevent crimes from happening before they are triggered. The RCT is a form of evidence-based policing with the aim of identifying the impact of police work and third sector treatments in determining who is best placed to encourage desistance from individuals most at risk of becoming involved in serious and Organised Crime, and which is the most cost-effective.

The sample consisted of a treatment group of Organised Crime group mappings of approximately 800 individuals who have links in their biography e.g. with OC or people associated with OC. They were randomly assigned to one of four cohorts (Partner, Social Media, Police, control group). In brief, the focus lies on identifying the people at the periphery rather than the people currently actively engaged in OC.

In detail, they described the police intervention cohort and the approach within this group. After an introduction the case officers will proceed in seeking to engage each individual, with a view to establishing, based on the nine Pathways to Offending, whether they have any issues or concerns which may be a contributing factor to their potential involvement in crime. If the individual willingly engages and indicates that they would like some support from officers, their full contact details will be gathered. This will differ from Offender Management, as Case Officers are engaging with individuals without there being a current offence as a catalyst; they have been identified through intelligence/offence records, which is no longer pertinent. Officers shall make referrals to West Midlands Police (WMP) providers/partners that seek to address the areas in which they have signalled that they require support. A bespoke management plan will be created between the individual and their Case Officer based on the issues highlighted. This could include referrals to social services, meeting with mentors, Princes Trust, etc. If the individual does not engage, a strategy will be employed that addresses threat, harm and risk. There will be a number of Civil Options, such as Gang Injunctions, available to Case Officers should any individuals offend or be reported as a victim of an offence.

Additionally, both detectives outlined problems which emerged during the course of the programme. There were not enough individuals willing to attend the courses. Initially, individuals stated they would attend, but Victim Support struggled to contact individuals following the Prevent Team providing them with their details. Nevertheless, for those who did attend, the success of the programme was tangible: The police cohort, for example, showed a 36% reduction in offending compared to the Control Group. However, although not all cohorts have been a success, this is in fact a success in itself as it highlights which current tactics are efficient and appear to be viable options.



**Martijn Egberts**, National Public Prosecutor for Cybercrime in the Netherlands, presented the case of **“How the Dutch were able to decrypt millions of messages of Organised Crime groups”**, which is concerned with the increasing problem of encryption for law enforcement over the past years and addresses this problem at its root, exploring whether a criminal investigation could provide valuable information and possible intelligence on the supplier of special PGP telephones and their customers.

The problem of encryption arose with people starting to adjust their software in order to encrypt it. Also, many communication apps are actually encrypted by default. However, law enforcement needs proof of communications between perpetrators to prove a crime has been committed. One of the encryption protocols is the PGP protocol, which is simply based on an algorithm. More and more groups are making use of this form of encryption, but not only criminals use encrypted texts, as commercial services now promise to encrypt the communication of citizens, for example. One company offering such commercial services is *Ennetcom*. During the investigation of an assassination the national forensics were able to decrypt messages that were located on an encrypted PGP Blackberry phone that contained the communication via which the murder was planned. What struck the investigators was that most of those Blackberrys were provided by *Ennetcom*. They lacked a camera, microphone, etc. and were only able to send out encrypted text messages. This gave rise to the assumption that *Ennetcom* was selling these phones especially to criminals, and as most of these phones were paid in cash, the suspicion was that *Ennetcom* was somehow involved in the process of money laundering. Not only was the goal to prove that *Ennetcom* was acting as a cybercriminal facilitator, but also to locate Blackberry’s Enterprise Server (BES). As a result, the director and management of *Ennetcom* were arrested; financial assets were confiscated as well as a number of illegal firearms. In Canada, joint police forces were able to secure seven TB of encrypted data from the BES server. The data was analysed in laboratories and the metadata as well as encrypted private keys were found. After about two months, the whole infrastructure was built back and, inter alia, 3.6 billion emails were decrypted. As the data was now decrypted, the content of the data was searchable. This means that keywords were entered in order to search for results related, for instance, to drug crimes which then enabled the police to see which group in the Netherlands was engaging in which fields of crime.

As a result, cases like the Ennetcom case will prompt discussions on future procedures for law enforcement agencies in terms of questions including: Can the police confiscate a vast amount of data and look into the conversations of thousands of people?

In his presentation entitled **“Changing the agenda. Prevention is better than a cure”**, **Greg Francis** from the NCA Cybercrime Unit spoke about the ways in which we can prevent young people from becoming cyber criminals, and what causes these criminals to act as such.

Firstly, Francis spoke about the lack of literature on pathways into cyber crime as opposed to other crime phenomena. The aim in the area is to better understand and identify commodities in order to be able to use this knowledge to tailor interventions and diversions. The strategy is therefore to debrief in prisons, for instance, or through criminal justice process in order to gain knowledge on certain traits or commonalities. This allows core characteristics to be identified as overarching themes and anomalies. Accordingly, interventions and diversions can be put into practice. There is also a strong need for academia to participate in this process, as it can validate the findings on the basis of scientific criteria.

The Cybercrime Unit has identified the following characteristics for criminals who have committed cyber offences: They are mostly aged between 12 and 22, have a high IQ and are disinterested in formal education. The parents of perpetrators were often unaware of or neglected their children’s interest in the digital world – the children would be spending waking hours online in order to study their specific interest. Therefore, their tangible relationships are rather online than offline – cyber crime is not a solitary act or anti-social, and social relationships are key. Moreover, most criminal careers start with Gaming Mods or requests to hack codes and programs in online forums. They all love the challenge and have no or little perception of risk. Reputation amongst their peers in the online world is of utter importance for the perpetrators. The lack of risk perception stems from the absence of police in the online world, or at least its visible absence. The perpetrators feel safe and anonymous online and do not take the police into account when committing crimes.

The challenge and goal of law enforcement authorities, but also of social institutions, should be to highlight positive opportunities and role models for

young people in order to deter them from committing cyber crimes. Targeted interventions at an early stage can give their lives a more positive direction. Project Propolize aims to help people to use their interest in the digital world to pursue careers in cyber security – and not in cyber crime.

The presentation “**Criminal clan families in Berlin – history, risks and vulnerabilities**” given by **Dr. Ralph Ghadban**, a political scientist and Islamicist from Berlin, is thematically rooted in the field of migration and integration. Dr Ghadban describes a new kind of organized criminality in Germany, so-called “clan criminality”. Its main characteristic is that its group solidarity is founded on kinship instead of free choice. The most important group in this field is the ethnic group of the Mhallami.

Ghadban begins with a short overview of their history and the difficulties resulting from the lack of the German integration policy. Interestingly, the exact origin of the Mhallami remains unknown – they reside in the provinces between Mardin and Midyat in South Eastern Turkey. Their history of migration begins early on and is characterised by segregation from the majority of the population. Mostly, this exclusion was reinforced by a repressive state as well as a militant majority population. The Mhallami were not socialized in a country organised according to democratic standards. Moreover, they grew up in a confessional political system, in which two law systems seem to be in place. These factors are, according to Ghadban, crucial to understanding why the Mhallami have been able to strengthen their structures in German society. One difference, for example, is that the German state is not repressive, but rather based on principles of human dignity and a fair and functioning law system. These differences were regarded to be weaknesses by the clans, especially since not every citizen can be protected by a police officer. Another difference is the individual trust in and need for the protection of the state. The Mhallami do not need the state for protection since their whole concept of solving conflicts is based on their tribal family structures and the kinship of the clan. The clan family is the protecting body, but in Germany the clan is not only defensive with regard to its property, but also offensive. Soon they learned that their strategy of tackling individuals as a group is successful. To strengthen clan solidarity, they tend to marry within the group or members of other allied clans – forced marriage or child marriages are a common practice. The clans live by arbitrary rules, as usually “classic aged leaders” guarantee that discretion and the principle of family

honour are observed. If those norms and rules are broken, the clan member is exposed to social pressure, and even exclusion – often accompanied by the use of violence. If conflicts between or within certain clans exist, there is a common practice of parallel justice that does not involve the police.

Secondly, Dr Ghadban held that clan are mainly successful because politics often denies the existence of the problem and the practice of multiculturalism creates a new form of inequality – because of the feeling of guilt and in order to avoid accusations of racism, many actions are tolerated. Dr Ghadban also mentioned the problem of the demoralization of the police as a consequence of multicultural attitudes. We would have to establish a new basis upon which to welcome other cultures and people – but we must also accept that we cannot welcome all cultures, since there are many cultures that do not respect other people’s human rights. Moreover, the police are clearly in need of more staff in order to protect citizens from newly emerging threats. The form of organisation makes it inevitable to collaborate with other institutions and authorities; therefore, the police need more personnel in order to carry out observations, for example. More actors need to raise their voices when they, for example, learn of possible child marriages. Dr Ghadban concluded that we need to stop trying to be overly politically correct and get back to naming things the way they simply are.

**Johan Gustafsson**, who is Detective Inspector at the National Operations department of the Swedish Police, gave an overview on the government assignment to **“Counteract the existence and use of illegal weapons and explosives in Sweden”**. Moreover, he talked about the situation regarding murder with firearms in criminal environments and solutions, both technical and logistical.

With reference to the measures which are at disposal for the government assignment, some are borrowed from other countries, which illustrates the importance of cross-border work and idea-sharing. Family Liaison Officers – investigators who are specifically intended to maintain contact with a victim’s relatives from an investigation perspective – are one such example. The method has been adopted from the UK, where it has been successfully used as part of countering the silence culture. The Swedish police have developed training in this area which has been tested in the metropolitan areas and led to positive results. Other measures include the concepts of automatic Threat Detection or Group Violence Intervention. Specific measures include

tougher provisions of the Firearms Act, which includes the ability to use covert coercive measures and suspicions to remand suspects in custody until imprisonment. Another approach concerns technical solutions such as camera surveillance and shooting detectors. This is handled very strictly from a legislative perspective, but after the shootings in Malmö and the latest terrorist attack on 7 April, practice seems to have changed. Moreover, investigative skills within the Swedish police need to be raised. The reason for this is that the officers at the front line and officers in the investigating offices are not picking up the proof that give an offense a higher penalty at the preliminary investigation stage – accordingly, extensive training in order to enhance officer proficiency and knowledge of relevant laws needs to be put in place. The last measure Gustafson mentioned is the weapons amnesty from February to April 2018. The last weapons amnesty in 2013 resulted in approximately 15,000 weapons as well as over 36 tons of ammunition being handed over. Most of these weapons were, however, old hunting guns. There has been criticism that the amnesty does not sufficiently address weapons in criminal environments. Now, a new approach is being tested in high-risk areas, with a special focus on segregated areas, where messengers and people who are looked up to in those areas, such as imams, sports coaches, anti-violence groups and parents' associations, are trying to get families of armed individuals to hand in their weapons.

**Professor Rita Haverkamp** presented the different aspects and characteristics of German clan structures in her presentation entitled “**Clan structures and crime in the context of migration**”.

Tribes and clans are known to be the oldest form of human organisation due to their kinship- and loyalty-based relationships. A tribe is a social group which consists of nomadic bands distributed across a number of villages. The tribe is restricted to a definite geographical area, a distinctive language and culture. This results in a common determination or identity against strangers. The clan, however, consists of a group of families who believe to be the common descendent of one shared ancestor – real, mythical, blood-related or not blood-related. The clan is an informal organisation with an effective kinship-based network of people. Events, such as marriages, can redefine the geographical bonds of the clan. The loyalty within the group guarantees safety, security and well-being for the members of the group – the group's members form their world view in line with their socialisation

within the group as the clan, via its social, political and economic functions, provides the actual framework that constructs the meaning of life. Traditionally, most clans are organised patriarchally, with women being accorded a subordinate position. The order within the clan is provided for example by the elders within the clan, who lay down rules and norms according to which the rest of the clan must live. The extent to which one has to follow the rules is determined by the kin group one belongs to within the clan. These rules are mostly not in line with the rules set out by the legal justice system.

The oldest clan structures in Germany are connected to the Roma, who also live in closely-knit and complicated family structures. The Roma have a migration history which is characterised by being excluded and pushed around, which is also the reason why they mostly separate themselves from the majority of the population. Furthermore, during the 1950s and 1960s, Germany experienced a lot of migration from Italy, a country in which the family is one of the most important elements. In 1990, a mass migration movement began in Albania, a county in which the people mostly live in patriarchal social groups – the clan is therefore one of its most important institutions. A council of elders decides on all important matters of the respective community. One of the highest observed norms concerns the honour of the clan – whenever the honour of the clan is damaged, the consequence is oftentimes blood feud. One of the reasons why violence can be so widely observed within Albanian clans is the code of honour. Palestinians are also organised in clans; refugee camps in Lebanon have been known for reproducing clan identity and ties based on the village of origin rather than on actual family ties.

Most clans are not structured traditionally; the extent of organisation varies among clans. Hierarchies are usually clustered, involving a vast context of cooperation between families and clans. They are goal-oriented and act accordingly. With reference to the Roma, it was said that most beggars in Germany are Roma. Organised begging can be prosecuted, yet investigations are difficult as the police depends on the testimonies of the victims. Ties to criminal motorcycle gangs can be observed in Northern Germany; however, the extent and background of the cooperation is unknown. The clans control access to the organisation, and the lack of permeability also makes police work in this field more difficult. An additional problem is that many migrants have a German background – Russians, for example. If one looks at

the Federal Criminal OC situation report, one can see that Syrians and Lebanese, for instance, are involved in the facilitation of illegal immigration, and there are concerns that Arabic refugees are at risk of being recruited by the clans. Nevertheless, one has to state that the vast majority of immigrants and refugees do not have a criminal record.

**“Project Engage: A multi-agency approach”** was the title of the presentation given by **Professor Stuart Kirby**, a chartered psychologist and professor for policing and criminal investigation at the University of Central Lancashire. The project’s aim is to divert young men on the periphery of OC in four areas around Greater Manchester. The presentation highlighted the approaches taken and the implementation issues linked to prevention activity.

Professor Kirby stated that prevention initiatives to help tackle OC presently take into account only the amount of financial damage caused by OC. Accordingly, even only a reduction of about 1% of OC damage could save millions of pounds. The question however is, can you really prevent OC, and if so, how can you show that you have prevented further OC crimes from occurring?

The background to establishing the project in Greater Manchester is that this area is quite notorious when it comes to activities of OC gangs. These particular gangs limited their criminal activities geographically. The political recognition to act against OC activities was put into action by the events in 2012, when two police officers died in the course of a gang-related conflict. The objectives of Project Engage are to identify those individuals on the periphery of OC and intervene in their becoming actively involved in OC. A six-stage process was developed, which included identification, analysis and tailored intervention as well as evaluation. The conceptual framework focuses on the aspect that usually, in various crime areas a small number of people are able to create a vast amount of problems. Early intervention work is, according to Kirby, divided into three sections, namely primary, secondary and tertiary levels. The upstream is concerned with implementing prevention measures at the general population level, for instance through advertisements, in order to inform citizens about a specific form of crime or MO. The secondary level tries to look at prevention for those segments of the population which might be more at risk of falling victim to OC in particular areas of a country. The tertiary level of prevention then focuses on the individuals

who are actually known to be involved in OC. Project Engage would be on the secondary level – this may involve the police showing up at the individual’s door or using legal methods of harassment in order to signal that an involvement in OC activities is not worth the risk. After identifying individuals who might be at risk of becoming involved in OC, multiple agencies were put together in order to analyse this individual in terms of family background or significant life events and to establish how this related to the criminal record of this person. What can be drawn from this “deep dive” is that the process of analysing each individual’s background is very informative but also very resource-consuming, so much in fact that it was hard to keep up evaluation.

What can be concluded from the project so far is that the younger the individuals who were identified as being on the periphery of OC, the more eager they were to engage in the programme. The programme included, among other things, training courses to improve basic skills in English, maths, etc., and was linked to a basic course in which the young individuals were able to participate in an apprenticeship scheme. However, overall attendance at the evaluation meetings with the agencies was poor – attendance was registered as approximately 66%. More interestingly, clients tended to accept social workers more if they lived or worked in the same local area. Furthermore, there were no significant findings indicating a decrease in anti-social behaviour in the areas of Greater Manchester. Engaging with some of those people is really difficult as there is a constant tide between attending the programme and then relapsing again. As a result, evaluation needs to be a lot more sophisticated than was anticipated in the beginning.

The presentation “**Organised Crime prevention in the Netherlands: Cases and policy**” by **Dr. Peter Klerks**, who is a Dutch political scientist and criminologist, focused on measures of law enforcement authorities and municipalities which have attempted to prevent the spread of OC in the Netherlands.

The central argument of this presentation is that Organised Crime is best prevented by “good housekeeping” in the policy and practice of government at all levels. “Sloppy housekeeping”, i.e. poor policies, absence of oversight and enforcement, allows whole areas and domains to become polluted, thus substantially increasing the risk of societal “diseases” and criminal problems. Solid and careful government in the economic, social, educational and



administrative domains is thus the best medicine. “Good housekeeping” is the first line of defence. As criminal prosecution is a costly instrument, the optimum strategy against OC requires other parties (local government, tax authorities, private parties, etc.) to intervene in a multidisciplinary way, using their particular knowledge and powers. In the following, Dr Klerks then described various cases in order to illustrate the Dutch approach to preventing OC and the variety of already existing strategies against OC.

The first case deals with the denial of energy know-how to cannabis growers. The case is based on the fact that the Netherlands have a substantial and very profitable illegal indoor cannabis-producing industry. During the last thirty years, these entrepreneurs have been able to reach a high level of professionalization, as is evidenced by the specialized support industry that has emerged around it. This industry provides vital technical assistance for cannabis growers. Consequently, prohibiting “grow shops” and targeting electricians hinders marihuana cultivation.

The second case describes the countering of criminal abuse of farming real estate. The background of this case is that farmers in the countryside experience a range of economic challenges. These challenges include criminal drug entrepreneurs convincing and pressuring owners into obtaining barns and warehouses. The programme *Focus* brings together local government and police in order to collect intelligence, raise awareness of this problem and reach out to farmers in need.

The third case is concerned with prohibiting hidden compartments in vehicles which are used by criminals to transport guns, drugs or illegal financial assets. In order to prevent smuggling, Dutch law forbids the fitting of any hidden compartments not included in a vehicle’s original design. Special checks during traffic stops have produced dozens of such clandestine compartments, often in vehicles linked to major criminals. Dubious garage firms offer to fit vehicles with such compartments – this fact needs to be actively investigated and results in the company being shut down.

The fourth case is about cleaning up neglected industrial areas. Project *Fabricius* is occupied with cleaning up IJmuiden’s run-down harbour district. The central aims are to actively address and tidy up problematic locations, businesses and individuals. The strategy is to address unsafe environments through visible enforcement and by increasing public awareness.

The next cases are occupied with the prevention of money laundering through Money Transfer Operators and the withholding or withdrawal of business permits to dubious entrepreneurs as part of the Dutch administrative approach as well as cleaning up the Darknet.

**“Research-integrated, intelligence-led community policing”** was the title of the presentation by **Kim Nilvall**, Detective Inspector at the Swedish Police National Operational department in Stockholm. In his presentation he talked about the Swedish concept of research-integrated, intelligence-led community policing (ILP), which is aimed at preventing urban crime and fostering good governance to ensure sustainable social development in disadvantaged neighbourhoods.

The background of this concept lies in the fact that over the past few years a negative development has occurred in Swedish society, especially in some cities. There has been an increase in gang-related conflicts, violence and murders in some neighbourhoods which are often linked to a political housing reform in Sweden from 1965–1975. Linked to this, there have been citizen riots in these specific neighbourhoods against the police and other state representatives/institutions, and citizens in these neighbourhoods tend not to report crimes or their falling victim to crimes – cooperation in investigations is therefore difficult and barely existent. What was found was that these neighbourhoods are afflicted by social risks, social disorder and decreasing social control. Furthermore, institutions within the neighbourhoods do not respond sufficiently to citizen’s needs, which decreases institutional trust and thus, also the number of reported crimes. Accordingly, this situation plays into the hands of criminals keen to take over control of these neighbourhoods.

61 areas are currently defined as socioeconomically disadvantaged, 23 are defined as particularly disadvantaged and six are at risk of becoming disadvantaged areas. The integration of a theoretical framework into the ILP concept has created a context to identify both affected neighbourhoods and cooperative needs to counter this development. The framework includes, from a police perspective, a focus on social risk and threat management, which includes preventing OC in the community, establishing safety across the community and fighting norms that facilitate problematic behaviour. The preconditions for sustainable social development include aspects of social capital (e.g. respect of state values) and fundamental human abilities (e.g.

personal security and safety). These theoretical aspects were assigned to four templates to gather and structure local information.

Short-term results and advantages of this concept are, on the one hand, the ability to monitor the nationwide development of disadvantaged areas as well as the ability to structure and prioritise institutional preventive actions. On the other hand, it enables the communities to manage their resources based on an assessed threat level. Long-term benefits of the project are the ability to evaluate and follow up on past activities and initiatives with regard to results and efficiency. Lastly, there will be an increase in the capacity to reduce the impact of OC as well as the risks of terrorism and radicalisation.

## Articles of the speakers

### How the Dutch were able to decrypt millions of messages from Organised Crime Groups

Martijn Egberts

Public Prosecution Service, Netherlands

There is a saying in the Netherlands which states that you just have to do the job, no matter how hard or unlikely it may be to solve. This article is not about developing a new method, but rather about how a problem was recognized and then systematically and efficiently solved. The problem the Dutch were faced with was and still is encryption. It all started with Edward Snowden and then became the focus of software and hardware developers endeavouring to decrypt the messages and data on their phones. All computers and many communication apps that are available are encrypted by default when they are shut down. While encryption is essentially not a negative invention, it does create a number of obstacles for law enforcement as the legal authorities are dependent on evidence which is mainly based on communication between two or more perpetrators, for instance. Without access to perpetrators' communication, it becomes very difficult to find any evidence.

#### ***Ennetcom* and Dutch law enforcement goals**

One of the encryption protocols is the PGP protocol which provides pretty good privacy and has been available for some 30 years now. The protocol is based on an algorithm which transforms plain texts into encrypted texts. In order to decrypt them, a private and a public key are necessary. The Dutch Public Prosecution Service never was and is still not able to decrypt the PGP protocol. The problems caused by more and more criminal groups using the PGP protocol are ever-present – the protocol is even used for commercial purposes. One example of such commercial activity is the company *Ennetcom*. The Netherlands were able to decrypt messages linked to an assassina-

tion that were located on a PGP-encrypted Blackberry smartphone. The phone contained the communications between the perpetrators and the man who ordered the hit. Based on this evidence, their conviction was very easy. Blackberry delivered a public statement stressing the security of its phones and informing its clients the security of Blackberry phones had not been compromised since the perpetrators in the investigation had used weak passwords that enabled the police to decrypt the messages. Behind the problem stood a group called the Moco-Mafia, which received huge shipments of cocaine in Antwerp and ultimately was responsible for a number of assassinations across the Netherlands. With the encrypted messages in mind, the Dutch police started to look at various possibilities. All the murder investigations or drug-related crimes had one common lead: most of the phones used in connection with the murders were Blackberry phones provided by *Ennetcom*. These phones offered high-level encryption and were being sold for € 800–1400. They cannot make or receive calls, nor can they take pictures, and their microphone is disabled – for law enforcement it is therefore very difficult to extract information from these smartphones. This gave rise to the suspicion that *Ennetcom* was primarily providing criminals with these phones. Moreover, most smartphones were allegedly being paid for in cash; *Ennetcom* was taking money from criminals and aiding money launderers. The goal thus became to take down *Ennetcom* as a cyber-criminal facilitator. If *Ennetcom* were to be shut down, other investigations would stop being impeded by non-accessible PGP-encrypted data. Another goal was to prove *Ennetcom*'s money laundering activities and prosecute the company. Furthermore, the technical work also needed to be taken care of – law enforcement wanted to find the BES server,<sup>47</sup> the source in which the encryption process takes place. At first glance, it might seem easy to locate because one could assume you would only need to know the IP-addresses than can be connected with the communication track. Unfortunately, though, it was not that easy – it took six months to locate the BES server.

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<sup>47</sup> BlackBerry Enterprise Server (BES) is a middleware programme that allows BlackBerry devices to access corporate messaging and collaboration software such as Microsoft Exchange, Lotus Domino and Novell GroupWise. The middleware synchronises messaging content between enterprise servers and Research In Motion Blackberry smartphones. See <http://searchmobilecomputing.techtarget.com/definition/BlackBerry-Enterprise-Server-BES>.

## The location and conviction

During the investigations, detectives found that the communications between the criminals in the Netherlands were relocated through a BES server in Canada. At the time there were several open investigations for OC dealing with drugs and assassinations. What was planned was a joint international operation which focused on house searches on-site in the Netherlands, but also aimed at locating the BES server and securing relevant data in Canada. Consequently, wiretapping and tracing messages from the BES server was not possible to do live. Nevertheless, the BES server was identified, and a message was sent to over 20,000 *Ennetcom* PGP-encrypted telephones, saying that this was the police and that data was currently being copied from the BES server. Not a single message of complaint came back in return. In total, seven terabytes of data were copied from the server. On the day of the action, the director of *Ennetcom* was arrested, and a sum of money and illegal firearms were confiscated. Next, the server was re-activated to allow users to communicate again via their *Ennetcom* phones. *Ennetcom* published a note saying they would not relaunch their encrypted network again. The data which was extracted from the BES server was not released for unlimited use – it was legal to use it only in a few investigations such as the one against *Ennetcom* itself as a cyber-criminal facilitator and money launderer. For all other investigations across the Netherlands, a judge still has to approve access to *Ennetcom* data. Analysing the seven terabytes of collected data, the police not only found the relevant metadata, but also key servers as well as encrypted private keys. Millions of emails, user names and notes were decrypted. The notes were especially interesting, as emails self-delete after a few days, but the criminals found the content of these messages to be important as they contained information on drug prices, for instance. They kept recording these details in their notes so they were able to compare drug prices over time, for instance. This helped the police identify various groups across the Netherlands, as the notes and emails clearly showed the specific areas of crime in which groups were active.

# Changing the agenda. Prevention is better than a cure.

Greg Francis

*NCA Cybercrime Unit Prevent Team, UK*

Conventional crime such as drug dealing includes the kind of criminals everybody seems to be familiar with – organised networks of people with international connections. However, in what is called electronic crime a different form of criminality has emerged: cyber-enabled crime, that is conventional crime committed online. An example of cyber-enabled crime might be the highway robber reading that Henry Ford has created the motorcar and realises that he could rob six banks in a day as opposed to sitting on a horseback hoping for a good robbing opportunity. So cyber-enabled crime uses a technological development to enhance criminality. So the fraudster who used to send out a thousand letters saying that they are a Nigerian prince needing assistance to access a Trust Fund can now send out thousands of e-mails increasing their catchment at less expense and more returns. What the National Crime Agency (NCA) has done, is that they have moved from investigating primarily cyber-enabled crime to investigating cyber-dependent crime. Cyber-dependent crime is technologically enabled crime in which the perpetrator needs digital technologies in order to commit a crime. Examples would be hacking or DDoSsing alongside, development of malware and viruses – effectively when some mode of digital technology or media is needed or the impact on the other. In shifting the focus from cyber-enabled to cyber-dependent crime, there was, from an operational perspective, a significant transition targeting those developing the criminal tools and techniques. This shift in emphasis to those who were developing the malware, developing the viruses, building the botnets, etc. led to the investigation, arrest and prosecution of a disproportionate amount of young people under 21 with no criminal history. As a result, an initiative was undertaken by the National Cybercrime Unit Prevent team to actually go out and identify these individuals, find those who have been arrested and have gone through the criminal justice process and those already imprisoned, and do some debriefs of them. The idea is to speak to them not for evidence or intelligence gather-

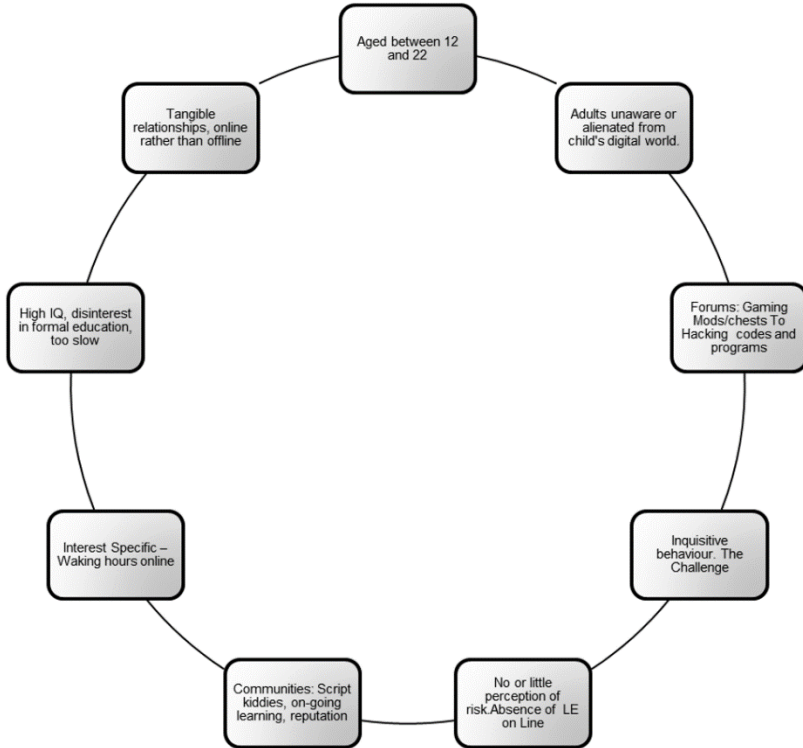
ing, but rather for identifying their motivations, their traits, their commonalities, their interests and find out if we can actually understand the intervention pathways that can be possibly seen. Therefore, the aim is to prevent and deter these individuals from entering or moving deeper into a career in cyber-dependent crime. A particular focus lies on the younger individuals, since they are prominent within investigations. Traditionally, the Agency follows the four Ps: pursue, protect, prevent and prepare. So naturally, protection comes before prevention. Once the problem is solved, hence protection can be guaranteed, the next step would be to prevent this event from happening again. So if you protect and you start to investigate these cyber crime cases, you soon start to realise that the beginning of these cases or the criminal careers are quite similar. Keeping in mind the modes and reasons for attack, imagine a castle being attacked by villagers. To protect it, it would be reasonable to employ more soldiers and greater defences. If, however, you found that the villagers were hungry and being paid to attack, it would be prudent to feed them and pay more for their services. It is likely that this action would cause less people to attack. If you transpose that rationale to cyber-dependent crime, debriefing those involved to identify and understand the reasons for their criminal activity will help tailor interventions. It is therefore productive to speak to the people directly; there is no point in just protecting yourself because in cyber crime, the more you try to protect, the more likely it is that individuals will see your network as a challenge. This understanding is actually one of the significant outcomes of the debriefs. Other key aspects are that all of the people involved in cyber crime were willing to speak with the agents. This is unusual for those arrested for serious conventional crimes. Not only were those individuals happy to talk to the investigators, but they invariably admitted their guilt at the earliest instance in the absence of legal advice. Moreover, core characteristics were identified during those debriefs (Figure 1).



## The characteristics of cyber criminals

Figure 1:

### Identified characteristics of the cyber criminal.



These characteristics formed the basis on which the Agency developed their prevention strategies in order to ensure that these individuals make informed choices about their actions and the implications for their future. For evaluation and further analysis, the Agency works together with various academic institutions. The topics and traits addressed were overall similar, with of course some smaller anomalies. The arrests of the young people, mostly aged between 12 and 22 years, were for activities like taking down homepages, breaking into private networks of governmental agencies and DDos

attacks on all constabularies in the UK. The average age of the cyber-dependent criminal perpetrator in a timeframe from 2014 to 2016 was 19 years. The relationships that the young people develop online tend to give them a sense of value as opposed to feeling excluded and having a relatively small network of friends in the offline world. These kids often experience isolation or awkwardness at school, which could e.g. be confirmed by a clinical diagnosis or an observation. They may be autistic or may have ADHD, or Asperger's, but certainly, at the very least, a disproportional amount of them are socially awkward. The peers online understand each other and have mutual interests like coding and decoding, or hacking. They are able to see patterns in binaries, understand them and modify them if necessary. The fascinating aspect about this is that this soon develops into problem solving. They spend their waking hours online reading or chatting in forums or playing games, which results in them struggling in school because of disinterest and/or sleep deprivation and because they are not interested in what is being taught in school. This lack of interest stems from the fact that a lot of these kids have a level of understanding in their skill set with respect to computer science that is significantly higher than the individuals who are assigned to teach them. This is quite an outrageous observation and a vast problem in education, as it is probably the first time in history that an eleven-year-old can go to school and actually know more than the teacher. The disinterest will soon permeate the other subjects, because although other subjects must be taught, they do not matter for the individual, as their main subject of interest has been compromised by the teacher's lack of skills. Why did they do it? In the interviews it became quite clear that most of them committed these offences for reputation matters, saying: "I did it to impress the online community!" They wanted to prove themselves to their online peers and wanted to show that they were able to pull things off. The more the reputation increases within the community, the more the perpetrators felt that they were engaging with the smarter members of the community – i.e. speaking to the elite and actually being accepted by them.

### **How did the pathways start?**

What was key was that in speaking to all of the young people, it became clear that they all enjoyed gaming. Gaming in itself is not the problem, though; many millions of people do play games frequently and do not end up

launching DDoS attacks on the government. What distinguishes average gamers from those who choose the pathways of cyber crime, was modding (modifying) and cheating in games. For example, if you are playing World of Warcraft online, you can observe some people running around shooting and also being shot, but not being killed. These people changed the corporate coding of the game to effect a different outcome. The vast majority of gamers who see such modifications will report this to the administrator; however, there are smaller groups of people who will say that they also want this modification, and there is a much smaller group who actually want to know how this is done. The latter ones join gaming forums in which you can talk about modding and cheating, and they start to realize that they have an aptitude and skill for understanding the technical intricacies of the internet and the limitless stimuli this provides.

These infinite challenges soon take them out of the gaming environment into more “interesting” challenges that invariably start at hacking forums. Once they start interacting in this arena, they very quickly realise that they have a sense of value through their skill set which they do not have in the offline world. In these forums they then start exchanging ideas that result in problems being posed, and it is only a small way from there to be scouted by e.g. an organised criminal gang to help them with their problems. These OC groups can use young people to, for example, develop the kind of malicious software that has been behind some of the most prolific hacking attack on banks in the UK and the US. In one specific case, a young man of 19 years received a few hundred British pounds from an OC group each week to buy weed for himself in order to stay up and work on malware – the OC group itself was making millions of pounds. A situation which should also be talked about concerns the public interest to prosecute a young man. The following factors can significantly mitigate the most serious aspects of cyber crime:

- First offence;
- Individual under 21;
- Neurodiversity issues;
- Parental indifference/ignorance;
- Early guilty plea and compliant;

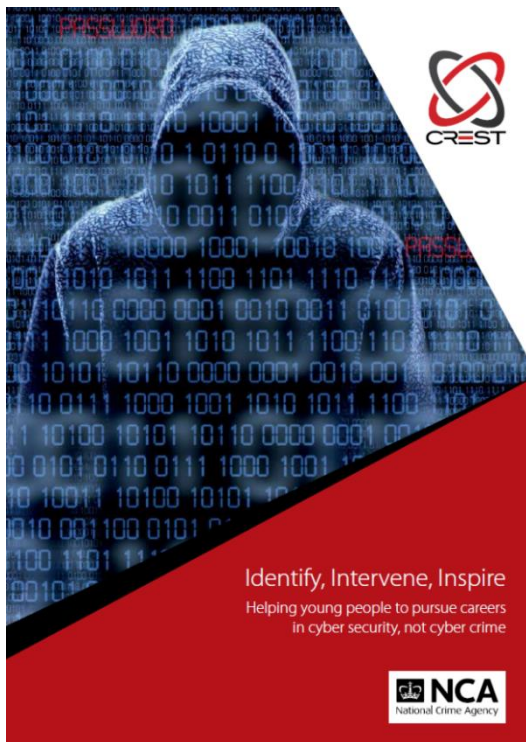
- Unaware of implication;
- Absence of criminal dividend.

If there is no significant criminal dividend in the form of money and/or malice, prosecution can be difficult. So where does this individual fit? This, among other hazy points, is the reason why prosecution in this area might be difficult. That is exactly why the Agency put a great focus on prevention instead.

## What can be done?

Figure 2:

### Flyer of project propolize.



What the debriefs also highlighted was the fact that many parents knew that their child was special in the sense of its interests and social behaviour with friends and at school. So in every case, there is a parent who might not know that their child might be at risk of engaging with a community connected to cyber-dependent crime. The problem here is that many parents do not know what to do with technologically proficient children if they discover an interest in this area or even a talent because they normally don't understand the subject. Many parents accordingly view their child as something special, even a genius – and leave them to their own devices. As a result, what those kids need is guidance.

# **Criminal clan families in Berlin: History, risks and vulnerabilities**

Ralph Ghadban

Freelancer, Berlin

## **1 The case of the Mhallami Kurds in Germany**

With migration from the Third World at the end of the 1970s a new kind of Organised Crime (OC) emerged in Germany. Germany was not prepared to deal with this kind of criminality, and for a long time it did not even realize that the crime which emerged from migration was growing steadily. As is statistically shown, this form of crime poses an immense threat to German society – especially the threat coming from the ethnic group of the Mhallami. Many other ethnic groups are following the example of the Mhallami Kurds: Arabic and Turkish groups, as well as new groups from the Balkans. The origin of the Mhallami is unknown and even across Mhallami groups; stories about their origin differ due to the lack of clear ethnic identity. They live in about 40 villages located between the cities of Mardin and Midyat in south-east Turkey.

Figure 1:

### Map of the Mardin province in Turkey.



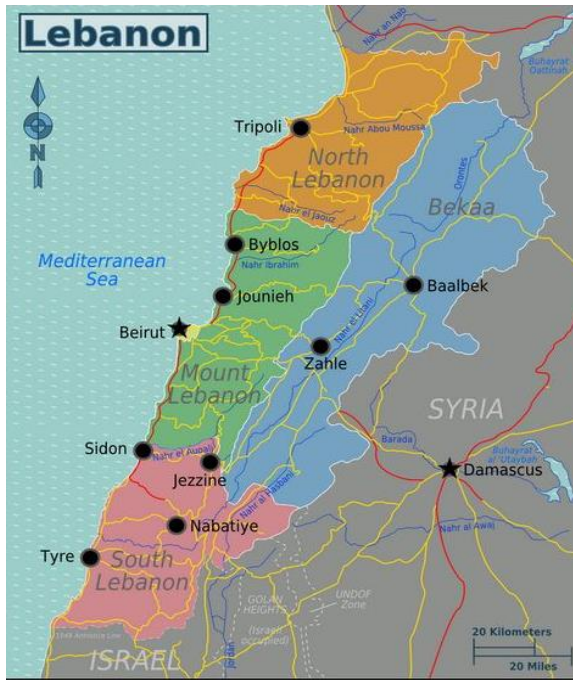
Source: [https://de.wikipedia.org/wiki/Mardin\\_%28Provinz%29#/media/File:Mardin\\_districts.png](https://de.wikipedia.org/wiki/Mardin_%28Provinz%29#/media/File:Mardin_districts.png) [accessed: 01.11.2017].

Their migration history reaches back into the late 1930s, when they migrated to Lebanon hoping to achieve a better life in the future. Unfortunately, this hope was disappointed: they were not welcome in the new society. They were excluded, had no access to health services and had no permission to work or go to school. This fact makes the integration experience of the Mhallami special – in Lebanon they were migrants and were not of Lebanese origin. The Lebanese refugees in Germany mainly come from districts in Beirut and southern Lebanon which are afflicted with poverty. Migration has a long tradition in Lebanon, as it has always been a country where people have been able to seek refuge. Only in the past 200 years has it also become a country that people have had to flee from (Ghadban 2000: 21). Therefore, individuals were completely dependent on their ethnic group, which as a result strengthened clan solidarity. They were located close to the camps of

the Palestinians, and after the destruction of the camps that were located near the Christian areas at the onset of the civil war in 1975, the Mhallami followed the Palestinians on their way to Germany. The refugees from Lebanon and Sri Lanka were the first civil war refugees to arrive in Germany. The government granted them status as economic refugees and started to implement a restrictive policy towards Lebanese refugees. Consequently, the Mhallami did not have the chance to integrate into German society. They, again, experienced exclusion from society, only now in a different environment.

Figure 2:

**The origins of the Mhallamiye in Lebanon.**



Source: [https://www.google.de/search?q=libanon+karte&dcr=0&tbm=isch&source=iu&pf=m&ictx=1&fir=4NGB9BpCCKNSxM%253A%252CVhcjDrImROqNIM%252C\\_&usg=\\_fXK4wTjTMR05BFqUQU7KfH-gU8%3D&sa=X&ved=0ahUKEwjh5uuywJ\\_XAhUMfhoKHTjYCIQQ9QEINDAG#imgrc=4NGB9BpCCKNSxM](https://www.google.de/search?q=libanon+karte&dcr=0&tbm=isch&source=iu&pf=m&ictx=1&fir=4NGB9BpCCKNSxM%253A%252CVhcjDrImROqNIM%252C_&usg=_fXK4wTjTMR05BFqUQU7KfH-gU8%3D&sa=X&ved=0ahUKEwjh5uuywJ_XAhUMfhoKHTjYCIQQ9QEINDAG#imgrc=4NGB9BpCCKNSxM) [Accessed: 02.11.2017].



## **2 Formation of the clan in the West**

In Lebanon, their exclusion was aggravated by the violence of a repressive state supported by a militant population. The Mhallami thus come from a country which does not know the principles of democracy. The political system in Lebanon is confessional, and therefore they grew up in a society based on two legal systems (Ghadban 2000: 21). This society also has a distinctive family structure and is able to defend itself. These barriers limit the extent of criminality in a specific way. Once in Germany, the Mhallami discovered that these barriers do not exist. Instead of a repressive state, the Mhallami found a constitutional state based on the value of human dignity and a legal system based on law, in which even the rights of criminals are respected. The goal of criminal law is resocialisation as well as punishment. The clans do and did not understand the human dimension and interpreted this clemency as weakness. Besides, the age of criminal responsibility is 14 years, which also adds to the fact that children in those clan families do not have to fear state prosecution. Therefore, they neither fear the police, nor are they exposed to violence from the population. They also discovered that they were now living in an open civil society constituted by autonomous responsible individuals with a civic education that enables them to communicate respectfully with one another and live peacefully side by side. This harmony allows for a minimum of state control and a large scope of freedom of action. Nevertheless, the people expect the state to ensure security and safeguard freedom. If two people are in conflict with each other, for instance, they tend to call the police to solve the problem or take it to the next legal level. However, the Mhallami would call their brothers, cousins, etc. The clans do not see this responsibility – the only thing they see is unprotected individuals. One cannot place a police officer next to every citizen. Clans view the entire German state as an open, lawless terrain in which they can launch their raids without being exposed to serious risks. Moral obstacles do not exist because they consider everything beyond their clan as enemy territory. Having just arrived in Germany, the Mhallami began to steal. They were very successful, which as a result motivated more and more clan members to follow this criminal path. Delinquency is formed by many children below prosecution age, who act with the approval of their parents. Soon, the adults became aware of the benefits of acting as a group in confronting individual members of other criminal gangs. They are active in various criminal

fields such as robbery, drugs and prostitution. To increase the chances of successfully committing crimes, they need to consolidate their clan structures to enforce clan solidarity. A reliable measure is, for example, to marry within the group or to marry members of other allied clans. Thus, very quickly, endogamy reached a higher level than in Lebanon. To maintain this structure, forced marriage and marriages with minors are very common. In Germany, women were generally granted fewer liberties than in Lebanon. Another step to protect the clan structure is the unwritten norm of discretion – it is forbidden to make public what is going on within the clan. If somebody were to break this rule, they would face social pressure and isolation within the clan – often accompanied by violence.

Even if clan members want to live a normal citizen life, they cannot easily escape the rules of the clan. This voluntary, or sometimes forced, solidarity with the clan is the reason why a clan can move towards OC – even the members who are not active offenders are guilty on moral grounds. This development changed the function of the clan in the undeveloped oriental societies. In the extended family, the clan and the tribe have a protective function. They protect and defend the property of the family from the state and other groups or rival clans. In a modern society like Germany, the role of the clan is shifting from defensive to offensive and aggressive. The protective function is superfluous because it is fulfilled by the state. This is why the forced cultivation of clan structures basically gives rise to the plundering of society. The illegal transfer of wealth is the primary function of the clan.

### **3 Clan and state**

Riches lie in the public sphere and seem to encourage people to take whatever they need. The state is a serious obstacle that has to be circumvented since it has a legitimate capability to use force. Institutions of the state which are of concern are the legal authorities and the youth/welfare services as well as schools. The clans act in order to neutralize them. Their weapon is mass confrontation – if somebody has a problem with a clan member, he finds himself surrounded by a multitude of clan members and relatives in a very short time. Therefore, the victim has no chance to make use of his rights. The same tactics are used with the police. E.g. if a police officer on patrol wants to give a clan member a parking ticket, he finds himself quickly sur-

rounded by an aggressive pack of up to 30 people and more who keep the police from doing their job. Intimidation by these clan families is serious and personal. The clans find the name of the police man who wanted to give them a parking ticket, find out his address and send him personal messages as a threat. Because of this threat and because the state seems to be unable to protect its citizens, the police avoids some areas – so-called “no-go areas”. The clans celebrate their victory not only over the police, but also over the legal authorities. The clans use the same intimidation tactics against judges – in the courtroom they also appear in vast groups. Their aim is to sabotage the trial; they use violence systematically to force witnesses to change their testimonies. As a result of these intimidations, many trials are called off. The legal system does not work – even if a lawsuit is continued, the families have enough financial resources to hire the best lawyers. Social welfare institutions are neutralized – the social prognosis is very important to the judge of a juvenile court as he is responsible for the cooperation between state and family. However, this is impossible with regards to the Mhallami because they won’t let social workers enter their apartments. The same goes for schools – education is, in Germany, a duty shared between state and parents that requires collaboration between the two, which, in the case of the Mhallami, often does not exist.

#### **4 Parallel society**

The parallel society is a social milieu that isolates itself from main society and follows social and ethical values that do not conform to the majority of western societies based on human rights. This shows that a social milieu can be ethnic or religious, and sometimes both. The Mhallami belong to the last category. The measures taken to consolidate clan solidarity and to neutralize the institutions of the state isolate the clan and stimulate the emergence of their own parallel justice system. Accordingly, they manage their affairs amongst each other. This concerns not only commercial matters, in which private mediation is legal, but also matters of family and penalty law. Especially the latter originally falls within the competence of the court, just as criminal affairs do. The parallel justice system totally ignores the state’s justice system and disdains it because it is regarded as very mild. In a fight between two clans, a young man was shot – the murderer was sentenced to five years in prison. According to the customs in the Orient, the clan of the

victim asked for a big amount of blood money and wanted the other clan to leave the city. The other clan refused to follow the wishes of the clan family of the victim. Consequently, the brother of the victim killed the brother of the murderer and left Germany. The people who normally manage the affairs of the clans are the classic aged leaders who have power, e.g. lots of sons, wealth and charisma. In the Orient, wealth traditionally means having a big estate. In the West, by contrast, the characteristics of a leader are changing. The ownership of vast financial resources and the ownership of expensive cars or real estate and generally living in luxury require big investments and also a certain level of audacity in the criminal business itself. A second factor which weakens classic leadership in the new environment is the necessity to deal with new, but similar ethnic groups from the Balkans, as well as with Turkish and Arabic groups that also try to revive their extended family solidarity in order to be as strong as the Mhallami clans. All these groups do not care a lot about traditional leadership and only respect the powerful actors within their families on the street. In addition, their system of parallel justice incorporates family matters, as the use of violence against women in order to enforce endogamy is a widely spread phenomenon. Although it is a crime, no woman dares to ask for help from the police or the state. What is even worse is marriages between minors. They tend to marry very early: the girls between the age of 14 and 16, the boys between the age of 18 and 20. In Germany, juvenile marriages are forbidden – nevertheless, the clans are assisted by imams in order to legalize these unions because matrimony in accordance with Muslim law is more important to the families than matrimony according to civil law in Germany. It is sufficient to legitimise sexual contacts and maternity/paternity, and does not need to be recognised by the state –which is why this kind of marriage is widespread among Muslim families. However, its frequency depends on the level of rejection of the secular state and is more frequently practiced among Islamists than among traditional Muslims.

## **5 Multiculturalism**

The success of clan criminality does not only depend on the aforementioned factors, but is also a result of the ambivalent approach of the state. In many European countries suffering from the clans, politicians refuse to see a link between the clan's crimes and their cultural background. The reason for this

is ideological – in almost all countries we have a de-facto concept of multiculturalism due to ethnic and religious diversity as a result of migration. Only in a few countries, such as the United Kingdom and Sweden, do we have an official policy of multiculturalism. Multiculturalism is a political philosophy that recognises cultural diversity and considers all cultures equal. Its intention is to fight racism and cultural segregation, which are supposedly inherent to the so-called homogenous nation state. This results in cultural relativism that sees human rights as a Western cultural product and Sharia law as a part of Islamic culture. By fighting inequality, multiculturalism has created a new form of inequality, for it propagates an offender-victim pattern that discriminates against Europeans and their culture. Multiculturalists do not openly deal with the problems related to migrants because they have a feeling of guilt and want to avoid being accused of racism. The failure of the state and its authorities are well described in Alexis Jay's report on child sexual exploitation in Rotterdam between 1970 and 2013, which accounted for about 1,400 victims. In Sweden, the people who have caused these problems are openly referred to as migrants, and the state fights those Swedish citizens who point out the obvious problems caused by migrants; in Germany the authorities try to do everything to hide the nationality and background of the offender as was obvious in the cause of the events around New Year's Eve in 2016. They wanted to protect the refugees, and the fate of dozens of women was secondary. The most serious threat to legal society is accordingly the laxity of the legal authorities, since e.g. the influence of multiculturalism has also begun to affect the sentences of judges who pronounce milder judgements. Therefore, one can see that the legal authorities not necessarily support the police, who after often long and nerve-wrecking investigations have to see their suspects set free by the judges only to encounter the same criminals in the same areas shortly afterwards again. A reasonable question for many police officers would then be why they should even invest energy into matters like this when their effort is payed back with zero. The demoralization of the police can also lead to events such as those seen in Hameln some time ago. A suspected thief tried to flee during his interrogation at the district court in Hameln in 2015, fell from the 7<sup>th</sup> floor and died. His clan mobilized and attacked the police – as a consequence, 22 police men were injured. Two years later, the judge showed complete understanding for the tragic death of the thief and pronounced sentences against the accused peo-

ple, putting them on probation for periods between six months and two years. The anger among the police was huge.

## **6 Prevention**

In the following, some suggestions on how to deal with clan criminality will be given. First of all, it is necessary to abandon the ideology of multiculturalism. Multiculturalism averts the integration of migrants per definition as it has simultaneously failed in all European countries to guarantee a peaceful cohabitation of various cultures. The basis of Western society is the equality of every human being, including men and women. This does not include the equality of cultures – not all cultures are welcome because not every culture respects human rights. The minor position of women in Islam is only one example and it is unacceptable, as is the existence of Sharia courts in some European countries. This perpetuates the kind of submission which is a clear degradation of human values. Secondly, the citizens in the West give the state the monopoly on violence in order to protect them and to make sure social peace is achieved. The police is therefore in need of more personnel in order to fulfil the tasks it has been given. Clans should be treated as criminal organisations if the state wants to effectively proceed against them. The clan's members should be observed closely – cooperation between different state services is inevitable. With regard to data protection, a legal solution should be found. Thirdly, with the spread of multiculturalism in the 1990s, the judges show too much understanding of the cultural background and try too hard to be politically correct in order not to discriminate against anybody. Their judgements are clement and do not frighten the clans anymore. Lastly, youth services must work again, if necessary under the protection of the police, and the school should not keep quiet when a minor girl stops attending school, probably to get married. As we can see, the fight against clan criminality is not only a task for the police and the courts, as in the case of OC, but a task for the whole society because it is a matter of integration, of communal communitarianist structures in our modern idealised, individualised society. In order to do so, we must take off our ideological glasses and look at reality as it really is.

# Government assignment to counteract the existence and use of illegal weapons and explosives in Sweden

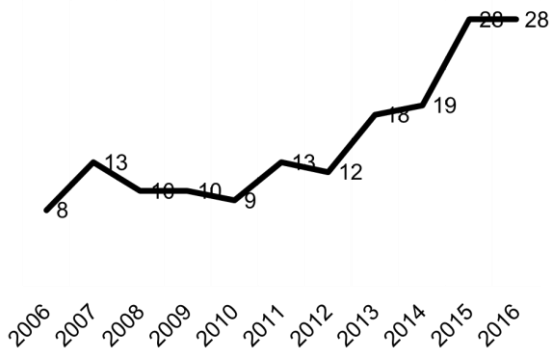
Johan Gustafsson

*National Operations Department, Swedish Police, Sweden*

The mission which is described here is to counteract the existence and use of illegal weapons and explosives in the country. This includes the situation regarding murder with firearms in criminal environments and solutions, both technical and logistical. We have incorporated various measures some of which are already existent in other countries, like the UK. Moreover, this article will talk about the upcoming increased punishment for violations of the Swedish Firearms Act, how we prepare for this and what kind of special tactics for accessing illegal weapons in criminal environments during the forthcoming amnesty in Sweden, which will take place in spring 2018, will be put in place.

Figure 1:

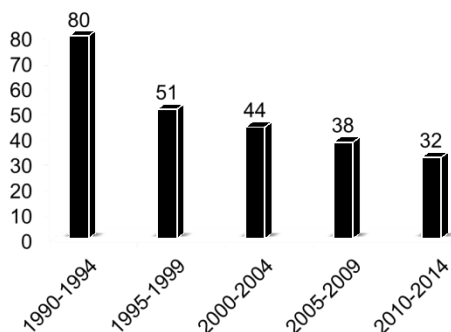
**Number of shootings with fatal outcome in criminal environments 2006–2016.**



The graphic above displays the number of shootings with fatal outcomes in criminal environments. Over the last years an increase in the case numbers can be observed. From only eight cases in 2006, the number increased to 28 cases in the year 2016. In 2017, so far the number has risen up to 35 cases. As such, this increase may seem small, but compared to the population and overall crime rate in Sweden, shootings pose a vast problem.

Figure 2:

### **Percentage of solved cases of fatal shootings in criminal environments 1990–2014.**



This graphics shows the percentage of solved cases at fatal shootings in criminal environments from 1990 to 2014. Between 1990 and 1994, 80 per cent of the registered cases were on average solved. However, in recent years, e.g. from 2010 to 2014, the percentage of solved cases is on average on 32 per cent. It could be the case that this decrease is connected to the mistrust among the population and witnesses in the environment not coming forward to the police.

## **1 Measures taken**

At disposal are a range of measures, both technical and logistical. Some are already in place, some are underway and we are looking into further measures to implement.

Several of the measures are borrowed from other countries, for instance:



- FLO, Family Liaison Officer: Investigators are specifically intended to maintain contact with a victim’s relatives from an investigation perspective. The method has been taken from the UK where it has been successfully used as part of countering the silence culture. We have developed training in this area which has been tested in our metropolitan areas with positive results.
- ATD, Automatic Threat Detection: We participate as observers in a project run by the UK Home Office. ATD means that algorithms are automatically able to read X-rays of bags, vehicles and containers in order to detect threats such as weapons.
- GVI, Group Violence Intervention. This is a method from the US that is based on the partnership of civil society, legal system and social services, focusing its commitment on the small but active number of people linked to criminal gangs. Partnership participants communicate a clear message against violence, the consequences of continued violence, and a genuine offer of help to get out of the way of life for those who want to. In Malmö, which is one of three metropolitan regions in Sweden, we will try this method. We have come into contact with the method by BRÅ (the Crime Prevention Council).

The Measures are intended to:

- Sharpen the provisions of the Firearms Act,
- The National Forensic Centre, NFC, works with a number of measures for more efficient processing routines in forensic investigations,
- Technical solutions,
- Raise the skills in investigating,
- Weapon Amnesty.

## **2 Sharpening the Firearms Act**

Firstly, we have worked hard to sharpen the provisions of the Firearms Act. We have been successful in this work and the government has announced a doubling of the minimum penalties for serious crimes of violence, from one

year imprisonment to two years imprisonment, and particularly serious crimes of violence from two years imprisonment to four years. The government has also announced the corresponding punishment for explosive goods, such as hand grenades, which is governed by another statute. The sharpening of the Firearms Act will include a presumption for arrest (which is not always the case in Sweden even for serious offences, unlike in the UK), and the ability to use covert coercive measures such as phone tapping. The punishment will likely give a deterrent effect. Above all, a presumption for arrest is important as research and experience show that retaliation shootings shortly after the first offence are frequent. The Advantages are i.a. the presumption for remaining in custody until imprisonment, the ability to use covert coercive measures as well as the deterrent effect.

Secondly, our National Forensic Centre works with a number of measures for more efficient processing routines in forensic investigations. Today a weapon is registered in four different systems and one hope is that we will have a new system that manages all purposes or that the systems become compatible with each other

Technical solutions refer for instance to camera surveillance, shooting detectors, etc. The camera surveillance legislation is very strict in Sweden but after all the shootings and the terrorist attack in Stockholm on April 7th, practice has changed.

Thirdly, after we have reviewed judgments and looked at the police investigation underlying the judgment, we have seen shortcomings with the police. These shortcomings consist of the officers at the front line and the investigating officers not picking up the points that give an offense a higher penalty at the preliminary investigation stage. One major reason is ignorance. One example is that the gun has been handled in a criminal environment and may be expected to be used in the commission of offences. We carry out extensive training efforts to enhance officer proficiency and knowledge of relevant laws.

One last measure which needs to be mentioned is the upcoming weapons amnesty in Sweden. From February to April 2018, the amnesty will take place and under the amnesty, those who voluntarily hand in their weapons will not be convicted of illegal possession. The last weapon amnesty, which was carried out in 2013, resulted in approximately 15,000 weapons handed

in as well as over 36 tons of ammunition. Most of these weapons were, however, old hunting guns. There has been criticism that the amnesty does not sufficiently address weapons in criminal environments. Now we are testing a new approach that includes reaching out to high risk areas, with a special focus on segregated areas, using messengers and people who are looked up to in those areas, such as imams, sports coaches, groups against violence and parents' associations. These people can try to get families of armed people to hand in their weapons. We want to spread the message that it's society's amnesty - not just the police's amnesty. If we are successful in this approach, we are of course willing to share our approaches and outcomes.

# Clan structures and crime in the context of migration

Rita Haverkamp

University Tübingen, Germany

## 1 Introduction

In recent years, Arab clans in Berlin have come to the fore because several members were suspected to have committed spectacular crimes in the German capital.<sup>48</sup> Members robbed jewellery from the famous luxury department store KaDeWe<sup>49</sup> and money from an international poker tournament.<sup>50</sup> The theft of a gold coin weighing one hundred kilos from the Bode Museum has been ascribed to an Arab clan.<sup>51</sup> Not only in Berlin have criminal activities by Arab clans become an issue, but also in Bremen and in the Ruhr district. Especially the Abou Chaker Clan and the Miri Clan have gained doubtful publicity. Both clans are rooted in Lebanon. While the members of the Abou Chaker Clan are Palestinians, the members of the Miri Clan<sup>52</sup> are Mhallami who emigrated from the Kurdish part of Turkey.<sup>53</sup> Several members of these clans are suspected of being involved in illegal transactions in red-light districts or drug trafficking. Sometimes individual clan members

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<sup>48</sup> My special thanks go to my assistant Ms Ines Hohendorf for her support.

<sup>49</sup> See <http://www.tagesspiegel.de/berlin/kadewe-raub-fast-sieben-jahre-gefaengnis-fuer-zaki-az-/20739558.html> (last visited: 30 December 2017).

<sup>50</sup> See <http://www.tagesspiegel.de/berlin/polizei-justiz/urteil-sieben-jahre-gefaengnis-fuer-tippgeber-bei-pokerraub/5988976.html> (last visited: 30 December 2017).

<sup>51</sup> See <https://www.berliner-kurier.de/berlin/polizei-und-justiz/muenzraub-im-bode-museum-taeter-geschnappt--aber-das-gold-bleibt-verschwunden-27961420> (last visited: 30 December 2017).

<sup>52</sup> Criminal members of the Miri Clan served as a role model for an episode of the popular German crime series “Tatort”, <https://www.stern.de/kultur/tv/die-wahre-geschichte-hinter-dem-tatort--die-bremer-stadt-mafia-3387234.html> (last visited: 30 December 2017).

<sup>53</sup> See Ghadban 2000 concerning the Palestinians starting on p. 95 and the Mhallami starting on p. 86.

have ties to criminal chapters of motorcycle clubs.<sup>54</sup> One photograph shows the head of the Hells Angels chapter in Mönchengladbach, who is suspected of committing offences together with one member of the Abou Chaker Clan.<sup>55</sup> This chapter also happens to be linked to Salafists: one member is the father of a well-known German Salafist preacher.<sup>56</sup>

This contribution begins with a definition of tribe and clan and moves on to describe different ethnic clans – without drawing a connection to Organised Crime – in Germany. After presenting scarce official data on the phenomenon, it will explore knowledge on criminal clan structures. In recent years, the movement of refugees has come to involve human trafficking as well as human smuggling. Refugees are vulnerable to become both victims of Organised Crime and potential offenders within clan structures. The conclusion will focus on prevention.

## 2 Tribes and clans

Tribes and clans are commonly understood as the oldest and most natural forms of human organisation, based on their instinctive kinship loyalties and collective identity (Weiner 2013: 158, 161). Both look back to a long past and are characterised as historically and situationally dynamic entities (Hudson et al. 2015: 536). These socially embedded identity networks can be still found in many societies and states in the twenty-first century (Collins 2006: 331, Hudson et al. 2015: 535). Weiner (2013: 158) calls “the rule of the clan” a classic example of law created “from below”.

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<sup>54</sup> One example is cited in Krafft-Schöning 2013, p. 22: one member of the Miri Clan in Bremen was acquainted with the well-known head (Frank Hanebuth) of the chapter of the Hells Angels in Hanover that is suspected to be busy in illegal activities in the red-light district.

<sup>55</sup> See <http://www.rp-online.de/nrw/staedte/moenchengladbach/rocker-kontakte-zu-berliner-grossfamilie-aid-1.5553122> (last visited: 30 December 2017). Another member of the Abou Chaker Clan is a friend of the German rapper Bushido, who visited the Hells Angels shop in Mönchengladbach in 2017; see <https://www.berliner-kurier.de/news/panorama/nanu--bushidos-besuch-im-hells-angels-laden-23911264> (last visited: 30 December 2017).

<sup>56</sup> See <http://www.rp-online.de/nrw/staedte/moenchengladbach/vater-von-pierre-vogel-gehört-zu-den-hells-angels-aid-1.5630116> (last visited: 30 December 2017).

### 3 Definitions of the terms

Anthropologists coined the terms tribe and clan (Béteille 1986: 297, Deutschmann 1989: 151).<sup>57</sup> According to Sahlins (1961: 325), “[a] tribe is a segmental organization. It is composed of a number of equivalent, unspecialized multifamily groups, each the structural duplicate of the other: a tribe is a congeries of equal kin group blocs. The segments are the residential and (usually) proprietary units of the tribe, the people that settle or wander together in a given sector of the tribal domain and that separately exploit a sector of strategic resource”. A tribe consists of clans, nomadic bands, villages or other subgroups usually in a definite geographical area (Bushan 2012: 50). This huge social group typically has in common a similar language, a similar culture, a shared political organisation, a sense of unity, and an experience of the need for protection (Bushan 2012: 50, Clement 2010: 112, Das 2000: 157, Pathy 2005: 30).

Figure 1 illustrates that clans within a tribe are connected by a distant common ancestor, while the clan itself is a smaller unit and composed of families. The members of a clan claim to be the descendants of a common ancestor, though this ancestor may be real or mythical, blood-related or not blood-related (Clement 2010: 109, Hossaini 2012, Hudson et al. 2015: 536, Weiner 2013: 161). From a sociological viewpoint, Durkheim (1947: 102) analysed the bond of kinship and its functions in detail: “This relationship does not come from the fact that they have definite blood connections with one another; they are relatives from the mere fact that they have the same name. [...] When we say that they regard themselves as a single family, we do so because they recognize duties towards each other which are identical with those which have always been incumbent upon kindred: such duties as aid, vengeance, mourning, the obligation not to marry among themselves, etc.” By asserting a common descent, the clan claims and maintains the loyalty of its members in order to ensure their security and to care for their well-being (Hudson et al. 2015: 536). Clans as informal social units are bound by affective ties that constitute identity and solidarity among their members (Armao 2014: 127, Collins 2004: 231–232, Mokken 1979: 161–162). These vertical and horizontal ties relate to elites and non-elites (Collins 2004: 231–232).

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<sup>57</sup> The precise definition of clan can be traced back to the anthropologist George P. Murdock (1897–1985) and his book “Social Structure 1949”.

The members benefit from the clan by representing a more stable form of social and collective organisation (Hudson et al. 2015: 536, Tsekov 2002: 4).

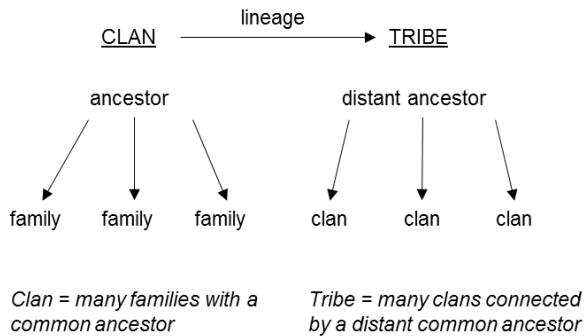
Clans are usually organised in a patrilineal way (Clement 2010: 110, Hudson et al. 2015: 536) and a council of elders that is responsible for all clan members decides on all issues of everyday life and the community (Tsekov 2002: 4). Collins (2004: 245) points out that “clan politics is not democratic” because “[e]ven if civil and political liberties exist, clan politics creates informal political and economic rules that are not pluralist, equally and fully participatory and representative, or transparently contested. Clan politics therefore undermines formal civil and political liberties.” The informal patronage networks create a stronger sense of clan-based loyalty by drawing on traditional ideals of patriarchal family authority, but neglect personal and individual freedom (Weiner 2013: 161–162). According to Weiner (2013: 162) “[t]his is because the rights and obligations of individuals are deeply influenced by their places within the kin groups to which they inexorably belong.” Therefore, conflicts within the clan and with other clans are often not settled in line with the rule of law. In Germany, the so-called phenomenon of “parallel justice” (Paralleljustiz) expresses the absence of the rule of law and so far, it has hardly been subjected to research (Porsche-Ludwig 2016: 219). In this sense, “parallel justice” refers to the resolution of conflicts beyond the German legal system and its democratic rules (Stieber 2016: 12). In the context of Organised Crime, “shadow justice” (Schattenjustiz), “counter-justice” (Gegenjustiz) or “side justice” (Nebenjustiz) are also commonly used terms (Porsche-Ludwig 2016: 218). Findings of an explorative study among Muslim communities in Berlin show that “parallel justice” has not been institutionalised yet (Rohe/Jaraba 2015: 12).<sup>58</sup>

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<sup>58</sup> The researchers conducted 93 individual and group interviews with clan members and representatives of the police, the prosecution, administrators and researchers.

Figure 1:

### Composition and linkage of clan and tribe.



Source: inspired by <http://slideplayer.com/slide/9129451/>

## 4 Clan structures in Germany

In the past decades, migration has brought diverse clan structures from different cultural areas to Germany. The influx of extended families supported the maintenance of traditional informal social units in the host country (Albrecht 2018: 71, 74). The following examples of clan structures are largely patriarchal and are listed regardless of their link to Organised Crime.

Among these social units, the Roma are the oldest migrant group with clan structures. They came to Germany between 100 and 200 years ago (Matras 2000: 34).<sup>59</sup> In the early 1970s and 1990s, Roma moved to Germany from Eastern Europe (French 2015: 11, Matras 2000: 34–37). Nowadays, around 120,000 Roma and Sinti reside in the country (French 2015: 12). The Roma are an ethnic, linguistic and cultural group with a common historical origin (Matras 2013: 41) and are known for their purity and pollution customs (Fraser 1992: 245–247, French 2015: 13–15). Whereas Romani migrants from Eastern European countries tend to cling to their traditions and taboos, German Roma “are less strict in practicing them”, “[s]ome customs and values, however, have persisted in many groups” (French 2015: 15). For centuries, Roma have been stigmatized and confronted with deviant biases

<sup>59</sup> The first so called ‘Tatars’ arrived in Lower Saxony in 1407 (French 2015: 11).



(Fraser 1992: 88–93, French 2015: 19). These negative stereotypes still last, and negative attitudes towards Sinti and Roma are widespread in the German population (Zentrum für Antisemitismusforschung/Institut für Vorurteils- und Konfliktforschung e.V. 2014: 73–80).

In the fifties and the sixties of the 20th century, Italians, mainly from the Southern regions, migrated to Germany due to the first bilateral agreement on labour recruitment in 1955 (Herbert 2001: 202). Southern Italians have had a strong sense of attachment to their extended families and a negative attitude towards the Italian government (Europol 2013: 5). While these immigrants were stigmatised during the 1960s, they are widely accepted among the German population nowadays (Herbert 2001: 306–307). Despite their long presence, their level of education is low compared to other migrant groups, which is traced back to the low initial level of education (BAMF 2010: 226). The first immigrants, however, had not been accompanied by mafia groups, which arrived in Germany later on (Sciarrone/Storti 2014: 42, 48–49).

The bilateral recruitment agreement with Turkey in 1961 also brought numerous Yazidis to Germany in the 1960s. Yazidis are discriminated both on grounds of their ethnicity and their religion (Affolderbach/Geisler 2007: 24, Kartal 2007: 242). Therefore, more Yazidis arrived in Germany because of political persecution during the 1990s (Affolderbach/Geisler 2007: 23). Today more than 40,000 Yazidis live in Germany (Kartal 2007: 240). The majority regards itself as a part of German society, and their integration was supported by chain migration (Affolderbach/Geisler 2007: 25, Kartal 2007: 253). Problems concerning integration arise from the clan structure with its distinct code of honour regard the subordinate role of women (Affolderbach/Geisler 2007: 25, Kartal 2007: 245–246), which sometimes results in honour killings.<sup>60</sup>

The Palestinians and the Mhallami came to Germany during the civil war in Lebanon between the end of the 1970s and the end of the 1980s. Both Arabic-speaking ethnic groups immigrated to Lebanon and lived in precarious

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<sup>60</sup> One example is the murder of the Yazidi woman Arzu Ö. by her family, who was assumed to be well-integrated into German society. See: <http://www.spiegel.de/panorama/justiz/ehrenmord-in-detmold-bruder-von-arzu-oe-soll-lebenslang-in-haft-a-833535.html> (last visited: 4 January 2018).

conditions (Ghadban 2008: 85). Clans guarantee cohesion and mutual support (Rohe/Jaraba 2015: 59–60) and flourished in refugee camps as well as in poor communities in Lebanon (Robinson 2009: 2). Both ethnic groups share the Mediterranean honour/shame social system (Robinson 2009: 3, Rohe/Jaraba 2015: 56). In Germany, Palestinians and the Mhallami were often excluded from the labour market and depended on minimum social welfare support; in many cases they had to reside in refugee shelters for years (Ghadban 2008: 163–183, Rohe/Jaraba 2015: 46). Patriarchal clans are pronounced and both ethnic groups live in closed structures with extended families (Ghadban 2016: 10–11, Rohe/Jaraba 2015: 56). The promise of security to clan members is essential: “Outsiders will think twice before attacking a member of a clan, [...], knowing that revenge (*tha’ir*) will be taken” (Robinson 2009: 2). Integration has often failed, and for many Mhallami and Palestinians, German society has remained alien (Ghadban 2016: 10–11).

After the overthrow of communist rule in 1990, mass migration began in Albania (Vullnetari 2013). However, the majority of Albanians have their origins in Kosovo<sup>61</sup> and came to Germany as work migrants and later as refugees from the civil war in Yugoslavia (Lemmel 1997: 53). Albanians have strong family ties based on clans as the most important institution that cultivate the already mentioned honour/shame social system (Schönenberg 2013: 290, Tsekov 2002: 3, 6). The honour of the clan is of utmost importance, as a consequence its violation requires retaliation (Tsekov 2002: 5). In case violence breaks out, a blood feud will require the murdering of every member of the offender’s clan (Tsekov 2002: 5). According to Tsekov (2002: 6), “the relatively high level of violence among Albanians results from the transcendence of this honour system based on seeking justice, rather than peace.”<sup>62</sup>

This short overview is not able to go into the specifics of clans and their ethnic differences. But with regard to Organised Crime one can observe that clan structures have several advantages. Not only do clan members control access to their social unit, but also its permeability is not given (Florack 2010: 136). Moreover, trust is an essential feature between clan members. Trust also helps to engage in illegal business and to carry out clandestine

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<sup>61</sup> Also in Montenegro, Macedonia and Greece. See: Egeler (2007: 28).

<sup>62</sup> For more on Albanian common law, called “Kanun”, see: Egeler (2007: 12–18).

activities. Giddens (1990: 101) emphasises that “kinspeople can usually be relied upon to meet a range of obligations more or less regardless of whether they feel personally sympathetic towards specific individuals involved.”<sup>63</sup>

## 5 Organised Crime and clans

According to the working definition of the German police, “organised crime is the planned commission of criminal offences determined by the pursuit of profit [or]<sup>64</sup> power which, individually or as a whole, are of considerable importance if more than two persons, each with his/her own assigned tasks, collaborate for a prolonged or indefinite period of time, a) by using commercial or business-like structures, b) by using force or other suitable means of intimidation, or c) by exerting influence on politics, the media, public administration, judicial authorities or the business sector. All general characteristics and at least one of the specific characteristics listed under a) to c) of the OC definition must be fulfilled for criminal behaviour to be considered Organised Crime“ (National Situation Report 2015: 10). The definition can be applied to many collaborating offenders and has, therefore, been criticised as being too wide by researchers (Schneider 2008: 442). Nevertheless, the German police bases its operations on this definition.

## 6 National Situation Reports

The different annual National Situation Reports by the Federal Criminal Police Office (Bundeskriminalamt; BKA) provide updates on the one hand on law enforcement activities and present trends concerning registered police data in the field of OC (Bundeskriminalamt 2015: 5), and on the other hand, they monitor developments in the field of human trafficking (Bundeskriminalamt 2015: 13). Human trafficking is linked to OC, but not exclusively, as perpetrators can be individuals, couples, small gangs, or huge crime networks (Aronowitz 2012: 222, Caparini 2014, 17, Surtees 2008: 46–48).

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<sup>63</sup> For a criticism of this view regarding family-internal conflicts, see von Lampe/Johansen (2004: 172).

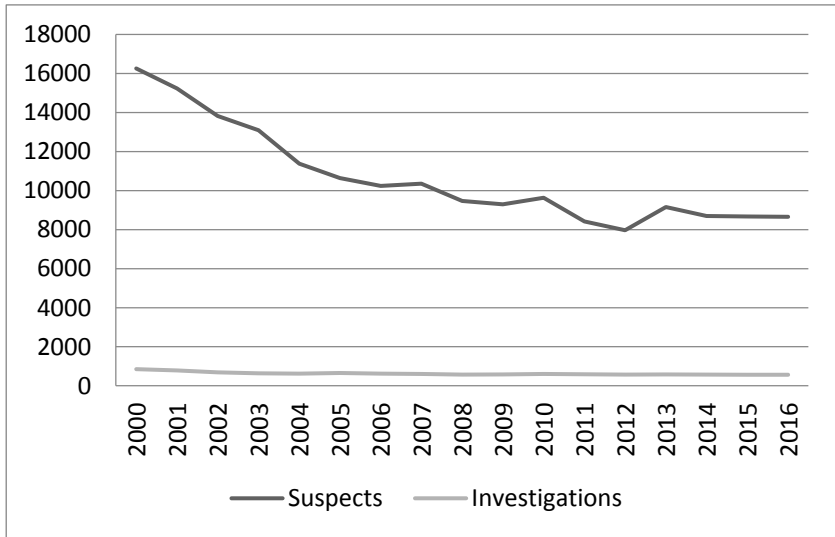
<sup>64</sup> In the document the German word “oder” (or) is mistranslated as “and”. See: Bundeskriminalamt (2016: 9).

## 7 National Situation Reports on Organised Crime

From 2000 up to 2016, both the number of suspects and the number of completed investigations decreased steadily (Fig. 2). Whereas the number of completed investigations fell from 854 in 2000 to a low of 563 in 2016, the number of suspects peaked at 16,000 in 2000, then dropped to its lowest number – 7,973 – in 2012 and plateaued at around 8,700 cases in recent years. This development does probably not express a remarkable decline of Organised Crime in Germany and might be the result of a shifted allocation of resources.

Figure 2:

### Number of suspects and completed investigations of OC.



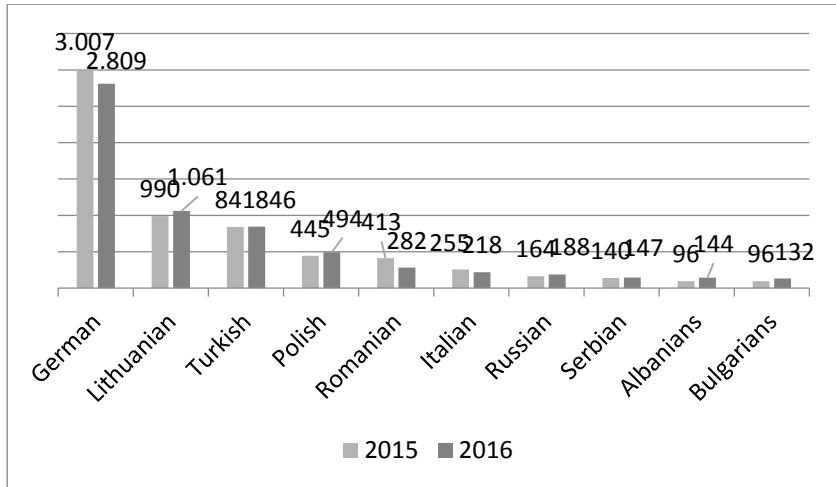
Source: Bundeskriminalamt (2000–2016)

A closer look at the nationalities of suspects reveals that German nationals are the largest group, comprising more than one third of all suspects (Fig. 3). The identification of clans is not possible because nationality does not reflect ethnicity and extended family ties beyond that. One could very tentatively assume clan structures to be linked to the following nationalities: Turkish,

Romanian, Italian, Serbian, Albanian, and Bulgarian. But the plain numbers of different suspect nationals do not provide information about their affiliation to clans.

Figure 3:

**Number of OC suspects by nationality (excerpt).**



Source: Bundeskriminalamt (2016: 16)

As already mentioned (see section 2.2), Southern Italians and Albanians are known for their clan structures. Therefore, I will provide more data on OC structures. Completed investigations against Italian OC relate to the ‘Ndrangheta, the Camorra, the Cosa Nostra, the Stidda, and the Apulian OC (Bundeskriminalamt 2015: 21, Bundeskriminalamt 2016: 21). The groups are mainly involved in cocaine trafficking and smuggling. Further activities include counterfeiting, money laundering, tax evasion, property crime and extortion (Bundeskriminalamt 2015: 21, Bundeskriminalamt 2016: 21). In 2016 most of the Italian OC groups in Germany maintained connections with members of mafia groups in Italy (Bundeskriminalamt 2016: 21). Usually they acted on an international level (94.7%) and worked together for 1,7 years; the financial damage amounted to €800,000 and the criminal proceeds to €100,000 (Bundeskriminalamt 2016: 47). A noticeable increase (36.4%

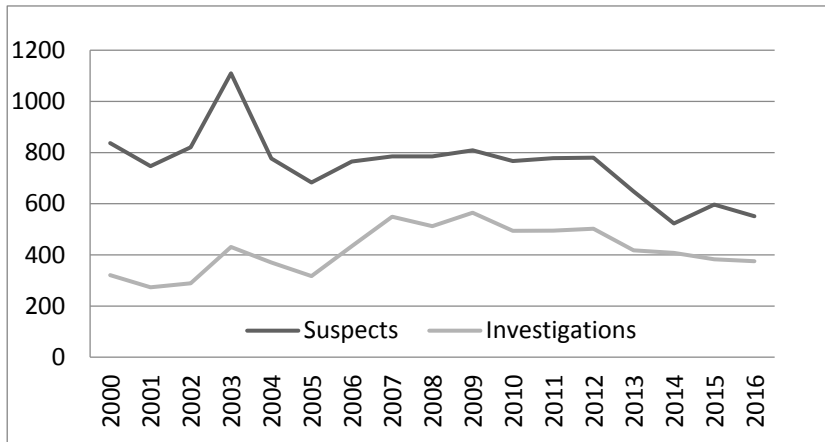
compared to 2015) relates to suspects from Albanian-dominated OC groups in 2016; they were engaged in supraregional (20%) and international (73.3%) activities and cooperated with each other for four years on average; the financial damage amounted to €3.6 million, and the criminal proceeds to as much as €6.7 million (Bundeskriminalamt 2016: 51).

## **8 National Situation Report on Trafficking in Human Beings**

With regard to human trafficking, the number of suspects saw its peak (1,110) in 2003 (Fig. 4). Afterwards the numbers decreased, reaching a low point for the period from 2000 to 2016 in 2014 (523 suspects). The peak in 2003 might be related to several completed investigations involving a large number of suspects, which could hint at OC structures. The number of completed investigations peaked in 2009 (565). Since then numbers have continued to drop and have remained on a low level, with 383 cases in 2015 and 375 in 2016. The vast majority of suspects and completed investigations refer to trafficking in human beings (hereafter THB) with the intent of sexual exploitation.

Figure 4:

**Number of suspects and of completed investigations of THB.**



\* 2005–2016: none/low number of investigations in or of suspects of THB for the purpose of the exploitation of labour

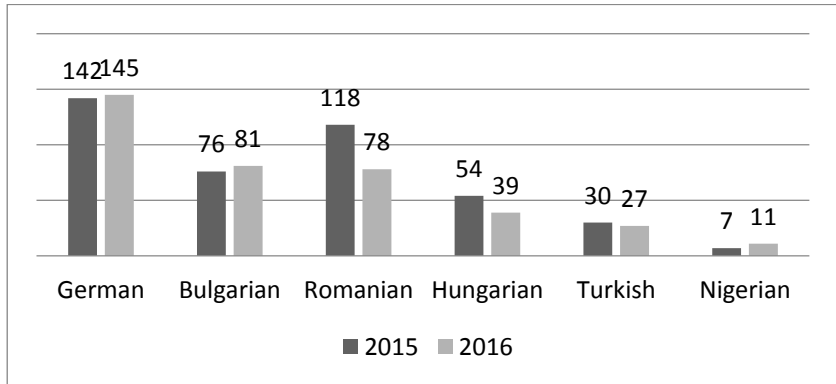
Source: Bundeskriminalamt (2005a-2016a)

Due to the low numbers of suspects of THB for the purpose of labour exploitation, the nationalities of suspects are not separately reported in the annual National Situation Reports on THB. For this reason I use the nationalities of suspects of THB for the purpose of sexual exploitation instead (Fig. 5). German nationals accounted for 27.7% of all suspects in 2016 (24.8% in 2015) and constitute the largest group of suspects, followed by Bulgarian (15.5% in 2016, 13.3% in 2015) and Romanian nationals (14.9% in 2016, 20.6% in 2015). A minor role play suspected traffickers outside Europe: Nigerian nationals accounted for 3.1% in 2016 (1.2% in 2015). Trafficking of Nigerian victims is based on international operating OC networks (Bundeskriminalamt 2015a: 7). Although only two suspects per case were identified on average, the Federal Criminal Police Office assumes clandestine OC structures behind THB for the purpose of sexual exploitation and stresses their flexibility and adaptability based on a common cultural background or kinship, which also indicates clan structures might be in place (Bundeskriminalamt 2015a: 5). According to the Federal Criminal Police Office, this

assumption is confirmed by the various trafficking activities in and across different countries involving the victims (Bundeskriminalamt 2015a: 5).

Figure 5:

**Suspects of THB by nationality in 2015 and 2016.**



Source: Bundeskriminalamt (2016a: 21)

**9 Knowledge about clans and Organised Crime**

In the context of OC, clans act individually and clandestinely. Clans involved in OC survive because they control who is recruited for their organisation and they are hardly penetrable for outsiders (Paoli 1999: 427). Infiltration by the police can be avoided internally due to the hierarchy of roles and of knowledge and externally through illegal interactions with non-members that include collusion, corruption, or intimidation (von Lampe 2016: 23).

At the beginning of the 21<sup>st</sup> century, Italian mafia groups seemed to widen their scope of illegal activities in Germany (Roth 2017: 338). This impression was enhanced by a shooting in Duisburg in August 2007.<sup>65</sup> This shooting, in which hitmen gunned down six men of the ‘Ndrangheta, marked the first visible violent and deadly dispute between rival ‘Ndrangheta groups in Germany (Campana 2011: 215, Sarno 2014: 325). The mafia groups are largely engaged in illicit trafficking, counterfeiting, automobile smuggling

<sup>65</sup> Members of mafia groups usually tend to act invisibly outside Italy, see: Allum (2014: 598).



and money laundering (Europol 2013: 3, Sciarrone/Storti 2014: 48). Investments in legitimate business can be also observed for the purpose of money laundering (Allum 2014: 598, Campana 2011: 224, Sarno 2014: 333). In addition, Germany serves as a retreat for fugitive mafiosi from Italy (Sarno 2014: 329, Sciarrone/Storti 2014: 49). According to Sciarrone and Storti (2014: 48), “the mafia is scattered in clusters across Germany”, including North Rhine-Westphalia, (e.g. Cologne, Dortmund, Wuppertal), Baden-Württemberg (e.g. Stuttgart), Hesse (e.g. Frankfurt am Main) and several cities in the new German federal states (e.g., Chemnitz, Dresden, Leipzig). Unlike in their home country, mafia groups in Germany do not appear as ubiquitous and all-powerful criminal organisations, but rather as a diverse mixture of different mafia members on an individual or group level who act to various extents in various fields (Sarno 2014: 333). The expansion process is, therefore, characterised by infiltration: “only certain features of the mafia organizations” are transferred to “the new territories, reproduced by the presence of individual mafia members or groups, who operate in the new setting” (Sciarrone/Storti 2014: 45).

In contrast to Italian mafia organisations with a pyramid structure,<sup>66</sup> clan structures prevail in Albanian OC groups (Roth 2013: 290, Florack 2010: 70–146). After being the henchman for the Italian mafia, Albanian OC groups have acted as separate organisations especially after the fall of communism in Albania since the 1990s (Cilluffo/Salmoiraghi 1999: 21–25). They are understood as “goal-orientated groups” that collaborate when necessary based on common aims, criminal intentions and jointly available resources (Roth 2013: 290). The dominant network structures without a clear hierarchy consist of diversified clans that might be well-structured and permanent or loose and inconstant (Roth 2013: 290). The base cells are situated on the lowest executive level (Florack 2010: 77) and have a limited number of members, usually belonging to the same family, who are in charge of their duties (Roth 2013: 290). The clans, composed of about 100 human beings, are on the middle level (Florack 2010: 78) and on top one finds a leadership council in the home country or abroad (Roth 2013: 290). The main illegal activities encompass several forms of illicit trafficking (e.g., human beings, drugs, arms), property crimes, and extortion (Arsovska 2015: 229–230).

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<sup>66</sup> Stidda has no centralised structure (Europol 2013: 16–17).

In recent times several Palestinians and Mhallami caused a stir due to clan structures related to OC in Germany (see the examples in section 1). The size of these clans ranges from 500 to 2,500 members.<sup>67</sup> The close and strong clan structure, in combination with members' dependency on social benefits, contributed to their isolation and segregation from German society (Ghadban 2008: 163–167, Rohe/Jaraba 2015: 46). Some of the clans have developed structures familiar from OC (Rohe/Jaraba 2015: 46, 58): The Miri Clan is the most notorious clan among the Mhallami and the Abou Chaker Clan the most notorious among Palestinians. The Abou Chaker Clan is based in Berlin and suspected of extortion, drug and arms trafficking and of being active in the red-light district.<sup>68</sup> The Miri Clan is suspected of being engaged in the same crime fields (Krafft-Schöning 2013: 19–35, 240) and is scattered across the whole federal territory. Especially in Bremen the clan has a bad reputation and is overrepresented in police statistics.<sup>69</sup> Both clans seem to seek proximity to the German rapper scene and some members have contacts to one percenter MC gangs<sup>70</sup> (see section 1). Empirical findings of a study about “parallel justice” in Berlin show that the main problem is the use of or the threat of violence or other illicit pressures used against victims, witnesses or persons concerned (Rohe/Jaraba 2015: 163). These unlawful methods should support OC activities (Rohe/Jaraba 2015: 163). In criminal law informal mechanisms dominate within and between extended families and clans that have fluent transitions to OC (Rohe/Jaraba 2015: 164). A climate of fear prevails in specific ethnic social units because they are exposed to the milieu of clans not sufficiently controlled by the authorities (Rohe/Jaraba 2015: 164).

Empirical research on clans and OC is scarce: most of the studies focus on Italian mafia organisations, rightly expressing a need for more research (Sciarrone/Stort 2014: 54–55). Even more research is essential when it comes to

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<sup>67</sup> See [http://www.mi.niedersachsen.de/aktuelles/presse\\_informationen/clan-kriminalitaet-sogeanannter-mhallamiye-kurden-115576.html](http://www.mi.niedersachsen.de/aktuelles/presse_informationen/clan-kriminalitaet-sogeanannter-mhallamiye-kurden-115576.html) (last visited: 10 January 2018).

<sup>68</sup> See <http://www.taz.de/15069160/> (last visited: 10 January 2018).

<sup>69</sup> Whereas half of the members should be registered by the police, the journalist Krafft-Schöning (2013: 186–199) reviewed a lot of records not related to offences; nevertheless the overrepresentation remains.

<sup>70</sup> In the 1960s the American Motorcycle Associations assumed that 99% of motorcyclists are law abiding citizens and 1% belong to an “outlaw” MC gang; see [http://www.salem-news.com/articles/january222009/one\\_percenters\\_1-21-09.php](http://www.salem-news.com/articles/january222009/one_percenters_1-21-09.php) (last visited: 29 March 2018).

the Albanian mafia and to Arab clans, especially concerning the latter there is mainly only anecdotal and journalistic information available. The extent of criminal clan structures in Germany is largely unknown. Although the need for more knowledge is evident, this lack is ambivalent with regard to the public and can be illustrated by the stigmatised and discriminated Roma. “For majority populations, the concept of ‘Romani criminality’ is too often a justification for their continuing indifference or hostility toward the plight of this group. For the overwhelming majority of law-abiding Roma, the burden of the criminal stereotype is one more sign that they can never get an even break in their struggle for acceptance and integration. At the same time, the taboo among many Romani leaders against any discussion of this issue, especially with the majority community, means that the subject has been off-limits even to the fair and balanced inquiries that could help to dispel myths and to establish an objective body of information” (Kassof/Plaks 1999: 1).

## **10 Vulnerabilities of refugees**

The mass influx of Arab refugees to Europe in recent years led to a rise of people smuggling (OECD 2015: 1). Forecasts expect a continuous growth of this illicit business due to increasing numbers of forced displacements of human beings (OECD 2015: 1). According to estimates by Europol (2016: 6) over 90% of third-country nationals usually relied on facilitators and smugglers who often belong to criminal networks for the perilous journey to reach European borders. These networks along the migratory routes are loose and consist of non-EU nationals and EU nationals with migration backgrounds (Europol 2016: 7). Polycriminality among suspects of migrant smuggling seems to increase and relates to THB, drug trafficking, document forgery, and property crime (Europol 2016: 9–10). Criminal networks change their *modi operandi*, expand their illicit business, use the criminal infrastructure to commit various crimes or are engaged in additional offences such as document fraud (Europol 2016: 10). In this framework migrants are highly vulnerable to become victims of different forms of THB (Europol 2016: 10).

According to the 2016 National Situation Report on OC, investigations concerning facilitation of illegal immigration dropped compared to the previous year (Bundeskriminalamt 2016: 25). This reduction is traced back to a shift in the *modi operandi*: While vehicles were often used in 2015, the following

year OC networks operated with more conspiratorial and changing methods that endangered refugees' lives even more (Bundeskriminalamt 2016: 33). Suspects often come from Syria (18.4%), Turkey (10.5%), Iraq (7.9%) and Iran (7.9%), while smuggled individuals were mainly from Syria, Iraq, Iran and Afghanistan (Bundeskriminalamt 2016: 33). In most of the cases registered, Germany was the destination country (Bundeskriminalamt 2016: 33). Experts expect a further increase of THB for the purpose of sexual and labour exploitation in the destination countries (Europol 2016: 11). Furthermore, a rise of forced criminality in the EU is predicted because the irregular status of migrants makes them vulnerable targets for facilitators who can abuse their position of power (Europol 2016: 11). Europol identifies unaccompanied minors as an especially vulnerable target group prone to be sexually exploited, coerced into criminal activities, or otherwise involved in facilitating irregular immigration or THB (Europol 2016: 11).

In Germany one can observe first signs of the victimisation of refugees or their involvement in criminal activities by Arab clans due to the presence of some of their members at refugee shelters.<sup>71</sup> Concerns exist that they are trying to exploit the situation of asylum seekers and refugees to their advantage in different ways: on the one hand, it appears they want to recruit them for their illicit businesses, such as selling drugs and taking the risk of being arrested; on the other hand, they seem to offer their services (e.g. housing) for overcharged prices.<sup>72</sup> But substantiated information is not available yet.

## 11 Conclusion

“If immigrants are not provided an opportunity to participate in the labour market, they will most likely turn to illegal means to make a living, considering that most immigrants are at a low socioeconomic status. One relative told me that in Germany, he had a hard time finding a job due to his illegal status and then he, along with some other Albanian friends, turned to organized crime” (Kosovo-Albanian asylum seeker in New York interviewed by

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<sup>71</sup> See <https://www.welt.de/politik/deutschland/article154174175/Berlins-Unterwelt-ist-verloren-an-die-arabischen-Clans.html> (last visited: 11 January 2018).

<sup>72</sup> See <http://www.zeit.de/gesellschaft/zeitgeschehen/2017-05/fluechtlinge-organisierte-kriminalitaet-berlin-araber-clans> (last visited: 11 January 2018).

Arsovska 2015: 112–113). However, government policy towards irregular migration is no excuse to turn to (Organised) Crime. The reasons to develop a criminal career are more complex, for example another motif to become involved in crime might be materialism (Arsovska 2015: 113). In this context, it should also be emphasised that the majority of migrants lead a law-abiding life in Germany.

Related to the current situation of clans and Organised Crime, there exist different clan structures and different levels of involvement in crime in Germany. Whereas Italian mafia groups usually have ties to the original mafia in their traditional territories in Southern Italy, Lebanese OC-like groups develop their criminal profile in Germany. The presence of the Italian mafia and the Lebanese clans with criminal activities is often linked to a strong sense of kinship and a lack of integration. The lack of integration affects especially Lebanese clans due to low levels of education, uncertain residence status, work prohibition, welfare dependency, and persistent difficulties in learning the language. This is why integration policy is essential to counteract the negative effects of exclusion. Concerning the recent influx of refugees, the government changed its integration policy in order to facilitate the stay of asylum seekers and third-country nationals with tolerated status. Tolerated migrants in particular are in need of safeguards against sliding into crime. One crucial question is the possibility of family reunion for refugees with subsidiary status and tolerated third-country nationals. Family reunion would be a stabilising factor for young and lonely Arab men who mostly arrived in Germany and are often poorly educated (Albrecht 2018: 70–71). Conversely, the question arises about the size of the family because the reception of extended families might support the development of clan structures and in some cases also the later involvement in OC-like networks (Albrecht 2018: 71).

Despite a coherent integration policy, both police measures and crime prevention are important to lessen the vulnerability of refugees for becoming a victim and/or an offender, as well as to counteract criminal activities of clan members. The police could increase their presence and responsiveness in city neighbourhoods and at hotspots which are dominated by clans. However, infiltration by the police seems to be an impossible undertaking due to the separate and close kinship structures. More sophisticated strategies should be developed in order to protect witnesses and to avoid their intimidation. Con-

sequently, criminal clan members should be regularly and consistently convicted for their criminal activities.

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# Project Engage: A UK initiative to divert young people from Organised Crime

Stuart Kirby and Jayne Horan

Prof. Kirby is professor at the University of Central Lancashire, Preston, UK.

Ms Jayne Horan is the Safeguarding lead at Programme Challenger, Greater Manchester Police.

## Introduction

Since the mid-1990s, whilst recorded crime has fallen across the developed world, there is no such trend with Serious Organised Crime (SOC). A EU-funded Organised Crime project estimates that it costs the EU economy about €110 billion per annum (Savona & Riccardi, 2015), whilst the UK assess their individual cost is £24 billion (€27 billion) (Mills et al., 2013). As such, even small reductions in this type of crime can make a significant difference. For example, in Greater Manchester (where this initiative takes place), the cost associated with SOC is between £850 million and £1.7 billion (€957 million - €1.9 billion) each year. A mere one per cent could reduce public cost by up to £17 million (€19 million),<sup>73</sup> and generate wider community benefits, such as community cohesion and improved well-being (Bullock et al., 2013). The reduction of harm together with lower financial cost provides a strong business case on which to explore new initiatives.

Tackling such a high-profile problem requires a critical analysis of both the efficiency and effectiveness of the options available. Enforcement, which relies on the prosecution and incarceration of Organised Crime Group (OCG) members, is perhaps the most traditional and common approach. However, the challenge of pursuing each OCG is both considerable and costly. The EU SOC Threat Assessment reports that more than 5,000 international Organised Crime groups are being investigated across the continent

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<sup>73</sup> Figure presented in 'How to identify and work with individuals vulnerable to involvement in serious and organised crime (draft)', Specialist Crime Solutions, 2016: 8.

(SOCTA, 2017). Further, the UK Organised Crime Group Mapping (OCGM) project reports an estimated 5,866 OCGs exist, comprising 39,414 active offenders (HMIC, 2017). Using simple mathematics, and assuming 85 per cent of such offenders are recidivists (Sproat, 2012), then an exclusive enforcement approach is unlikely to keep pace with offending behaviour. Coupled with this is the problem that many SOC markets remain open even when individual offenders are incarcerated, and some continue to facilitate their crimes from prison.

This strategic and operational challenge has led to more flexible approaches when targeting the offender. One approach is *Disruption*, defined as a “flexible, transitory, and dynamic tactic, which can be used more generally to make the environment hostile for the Organised Crime group ... this approach focuses on disrupting the offender’s networks, lifestyles and routines” (Kirby & Penna, 2010:205). A further approach is Situational Crime Prevention, defined as “those interventions that successfully stop or dismantle a single organized crime event, specifically those that change a process of environment in a sustainable manner” (Kirby & Penna, 2010:205). Whilst prevention approaches generally require partnership activity, culturally unpopular with Police agencies (McLean & Hillier, 2011), more recent prevention approaches have been offender-oriented. Specifically, they have looked to identify those at risk of involvement and change their values and behaviour. Prevention has been categorized by the UK National Audit Office (2013), and others, in three distinct approaches:

- a) Prevention (upstream). This looks to prevent or minimise the risk of the problem occurring and often involves universal interventions to the wider population, i.e. not to buy counterfeit products or become involved in gangs.
- b) Early Intervention (midstream). This targets groups of people who are at high risk of becoming involved in negative behaviour or who are showing early signs of a particular problem to try to stop it occurring (i.e. the children of those associated with SOC).
- a) Early Remedial (downstream). This targets those who are already involved in crime and attempts to reverse the behaviour or stop the problem from getting worse (i.e. integrated offender management).

This paper describes an Early Intervention (midstream) approach that attempts to prevent young people from becoming involved in SOC. The initiative took place in Greater Manchester, UK, and was supported by government funding (Home Office).

### **Project Engage: A description of the initiative to prevent young men from involvement in Serious Organised Crime**

Project Engage took place in Greater Manchester, UK, the second most populous urban area in Britain. The region comprises 2.55 million people and is divided into 10 local government areas with its primary city (Manchester) being the sixth largest in the country. The area is no stranger to criminal gangs. History shows the *Scuttler gangs* were prevalent in Manchester, Salford and other areas of Greater Manchester from 1870 until the turn of that century (BBC, 2014). The gang members fought with a variety of weapons, carried knives and wore decorated, heavy buckled belts (also used as weapons). More recently, during 2012, Greater Manchester became infamous for a turf war between rival OCGs, which led to the brutal murder of Police Constables Nicola Hughes and Fiona Bone.

This crime generated an aggressive political and operational response to tackle SOC in the region. At its core was *Programme Challenger*, which involved a dedicated multi-agency team asked to identify and tackle SOC. Whilst its specific objectives were multi-faceted, one was to “develop early intervention and prevention strategies aimed at young people and the families of those involved in Organised Crime.” Project Engage sought to “Identify those at risk of, or vulnerable to, involvement in SOC using local intelligence; and to develop interventions that would prevent their ongoing involvement.” Four of the ten local government areas within Greater Manchester took part: Salford, Stockport, Manchester and Oldham. A six-stage process was designed with the assistance of “Specialist Crime Solutions”, a team of consultants with experience of SOC-related crime and gang behaviour. The process brought together representatives from a wide variety of agencies, including:

- Police;

- Local Authority services (Community Safety; Children Services; Early Help);
- Education;
- Housing Association;
- Health;
- Department of Work & Pensions;
- Independent Youth services;
- Voluntary Sector.

These agencies were introduced to a six-stage process:

- Stage 1: Identification of the young people on the periphery of SOC;
- Stage 2: Referral to the agencies involved in the programme to examine their records and establish if they knew the young people and for what reason;
- Stage 3: Deep Dives, a process where all the agencies pooled their information to profile the young person, their behaviour and any previous intervention;
- Stage 4: Action Plans, the design of proposed interventions to move forward with the young person;
- Stage 5: Case Planning and Reviews of the intervention;
- Stage 6: Implementing the interventions.

It was thought that bringing agencies together in this way would provide a much more detailed analysis of the problems faced by these young people. Further, having knowledge of previous interventions by the public, private and voluntary agencies, a more holistic response could be designed which could be tailored to individual needs. In this way the project would be more likely to change the values and beliefs of the young people, thereby providing new and legitimate opportunities in their lives.

The development work for the project took place between November 2015 and March 2016, followed by operational activity in each of the Greater

Manchester pilot areas. The evaluation, conducted by the University of Central Lancashire, was commissioned in January 2017 for delivery in March 2017, allowing limited time for data collection. This paper does not duplicate the full evaluation but serves to emphasize three important issues that were highlighted: the process to identify those at risk of SOC; the complexity of engagement; and future potential evaluation criteria.

## **Identifying those at risk of Organised Crime**

Currently there are no academically verified studies that specifically identify those risk factors associated with those who are likely to become involved in SOC. However, a number of studies have examined the pathways of SOC offenders (van Koppen et al., 2010; Kirby et al., 2016), provided anecdotal reports of factors associated with SOC (NCA, 2016) and provided risk factors associated with general crime (Farrington et al. 2016; McGee et al. 2015). Project Engage used a variety of these sources to identify subjects suitable for this initiative. The most critical single risk factor was described as:

1. The subject has familial links or close non-familial links to Organised Crime Groups (OCGs) or Organised Crime (OC) activity.

This was supplemented by other risk factors, including:

2. Resident within neighbourhoods with known SOC activity;
3. Involved in violent crime (suspected, reported or convicted);
4. Having low educational attainment;
5. Exposure to violence in the home;
6. Exhibiting impulsivity/risk taking behaviour;
7. Parent(s) show hostility toward authority figures and/or lack of engagement with professional services;
8. Lack of appropriate parenting skills including boundary setting.

Finally, four further risk factors were added to the list, comprising:

9. Involvement in antisocial behaviour/Criminal Justice System;

- 10. Not in mainstream education, e.g. pupil referral unit;
- 11. Has numerous exclusions from school;
- 12. Involved in substance abuse.

This process initially identified 15 young people, to which a further 18 were added. This generated a total of 33 individuals thought suitable for the programme. Their ages and areas of residence are shown in table 1 below.

Table 1:

**The number, ages and areas of residence of the cohort.**

Age	Number of youths	Areas of residence
13	3	Salford, Manchester, Stockport
14	4	Oldham, Stockport
15	6	Salford, Manchester, Oldham
16	10	Salford, Manchester, Oldham
17	3	Salford, Oldham
18	4	Salford, Oldham
19	3	Salford

**The complexity of intervention**

Perhaps the single biggest lesson from the project was the difficulty experienced by the practitioners who engaged with the participants. The analysis showed the participants’ history to be incredibly complex, which generated many excuses to not conform to a legitimate lifestyle. This was underpinned by the lure of financial and social benefits from criminal lifestyles, as well as a cultural emphasis requiring loyalty to peers and non-cooperation with authority figures.



Tensions surrounding this engagement were frequently illustrated, and one case study exemplifies this. Here a Project Engage coordinator invested considerable effort in designing a three-stage plan. Stage 1 utilized a specialist youth provider (from outside Greater Manchester) to engage with the young men and facilitate their cooperation. Stage 2 involved a collaboration with a high-profile national charity to use a well-established education programme to help the youths improve basic skills. Stage 3 provided a vocational skills programme which could lead to a City & Guilds construction qualification and future apprenticeship programmes. The chosen individuals, however, had highly complex backgrounds, and were possibly already associated with drug dealing and Organised Crime groups. From the outset, engagement was difficult and they refused to return to a classroom environment (school had not been a positive experience for them). However, it was the Housing Trust scheme that faced the most implementation challenges. In this area of Greater Manchester, territoriality is a major concern with young men reluctant to stray into other gang areas. As a result, the youths refused to walk or take public transport to the training centre, and one was supplied with a taxi. Unfortunately, during one of his visits, he was identified by a rival gang member who brought other gang members to the location in order to exact revenge for a prior altercation. Fortunately, the young man was not in attendance but it created alarm to the staff who pointed out that they did not want this experience again.

This level of effort in relation to the planned interventions was mirrored elsewhere, with the review counting 17 separate agencies involved in the action plans. Unfortunately, detailed information regarding the duration and intensity of the intervention, and level of success, was not provided. However, what was apparent was that attendance at pre-planned meetings was poor although statistical analysis did show that as the age of the individual decreased, the number of hours of engagement increased.  $r = -.751$ ,  $n = 9$ ,  $p < .05$ . There was no statistically significant finding between the number of engagement hours and the number of arrests or intelligence reports. However, early indications showed those who exhibited early reductions in arrest or reports of illegal activity were between 15–18 years (mostly between 15 and 16 years).

The specific challenges to engagement, cited by the practitioners were diverse. They included such issues as:

*Travel:* Some participants reported the distance required to travel was too far, and others said they were unable or unwilling to take the transport offered.

*Motivation:* A number appeared to have no clear goals in relation to school, whilst some displayed no interest in working. One individual stated they could just claim welfare benefits. Another reported that they did not want a job because they had found other ways to secure income. Others reported getting up late and poor sleeping patterns as well as feeling withdrawn, bored or uninterested. Many participants disclosed housing issues as problematic, largely relating to a lack of fixed abode or temporary accommodation, staying with friends or different family members.

*Health factors:* Some individuals reported health issues had prevented them from attending programme sessions. This included upset stomach, tooth abscess, psychological stress, and epilepsy.

*Family:* Family support appeared important. Those who did not engage highlighted general family turmoil, being ejected from the family home, not wanting to attend without another family member, and a father losing faith in the intervention after a failed attempt to get a place with a training programme.

*Peers:* All age groups reported spending time with peers as reasons for non-engagement, with one referring specifically to peers associated with an OCG. Participants often recognized that peers were “negative” influences. One also cited that enemies at the gym and on public transport resulted in non-attendance.

*Criminality:* Some cited ongoing influence with criminal behaviour affected their engagement. These included a) an existing injunction restricting their movement, b) an altercation with a local neighbour (which resulted in them moving address), and c) being arrested and held in custody. Two individuals reported an ongoing criminal investigation affecting their motivation to engage. One participant, for example, was, “resigned to the idea he will go to prison after the court case”.

*Relationship with staff/authority figures:* Some individuals stated adverse relationships created problems. These could be with teachers, other agencies or a diversity of relationships. Several individuals were suspended or ex-

cluded from school, agency activity (YMCA, City West) or sporting activities (rugby). Two of the suspensions related to aggressive behaviour/fighting with staff members, and one was because the individual was at risk of being attacked.

Conversely, incentives for engaging with the programme were often a mirror reflection of the previous issues. Here they highlighted:

- A supportive family;
- Rewards for positive behaviour;
- The ability to set achievable goals;
- Learning new skills;
- Good and supportive relationships;
- Positive relationships with staff and authority figures;
- The ability to complete tasks.

The challenges faced in facilitating positive change within these young people should not be surprising. Prochaska & DiClemente (1986) have previously highlighted the stop/start nature of positive individual change which goes through a process of reflecting, preparing, taking action and relapsing. Two issues are constantly raised in this process: the motivation of the participant to change, and the relationship of the subject with the case worker. Here the level of trust and respect between the workers, young people and parents is critical (Evans et al., 2006; Youth Justice Board, 2010), as is the ability of the case worker to care, listen and understand (Phoenix & Kelly, 2013). Further, if the young person does not perceive the intervention to be relevant to themselves, their levels of engagement are reduced (Phoenix & Kelly, 2013). As such, there is a need to focus on intrinsic motivations (self-derived interest) rather than those which are extrinsic (from external pressures) (Brooks & Khan, 2015).

### **Future potential evaluation criteria?**

The review of Project Engage was only commissioned after its initiation, which generated problems obtaining baseline information. This issue was

compounded as the participants had a complex personal history and evidence of change was slow. The Home Office requested the researchers to consider what future criteria would be sensitive enough to capture positive change, illustrate good practice, and identify “what works”. To consider this, a series of discussions took place between Project Engage practitioners, Home Office staff and multi-disciplinary academics (social work, psychology, criminology, law, geography, policing), culminating in a final research-based workshop. The review highlighted the difficulty in monitoring change in such a complex environment over an extended period and put forward a wider and more sophisticated group of quantitative and qualitative variables. These factors can be understood in four sections:

- Client baseline information, gathered from existing administrative systems, which assess future change (secondary data);
- Client baseline information, gathered from the individuals themselves through interview and questionnaire (primary data);
- Engagement information, gathered from the practitioners (primary data);
- Intervention information, gathered from the practitioners (primary data).

This analysis generated 25 separate variables, which are shown below and which may be helpful to other similar initiatives moving forward:

- 1. Gender**
- 2. Date of Birth**
- 3. Place of Birth**
- 4. Involvement in general Crime and Anti-Social Behaviour:** Arrest and Conviction (divided into age of first conviction, type of first conviction, number of previous convictions and categories of offending).
- 5. Involvement in OC:** Intelligence reports showing level and type of association with SOC.
- 6. School Behaviour:** Attendance, behaviour and performance.
- 7. Health:** Reports of substance/alcohol abuse and other relevant underlying conditions.

8. **Domestic circumstances:** The geographic area they live, who they live with, stability and harmony of their domestic circumstances.
9. **Attitude in relation to OC**
10. **Well-being status:** The specific measurement instrument is open to discussion (e.g. Impact of life events scale, outcome star, GAD7, PHQ9, WEMWBS). This would be a questionnaire to establish subjects' perception as to levels of self-esteem, positivity, etc.). This presents softer outcome measures which are vitally important if behavioural change is to be measured.
11. **Lifestyle questions:** This would include the subjects' opinion on certain issues (i.e. education/work, etc.), how the subject reports spending their time, the type of person they associate with, and their attitude towards the initiative. As well as measuring changes in behaviour, it also assists as a mechanism to help the subject reflect on their current lifestyle and how they would like it to change.
12. **Practitioner account of programme implementation**
13. **Highlighting client opinion in relation to risk, protective factors, engagement and intervention.**
14. **Profile of individual leading engagement:** It is important to establish if the client responds to a particular type of practitioner.
15. **How was engagement arranged,** e.g. was the person already known or how was the introduction made? From the evaluation, the first contact was very important and, if ineffective, could result in a significant level of wasted time.
16. **Location and context of first approach made. Was it successful?**
17. **Number of times approach made prior to engagement or client removed from list.**
18. **Appointments made vs. appointments kept.**
19. **Contact hours spent with individual.**
20. **Practitioner opinion in relation to most effective engagement methods.**

21. **Location of engagement activity.**
22. **Description of Intervention (including location and people involved).**
23. **Intervention Mechanism:** On what evidence was the intervention designed?
24. **Activity and cost involved in the intervention.**
25. **Significant factors associated with implementation of the intervention (e.g. context).**

## Conclusion

Project Engage was an innovative and challenging initiative which aimed to reduce the risk of young people becoming involved in Organised Crime. Whilst the project would need a much longer period of implementation to establish “what works”, the early review generated considerable insight and illustrated the practical difficulties surrounding this approach. Further, the frequency and harm created by SOC generates a powerful business case to maintain research effort in this area.

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# Organised Crime prevention in the Netherlands: Cases and policy

Peter Klerks

Board of Procurators General, Dutch Public Prosecution  
Service and Dutch Police Academy, Netherlands

It is very attractive to chase the “bad guys” and to try to outsmart them as well as think about all the cunning ways one could tackle crime in various areas. However, at the end of the day, if you look at the problems that law enforcement tackles, the problems of crime, the problems of drugs, violence and abuse, the problems of vulnerable people, quite often you see that the root cause is still there. The reason for this is mostly sloppy housekeeping – that is to say, government policies that do not work, are not in place, or simply ineffective. As criminologists and as police we should bear this in mind – at the end of the day you have to look at the root causes if you want to be effective in prevention.

## 1 The Dutch Organised Crime policy

The Dutch OC policy is very much based on the awareness that criminal prosecution is in fact very expensive. Putting people into prison is sometimes necessary, even for a lifetime, but it should not remain the only solution – often, it is not even the primary solution. Over the last couple of years, the Dutch police have worked together with the local government, tax authorities, even with private and academic parties. This is called the interdisciplinary, or integral, approach, in which every party contributes its respective powers, skills and knowledge to tackling OC. This article wants to illustrate how, through a combination of administrative and fiscal government action, the Netherlands managed to achieve a high level of effectiveness in combating various crime areas such as narcotics production and outlaw motorcycle gangs. The approach comprises four central goals:



1. To neutralize the most powerful and dangerous criminals;
2. To maim criminal logistics and industries;
3. To tackle facilitators, as criminals over the past decades have grown more and more professional and are building their own service industry;
4. To reclaim criminal profits.

OC groups in the Netherlands are not restricted to one crime area, but instead are active in multiple illegal markets and use or even share the same smuggling routes. Furthermore, the OC groups ought to be understood as flexible, well-networked organizations. They are not the typical Mafia organizations anymore. This is why the integrated approach combines theme-oriented, subject-oriented and opportunity-oriented measures – i.e. situational crime prevention and repressive methods. Furthermore, the integrated approach invests in prevention and fosters citizen awareness of the dangers connected to OC (Klerks 2016: 36–37).

To a certain extent, Organised Crime builds on the services of the public administration and local businesses. In order to pursue activities such as money laundering, racketeering practices or creating a legal facade, criminal organisations depend on local government to obtain permits, outsource work and grant projects. Furthermore, they need the cooperation of financial institutions to transfer money. Businesses could thus act as facilitators with or without their knowledge. Targeted prosecutions also expose societal risks and vulnerabilities, motivating responsible parties to be alert and act when required. Interventions serve for strategic (political) agenda-setting. The Dutch Public Prosecution Service aims for maximum effect in enhancing security and obtaining a fair society where justice is done. In the following, some cases will be outlined in detail in order to illustrate the Dutch strategy when it comes to preventing OC.

## **2 Cases, policies and corresponding conclusions for law enforcement**

The first example is concerned with denying energy know-how to cannabis growers. This case reflects on the international recognition of criminal entrepreneurs as drug traffickers. Although most of the indoor-cultivated drugs

are exported, a significant part is intended for the domestic market. In addition, a study conducted by regional investigators and researchers at Tilburg University shows that approximately 2,400 people in Tilburg earn their income from the growth of or trade with cannabis (Klerks 2016: 34). If one wants to grow cannabis, one needs electricity, or at least gas or water. The Netherlands have a substantial and very profitable illegal indoor cannabis-producing industry and over the past 30 years, these entrepreneurs have reached a high degree of professionalisation. It is no longer possible to improvise e.g. by using battery clamps to extract energy from the network. More and more people began to work for electricity companies, not only on a professional basis, but also in order to moonshine for cannabis growers. These people make use of their professional tools and skills. As a consequence, a specialized support industry has evolved, providing vital technical assistance. Law enforcement tries to track those people down by using network analyses, for instance. The police therefore have to prohibit those growshops and target electricians in order to hinder the cultivation of marijuana. However, unintended consequences can arise – if you attempt to reduce the level of professionalism or expertise in the criminal industry, the danger is that non-professionals will take over business. This is problematic, as the people who work on the plantations for instance improvise or work with instruction sheets or downloaded pictures from the internet. There have been cases where people have died because of the lack of expertise and professionalism in this area. The same goes for the chemical production of synthetic drugs. When arresting electricians in the industry in a certain area, one can observe growers soon becoming more active and starting to make phone calls, for instance. They begin to send out all kinds of distress signals, trying to find new people with expertise in electricity. When a neighbour or a nephew then takes on such a job, they often cause fires due to their lack of expertise.

The second case deals with countering the criminal abuse of farming real estate. There is a lot of space in the Netherlands which is currently undeveloped, not being used, or will become available in the next years because the farming industry is reforming itself at the moment, i.e. trying to reduce the number of pigs, wild stock, etc. Consequently, many farmers are out of business and do not have any children they can pass on their farms to, or if they do, the children do not want to inherit them. They obtain barns and stalls which they no longer have any use for. So it was also noticed by criminals

that farmers in the countryside face a range of economic challenges. Drug entrepreneurs persuade and pressure these owners to obtain or rent barns or warehouses, for example – about one in four people in the farming industry have been approached violently and aggressively by these entrepreneurs. In order to deter these entrepreneurs and stop this from happening in the future and address the problem, the local government and police have come to collaborate in a programme called Focus. Its aim is to gather intelligence, raise awareness and reach out to farmers in need. What is interesting within the programme is that the strategy has shifted from investigating the people who threaten farmers to systemic tactics such as developing standard rental contracts which farmers should use if they aim to rent out parts of their farm. These rental contracts are linked to a reporting system. The crux of this case is that arresting the farmers at the end of the day for facilitating drug production cannot be the solution to the problem – instead, farmers need to be protected from entering into this situation in the first place.

The third case focuses on the prohibition of hidden compartments in vehicles. In cases that were investigated years ago, criminals used empty seats or the glove department, for instance, to hide drugs or other illegal goods. Nowadays, these *modi operandi* have become more professional. Professionals have designed and adapted all sorts of vehicles in order to create exceptional and difficult to find hiding places which can neither be detected from the outside nor opened by normal means. In many cases, the only way to detect these compartments is via digital codes. Officially, it is not a criminal act to have or build such a car; nevertheless, under customs law it is illegal to use it. Trying to fight this juridically is very difficult. The police aim at targeting the garage firms which fit the cars with hidden compartments. These garage firms often do this due to financial incentives since they can charge the criminals who want the hidden compartment fitted into their cars a vast amount of money for a couple of hours of work.

Another project is the Fabricius project in Ilmuiden, which is located near Amsterdam. Ilmuiden is a run-down harbour district, an area where “good housekeeping” is a thing of the past. There was a lot of overdue maintenance and overall many places were run down. The project tries to strengthen and restore the area’s economic strength and attractiveness. Furthermore, the project was based on multi-agency collaboration, which included local police and local entrepreneurs to drive out outlaw motorcycle gangs, to drive

out drug smugglers and other kinds of dubious people operating in this harbour area. The full scope of police work and reconstruction measures as well as public order maintenance has had a noticeable effect.

The Netherlands has developed an administrative approach to Organised Crime. The BIBOB Bill was adopted as the BIBOB Act in 2003. BIBOB creates a legal basis to refuse or withdraw permits, licenses, grants and subsidies when there is a serious threat of abuse by criminals. This decision must be based on a screening and risk assessment of the integrity of the applicant, which is not conducted by the governmental body itself, but by a special agency, the BIBOB Bureau, which is part of the Department of Justice. This body also screens participants in public tender procedures by applying the grounds for exclusion listed in EU Directives. The purpose of this bureau is to support local public authorities, such as city administrations, municipalities and provinces, in enforcing the law. The bureau has the authority to consult criminal and tax records as well as police intelligence on Organised Crime. On the basis of the administrative and financial information, the bureau provides the requesting authority with written advice, in which it indicates the seriousness of the threat of abuse. Under the Dutch BIBOB system, a conviction is not necessary, suspicion of criminal conduct is sufficient. If the information proves to be false and the person is later acquitted, the administrative authority is liable for any damages incurred if a permit or a project has not been granted based on false information. The scope of the BIBOB screening system is limited to certain industrial branches which are considered to be vulnerable to Organised Crime, such as hotels and restaurants, the sex industry, construction, waste processing, public housing and transport.

When AlphaBay, the world's largest dark web bazaar, went offline in early July 2017, its buyers and sellers scrambled to find new venues. What those dark web users couldn't know was that this chaos had been planned. Dutch authorities had already seized Hansa, another major dark web market, the previous month. For weeks, they operated it as usual, quietly logging visitors' user names, passwords, and activities of its visitors – which included a massive influx of AlphaBay refugees. Europol's Director, Rob Wainwright, explained: "We recorded an eight-times increase in the number of new users on Hansa immediately following the takedown of Alphabay." Europol claims to have gathered 10,000 postal addresses of Hansa customers, and

tens of thousands of their messages, from the operation. Traffic on Hansa Market exceeded 1,000 transactions daily. Law enforcement's message to Dark market users was, in the words of U.S. Attorney General Jeff Sessions: "You are not safe. You cannot hide. We will find you, dismantle your organization and network. And we will prosecute you." This case shows a very modern way of combatting OC.

### **3 The integrated approach: a success?**

Implementing prevention measures is not efficient if the success of those measures is not visible. Primarily, the success of crime prevention is mirrored in statistical evidence and decreasing case numbers. However, one cannot only rely on hard evidence as the process leaves little room for experiments and new ideas. The BIBOB Act and the measures against crime facilitators in the Netherlands as well as numerous studies undertaken by the WODC have proven that success can also be measured by theories which enable us to estimate the plausibility of an intervention (Klerks 2016: 39, 40). Another way of measuring success is highlighted by the Fabricius project, where including reports and accounts of people involved in the project can help others to see the necessity and effect of the project.

In some cases, the problem is that the government has partly been responsible for the situation as it is. Due to budget cutbacks or underestimation of a certain phenomenon, it is often the case that problems with OC groups or problems with serious forms of crime emerge after the government has reduced its presence over a longer period of time in certain areas, i.e. stopped playing its supervisory role. Accordingly, criminals take over – and success for the government then means to recapture this area in terms of presence and governmental control (Klerks 2016: 42).

What is often critically discussed is the lack of time efficiency with multi-agency collaborations in investigations. What is mostly criticized is the effort these collaborations cost in terms of meetings, protocols and other documents, and more importantly, finding common ground for further action. Not only due to the individual attitudes of people participating in meetings who are not willing to see beyond the scope of their agency, but also due to different organizational cultures or different legal frameworks, multi-agency collaboration ultimately remains a challenge.

## Sources

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# Research- and intelligence-led community policing

Kim Nilvall

Netherlands National Operational Department, Sweden

## The background

The following article presents the idea of the concept of research- and intelligence-led community policing. The concept can be understood as a response to past developments, because over the last decade Sweden has experienced a significant change in crime development in specific neighbourhoods. An increase of gang-related conflict was apparent; this included violence in general, shootings and murders. Overall, the number of deaths related to shootings in Sweden has risen sharply during the past couple of years. Moreover, in these specific areas, an increase of riots or social unrest can be noted. This results in citizens neglecting the presence of the police and turning against other state representatives/institutions. Along with this, there is a decrease in the motivation to report crimes in those areas and to cooperate with the police when they are investigating in the neighbourhoods.

What strikes the eye, though, is that this phenomenon and this behaviour occurred mostly in certain types of neighbourhoods that were subject to a political housing reform in Sweden. This housing reform started in 1965, and its purpose was to meet the needs of a growing population, and the goal was to build one hundred thousand apartments every year over a ten-year period. The housing areas were often located in the suburbs and isolated from other neighbourhoods. A majority of the apartments that were built in the areas were small-sized, counting two or three rooms. The idea behind the construction plans was influenced by traditional family organisation, with the mother staying home and taking care of the children and the father going to work. Therefore, architecture and road planning facilitate social control and the separation of traffic and pedestrians. When the housing reform was concluded in 1975, there were more apartments available than needed, and soon the government saw a possibility to help financially weak citizens to find an apartment.

Figure 1:

### Satellite picture of Hammarkullen

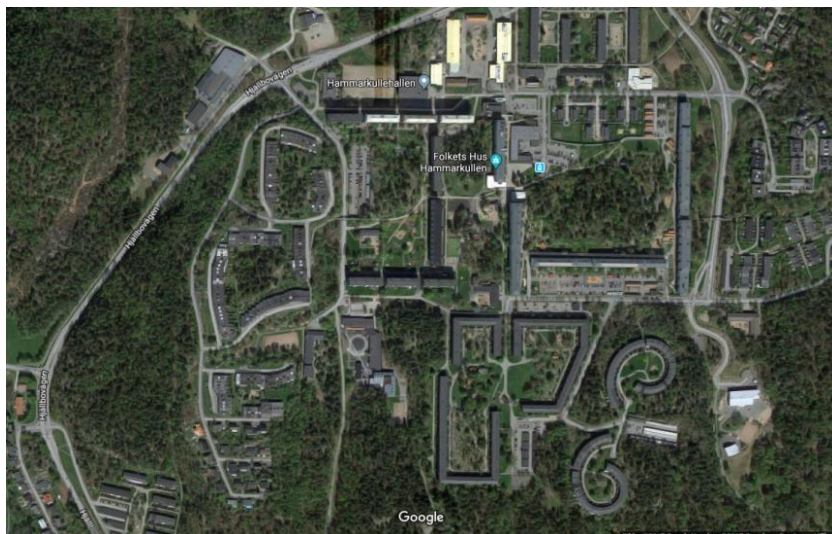


Photo: Kim Nilvall, Hammarkullen/Google maps: Satellite picture of Hammarkullen



## How to address the problem

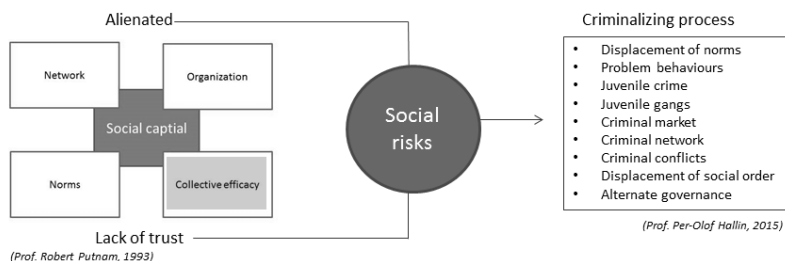
To understand the root causes of crime development in the neighbourhood, existing research was reviewed. A cooperation was established with Malmö University and Professor Per-Olof Hallin. Together with Malmö University and other stakeholders, a research group was established. What was learned was that socioeconomically disadvantaged citizens have less capacity to develop their human abilities. Consequently, neighbourhoods affected by socioeconomic disadvantages have fewer capacities to handle social problems. Due to the housing reform and the government strategy to address the needs of financially weak citizens, families and migrants, social risks came to be concentrated in certain neighbourhoods. Typical examples of social risks in the affected neighbourhoods included higher unemployment rates and a higher rate of dependence on government aid. Simultaneously, there was a larger group of young people leaving school without acceptable grades to continue their education, and there were large groups of young people in the public areas in the neighbourhood due to overcrowded apartments. With an awareness of what caused this phenomenon, the aim became to develop a model that addressed both the root causes and the effects in order to show the degree of social risk in these areas and what kind of impact this has on pathways to criminality.

Social risk can be divided into structural, social and family-related social risks. So what can be seen if a neighbourhood is affected by multiple social risks is that it creates some kind of social stress which leads to negative social events. These negative events can be crime development in general or young people developing norm-breaking behaviour. The people then notice negative social consequences – if occurring over a few years, it leads to the population developing a form of distrust towards the community, towards one another and towards authorities and institutions which ought to uphold security. The citizens feel abandoned and alienated from the rest of society, exposed to an unsafe environment. Furthermore, what can be observed is a decrease in collective efficacy that could be translated into a decrease in social control. One of the effects of a decrease in social control in a neighbourhood (“collective efficacy”) is a decrease among citizens to act against norm-breaking behaviour among young people. This decrease facilitates a drift towards criminality, which results in the development of norm-breaking and problematic behaviour among juveniles, the development of juvenile

gangs and local criminal networks. The problem in the affected areas where this process had been going on for thirty years, over such a long period of time the pathways to criminality had become manifest. Over time, this development led to displacement of the normative social order in the neighbourhood, which the citizens, in turn, have adapted to. These social factors in the neighbourhood also increased the arena for alternative powers (“alternate governance”) which is still vast in the affected neighbourhoods.

Figure 2:

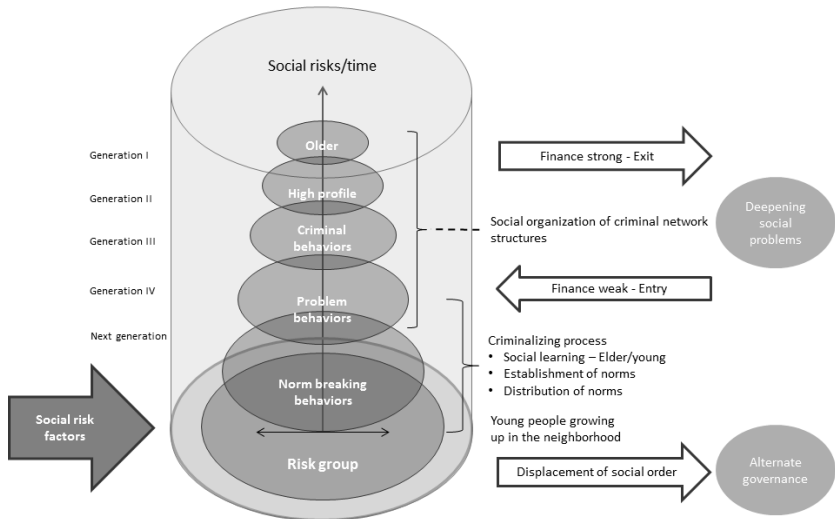
**The process of criminalisation.**



The project visualises the criminalising process in the affected neighbourhoods in context, with the neighbourhood represented as a cylinder:

Figure 3:

### Visualisation of various factors that determine disadvantaged areas.



The figures show the social capital in relation to the different ages of the people living in the areas. The social risk factor creates a large arena, as due to social control, but also due the fact that the apartments in the areas are very small, young people use public space as a substitute for the space they lack in their apartments. In terms of age, the graphic shows how generation after generation living in these areas transits into different sections. Ultimately and viewed as a whole, this forms an organized crime structure in which norms are maintained and monitored by the elders and in which these criminal norms can be preserved. To conclude, the essence of the problem is the geographical factor and the organised structure in the areas. Another side effect of such structures is that those individuals with stronger resources tend to leave these areas and move somewhere else. The consequence is criminal urbanization and an amplification of the feeling of abandonment. The status in Sweden is that the project has so far identified 61 areas, 33 of which are defined as particularly disadvantaged, while six areas are at risk of becoming particularly disadvantaged.

The characteristics of particularly disadvantaged areas are:

- Potential threats against citizens from criminal networks and criminal structures;
  - Conflicts between criminal networks, which leads to shootings and use of explosives;
  - Presence of systematic threats and violence against witnesses and victims who report crime;
  - Presence of alternative and informal governance structures;
  - Presence of extremism that affects citizens;
  - Presence of radicalization;
  - High concentrations of criminals;
- Institutional effect: The police cannot sustain law and order and bring justice to the victims.

### **How to solve the problem**

The aforementioned is not a situation the police are able to handle themselves – all stakeholders in these communities need to come together and work towards a common goal. In this framework, a method and theoretical framework is being developed. This method is composed of two already existing methods – namely, intelligence-led policing and community policing. Identifying the exact problems and needs of the citizens is oftentimes difficult due to language barriers, the decrease in trust in the police, etc., which is why the project relies on previous research insights to understand what the essential needs for these areas are and what it is that needs to be done in order to stop this development. The logical framework used within the project builds on the question of how to create sustainable cities. For a city to be sustainable there need to be two preconditions:

1. Individuals need to be able to develop their human abilities, which then enables them
2. to develop social capital.

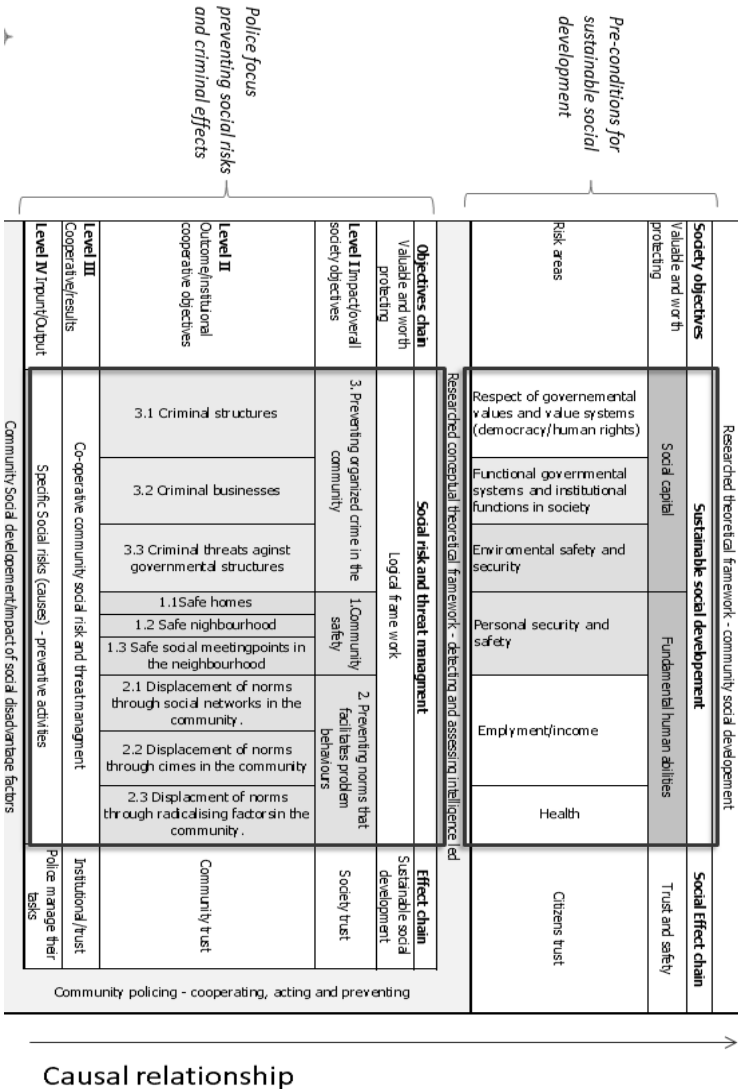
The two preconditions, however, depend on five focus areas:

1. A system which addresses the respect for values such as democratic order and human rights;
2. The institutions need to be functional when it comes to looking at citizens' needs;
3. A safe and secure environment in which one can grow up;
4. Employment;
5. Health.

In a next step, three areas were identified in which it was thought that the police could influence development. These three areas were put into a police framework. Then, it was agreed upon that in order function, Organised Crime in these areas needed to be addressed. For this, it was necessary to know what the local criminal structures look like, how many and what kind of criminal businesses there are in the area, and what the criminal threats against state institutions are. Within different geographic areas, there is the need to create a safe environment – this starts with the area one lives in and touches upon certain places in society. Another important aim is to prevent norms from being established which create criminal behaviour in the early stages.

Figure 4:

**Research-based factors for sustainable development.**



The figure shows the research-based factors for sustainable development as well as the aims within law enforcement to identify and categorise the crime rate, crime type and extent of crime in certain areas. This acts as the foundation to establish a methodology in order to understand local needs. Based on the theoretical framework, four templates have been developed to gather and structure local information during the process of intelligence-led policing. These templates act as the foundation to a consistent methodology that is being implemented to support police work in the community. The evaluated problems in the template also act as a link between the intelligence gathering process and the management of community police work to prevent social risks and Organised Crime. There are three different tables/sheets that are used to analyse the areas – one of them, for instance, is concerned with norms that facilitate problematic behaviour. Accordingly, a tool was developed to visualise the impact of crime in the neighbourhoods. The tool is built in an access database which is very easy to adjust. The questionnaires are fed into the tool, which then visualizes the content of the questionnaires.

A pre-test of the theoretical and methodological framework was carried out in Rosengard, Sweden, which is one of the disadvantaged areas. Rosengard is home to 12,000 people, and 49% of young people there do not have acceptable grades at school, which results in them not continuing their education. Measures have to be implemented so that they receive a good education. Multi-agency measures have to be implemented in order to decrease the number of people who have developed extensive criminal careers and deter them from this pathway. If these two problems were solved via the measures implemented, the police would have a chance to re-establish social order and rebuild trust in the districts' authorities.

### **Future results – short- and long-term**

The expected use of the concept is that its approach can be adapted to other concepts and programmes, support the nationwide monitoring of disadvantaged areas and increase the capacity to structure and prioritise institutional and cooperative actions to prevent the formation of disadvantaged areas, OC and radicalisation. Moreover, the concept increases the capacity to manage resources and cooperative activities nationwide to prevent social risks, OC and radicalisation in the community. In the long-term, it is expected to pro-

vide the possibility to follow up on and evaluate activities, results and effects on a national level as well as help setting up programmes for sustainable development goals with counterparts. Ultimately, this concept enables the authorities to reduce the impact of OC in the community and minimise terror risks resulting from radicalisation.



## **Possibilities for prevention of Organised Crime – Results of workshop discussions**

Following the conference presentations, workshops were held about the issues of „strategic approaches“, „operational approaches“ and „risk factors“. For the most part, the discussions concerned successful interventions and approaches aimed at the prevention of Organised Crime. In this connection the importance of linking scientific research, police practice and communication via the media was emphasised. The general consensus was that inter-institutional forms of cooperation should be used more frequently in order to develop relevant research topics and obtain good research results. This could move investigations in a new direction. The NCA operates platforms on the subject of cyber crime where scientists examine the characteristics of cybercriminals. Besides this, the discussions dealt with how science can be useful for the law enforcement authorities, for example with a view to verification of previous research results or the development of tools and techniques intended to simplify police work. One suggestion was to include Europol in the dissemination of scientific results or best practice methods that have been developed, doing so in order to provide scientists with an arena for the exchange of ideas and information in a police context. The objective must be to improve the sometimes difficult process of communication between scientists, the police, and policymakers. The boundaries between the respective sectors are created by culture and therefore they can also be overcome. This will have to be dealt with in the future– the individual sectors must communicate with each other more effectively.

It was noted that most sensitive data are only accessible to the law enforcement authorities. By contrast, in the Netherlands - due to less stringent data protection – sensitive data are becoming publicly accessible to an increasing extent, which also helps put scientists in a position to develop tools on the basis of these data that can assist the law enforcement authorities in their battle against Organised Crime. In addition, interaction between the various stakeholders would create greater confidence in the security authorities. Data protection and the limited cooperation with non-police institutions associated with this were seen as being among the “deficiencies” discussed at the workshops. As a result, it is more difficult to identify criminals - in the future, broader access to data is considered necessary. One proposal would be to

anonymise data in order to facilitate exchange and thus make it possible for scientists to carry out analyses. This should be done both at national level and throughout Europe. Furthermore, often national borders are still a barrier for the exchange of police information – in this case as well, efforts toward harmonisation must be made.

There was a consensus that identification of risk factors for criminal careers is still in the initial stages. Family circumstances and connections were mentioned, as well as the lack of role models for young people. It was stated that Organised Crime serves as a place of refuge for people who have the subjective impression that their opportunities in life are limited or that they are being prevented from accomplishing greater things. Financial reasons probably play the primary role, but the motivations are complex and vary widely. For example, housing shortages and the situation in certain precarious social environments were discussed. One significant conclusion of the discussions was that, in the case of modern OC forms such as economic crime and cyber crime or new types of fraud, the motivations and backgrounds of the perpetrators are different from those in the traditional fields of OC activity. Here „career entry“ seems to be based more on the individual skills of the person in question combined with appropriate opportunities. How does one deal with such people and keep them from taking a career path to Organised Crime? The opinion expressed in the discussions was clear: Preventive action must already begin with very young people – times in life when a law enforcement authority can exert influence need to be identified. Important aspects would be: Education, awareness campaigns, creation of role models and inclusion of parents as well as identification of persons in danger of beginning a criminal career. It must be made clear that entering the world of Organised Crime is not desirable and should not be viewed as compensation for a feeling of worthlessness. Here networks between institutions and also within communities play a role.

Another main point of the discussions was measurement of the effectiveness and efficiency of scientific results as well as their implementation in practice. There was a call for development of better methods to measure effectiveness. In this context, a demand was also made to carry out more qualitative analyses and case studies to provide support to the law enforcement authorities. One proposal from the workshops was to create interdisciplinary teams and to examine whether interdisciplinarity can influence the effective-

ness of police measures. In addition, during the discussions it was stated that preventive measures can sometimes be less expensive than repressive measures and that therefore placing greater emphasis on preventive measures in the field of Organised Crime should be considered.

**Deutscher Teil**  
**Part IV**

# OK-Forschungsnetzwerk und OK-Forschungskonferenzen

## EU-Projekt „Research Network on Organised Crime“ 2010–2019

Die behördenübergreifende Zusammenarbeit im Bereich der Strafverfolgung sowie die Kooperation mit privaten und öffentlichen Einrichtungen ist in einer Zeit, in der sich die Kriminalitätsphänomene schnell verändern, notwendig. Besonders auf europäischer Ebene braucht es Kooperationen im Bereich der Sicherheitsforschung. Das EU-Projekt „Research Network on Organised Crime“ zielt demnach auf eine Plattform zum Austausch von Ideen, Erfahrungen und Best-practices zwischen Wissenschaft und Praxis auf europäischem Level ab. Das Forschungsnetzwerk gründet auf den Partnerschaften zwischen dem BKA und Forschungsinstituten in Großbritannien, den Niederlanden und Schweden. Die Aktivitäten des Netzwerks sind durch die EU finanziell unterstützt. Folgend wird das Netzwerk in Kürze dargestellt, für einen umfangreicheren Überblick, können die vorherigen Publikationen im Rahmen des Projekts herangezogen werden.

Im Rahmen des Programms des Fonds für Innere Sicherheit (ISEC) Programm, „Prevention of and Fight against Crime“ – Framework Partnerships and together with research institutions in other countries, hat das Bundeskriminalamt Geldmittel für das EU-Projekt „Research Network on Organised Crime“ (März 2010 –Februar 2013) erfolgreich beantragt. Mit dem Start im Jahr 2010 hat die EU 70% des Projekts ko-finanziert. Das Projekt beinhaltet zwei jährliche Partner-Netzwerktreffen, eine jährliche Konferenz und die Veröffentlichung von Beiträgen der Konferenzen. Ziele des Projekts waren und sind die Identifizierung von aktuellen Themen und Methoden im Bereich der OK-Forschung sowie der Informationsaustausch zu Forschungsprogrammen und -projekten. Die Partner-Netzwerktreffen beinhalten die Diskussion von zuvor ausgewählten Themengebieten der OK. Die Forschungskonferenzen haben zum Ziel einen Überblick zum jeweils aktuellen Forschungsstand sowie zu Kriminalitätslage und entsprechenden Bekämpfungsstrategien in Europa zu geben.

Für ein EU Folgeprojekt im Rahmen des ISEC-Programms „Prevention of and Fight against Crime 2007–2013, Action Grants 2011, General call for

proposals“ wurde ein Antrag eingereicht. Die EU-Kommission erkannte erneut die Relevanz des Netzwerks an und stimmte dem Antrag zu. Änderungen zum Vorgängerprojekt beinhalteten eine größere Anzahl an Teilnehmern und die Möglichkeit aus Übersee Referenten einzuladen. Für das Folgeprojekt „Research Network on Organised Crime 2013–2016“ lag die EU-Unterstützung bei 89,5 % Ko-Finanzierung.

Im Jahr 2016 wurde im Rahmen des ISF ein neuer Antrag an die EU-Kommission versandt. Der Antrag wurde angenommen und resultierte im Projekt „Research conferences on Organised Crime 2017–2019“. Es wurden einige Änderungen in Bezug auf die Organisation und finanzielle Verantwortung durchgeführt. Das Netzwerk hat sich darauf geeinigt, dass jeder Projektpartner finanziell zum Projekt beitragen sollte. Die Konferenzen werden nicht mehr jährlich in Deutschland durchgeführt, sondern wechseln jedes Jahr in die Heimatländer der Netzwerkpartner. Im Jahr 2017 veranstaltete das Home Office in London die 9. OK-Forschungskonferenz aus. 2018 wird das WODC die jährliche Konferenz in Den Haag ausrichten und 2019 findet die 11. Forschungskonferenz in Stockholm statt.

## **Fazit**

Das OK-Forschungsnetzwerk stellt für die Netzwerkpartner seit nunmehr zehn Jahren einen professionellen und persönlichen Mehrwert dar. Auf der einen Seite bietet das Netzwerk einen aktuellen Wissensaustausch zu Entwicklungen und Forschungsaktivitäten – andererseits wird das Netzwerk durch die halbjährlichen Treffen gestärkt. Auch die Teilnehmer der jährlichen Forschungskonferenzen profitieren vom Austausch und der Expertise der Teilnehmer und der Referenten der Konferenzen. Die Publikationen zu den Konferenzen und den Projekten machen die Ergebnisse und Erkenntnisse aus den Konferenzen einem weiteren interessierten Kreis zugänglich.

## Beschreibung der Partnerinstitute

Forschungs- und Beratungsstelle für Organisierte Kriminalität, Wirtschaftskriminalität und Kriminalprävention, Bundeskriminalamt (BKA), Deutschland

Die Aufgabe der internationalen Koordinierung und Zusammenarbeit, der Hochschule und der Forschung obliegt der Abteilung IZ (Internationale Koordinierung, Bildungs- und Forschungszentrum). Die Forschungs- und Beratungsstelle für Organisierte Kriminalität (OK), Wirtschaftskriminalität und Kriminalprävention (IZ 34) ist die führende Forschungsinstitution zum Themenfeld „Organisierte Kriminalität“ bei der deutschen Polizei. IZ 3 ist in die folgenden Referate und Teilaufgabenbereiche untergliedert:

- Forschungs- und Beratungsstelle für Terrorismus/Extremismus (FTE),
- Forschungs- und Beratungsstelle Polizeiliche Kriminalprävention (PKS), Dunkelfeldforschung,
- Forschungs- und Beratungsstelle für Organisierte Kriminalität, Wirtschaftskriminalität und Kriminalprävention,
- Fachbereich Kriminalpolizei der Hochschule des Bundes für öffentliche Verwaltung,
- Medieninformationszentrum,
- Forschungs- und Beratungsstelle Cybercrime.

Das Ziel der Abteilung IZ stellt eine Stärkung der Verbindung zwischen der internationalen Kooperation und der kriminologischen Forschung dar. Dies schließt u. a. die Fördermittelakquise, die Beratung in Fragen der (internationalen) polizeilichen Zusammenarbeit, die Planung, sowie die Durchführung und Weiterentwicklung nationaler und internationaler Aus- und Fortbildungsprogramme und -maßnahmen ein. Die Forschungs- und Beratungsstelle für Organisierte Kriminalität, Wirtschaftskriminalität und Kriminalprävention setzt sich aus Wissenschaftlern, aber auch aus Polizeibeamten zu-

sammen, die interdisziplinär gemeinsam daran arbeiten, präventive, aber auch repressive Konzepte der Kriminalitätsbekämpfung zu entwickeln und neue Forschungsprojekte zu initiieren. Die kriminalistisch-kriminologischen Ergebnisse dieser Forschung können in der Aus- und Weiterbildung angewandt werden. IZ 34 führt Forschungs- und Beratungstätigkeiten in den Bereichen OK, Menschenhandel und Schleusung sowie Wirtschaftskriminalität und Kriminalprävention durch.

Die Forschung und Beratung beziehen sich zurzeit auf folgende Themenfelder, in denen seit 2015 Projekte abgeschlossen wurden oder noch durchgeführt werden:

- Das Projekt **REOK** (Bekämpfung der Russisch-Eurasischen Organisierten Kriminalität in Deutschland – Parallelgesellschaft und Verfahrensführung) zielt darauf ab, die Existenz einer Parallelgesellschaft in Deutschland zu untersuchen und Best Practices für die Strafverfolgungsbehörden herauszuarbeiten.
- Das Projekt **AusMin** befasst sich mit dem Dunkelfeld der Ausbeutung Minderjähriger in Deutschland, Bulgarien und Rumänien.
- Die Ergebnisse zweier Monitoring-Berichte von IZ 34 – „**Social Engineering und CEO-Fraud**“ und „**Innentäter in Unternehmen – Gefahr der Vergangenheit oder stetige Bedrohung?**“ – wurden im November 2017 auf der Wirtschaftsschutzplattform veröffentlicht.
- Zusätzlich beobachtet IZ 34 die Forschungslandschaft u. a. im Bereich der Kriminalität im Kontext von Zuwanderung sowie weiteren Themenfeldern der OK und Wirtschaftskriminalität.
- Des Weiteren wurde gemeinsam mit den Projektpartnern des Research and Documentation Centre (WODC) in Den Haag und des Swedish National Council for Crime Prevention (Brå) in Stockholm das EU-finanzierte Projekt „**Cyber-OC – Scope and manifestations in selected EU-member states**“ durchgeführt. Die dazugehörige Publikation kann unter folgendem Link abgerufen werden: [https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/PolizeiUndForschung/1\\_50\\_Cyber-OC-ScopeAndManifestationsInSelectedEUMemberStates.html](https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/Publikationsreihen/PolizeiUndForschung/1_50_Cyber-OC-ScopeAndManifestationsInSelectedEUMemberStates.html).



- Die Forschungsstelle unterstützt zudem als assoziierter Partner eine Reihe laufender Projekte im Rahmen der nationalen Sicherheitsforschung. Es handelt sich um nachfolgende Verbundprojekte zu Themen der OK und der Wirtschaftskriminalität, die durch das Bundesministerium für Bildung und Forschung der Bundesrepublik Deutschland (BMBF) gefördert werden:<sup>74</sup>
- Prävention und Intervention bei Menschenhandel zum Zweck sexueller Ausbeutung – Eine multidisziplinäre und institutionenübergreifende Perspektive (**PrIMsA**),
- Verfahren zur Erhellung des Dunkelfelds als Grundlage für Kriminalitätsbekämpfung und -prävention am Beispiel antiker Kulturgüter (**Illucid**),
- Wirtschaftsspionage und Konkurrenzausspähung in Deutschland und Europa (**WISKOS**).
- Darüber hinaus ist IZ 34 assoziierter Partner in dem ISF-Projekt **MORE** (Abbildung und Ausarbeitung eines Risikobewertungsmodells der Infiltration legitimer Unternehmen durch die Schwere und Organisierte Kriminalität in der EU).

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<sup>74</sup> Die Homepage des VdI gibt einen Überblick über aktuelle Forschungsprojekte im Programm der "Forschung für die zivile Sicherheit": <http://www.vditz.de/forschungsfoerderung/sicherheitsforschung/laufende-forschungsprojekte-im-ueberblick/>.

## **1 Der Schwedische Nationale Beirat zur Prävention von Kriminalität (Brå)**

Der Schwedische Nationale Beirat zur Prävention von Kriminalität (Brottsförebyggande rådet – Brå) – eine dem Justizministerium untergeordnete Behörde – ist ein Forschungs- und Entwicklungszentrum innerhalb des Geschäftsbereichs des Justizministeriums. Die Tätigkeit von Brå besteht hauptsächlich in der Kriminalitätsbekämpfung und der Erhöhung der Sicherheit in der Gesellschaft durch die Erfassung von Daten und die Verbreitung von Wissen über Kriminalität und Präventionsarbeit. Der Rat erstellt die offizielle Kriminalitätsstatistik Schwedens, evaluiert Reformen, führt Forschung zur Gewinnung neuer Erkenntnisse durch und bietet Unterstützung für die Präventionsarbeit vor Ort. Die Forschungsergebnisse von Brå dienen den Entscheidungsträgern des Justizsystems, des Parlaments und der Regierung als Wissensgrundlage für die Verabschiedung und Umsetzung von Gesetzen und politischen Richtlinien. Brå arbeitet regelmäßig mit Organisationen und Anstalten des öffentlichen Rechts zusammen. Der Rat richtet außerdem im Auftrag der schwedischen Regierung das kriminologische Symposium in Stockholm, eine jährlich stattfindende internationale Forschungskonferenz, aus. Brå wird von einem von der Regierung ernannten Generaldirektor geleitet.

## **2 Die Forschungsstelle zur Wirtschafts- und Organisierten Kriminalität (EkoOrg)**

Aufgabe der Forschungsstelle zur Wirtschafts- und Organisierten Kriminalität ist es, eine nationale Expertenfunktion im Bereich von Wirtschafts- und Organisierter Kriminalität einzunehmen. Umweltkriminalität und Straftaten im Zusammenhang mit dem kulturellen Erbe gehören ebenfalls zu ihren Forschungsthemen. Die Forschungsstelle führt diverse Forschungsprojekte

durch, häufig in Zusammenarbeit mit anderen Akteuren und unter Verwendung externer Mittel, und publiziert ihre Forschungsergebnisse. Die Forschungsprojekte beleuchten die Beschaffenheit der Wirtschafts- und Organisierten Kriminalität vorwiegend in Schweden, wobei besonderes Augenmerk auf die Methoden und Strategien der Kriminalitätsprävention gerichtet ist. Über die Forschungsarbeit hinaus nehmen die Vertreter der Forschungsstelle regelmäßig an Arbeitsgruppen teil und übernehmen sich daraus ergebende Aufgaben. An der Spitze der Forschungsstelle steht ein Abteilungsleiter.

### **3 Forschungsstrategie**

Die Forschungsstelle zur Wirtschafts- und Organisierten Kriminalität konzentriert sich in hohem Maß auf neue und zuvor unerforschte Formen von Kriminalität sowie auf kommunale Programme zur Kriminalitätsbekämpfung. In den vergangenen Jahren hat die Abteilung Berichte über Erpressung, Korruption und andere Formen ungesetzlicher Einflussnahme (*unlawful influence*), Geldwäsche, Finanzmanagement des Rauschgifthandels, organisierte Steuerhinterziehung, Missbrauch von Sozialleistungen, illegales Glücksspiel, Geldwäsche im Zusammenhang mit der Abschöpfung illegaler Vermögenswerte sowie behördenübergreifende Bekämpfung Organisierter Kriminalität veröffentlicht.

Die Forschungstätigkeit der Abteilung ist hauptsächlich auf angewandte Forschung und Entwicklung ausgerichtet. Auf der Grundlage empirischer Studien entwickelt die Abteilung gemeinsam mit anderen Behörden innerhalb des Justizsystems Strategien und Methoden zur Verbrechensvorbeugung. Sie kooperiert außerdem mit anderen Regierungsstellen sowie internationalen Akteuren im Rahmen gemeinsamer Forschungsprojekte. Die Abteilung ist zurzeit Mitglied in vier internationalen Forschungsnetzwerken, in deren Rahmen sie an Konferenzen, Seminaren und Veröffentlichungen teilnimmt und auch selbst organisiert.

Bei Regierungsbehörden, in der Öffentlichkeit und in diversen Organisationen besteht ein spürbares Interesse an Forschung über Wirtschaftsdelikte und Organisierte Kriminalität. Die Mitarbeiter der Abteilung halten regelmäßig Vorträge über abgeschlossene und laufende Projekte, bieten Regierungsstellen fachliche Beratung an und stehen in beständigem Kontakt mit den Medien.

## 4 Abgeschlossene und laufende Projekte

Im Jahr 2017 veröffentlichte die Abteilung einen Leitfaden, wie Drohungen, Gewalt und anderen Formen ungesetzlicher Einflussnahme auf Staatsbedienstete entgegenzutreten ist. Er basierte zum Teil auf einem 2016 veröffentlichten Bericht, der die Einflussnahme auf 45 000 Beschäftigte des Öffentlichen Diensts untersucht hatte. 2017 wurden auch eine Evaluation einer lokalen Polizeiaktion in einem sozialen Brennpunkt sowie ein Bericht über qualitative und quantitative Indikatoren Organisierter Kriminalität veröffentlicht.

Die Forschungsstelle zur Wirtschafts- und Organisierten Kriminalität führt derzeit Projekte mit folgenden Untersuchungsschwerpunkten durch:

- die Beziehungen zur Polizei in sozialen Brennpunkten,
- ungesetzlicher Einfluss im Sport,
- Analyse der behördenübergreifenden Bekämpfung der Organisierten Kriminalität in der Stadt Södertälje (Operation Tore 2),
- Evaluation der polizeilichen Nutzung am Körper getragener Kameras,
- Schießereien im Zusammenhang mit kriminellen Netzwerken,
- MORE (Infiltration von OK in die öffentliche Verwaltung).

Die Deutsche Hochschule der Polizei ist die Hochschule für Führungskräfte der Polizeien des Bundes und der Länder und das wichtigste Forum zwischen Wissenschaft und Praxis zur Diskussion polizeilicher Fragen in Deutschland. Sie steht für eine weltoffene, wertebundene Polizei, die sich ihrer Verantwortung im demokratischen Rechtsstaat für Freiheit, Sicherheit und inneren Frieden bewusst ist.

Kernaufgabe der Deutschen Hochschule der Polizei ist die bestmögliche einheitliche Qualifizierung des Personals der höheren Führungsebenen der Polizei. Diesem Anspruch wird die Hochschule durch eine enge Verflechtung von Theorie und Praxis gerecht.

Das Fachgebiet III.3 „Kriminalistik – Phänomenbezogene Kriminalstrategie“ befasst sich insbesondere mit kriminalstrategischen Aspekten der Organisierten Kriminalität (OK) sowie der Politisch Motivierten Kriminalität (PMK).

Organisierte Kriminalität ist gekennzeichnet durch eine zumeist komplexe, professionelle und langfristig angelegte Täterstruktur, wobei die Tatmotivation sich aus der Absicht, Gewinne aus diesen Straftaten zu erzielen, speist. Aufgrund der hohen Professionalität unterliegt die OK einem stetigen Anpassungsprozess, in dem gesellschaftliche, technische und sonstige Entwicklungen sehr zeitnah in neue Deliktsbereiche oder Begehungsformen münden. Die polizeilichen Ermittlungen zur OK sind dementsprechend von einer hohen Komplexität, einer langen Dauer und vor allem von besonderen verdeckten Ermittlungsmethoden sowie einer (personal)intensiven Ermittlungsarbeit geprägt. Neben diesen Aspekten ist, beispielhaft anhand der Zunahme der Eigentumsdelikte ersichtlich, die Abgrenzungsproblematik von OK zur Allgemeinkriminalität von erheblicher Relevanz für Führungskräfte, insbesondere um strategische Aspekte wie deliktische Priorisierungen oder Kräftezuweisungen einschätzen und umsetzen zu können.

Durch die Einbindung des Fachgebiets in die entsprechenden Gremien auf nationaler (Kommission Organisierte Kriminalität und Kommission Staatsschutz) und durch Kontakte auf internationaler Ebene sowie Verbindungen

zu nationalen und internationalen wissenschaftlichen Institutionen kann die notwendige Verzahnung von Wissenschaft und Praxis in Lehre und Fortbildung vermittelt werden. Damit leistet das Fachgebiet in seinen sehr spezifischen, zugleich aber politisch relevanten Teilbereichen einen bedeutungsvollen Beitrag zur Polizeiwissenschaft.

## **1 Lehre**

In der Lehre werden die beiden Themenfelder OK und PMK im Rahmen von Modulen vermittelt. Dabei sollen die Studierenden in die Lage versetzt werden, die erworbenen Kenntnisse über Phänomene und zur Bekämpfung eingesetzte polizeiliche Strukturen dahingehend zu nutzen, selbstständig nachhaltige und effiziente Bekämpfungsansätze zu generieren. Des Weiteren haben die Studierenden durch die Erstellung einer Hausarbeit und/oder Masterarbeit u. a. die Möglichkeit, Kenntnisse in den genannten Themengebieten der OK und PMK weiter zu vertiefen.

## **2 Fortbildung**

Im Rahmen der Fortbildung werden durch das Fachgebiet Seminare über aktuelle Erscheinungsformen sowie strategische Bekämpfungsaspekte der Organisierten Kriminalität und der Politisch Motivierten Kriminalität angeboten.

## **3 Forschung**

Über die Lehr- und Fortbildungstätigkeit hinaus wurde im Jahre 2017 das vom BMBF geförderte Verbundforschungsprojekt „Risikomanagement der Korruption“ (RiKo) betrieben. Dieses Drittmittelprojekt befasst sich mit der öffentlichen Wahrnehmung von Korruption unter Einbezug der Bevölkerung, der Kommunen, klein- und mittelständischer Unternehmen sowie staatlicher Ermittlungsbehörden (Polizei und Staatsanwaltschaft). Neben der Wahrnehmung der Korruption werden deren Prävention und Bekämpfung gemeinsam mit mehreren Institutionen aus Wissenschaft und Praxis untersucht. Ziel ist es, ein Handlungskonzept zur Korruptionsbekämpfung für Unternehmen, Kommunen, Justiz und Polizei zu entwerfen, das zudem die

Sicherheitswahrnehmung sowie die Sicherheitserwartungen und die verfassungsrechtlichen Ansprüche der Bevölkerung berücksichtigt.

Die Bereiche der OK und PMK unterliegen einer ständigen Veränderung. Sie verlieren daher nie an Forschungsrelevanz, weswegen für die Studierenden die Möglichkeit besteht, mit einer Masterarbeit einen relevanten Forschungsbeitrag beizusteuern.

### **Bekämpfung der Organisierten Kriminalität auf EU-Ebene: Von der Europol-Rauschgiftbekämpfungsbehörde zur EU-Agentur zur Zusammenarbeit in Strafverfolgungsangelegenheiten**

Infolge des Ersuchens des deutschen Bundeskanzlers Helmut Kohl im Jahr 1991 zur Einrichtung einer europäischen Polizeibehörde nach dem Vorbild des amerikanischen FBI wurde 1993 die *Europol Drugs Unit* (EDU) in Den Haag, Niederlande, gegründet. Es handelte sich dabei um die Vorläuferbehörde eines Europäischen Polizeiamts.

Im Laufe der Jahre hat sich das Mandat von Europol, das ursprünglich die Aufgabe hatte, die Ermittlungen der Mitgliedstaaten im Bereich der Rauschgiftkriminalität zu unterstützen, erheblich ausgeweitet. 1999 entwickelte sich Europol zu einer zwischenstaatlichen Organisation und 2010 zu einer EU-Agentur, die als führendes europäisches Zentrum zur Unterstützung von Eingriffsmaßnahmen der Strafverfolgungsbehörden sowie als zentrale Behörde für kriminalpolizeiliche Informationen und als Kompetenzzentrum für Strafverfolgungsexpertise fungiert.

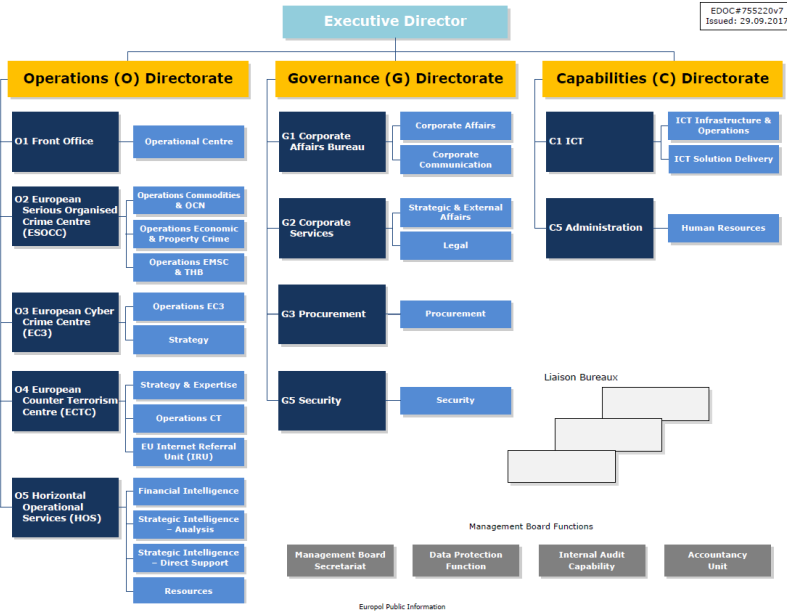
Im Mai 2017 entstand das Europäische Polizeiamt als Agentur der Europäischen Union für die Zusammenarbeit auf dem Gebiet der Strafverfolgung und bildet jetzt das Herzstück der europäischen Sicherheitsarchitektur mit einer Zuständigkeit für alle Formen schwerer und Organisierter Kriminalität, Terrorismus und Cyberkriminalität. Im Einklang mit sich ausweitenden Mandat der Behörde hat Europol immer mehr personelle und finanzielle Ressourcen aufgebaut, beschäftigt nun mehr als 800 Mitarbeiter und ist der Sitz von mehr als 250 Verbindungsbeamten in seinem Hauptsitz in Den Haag.



# Steigerung der operativen Fähigkeiten von Europol

Abbildung 1:

## Organigramm von Europol



Um besser auf neue Herausforderungen und Bedürfnisse der Mitgliedstaaten reagieren zu können, musste sich Europol sowohl strukturell als auch operativ anpassen. 2017 verlagerte die Agentur ihre Kernfunktionen in die *Operations Directorate*, um ihre Effektivität weiter zu verbessern. Im Rahmen der Zentralisierung und der Konzentration auf drei zentrale Schwerpunkte beherbergt Europol nun das Europäische Zentrum zur Bekämpfung der Cyberkriminalität (EC3), das Europäische Zentrum für schwere und Organisierte Kriminalität (ESOCC) und das Europäische Zentrum zur Bekämpfung des Terrorismus (ECTC).

Das „Operational 24/7-Centre“ ist die wichtigste Schnittstelle für die Mitgliedstaaten von Europol zum Austausch operativer Informationen. Die

Mitarbeiter von Europol arbeiten rund um die Uhr, um einen ständigen Nachrichtenaustausch zur Entgegennahme und Analyse polizeilicher Informationen zu gewährleisten.

Entsprechend dem umfangreichen Mandat von Europol ist das Zentrum für schwere und Organisierte Kriminalität (ESOCC) die größte der drei Abteilungen. Mehr als 150 Mitarbeiter und Abgeordnete nationale Experten bieten den Mitgliedstaaten und anderen Europol-Partnern in folgenden drei Unterabteilungen operative und strategische Unterstützung:

- Illegale Waren wie Rauschgift, Waffen und Sprengstoffe sowie OK-Netzwerke.
- Die Gruppe Wirtschafts- und Eigentumskriminalität ist zuständig für den Mehrwertsteuer- und Verbrauchssteuerbetrug, Geldfälschungen sowie Umweltkriminalität und ist der Sitz der *Coordinated Coalition* zur Bearbeitung der Verstöße gegen die Gesetze zum Schutz geistigen Eigentums (*Intellectual Property Crime*, IPC3) mit Schwerpunktsetzung auf die Bekämpfung von Produktfälschungen und Markenpiraterie.
- Das Europäische Zentrum zur Bekämpfung der Schleuserkriminalität befasst sich sowohl mit Menschenschmuggel als auch mit Menschenhandel.

Das Europäische Zentrum zur Bekämpfung der Cyberkriminalität (EC3) hat sich zu einer zentralen Stelle für die Bekämpfung der Internetkriminalität entwickelt und unterstützt die Ermittlungen der Mitgliedstaaten bei High-tech-Straftaten, sexueller Ausbeutung von Kindern im Internet und Kreditkartenbetrug. EC3 hat sich als ein anerkanntes Kompetenz- und Innovationszentrum etabliert, das einer breiten Palette von Partnern sowohl in der Strafverfolgung als auch im privaten Sektor forensische Expertise sowie operative und strategische Unterstützung bietet.

Das Europäische Zentrum zur Terrorismusbekämpfung (ECTC) wurde im Januar 2016 als Reaktion auf den politischen und öffentlichen Bedarf nach Kooperation und Informationsaustausch im Bereich der Terrorismusbekämpfung etabliert. Als erste gemeinsame operative Stelle in Europa trägt ECTC unmittelbar zur Stärkung der EU bei der Terrorismusbekämpfung bei, indem sie den Informationsaustausch zwischen den zuständigen Behörden fördert. Zwei Jahre nach seiner Einführung wurde das Zentrum zu einer zentralen

Stelle für Computertomografie mit einem optimalen Informationsaustausch und mit Unterstützungsmöglichkeiten für Strafverfolgungsbehörden innerhalb und außerhalb der EU.

Die Innovationskraft und das Bedürfnis einer engeren Zusammenarbeit zwischen den Zentren führten zur Schaffung der Abteilung für Horizontale Operative Dienste (HOS) in der Abteilung Operationen. Die HOS bietet den Mitgliedstaaten, assoziierten Partnern und Europol-Einheiten ein umfassendes Portfolio behördenübergreifender Dienstleistungen. Sie ist auch für die Koordinierung und Unterstützung der zur Umsetzung der Prioritäten und Ziele des *EU Policy Cycle* gegen Organisierte und schwere internationale Kriminalität eingerichteten EMPACT (europäische multidisziplinäre Plattform zur Kriminalitätsbekämpfung) verantwortlich.

## **Kriminalprävention in der Europäischen Sicherheitsagenda**

Im Einklang mit dem Europäischen Aktionsplan von 1997 zur Bekämpfung der Organisierten Kriminalität<sup>75</sup> und der EU-Strategie zu Beginn des neuen Jahrtausends zur Prävention und Bekämpfung der Organisierten Kriminalität<sup>76</sup> im Jahr 2001 hat der Europäische Rat im selben Jahr die Gründung einer Zentralstelle zur Kriminalprävention unterstützt. Das *European Crime Prevention Network* (EUCPN)<sup>77</sup> hat die Aufgabe, qualifizierte Experten zur Kriminalprävention zu gewinnen, die zur Entwicklung und Umsetzung wirksamer Präventionsstrategien auf EU-Ebene beitragen. Dieses Mandat umfasste auch die Unterstützung von Aktivitäten auf nationaler und lokaler Ebene durch Einbeziehung lokaler Verwaltungs- und Strafverfolgungsbehörden. Das seit 2009 voll funktionsfähige EUCPN umfasst alle Formen von Kriminalität sowie die multidisziplinäre Zusammenarbeit zwischen Praktikern und politischen Entscheidungsträgern auf lokaler, nationaler und internationaler Ebene.

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<sup>75</sup> The Amsterdam European Council, meeting on 16–17 June 1997, approved a Plan of Action to combat Organised Crime.

<sup>76</sup> Council Decision, 2000/C 124/01, of 3 May 2000, The Prevention and Control of Organised Crime: A European Union Strategy for the beginning of the new millennium – Recommendation 6.

<sup>77</sup> Council Framework Decision, 2001/427/JHA, of 28 May 2001 setting up a European crime prevention network.

Im November 2012 wurde in einem Bericht<sup>78</sup> der Europäischen Kommission an den Rat festgestellt,

dass der beste Weg zur Verringerung des Kriminalitätsrisikos [...] darin besteht, wirksame Maßnahmen zur Verhinderung von Kriminalität durchzuführen, einschließlich der Förderung der sozialen Eingliederung anhand eines multidisziplinären Ansatzes. Dazu gehören administrative Maßnahmen und die Förderung der Zusammenarbeit von Verwaltungsbehörden und EU-Bürgern, die ähnliche Erfahrungen gemacht haben und in ähnlicher Weise von Kriminalität und damit verbundenen Unsicherheiten in ihrem täglichen Leben betroffen sind.

Daher hat die Europol-Strategie für den Zeitraum 2016–2020 die Kriminalprävention und den sogenannten Administrativen Ansatz zur Kriminalitätsbekämpfung als strategische Prioritäten für die Behörde festgelegt und die Notwendigkeit zum Ausbau der Zusammenarbeit mit anderen relevanten Partnern zur Förderung der Kriminalprävention innerhalb der EU erkannt.

Die niederländische Präsidentschaft des Rats der Europäischen Union im ersten Halbjahr 2016 konzentrierte sich auf die Verbesserung der Kriminalprävention zur Bekämpfung der Organisierten Kriminalität. Die neue Europol-Verordnung, die im Mai 2017 in Kraft getreten ist, stärkt erneut die Rolle von Europol bei der Kriminalprävention auf EU-Ebene. Ziel ist es, „Fachwissen über Methoden zur Kriminalprävention, zur Durchführung von Ermittlungsverfahren und zu technischen und forensischen Methoden aufzubauen, auszutauschen und zu fördern und die Mitgliedstaaten zu beraten [...]“.<sup>79</sup>

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<sup>78</sup> European Commission Evaluation report on the European Union Crime Prevention Network – COM (2012) 717 final.

<sup>79</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol), replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA with effect from 1 May 2017.

## Prävention als horizontales strategisches Ziel im EU Policy Cycle 2018–2021

Der europäische Policy Cycle für Organisierte und schwere internationale Kriminalität<sup>80</sup> ist das wichtigste Rahmenwerk für die Bekämpfung der schweren und Organisierten Kriminalität auf EU-Ebene und stellt ein ausgefeiltes System für die Zusammenarbeit zwischen Strafverfolgungsbehörden, EU-Agenturen und -Institutionen sowie weiteren relevanten Stellen dar. Es handelt sich um einen vierjährigen Prozess, der im gesamten Zeitraum von 2013 bis 2017 zum ersten Mal durchgeführt wurde und dessen Hauptaufgabe es ist, ein erkenntnisgestütztes Konzept für der Bekämpfung der schweren und Organisierten Kriminalität auf EU-Ebene zu entwickeln. Dazu gehört die Festlegung gemeinsamer Kriminalitätsschwerpunkte für die einzelnen Mitgliedstaaten der EU-Gemeinschaft zur unmittelbaren Durchführung von Maßnahmen auf operativer Ebene.

Der Rat hat am 18. Mai 2017 die neuen Prioritäten der EU für die Bekämpfung der schweren und Organisierten Kriminalität für den Zeitraum von 2018 bis 2021 angenommen. Zu den Prioritäten zählen Cyberkriminalität, Rauschgiftproduktion, illegaler Handel und Verbreitung, Schleuserkriminalität, Menschenhandel, Waffenhandel, Umweltkriminalität, Verbrauchsteuer- und Mehrwertsteuerbetrug, organisierte Eigentumskriminalität, Dokumentenbetrug, Geldwäsche und kriminelle Finanzströme.

Die strategischen Gesamtziele für die Aktivitäten in den jeweiligen neuen EU-Prioritäten im Bereich Kriminalität wurden in den einzelnen „Multi-Annual Strategic Plans“ (MASPs) für die kommenden vier Jahre des bevorstehenden Policy Cycles festgelegt. Die MASPs enthalten gemeinsame horizontale strategische Ziele für jeden Phänomenbereich und stärken zugleich die Vereinbarkeit zwischen den einzelnen Ansätzen zur Bekämpfung der verschiedenen Kriminalitätsformen<sup>81</sup>.

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<sup>80</sup> Siehe <https://www.europol.europa.eu/crime-areas-and-trends/eu-policy-cycle-empact>.

<sup>81</sup> Die gemeinsamen horizontalen strategischen Ziele beinhalten u. a. die Verbesserung der „intelligence“, die Definition von operativen Aktivitäten, das Engagement im Feld der Prävention, der Förderung von Kooperationen mit Nicht-EU Partnern, die Bekämpfung von Dokumentenfälschung, die Initiierung von Finanzaufklärungen sowie den Kampf gegen illegalen Handel mit Gütern und Dienstleistungen. Detaillierte Aktivitäten innerhalb jeder EU Krimi-

Die Einbeziehung der Prävention als horizontales strategisches Ziel hat den Ansatz zur Kriminalprävention auf EU-Ebene gestärkt und den Policy Cycle als einen wichtigen Rahmenwerk etabliert, in dem Präventionsmaßnahmen geplant und durchgeführt werden können. Die „European multidisciplinary platform against criminal threats“ (EMPACT), über den konzertierte Aktionen - einschließlich Präventionsmaßnahmen - in den nächsten vier Jahren durchgeführt werden, bietet eine bewährte Plattform für Europol, die Strafverfolgungsbehörden der EU und andere Partner.

Das European Crime Prevention Network (EUCPN) wurde als wichtiger Interessenvertreter und als idealer Vermittler für die Koordinierung von Präventionsmaßnahmen im Rahmen des EU-Policy Cycles anerkannt. Die Aufgaben des Netzwerks sind zahlreich und umfassen Aktivitäten auf EU-Ebene sowie auf nationaler und lokaler Ebene: Entwicklung verschiedener Aspekte der Kriminalprävention auf EU-Ebene: Maßnahmen zur Kriminalprävention zu unterstützen und bewährte Praktiken zu fördern; einen Beitrag zur Entwicklung eines multidisziplinären Ansatzes zur Kriminalprävention zu liefern und politischen Entscheidungsträger und Praktiker zu unterstützen.

Um die Durchführung von Aktivitäten im Zusammenhang mit der Kriminalprävention zu unterstützen, hat das Sekretariat des EUCPN sowohl mehrjährige Strategiepläne (MASPs) als auch operative Aktionspläne (OAPs) für die EU-Verbrechensprioritäten Menschenhandel, Organisierte Kriminalität und Computerkriminalität ausgearbeitet. Das Netzwerk ist bestrebt, sein Engagement in anderen EU-Kriminalitätsphänomenen in naher Zukunft auszuweiten, um zusammen mit Europol einen wertvollen Beitrag zum EU-Policy Cycle zur Bekämpfung der schweren und Organisierten Kriminalität zu leisten.

## **Europols Kampagnen zur Kriminalprävention**

Europol beteiligt sich seit vielen Jahren an kriminalpräventiven Maßnahmen und wurde von den Mitgliedstaaten und anderen Partnern für deren positive Wirkung gelobt. Diese Aktivitäten machen deutlich, dass Europol die Kriminalprävention als ein wichtiges Instrument sieht, um die Bedrohung durch

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nalitätspriorität ist in Operational Action Plans (OAPs), welche innerhalb eines vierjährigen Zyklus jährlich entworfen und umgesetzt werden.

verschiedene kriminelle Aktivitäten für die EU und ihre Bürger zu entschärfen.

Gezielte Schulungen, Medienkampagnen und Initiativen von Interessenvertretungen werden regelmäßig als wirkungsvolle Instrumente zur Bekämpfung schwerer Straftaten von Europol eingesetzt. In diesem Zusammenhang bieten das Internet und andere technologische Fortschritte der Gesellschaft zahlreiche Vorteile und Möglichkeiten in Bezug auf die Durchführung von Kommunikation und den Aufbau von Verbindungen<sup>82</sup>. Doch die Geschwindigkeit des Fortschritts und seine technischen Komponenten erzeugen auch Risiken und Schäden an Personen und Infrastrukturen, was zur Notwendigkeit der Aufklärung von Bevölkerung, Unternehmen, Regierungen und Strafverfolgungsbehörden führt, dass sich diese besser schützen, um die verschiedenen Formen von Straftaten, die online oder auf digitalem Wege begangen werden, verhindern zu können.

Das Europäische Zentrum zur Bekämpfung der Cyberkriminalität (EC3) und die Koordinierungsstelle von Straftaten im Bereich des geistigen Eigentums (IPC3) waren die Vorreiter von Europol und haben der Kriminalprävention eine zentrale Rolle in ihren jeweiligen Strategien zuerkannt. Daher informiert Europol die Öffentlichkeit nicht nur über die neuesten Bedrohungen der Cyberkriminalität durch die Veröffentlichung der jährlichen Bedrohungsanalyse zur Internetkriminalität (IOCTA), sondern publiziert auch regelmäßig Leitlinien und Empfehlungen zur Verbesserung der Cybersicherheit für die Öffentlichkeit. Dadurch wird verhindert, dass die Öffentlichkeit Opfer von Cyberkriminellen wird und dass Verbraucher vor dem Kauf von gefährlichen und minderwertige Produkte, die online verkauft werden, gewarnt werden. Andere Aktivitäten zielen darauf ab, potenzielle jugendliche Straftäter davon abzuhalten, zu Cyberkriminellen zu werden. Prävention bedeutet auch, Netzwerke mit dem Privatsektor, Nichtregierungsorganisationen und Hochschulen aufzubauen, um gemeinsame Aktivitäten und Gegenmaßnahmen zu entwickeln.

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<sup>82</sup> According to consulted statistical resources, 86% of the population of the EU is connected to the internet, with an average number of active mobile subscriptions beyond one device per person: <https://wearesocial.com/sg/blog/2017/01/digital-in-2017-global-overview>; <http://www.internetworldstats.com/europa.htm>.

## Präventionskampagnen – Best-Practice-Beispiele

### Cyber crime

Abbildung 1:

#### Kampagne #DontbeaMule

**“I thought it was part of the job”**

**MONEY MULING HELPS PERPETRATE CRIME**

**IGNORANCE IS NO EXCUSE**

Criminals will try to dupe innocent victims into laundering money on their behalf by making the job offer seem as legitimate as possible.

Be wary of adverts that are poorly written with grammatical errors and spelling mistakes.

#dontbeaMule

Created by Eurojust

EUROPEAN UNION

EUROPOL  
EC3 | European Cybercrime Centre

EUROJUST

EBF

Das Europäische Zentrum zur Bekämpfung der Cyberkriminalität (EC3) will zusammen mit Eurojust und der Europäischen Bankenvereinigung (EBF) die European Money Mule Action (EMMA) dazu anregen, die Öffentlichkeit



über die schwerwiegenden Folgen des (wissentlichen oder unwissentlichen) Handelns als „Money Mule“ zur Unterstützung von organisierten kriminellen Gruppen, die dadurch den Erlös illegaler Aktivitäten waschen zu informieren.

Die Aktion führt im Wechsel eine operative Woche (in der Money Mules verhaftet und verhört werden)<sup>83</sup>, gefolgt von einer Sensibilisierungswoche (zur Information der Öffentlichkeit)<sup>84</sup> durch. Die Kampagne fand bisher dreimal statt und bot unter dem Hashtag #DontbeaMule Informationsmaterial in 19 Sprachen<sup>85</sup> an, die hauptsächlich über den Social-Media-Kanal verbreitet wurden.

Abbildung 2:

**Kampagne „No more ransom“.**



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<sup>83</sup> Siehe <https://www.europol.europa.eu/newsroom/news/178-arrests-in-successful-hit-against-money-muling>.

<sup>84</sup> Siehe <https://www.europol.europa.eu/content/money-muling>, <https://www.europol.europa.eu/newsroom/news/159-arrests-and-766-money-mules-identified-in-global-action-week-against-money-muling>

<sup>85</sup> English, German, Dutch, French, Bulgarian, Croatian, Danish, Spanish, Finish, Greek, Hungarian, Italian, Latvian, Romanian, Polish, Portuguese, Serbian, Sweden and Ukrainian.

Das "No More Ransom" -Portal<sup>86</sup> ist eine Initiative der niederländischen Kriminalpolizei, Europols EC3 und zweier Cyber-Security-Unternehmen - Kaspersky Lab und McAfee - mit dem Ziel, Opfern von Ransomware unterstützen, ihre verschlüsselten Daten wiederzuerlangen, ohne die Betrüger bezahlen zu müssen. Dieses Projekt zielt auch darauf ab, Benutzer darüber aufzuklären, wie Ransomware funktioniert und welche Gegenmaßnahmen ergriffen werden können, um eine Infektion mit Computer-Viren wirksam zu verhindern. Das Portal enthält derzeit 52 Entschlüsselungswerkzeuge, die mehr als 90 Ransomware-Gruppen entschlüsseln können. Es ist in 29 Sprachen verfügbar. Mehr als 30.000 Menschen konnten seit dem Start des Portals im Juli 2016 ihre Dateien kostenlos entschlüsseln. Die Initiative steht anderen öffentlichen und privaten Parteien offen. Mehr als 100 Partner haben sich entweder als assoziierte Partner (Bereitstellung von Entschlüsselungs-Tools) oder als Unterstützer (Bereitstellung von Hilfsangeboten beim Übersetzen und Fördern des Portals). Das Projekt erhielt den Editors 'Choice Award bei den SC Awards 2017.

Abbildung 3:

### Kampagne #SayNo!



Mit der Kampagne "SAY NO!" sollen Minderjährige auf die Gefahren sexueller Erpressung und Nötigung in ihren zwei Erscheinungsformen - wirt-

<sup>86</sup> Siehe <https://www.nomoreransom.org/en/index.html>.

schaftlich und inhaltsorientiert - aufmerksam gemacht und die Einführung eines wirksamen Meldesystems in den Mitgliedstaaten gefördert werden.

Ein kurzer Film, der auf dem YouTube-Kanal von Europol veröffentlicht wurde, zeigt Fälle von sexueller Erpressung von Kindern, die online durchgeführt werden. Es wurde in die Landessprache aller EU-Mitgliedstaaten sowie für Norwegen und die Schweiz übersetzt. Material wird hauptsächlich in Social-Media-Kanälen über den Hashtag #SayNo promotet.

Die Gruppe EC3 von Europol arbeitet auch eng mit ENISA, der Agentur der Europäischen Union für Netz- und Informationssicherheit, zusammen. Der jährliche „European Cyber Security Month“ (ECSM) hat Beispiele für diese Zusammenarbeit gesehen, beispielsweise durch die Kampagne "Mobile Malware", mit der Bürger ihre Mobilgeräte besser vor Cyberkriminalität schützen können. Das Informationsmaterial steht in 25 Sprachen zum öffentlichen Download zur Verfügung. Es bietet einen Überblick über die Bedrohungen, denen mobile Geräte ausgesetzt sind und deren Schwachstellen sowie eine Reihe von Tipps zur sicheren Durchführung von alltäglichen Aktivitäten wie das Herunterladen von Apps, das Internet-Banking und die Verbindung mit WIFI oder wie verhindert werden kann, ein Opfer von mobiler Ransomware zu werden. Weitere Informationen finden Sie in den sozialen Medien über den Hashtag #MobileMalware.

## **Verstöße gegen das Gesetz zum Schutz geistigen Eigentums**

Um auf die wachsende Bedrohung durch Fälscher aufmerksam zu machen, die das Internet nutzen, um mit gefälschten Produkte zu täuschen, diese zu verkaufen und an nichts ahnende Verbraucher zu versenden, hat Europol's IPC<sup>3</sup> (Koordinierungsstelle für die Koordinierung von Immaterialgüterkriminalität) die Online-Kampagnen Do not F \*\*\* (ake) Up gestartet »Bleib im Cyberspace smart. In den Kampagnen werden die Risiken des Online-Kaufs gefälschter Produkte aufgezeigt und Ratschläge zur Identifizierung von Websites gegeben, die gefälschte Produkte und andere von Betrügern verwendete Methoden wie gefälschte Konten von sozialen Medien und gefälschte Apps verkaufen. Die Videos wurden auch im Rahmen des von Europol koordinierten und von der US-Einwanderungs- und Zollbehörde (US ICE) und von INTERPOL unterstützten Projekts „In Our Sites“ verwendet,

das sich mit dem Online-Verkauf von Fälschungen und Online-Piraterie befasst.

Die Einbettung von Präventionsstrategien in den Kampf gegen schwere und Organisierte Kriminalität auf EU-Ebene wird sich in der näheren Zukunft noch weiter verstärken und hoffentlich weitere Initiativen anregen und dadurch neue Synergien zwischen den zahlreichen Beteiligten schaffen.

*Erstellt von Eleonora Forte (HOS Strategic Analysis Team), Maria Sanchez (European Cybercrime Centre), Francesca Cumbo (Intellectual Property Crime Coordination Coalition).*

## Forschungsstelle zur Organisierten Kriminalität, Cyberkriminalität und Analyse des Home Office, Vereinigtes Königreich

Die Forschungsstelle zur Organisierten Kriminalität, Cyberkriminalität und Analyse (OCCRA) besteht aus einem Team von Sozial- und Unternehmensforschern sowie Wirtschaftswissenschaftlern, die in der Abteilung für Sicherheit und Terrorismusbekämpfung (OSCT) arbeiten.

Das Home Office ist die führende Regierungsbehörde für Einwanderung und Passwesen, Drogenpolitik, Kriminalität, Terrorismusbekämpfung und Polizei.

Die OCCRA erstellt Analysen und unterstützt durch ihre Aufgaben – wie Entwicklung und Umsetzung neuer Methoden, Monitoring und Analyse der Kriminalitätsentwicklung – die Politik der Regierung. Das Forschungsteam ist für die analytische Unterstützung des Strategischen Zentrums für Organisierte Kriminalität, einer Abteilung des Home Office, verantwortlich und zielt darauf ab,

den Informationsstand zu verbessern und die Lücken in Bezug auf schwere und Organisierte Kriminalität sowie Cyberkriminalität zu schließen,

einen evidenzbasierten Ansatz zur Politikberatung anzuwenden und

die in der Strategie für schwere und Organisierte Kriminalität<sup>87</sup> und in der britischen Cybersicherheitsstrategie<sup>88</sup> festgelegten Ziele zur Bekämpfung und Verbesserung der Widerstandsfähigkeit des Vereinigten Königreichs gegen schwere und Organisierte Kriminalität sowie Cyberangriffe umzusetzen.

Auf praktischer Ebene umfasst dies die Durchführung und Beauftragung quantitativer und qualitativer Forschungsprojekte, die Bewertung und Analyse von Informationen aus verschiedenen Quellen, die Bearbeitung einer

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<sup>87</sup> Serious and Organised Crime Strategy (2013), in: <https://www.gov.uk/government/publications/serious-organised-crime-strategy>.

<sup>88</sup> The UK Cyber Security Strategy (2011), in: <https://www.gov.uk/government/publications/cyber-security-strategy>.

Vielzahl von Anfragen von Ministern und anderen politischen Entscheidungsträgern sowie die Funktion als Schnittstelle zwischen Politik und akademischer Forschung sowie Polizeiarbeit.

Das OCCRA-Forschungsprogramm basiert in erster Linie auf der Strategie für schwere und Organisierte Kriminalität von 2013. Diese Strategie wurde im Zusammenhang mit der Gründung der National Crime Agency (NCA) veröffentlicht und zielt darauf ab, die schwere und Organisierte Kriminalität gegen das Vereinigte Königreich zu bekämpfen. Auf der Grundlage des für die Terrorismusbekämpfung entwickelten Konzepts hat die Strategie vier Säulen:

- Verfolgung und Störung von Personen, die an schwerer und Organisierter Kriminalität beteiligt sind (Pursue/Verfolgung),
- Verhindern, dass Personen in die Organisierte Kriminalität hineingezogen werden (Prevent/Prävention),
- verstärkter Schutz vor schwerer und Organisierter Kriminalität (Protect/Schutz) und
- Verringerung der Auswirkungen der Kriminalität (Prepare/Vorbereitung).

Bisher wurden von OCCRA Forschungsberichte zu den kriminellen Karrieren von OK-Tätern<sup>89</sup>, ein Überblick über Erscheinungsformen von Cyberkriminalität<sup>90</sup>, eine Schätzung des Umfangs und der Kosten schwerer und Organisierter Kriminalität<sup>91</sup> sowie eine Analyse der Phänomenbereiche von Online-Straftaten<sup>92</sup> veröffentlicht. Aktuelle Studien werden geführt zur Struktur von OK-Netzwerken; zur Verbesserung der Beweiserhebung zu Straftätern und zur Entwicklung von Präventionsmaßnahmen, um zu verhin-

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<sup>89</sup> Understanding Criminal Careers in Organised Crime (2013), in: <https://www.gov.uk/government/publications/understanding-criminal-careers-in-organised-crime>.

<sup>90</sup> Cyber Crime: A Review of the Evidence (2013), in: <https://www.gov.uk/government/publications/cyber-crime-a-review-of-the-evidence>.

<sup>91</sup> Understanding Organised Crime: Estimating the Scale and the Social and Economic Costs (2013), in: <https://www.gov.uk/government/publications/understanding-organised-crime-estimating-the-scale-and-the-social-and-economic-costs>.

<sup>92</sup> The Nature of Online Offending (2015), in: <https://www.gov.uk/government/publications/the-nature-of-online-offending>.

dern, dass Personen sich OK-Gruppen oder Cyber-Netzwerken anschließen. Weitere Projekte befassen sich mit den Auswirkungen der Vermögensabschöpfung auf die Straffälligkeit sowie dem Aufbau einer Wissensbasis über Wirtschaftskriminalität einschließlich Korruption sowie der Entwicklung von Maßnahmen zur Verbesserung der Cyber-Sicherheit, einer wirtschaftlichen Bewertung neuer Initiativen und Strategien sowie der Aktualisierung der Schätzungen zu den sozialen und wirtschaftlichen Kosten Organisierter Kriminalität.

Das WODC (Forschungs- und Informationszentrum), das zum Ministerium für Sicherheit und Justiz der Niederlande gehört, kann als internationales Wissenszentrum für Sicherheit, Polizei, Kriminalität, Zivil- und Verwaltungsjustiz sowie Migrationsangelegenheiten bezeichnet werden. Exzellenz und Kundenorientierung sind seine Leitlinien. Sein Schwerpunkt ist die Erkenntnisgewinnung für die Politikberatung.

Das WODC führt sozialwissenschaftliche und Verhaltens-Forschung sowie Rechtsforschung durch und verbreitet das erworbene Wissen. Alle Forschungsergebnisse werden auf einer eigenen Website zur Verfügung gestellt, während alle wichtigen und umfassenden Forschungsprojekte in Buchform oder elektronisch veröffentlicht werden. Darüber hinaus nimmt das WODC auf der Grundlage seiner Forschungsergebnisse eine beratende Funktion für das Ministerium für Justiz und Sicherheit wahr. Schließlich fungiert das WODC als Vergabestelle, da ein erheblicher Teil des Forschungsportfolios an externe Partner vergeben wird.

Die Organisation des WODC setzt sich aus folgenden Abteilungen zusammen:

- Forschungsabteilung Kriminalität, Strafverfolgung und Sanktionen,
- Forschungsabteilung Justizverwaltung, Gesetzgebung, internationale und Ausländerangelegenheiten,
- Abteilung Forschungsauftragsvergabe,
- Abteilung statistische Daten und Analyse politischer Richtlinien,
- Abteilung Dokumentation und Information.

Die Forschungsabteilung Kriminalität, Strafverfolgung und Sanktionen hat etwa 30 bis 35 Mitarbeiter. Sie führt verschiedene Arten von Forschung durch, ein wesentlicher Teil konzentriert sich aber auf Organisierte Krimina-

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<sup>93</sup> Siehe <https://english.wodc.nl/>.



lität und Wirtschaftskriminalität, Terrorismus, Cybercrime, polizeiliche Ermittlungsmethoden, Strafrückfälligkeit und neurobiologische Faktoren kriminellen Verhaltens. Das WODC arbeitet mit wichtigen externen Forschungsinstituten zusammen, einschließlich dem *Centre for Information and Research on Organized Crime* (CIROC), einer Kooperation zwischen dem WODC und der Freien Universität Amsterdam, der Erasmus-Universität Rotterdam und den Universitäten Utrecht und Maastricht, sowie dem *Research Network on Organised and Economic Crime*.

Die Kommissionsforschungsabteilung (EWB) überwacht und koordiniert Forschungsprojekte, die von anderen Organisationen im Auftrag des WODC durchgeführt und bezahlt werden. Diese externe Forschung umfasst mehrere Projekte zu Themen wie Organisierte Kriminalität, Wirtschaftskriminalität, Terrorismus, Internetkriminalität und polizeiliche Ermittlungsmethoden. Nachfolgend werden einige Forschungsschwerpunkte von CRS (*In-house Research*) und EWB (*External Research*) diskutiert.

## **Niederländischer OK-Monitor**

Ein wichtiges laufendes Forschungsprojekt ist der niederländische OK-Monitor. Die wichtigsten Quellen für dieses Projekt sind Kriminalakten abgeschlossener Ermittlungsverfahren der niederländischen Polizei zu OK-Gruppen. In fünf Projekten, die in der Zeit von 1996 bis 2016 durchgeführt wurden, wurden 180 groß angelegte Ermittlungsverfahren systematisch analysiert, in denen jeweils gegen kriminelle Netzwerke ermittelt wurde. Die 180 Ermittlungsverfahren enthalten Daten zu mehreren Hundert Verdächtigen. Der niederländische OK-Monitor enthält einen breiten Querschnitt von Fällen über die verschiedenen Ausprägungen der Kriminalität sowie über die verschiedenen Arten des Rauschgifthandels/der Rauschgiftherstellung, über Internetkriminalität, Menschenhandel und -schmuggel, illegalen Waffenhandel sowie (groß angelegte) Betrugsfälle und Geldwäsche.

Jede Fallstudie beginnt mit strukturierten Interviews mit Polizeibeamten und/oder Staatsanwälten. Im Anschluss an diese Interviews werden die Kriminalakten analysiert und zusammengefasst. Die Fälle enthalten die Ergebnisse aller Polizeieinsätze, die im Rahmen eines Verfahrens durchgeführt wurden, wie Telefonüberwachungsmaßnahmen, technische Überwachungen, Einsätze von Undercover-Agenten, Datenerhebungen, Vernehmungen und

Finanzermittlungen. Diese Quellen liefern einen detaillierten Einblick in die sozialen Aspekte der OK. Bei der Beschreibung und Analyse dieser Polizeiakten wird eine umfangreiche Checkliste verwendet, die auf folgenden Leitfragen basiert: Wie setzt sich die Gruppe zusammen und wie kooperieren die Straftäter? An welchen Arten illegaler Aktivitäten sind sie beteiligt und wie arbeiten sie? Wie gehen sie mit den Chancen und Risiken ihrer Umgebung um? Welche Einkünfte werden aus den kriminellen Aktivitäten gewonnen und wie werden diese ausgegeben? Ergänzend zu den Polizeiakten werden Experteninterviews durchgeführt, Informationen aus anderen Ermittlungsverfahren erhoben, vertrauliche Berichte, Kriminalitätsanalysen und (wissenschaftliche) Literatur verwendet.

Die Fallstudien des niederländischen OK-Monitors wurden für die Erstellung von vier umfangreichen Berichten an das niederländische Parlament über die „Natur“ der OK in den Niederlanden und für zahlreiche wissenschaftliche Artikel, Buchbeiträge, Präsentationen sowie als Grundlage für zwei Doktorarbeiten<sup>94</sup> verwendet.

## **Weitere Forschungsprojekte zu Organisierter Kriminalität und verwandten Themen**

Neben dem niederländischen OK-Monitor werden mehrere weitere Forschungsprojekte zu Organisierter Kriminalität und verwandten Themen durchgeführt. Nachfolgend werden einige aktuelle Beispiele genannt:

- Organisierte Kriminalität und Korruption,
- Art und Umfang des Einflusses von Kriminellen auf die lokale öffentliche Verwaltung,
- gezielte Auftragsmorde,

Projekt PROTON: „Modelung the PRocesses leading to Organised crime and TerrOrist Networks“ (Teilnahme an einem EU-finanzierten Projekt),

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<sup>94</sup> Van Koppen, M. V. (2013). *Pathways into organized crime: Criminal opportunities and adult onset offending*. Amsterdam: Vrije Universiteit; Kruisbergen, E. W. (2017). *Combating organized crime: A study on undercover policing and the follow-the-money strategy*. Amsterdam: Vrije Universiteit.

- mobiler Banditismus,
- nationale Risikobewertung zur Geldwäsche,
- Erpressung: „Undergoing or undertaking. Developments in the nature and approach of business extortion“,
- Monitor zu Coffee-Shops,
- Terrorismus und Aktivitäten von Dschihadisten.

## **Internetkriminalität**

In den letzten Jahren hat sich die Internetkriminalität zu einer wichtigen Forschungsrichtung entwickelt. Das WODC nahm an einem EU-finanzierten Gemeinschaftsprojekt zur organisierten Internetkriminalität teil. Einige andere Projekte zu Cyberkriminalität sind: Geldwäsche in Fällen von Internetkriminalität; Inventarisierung und Klassifizierung von Cyber-Sicherheitsstandards; Grenzen und Möglichkeiten des Völkerrechts für grenzüberschreitende strafrechtliche Ermittlungen im Cyberraum und in der Cloud; das Internet der Dinge: Chancen, Bedrohungen und Maßnahmen; strafrechtliche Untersuchung der Internetkriminalität (startet in Kürze).

## **Ermittlungsmethoden, Gegenstrategien und Prävention**

Eine weitere wichtige Forschungsrichtung des WODC ist die Erforschung kriminalpolizeilicher Methoden und präventiver Maßnahmen. Jüngste Berichte enthalten die folgenden Themen: verdeckte Ermittlungen; Telefonüberwachung (einschließlich Internet-Abhören); Speicherung von Telefonverkehrs- und Internetdaten; Menschenhandel im Amsterdamer Rotlichtviertel: Phänomen, Untersuchung und multilateraler Ansatz; Emergo: ein multidisziplinärer Ansatz in Amsterdam; die Verwendung von DNA in strafrechtlichen Ermittlungen; Verhinderung des „Tunnelblicks“ in Strafsachen; Prävention und Identifizierung von Sexhandel; Finanzermittlungen; Beschlagnahme/Vermögensabschöpfung, der „Administrative Ansatz“ zur OK-Bekämpfung; Analyse der nationalen Anti-Terror-Strategie und Ermittlungsverfahren im Bereich des Terrorismus.

## **Monitor zur Strafrückfälligkeit**

Der Rezidivismus-Monitor des WODC ist ein langfristig angelegtes Forschungsprojekt, das standardisierte Rückfälligkeitsmessungen in verschiedenen Tätergruppen durchführt. Die Messungen werden in festgelegten Intervallen wiederholt, um den weiteren Verlauf der kriminellen Karriere der wichtigsten Tätergruppen zu verfolgen.

## **Gehirn und Kognition: Fokusbereich Sicherheit**

Im September 2009 gewährte die niederländische Regierung dem Vorschlag „Brain & Cognition – soziale Innovation in den Bereichen Gesundheit, Bildung und Sicherheit“ Zuwendungen in Höhe von 20 Millionen Euro. Zweck dieses Programms ist die Förderung von Forschungsprojekten in diesem Bereich. Der Schwerpunktbereich „Sicherheit“, der vom WODC koordiniert wird, erhält 6,7 Millionen Euro aus diesem Budget. Im Rahmen des Schwerpunkts „Sicherheit“ werden interdisziplinäre Konsortien, an denen Universitäten, Forschungszentren und gesellschaftliche Partner beteiligt sind, zu folgenden Themen finanziell gefördert: Wirksamkeit von Verhaltensinterventionen für schweres antisoziales Verhalten, bessere Entscheidungen unter hohem Druck, Belastbarkeit oder Anfälligkeit für Stress, Früherkennung von antisozialem Verhalten und innovative Behandlungen bei schweren Aggressionen.

Weitere Informationen sind auf der Website: <http://english.wodc.nl/> zu finden.

# Organisierte Kriminalität und Prävention

## 1 Darstellung inländischer Forschungsbeiträge zu präventiven Maßnahmen bei organisierten Tätergruppierungen

Aufgrund des hohen Bedrohungspotenzials von Organisierter Kriminalität (OK), des weitreichenden finanziellen Schadens, den die OK-Gruppierungen jährlich verursachen, und des Einflusses auf das Sicherheitsempfinden der Bevölkerung (vgl. Bundeslagebild Organisierte Kriminalität 2015: 11), bleibt es nicht aus, über Maßnahmen nachzudenken, die bereits präventiv ansetzen und dadurch mögliche Straftaten von OK-Gruppierungen verhindern könnten, um in Zukunft den Einfluss dieser kriminellen Gruppen zu reduzieren. Problematisch ist allerdings, dass man „die“ OK im Bereich Prävention nur schwierig beobachten kann – Studien zu „OK und Prävention allgemein“ bleiben meist an der Oberfläche. Präventionsansätze beziehen sich daher häufig auf einzelne Deliktfelder, in denen die OK-Gruppen agieren. Zudem sind die Maßnahmen gegen organisierte Tätergruppierungen meist geografisch eingeschränkt und beziehen sich auf einzelne, in einer bestimmten Region Straftaten verübende OK-Gruppen. Die transnationale Komponente von OK-Gruppen lässt sich präventiv schwerlich bewältigen. Deshalb sind internationale präventive OK-Maßnahmen fast ausschließlich auf Kooperationen angewiesen, sei es zwischen einzelnen Behörden im In- und Ausland oder zwischen Behörden und verschiedenen Unternehmen, Instituten und Privatleuten. Hierbei können unterschiedliche Definitionen von OK oder spezifische Eigeninteressen einzelner Personen die Kooperation und damit die erfolgreiche Zusammenarbeit und den nötigen Informationsaustausch stören. Dennoch haben präventive Ansätze gegen OK-Gruppierungen enormes Potenzial, die Bekämpfung der Organisierten Kriminalität auch für die Polizeibehörden zu erleichtern. Aus dieser Zusammenstellung der Präventionsmaßnahmen ab dem Jahr 2010 im Bereich der Organisierten Kriminalität wird der aktuelle Stand der Forschung im Bereich „OK und Prävention“ ersichtlich werden.

## **2 Studien und Artikel zu organisierten Begehungsweisen und Organisierter Kriminalität allgemein**

### **2.1 Nationale Forschungsergebnisse**

#### **2.1.1 Johannes Kaspar/Stephan Christoph (2016): Die „Kronzeugenregelung“ in der Rechtswirklichkeit – erste empirische Erkenntnisse aus einem Forschungsprojekt zur Aufklärungs- und Präventionshilfe gemäß § 46b StGB**

##### *Gegenstand*

Diese empirische Untersuchung des § 46b StGB anhand von Befragungen von Richtern, Polizeibeamten, Staatsanwälten und mehr als 900 Studierenden der Rechtswissenschaft sowie einer Urteilsanalyse umfasst einen Online-Fragebogen, der via E-Mail an die zuständigen Justiz- und Innenministerien der Länder und des Bundes sowie an den Deutschen Anwaltsverein gesendet wurde.<sup>95</sup> An den Universitäten Göttingen, Augsburg und Leipzig wurden Studierende der Rechtswissenschaften befragt. Qualitative Interviews wurden mit Praktikern geführt und die Autoren führten eine Urteilsanalyse der Verfahren, in denen § 46b StGB angewandt wurde, durch.

##### *Ziele*

Evaluation der Effektivität der Gesetzesnorm in der Praxis anhand der Beurteilungen von Richtern, Staatsanwälten und Studierenden. Zugleich geht es um die Bewertung der vorherrschenden Kritik an der Kronzeugenregelung. Dies betrifft zum einen die Person des Kronzeugen direkt, bspw. in Bezug auf die Definition des Kronzeugen, und zum anderen die Irreführung der Justiz durch nicht wahrheitsgemäße Beschuldigungen Dritter durch den Kronzeugen. Zudem befasst sich die Studie mit der Akzeptanz der Regelung in der Bevölkerung. Insgesamt soll die Anwendungspraxis des Gesetzes dargestellt und näher beleuchtet werden.

##### *Forschungsfragen*

Folgende Forschungsfragen sind aus den zuvor formulierten Zielen des Beitrags abgeleitet und nicht explizit im Text zu finden. Ist die Kronzeugenregelung gem. § 46b StGB bezüglich der Umsetzung in die Praxis effektiv?

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<sup>95</sup> Die bereinigte Rücklaufquote der Fragebögen liegt bei 5,4 %.

Greift sie zur Reduktion/Prävention bei den ursprünglich anvisierten Deliktsbereichen (OK, Wirtschaftskriminalität und Terrorismus)? Inwieweit findet die Kronzeugenregelung in der Bevölkerung Akzeptanz?

### *Ergebnisse*

Bezüglich der Frage, inwiefern sich die Norm bewährt hat, konnten nach Angaben des Autors aufgrund des jungen Alters der Norm (seit 2009) von den Befragten oft keine eindeutigen Angaben gemacht werden. Allerdings äußerten sich zwei Drittel der Befragten aus Polizei und Staatsanwaltschaft positiv zur Wirkung auf die Aufklärung und die Prävention der Norm, während die Mehrheit der Strafverteidiger der Norm eher kritisch gegenübersteht. Eine weitere Frage betraf die Glaubwürdigkeit eines Kronzeugen vor Gericht, wobei nahezu alle Befragten diese eher nicht anzweifeln. Nachweislich unwahre Angaben von Kronzeugen konnten von zwei Drittel der Befragten nicht bestätigt werden, die potenzielle Möglichkeit der Falschaussage wird jedoch durchaus als Problem erkannt. Reformvorschläge für die Norm beinhalten:

- die Wiederaufnahmemöglichkeit des Verfahrens bei Falschangaben des Kronzeugen,
- schärfere Sanktionen bei Falschaussagen,
- Ausgestaltung der Norm.

Zudem ergab die Urteilsanalyse, dass der Präventionsaspekt der Norm weniger von Bedeutung zu sein scheint. So finde die Norm eher Anwendung in anderen Kriminalitätsbereichen – nur in 27 % der analysierten Fälle war die OK betroffen. Bezüglich der Typisierung der Kronzeugen konnte festgestellt werden, dass es keinen „Standard-Kronzeugen“ gibt. Meist sind die Kronzeugen eher in den unteren Rängen der kriminellen Gruppierung anzusiedeln und haben somit eine gewisse Distanz zum inneren Kern der Gruppe.

### *Bewertung*

Die Ergebnisse der Studie liegen noch nicht vollständig vor – somit könnten noch weitere Informationen zutage treten. Insgesamt zeigt diese Studie jedoch, dass die strafrechtlichen Maßnahmen noch weiter ausgefeilt werden müssen, um in dem eigentlich angedachten Anwendungsfeld zu wirken. Dies

kann, wie hier geschehen, nur im Einklang mit erfahrenen Praktikern gelingen.

### **2.1.2 Arndt Sinn (2016): Organisierte Kriminalität 3.0**

#### *Gegenstand*

Im Wesentlichen befasst sich der Beitrag mit der Organisierten Kriminalität im Zeitalter des Internets. Folglich soll ein besonderer Fokus auf der „Internetdimension“ des Phänomens OK liegen. Für diesen Bericht ist nur das Kapitel „Verfolgungsstrategien und Best Practices gegen OK“ relevant.

#### *Ziele*

Ziel ist das Aufzeigen der Diskrepanz zwischen der, laut Sinn, nicht mehr zeitgemäßen OK-Definition und der strafrechtlichen Erfassung der OK. In Bezug darauf wird festgehalten, dass die deutsche Rechtsprechung<sup>96</sup> zu § 129 StGB, der kriminellen Vereinigung, nicht mit internationalen rechtlichen Vorgaben übereinstimmt. Insgesamt sollen ein neuer Blick auf die veränderten Gegebenheiten der OK-Lage und der Stand der Zusammenarbeit auf nationaler und internationaler Ebene vorgestellt sowie mögliche Schwächen und Verbesserungsmöglichkeiten identifiziert werden.

#### *Forschungsfragen*

Folgende Forschungsfragen sind aus den zuvor formulierten Zielen des Beitrags abgeleitet und nicht explizit im Text zu finden. Gibt es eine Diskrepanz zwischen der OK-Definition und der strafrechtlichen Erfassung und wenn ja, wie stellt sie sich dar und durch welche Maßnahmen kann man diese Diskrepanz überbrücken? Welche Defizite weist das StGB auf und wie kann man diese ausgleichen? Inwiefern hat sich die OK-Lage unter dem Aspekt des Internets in den letzten Jahren verändert und wie muss man die Veränderung im Bereich der Strafverfolgungsbehörden festhalten? Wie wirken sich die verschiedenen Gesichter der OK in Zukunft aus und welche Ansätze können zur Bekämpfung der OK zukünftig verfolgt werden?

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<sup>96</sup> Hier bezogen auf den Bundesgerichtshof.



## *Ergebnisse*

Jede Verfolgungsstrategie kann mit präventiven Ansätzen untermauert werden. Sinn identifiziert zwei wesentliche Verfolgungsstrategien: zum einen die auf Straftat fokussierte Strategie, zum anderen die Gefährdungspotenzial erfassende Strategie.

- Solide nationale interbehördliche Kooperationen (u. a. durch erweiterte Kooperationsplattformen und die Einbindung der Staatsanwaltschaft in ebendiese).
- Die transnationale Vorgehensweise von OK erfordert einen zunehmenden internationalen innenpolitischen Umgang mit Sicherheitsfragen. Daher sind Daten- und Informationsaustausch auf internationaler Ebene, Austausch von Best Practices und die Förderung von Sprachkompetenzen vonnöten. Besonders wird hier die Möglichkeit der Gründung weiterer Agenturen wie Europol oder Eurojust, die Unterstützung in Praxis und Theorie bieten und für ein vereintes Vorgehen gegen OK stehen, betont. Auch wenn es bei Europol schon sehr gute Ansätze bezüglich des Informationsaustauschs gebe (wie das SIS), sei bspw. das Erfassungssystem EIS noch verbesserungsbedürftig.
- Verbesserung und Weiterentwicklung von IT-Tools und Datenbanken zur Bekämpfung der OK.
- „Mafia? Nein Danke!“<sup>97</sup> zeigt, dass auch auf zivilgesellschaftlicher Ebene die Auseinandersetzung mit OK gefördert werden muss. Zudem werden in diesem Projekt die Aktivitäten der Clans beobachtet.

## *Bewertung*

Es handelt sich weniger um eine konkrete Anleitung bzgl. Präventivmaßnahmen als eine Auflistung der bereits bestehenden Kooperationen und deren Funktionen – die Empfehlungen fallen daher sehr allgemein aus. Zudem wird betont, dass nicht nur die Kooperationen auf internationaler Ebene verstärkt, sondern auch auf eine optimierte Zusammenarbeit der nationalen Behörden hingearbeitet werden sollte

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<sup>97</sup> Der e. V. wurde 2009 im Zuge des Blutbads in Duisburg im Jahr 2007 ins Leben gerufen und setzt sich für die Sensibilisierung der Gesellschaft bezüglich der Mafia ein (siehe <http://mafianeindanke.de/ueber-uns/>).

### **3 Phänomenbereiche der OK und deren Prävention**

#### **3.1 Eigentumskriminalität**

##### **3.1.1 Bayerisches Staatsministerium des Innern, für Bau und Verkehr (2016): Acht-Punkte-Programm**

###### *Gegenstand*

Zusammenschluss der Bundesländer Hessen, Rheinland-Pfalz, Bayern und Baden-Württemberg mit Fokus auf reisende OK-Gruppierungen. Die transnationale Vorgehensweise organisierter Einbrechergruppen macht ein länderübergreifendes Agieren notwendig.

###### *Ziele*

Muster zwischen verschiedenen Taten erkennen und somit Gruppenstrukturen rekonstruieren.

###### *Forschungsfragen*

Welche Maßnahmen müssen getroffen werden, um die länderübergreifende Zusammenarbeit gegen reisende Täter zu verbessern?

###### *Ergebnisse*

- Informationsaustausch weiter fördern (bspw. durch gemeinsame Lagebilder)
- Täterorientierte Ermittlungen länderübergreifend anwenden
- Gemeinsames Konzept gegen reisende (osteuropäische) Intensivtäter
- Gezielte Kontrollen und Fahndungsmaßnahmen
- Bessere Koordinierung der kriminaltechnischen Zusammenarbeit
- Länderübergreifendes „Präventionsnetzwerk“ für Bürger bspw. in Bezug auf Sicherungsmaßnahmen der Wohnung
- Verstärkte internationale Kooperation, insbesondere mit Behörden aus Südosteuropa
- Weiterentwicklung eines einheitlichen Konzepts des „Predictive Policing“ für die Bundesländer

## *Bewertung*

Ein Ausbau der bestehenden Maßnahmen zur Prävention gegen WED, der eine verstärkte Kooperation und ein einheitliches Vorgehen der Bundesländer gegen dieses Kriminalitätsphänomen vorsieht. Zudem wird auf die transnationale Komponente des WED eingegangen – die Forderung nach einer Ausdehnung der Zusammenarbeit mit südosteuropäischen Behörden scheint sinnvoll zur weiteren Erkenntnisgewinnung.

### **3.1.2 Gina R. Wollinger (2017): Reisende und zugereiste Täter des Wohnungseinbruchs – Ergebnisse einer Interviewstudie**

#### *Gegenstand*

Das Projekt beschäftigt sich mit der qualitativen Untersuchung des Phänomens „Wohnungseinbruchsdiebstahl“ anhand von 30 Täterinterviews.<sup>98</sup> Speziell bezieht sich das Projekt auf reisende und zugereiste Täter ohne festen Wohnsitz in Deutschland.

#### *Ziele*

Zentrale Ziele des Projekts sind die Erweiterung des Wissensstands zu den Hinter- und Beweggründen reisender und zugereister Täter sowie die Darstellung der Strukturen der reisenden Täter, die sich in organisierten Banden zusammenfinden und gemeinsam Wohnungseinbrüche begehen. Auch über den Modus Operandi der Täter des WED und inwieweit die Täter innerhalb Deutschlands mobil sind, soll in der Studie genauer geforscht werden. Das Nachtatverhalten soll auch näher beleuchtet werden. Darüber hinaus soll das Projekt Aufschluss über biografische Hintergründe und Einstiege in den Wohnungseinbruchdiebstahl geben.

#### *Forschungsfragen*

Wer sind die reisenden und zugereisten Täter des WED und wie nehmen sie sich wahr? Was bewegt die Täter dazu, in Deutschland Wohnungseinbrüche zu verüben, und anhand welcher Kriterien wählen sie den Tatort? Wie stellt

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<sup>98</sup> Als Grundlage der Interviewmethode diene das narrativ-biografische Interview. Zudem wurde der Zugang über die Jugendvollzugsanstalten ermöglicht und mittels *Incentives* wurde die Beteiligung an den Interviews vorangetrieben.

sich der Modus Operandi der Täter dar und inwiefern sind die Täter in Banden organisiert? Was sind für sie Indizien für einen lukrativen Einbruch und inwiefern sind sie in ihrer Tatbegehung mobil? Wie gehen die Täter mit der Beute um und welche Hehlerstrukturen gibt es? Welche Maßnahmen wirken auf die Täter abschreckend und können somit präventiv gegen WED eingesetzt werden?

### *Ergebnisse*

Als zentrales Ergebnis der Studie kann man festhalten, dass die Gruppe der reisenden und zugereisten Tätergruppen sehr heterogen ist und man dadurch nicht allgemein behaupten kann, dass die Täter des WED ausschließlich aus dem osteuropäischen Raum stammen. Das Projekt identifiziert drei Täteryten: 1. Begehung von Einbruch „aus der Not heraus“<sup>99</sup>, 2. Begehung von Einbruch, um schnellstmöglich an Geld zu kommen, und 3. Einbruch als Profession. Aus dem Projekt wird nicht eindeutig ersichtlich, inwiefern die Täter in kriminelle Netzwerke eingebunden sind, da sie wenig über ihre sozialen Kontakte preisgeben.<sup>100</sup> Lediglich vereinzelt werden zumindest lose Strukturen in kriminelle Milieus hinein deutlich, da einer der Täter bspw. erwähnt, das Öffnen der Fenster durch einen Bekannten erlernt zu haben. Der zweite Täterytypus, der Einbruch begeht, um an mehr Geld zu gelangen, pflegt persönlichere Bindungen an Mittäter und in kriminelle Milieus (bspw. durch Peergroups) als die Täter des ersten Typus. Hier sind die Ergebnisse eher heterogen, manche sprechen von Bekannten, rein arbeitsteiligen Beziehungen, andere Beziehungen sind freundschaftlich oder gar familiär. Generell bestehen die Beziehungen des zweiten Typus über mehrere Jahre hin-

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<sup>99</sup> Zu diesem Punkt wird erläutert, dass die Täter, die dieser Gruppe zugeordnet werden können, meist Asylsuchende oder Arbeitsmigranten sind, die in ihren Heimatländern mit oftmals schwierigen ökonomischen Lebensverhältnissen konfrontiert sind. Sie verlassen daraufhin ihr Heimatland in der Hoffnung auf sozialen Aufstieg, der ihnen jedoch meist verwehrt bleibt. Aufgrund dessen betrachten sie ihre Situation als ausweglos und sehen keine Möglichkeit, auf legale Weise ihr Einkommen zu bestreiten. Sie verstehen Wohnungseinbruch also als legitimes Mittel zur Bewältigung ihrer Situation an und betrachten die Straftat eher als Kavaliersdelikt, da man ja einbreche, wenn die Besitzer nicht da seien, und man so niemandem direkten Schaden zufüge. Über die Suche nach Anschluss in der neuen Heimat bewegen sich die Asylsuchenden und Arbeitsmigranten oft in ihnen kulturell und sozial ähnlichen Milieus, wodurch sie, laut Autoren, auch in kriminelle Milieus geraten können.

<sup>100</sup> Offenbar besteht ein besonderes Vertrauensverhältnis zwischen dem Täter und dem Bekannten, da sich beide Seiten der Anonymitätswahrung durch den anderen gewiss sein können.

weg. Der dritte Typus, Einbruch als Profession, beschreibt, dass diese Täter schon im Frühkindesalter in kriminelle Milieus eingebunden und quasi von ihnen sozialisiert sind. Die kriminellen Peers werden von den Tätern eher als Geschäftskontakte wahrgenommen, wobei die Täter dieses Typus eine Art Berufsethik entwickeln und klare Verhaltensregeln etablieren. Daher verstehen die Täter dieses Typus das Einbrechen als eine Art exklusives Berufsfeld, als Erwerbstätigkeit, zu deren Ausübung man zunächst ein bestimmtes Können und einen gewissen Wissensstand mitbringen muss. Besonders bei diesem Typus zählen Freunde und Kollegen als nützliche Netzwerke für „geschäftliche“ Aktivitäten. Diese Aufträge bzw. Ansprechpartner werden über das Netzwerk vermittelt, wenn man ein etabliertes Mitglied der Peer-group ist.<sup>101</sup> Präventive Strategien sind primär auf die Opfer ausgelegt. So beschreibt die Studie die mangelhafte Sicherheitstechnik in vielen Wohnhäusern und die Notwendigkeit, präventiv die Wohnung gegen die Täter zu sichern. Hervorgehoben werden soziale Kontrolle und Abschreckung der Täter durch eine aufmerksame Nachbarschaft. Bezüglich einer Prävention durch Strafmaß/Strafpraxis stellt der Bericht fest, dass die Täter für sich selbst oft resümieren, dass der Preis, den sie für die Straftat bezahlen, mit dem Gewinn durch den Einbruch nicht im Einklang steht. Allerdings fallen die Antworten auch hier sehr heterogen aus. Ein Täter beschreibt, dass eine harte Strafe für WED weitere Straftaten nicht verhindere, da die Täter notgedrungen handeln und sie in Haft oft noch besser leben können als in ihrer Heimat. Zudem wird deutlich, dass das Strafmaß bei vielen Tätern im Vorfeld nicht in ihre Überlegungen einbezogen wurde. Interessant ist die Äußerung eines Täters mit hoher Mobilität innerhalb Deutschlands, der seine Tatorte je nach justizieller Ausschöpfung des Strafrahmens der Bundesländer wählt.

### *Bewertung*

Das Forschungsprojekt gibt Aufschluss über biografische Hintergründe und Begehungsweisen der Taten bzw. die Kriterien der Täter bei der Auswahl des Tatorts. Inwiefern die Täter in Banden organisiert sind und nähere Ergebnisse über das soziale Umfeld der Täter werden nur oberflächlich behandelt. Es konnte daher nur festgestellt werden, dass kriminelle Netzwerke und

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<sup>101</sup> Um als vollwertiges Mitglied betrachtet zu werden und damit den Respekt im kriminellen Milieu genießen zu können, zählen vor allem ein guter Ruf, Verlässlichkeit und Anerkennung.

lose Beziehungen, aber auch geschäftliche oder gar freundschaftlich/familiäre Beziehungen existieren. Es gibt sowohl unter den unerfahrenen als auch unter den professionellen Tätern solche, die allein handeln – vorrangig um das Entdeckungsrisiko durch die Polizei zu minimieren. Eine gemeinsame Tatbegehung ergibt sich meist durch Bekannte im sozialen Umfeld des Täters, die um seine Aktivitäten wissen und sich auch einmal beteiligen wollen. Ein tieferer Zugang ist aufgrund der Verschwiegenheit der Täter schwierig. Die ausgearbeiteten Abschnitte zu Präventionsmaßnahmen bieten wenig neue Einblicke.

### **3.1.3 Hubert Dortans (2015): Mobile Täter im Visier (MOTIV)**

#### *Gegenstand*

Unterstützung der Bekämpfungsstrategien (repressiv sowie präventiv) der Kreispolizeibehörden bei zunehmender Anzahl überregional agierender mobiler Tätergruppierungen. Das NRW-Fahndungskonzept<sup>102</sup> definiert mobile Tätergruppen als Personen, die über einen Zeitraum von mindestens zwölf Monaten mit mindestens fünf Eigentumsdelikten und in mindestens drei Kreispolizeibezirken polizeilich auffällig geworden sind.

#### *Ziele*

Ziele des Konzepts sind die Reduktion der Straftaten im Bereich der Eigentums kriminalität und die Aufklärung sowie Sensibilisierung über dieses Deliktfeld. Durch entsprechende Maßnahmen sollen Reise- und Transitrou ten identifiziert werden.

#### *Forschungsfragen*

Da in diesem Beitrag keine expliziten Forschungsfragen formuliert sind, leiten sich diese aus den Zielen ab. Inwiefern und durch welche Maßnahmen kann man die Straftaten im Bereich WED reduzieren und die Bevölkerung für dieses Deliktfeld sensibilisieren?

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<sup>102</sup> Siehe [https://www.polizei-nrw.de/artikel\\_\\_12765.html](https://www.polizei-nrw.de/artikel__12765.html).

### *Ergebnisse*

- Kontrollen auf Autobahnen und zentralen Verkehrsstraßen zur Verminderung der Infrastruktur für Beutetransporte oder Flucht; Schwerpunktkontrolltage (überregionale Beteiligung von Behörden)
- Einrichtung von Ermittlungskommissionen
- Sammelverfahren und Durchsetzung dieser bei der Staatsanwaltschaft
- Täterinformationen werden gebündelt und ein auf die Person zugeschnittenes Konzept aus repressiven und präventiven Maßnahmen erarbeitet
- Fahndungsausschreibung der MOTIV-Tatverdächtigen, Meldung der Kfz und Kennnummern
- 470 mobile Intensivtäter der Eigentumskriminalität sind im Projekt erfasst; 252 Haftstrafen; 20 Ermittlungskommissionen gegen 41 Tatverdächtige
- Rückgang der Straftaten von MOTIV-Verdächtigen um 73,73 %
- Länderübergreifende Aktivität: Notwendigkeit des Informationsaustauschs zwischen den Landeskriminalämtern, Bundespolizei, BKA, Europol, Niederlande und Belgien

### *Bewertung*

Vor der Einführung des Fahndungskonzepts konnten überregional agierende Täter aufgrund der örtlich beschränkten Intensivtäterkonzepte nicht erfasst werden. Durch eine gute Vernetzung der Polizeibehörden und den Einsatz von Präventivmaßnahmen konnten erste Erfolge erzielt werden.

### 3.1.4 Dominik Balogh (2016): *Near Repeat-Prediction* mit PRECOBS bei der Stadtpolizei Zürich<sup>103</sup>

#### *Gegenstand*

Problem von Tatortbefunderhebungen zur Identifizierung der Täter. Zunehmende arbeitsteilige, überregionale Vorgehensweisen organisierter Banden.

#### *Ziele*

Aus vorhandenen Datenmengen mittels Computertechnik Muster erkennen und vorhersagen, wo ein möglicher künftiger Tatort liegen könnte, um gezielt entsprechende Maßnahmen einzuleiten. Basis ist das PRECOBS-System, das auch kriminologische und soziologische Daten berücksichtigt und sich nicht ausschließlich auf Statistiken beruft. Die Daten enthalten Informationen aus Fallakten bezüglich Tatort und Tatzeit sowie Modi Operandi.

#### *Forschungsfragen*

Da in diesem Beitrag keine expliziten Forschungsfragen formuliert sind, leiten sich diese aus den Zielen ab. Woran wird der Erfolg von PRECOBS gemessen und welchen Nutzen verfolgt die vorausschauende Polizeiarbeit?

#### *Ergebnisse*

Ein zentraler Punkt dieser Analysen ist die „*Near Repeat Prediction*“, die Wahrscheinlichkeit eines erneuten Einbruchs in einem bereits vorbelasteten Umfeld. Eine Studie in München, Duisburg, London und Zürich bestätigte, dass in bereits belasteten Bezirken häufig in kurzer Zeit mit erneuten Einbrüchen gerechnet werden muss.

- Verringerung der Hotspots durch *Near-Repeats* (NR), keine Verdrängung oder Verlagerung ersichtlich: durch die gezielte Abschreckung sind die potenziellen Wiederholungstäter nicht in der Lage, in kurzer Zeit einen geeigneten Ersatzraum zu erschließen.

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<sup>103</sup> Da der Ansatz „Predictive Policing“ in einigen Bundesländern verfolgt und stetig weiterentwickelt wird, wird der Artikel zur Veranschaulichung der Möglichkeiten des Ansatzes dargestellt. Eine detaillierte Betrachtung bzw. Schwerpunktsetzung des Themas erfolgt nicht, da diese im „Sachstandsbericht Predictive Policing“ von Februar 2017 detailliert dargestellt wird.



- In belasteten Gebieten scheint PRECOBS präventiv gut zu wirken, in Prognosegebieten ist die Zahl der Wohnungseinbrüche und NRs signifikant gesunken.

### *Bewertung*

Ein vielversprechender Ansatz mit ersten Erfolgen auf regionaler Ebene. Fraglich ist jedoch, inwiefern PRECOBS bei der Wahrscheinlichkeitsbestimmung möglicher Tatorte/Tatzeiten von überregionalen Tätergruppierungen genutzt werden kann.

### **3.1.5 Frank Kawelovski (2014): Der Kampf gegen den Wohnungseinbruchsdiebstahl: Wie können wir ihn gewinnen? (Teile 1 & 2)**

#### *Gegenstand*

Darstellung und Bewertung von Verbesserungsmöglichkeiten der polizeilichen Ermittlungen mit einigen präventiven Bezügen. Zu Beginn wird die polizeiliche Lage anhand der PKS-Daten im Bereich des WED dargestellt. Anhand einiger Forschungsbeiträge, die sich u. a. mit Sicherheitsmaßnahmen in den eigenen vier Wänden beschäftigen, veranschaulicht der Autor bereits Bekanntes und auftretende Probleme.

#### *Ziele*

Darstellung der aktuellen Lage für WED und eine anschließende Bewertung der bisherigen präventiven Maßnahmen und Empfehlungen. Ableitung von Verbesserungsmöglichkeiten und neuen Ansätzen.

#### *Forschungsfragen*

Da in diesem Beitrag keine expliziten Forschungsfragen formuliert sind, leiten sich diese aus den Zielen ab. Wo werden Schwierigkeiten bei der polizeilichen Verfolgung bzw. beim Einsatz von Maßnahmen zur Vorbeugung von WED gesehen? An welchen Punkten müsste man ansetzen?

#### *Ergebnisse*

Die Mobilität von Einbrecherbanden ist ein erhebliches Problem für die Ermittlungsbehörden, da oftmals Datenbanken nicht eingehend gepflegt und erkennungsdienstliche Instrumente eher selten aktualisiert werden. Daher

sollte eine Zentralstelle geschaffen werden, die einen Überblick über polizeilich ermittelte Intensivtäter behält. Zudem wurde in einer Studie von 2012 festgestellt, dass eine Korrelation zwischen „kein Schulabschluss“ oder „Abbruch der Ausbildung“ und dem Begehen von Eigentumsdelikten besteht. Daher sind Präventivmaßnahmen in diesem Bereich sinnvoll: Förderung der Integration von Schulschwänzern, soziale Interaktion vorantreiben und dadurch Ausgrenzung minimieren. Es wird dem RCT-Ansatz widersprochen, da Täter meist über einen eher kurzen Zeithorizont verfügen und sich die Kosten bzw. die Risiken einer Tat nicht so ohne Weiteres berechnen lassen. Allerdings kann die wahrgenommene Erhöhung der Polizeipräsenz in einem Gebiet die Begehung von Taten durch das als höher empfundene Entdeckungsrisiko schmälern (10 % mehr Polizeipräsenz könnten eine Minderung der Straftaten von 3 bis 4 % erzielen).

### *Bewertung*

Die präventiven Empfehlungen sind sehr allgemein, was genau der Autor sich unter der Förderung sozialer Interaktion vorstellt, bleibt offen. Die Empfehlungen des Autors richten sich vorrangig an Verbesserungen zur Optimierung der Strafverfolgung (die Einrichtung einer Zentralstelle). Zudem wird empfohlen, sich auf gesamtgesellschaftliche Prävention i. S. v. Integrationsmaßnahmen zu berufen und so eine gesellschaftliche Eingliederung zu gewährleisten.

## **3.2 Kriminalität im Kontext von Zuwanderung**

### **3.2.1 Rita Haverkamp (2016): Geflüchtete Menschen in Deutschland – Zuwanderung, Lebenslagen, Integration, Kriminalität und Prävention**

#### *Gegenstand*

Darstellung der rechtlichen Rahmenbedingungen für Zuwanderer, Kriminalität im Kontext von Zuwanderung und integrationshemmende und -fördernde Faktoren. Der Fokus der Ausarbeitung liegt ausschließlich auf „Tätergruppierungen und Prävention“.

## *Ziele*

Ziel ist es, Überarbeitungsbedarfe hinsichtlich der Arbeit in Flüchtlingsheimen und präventive Ansätze zur erfolgreichen Integration der Flüchtlinge in die Gesellschaft zu verdeutlichen. Zudem soll ein umfassender Überblick über die verschiedenen Aspekte der Zuwanderung geflüchteter Menschen in Deutschland bereitgestellt werden.

## *Forschungsfragen*

Da in diesem Beitrag keine expliziten Forschungsfragen formuliert sind, leiten sich diese aus den Zielen ab. Welche Auswirkungen haben die Änderungen im Asyl- und Flüchtlingsrecht auf die Praxis? Inwiefern besteht auf Bundes-, Landes- und Kommunalebene weiterer Handlungsbedarf zu Integrationsmaßnahmen? Inwiefern bieten die Kriminalstatistiken eine Einschätzung zur Kriminalität von Flüchtlingen und wo werden hier Verbesserungsmöglichkeiten gesehen? Inwiefern müssen kriminalpräventive Maßnahmen zur Reduktion von Straftaten durch Flüchtlinge und zu einem verstärkten Sicherheitsempfinden in der Bevölkerung umgesetzt werden?

## *Ergebnisse*

Bisher ist ein leichter Trend ersichtlich: Flüchtlinge begehen eher Bagatelldelikte. Zudem kommt es in Flüchtlingsunterkünften häufig wegen Kleinigkeiten zu Auseinandersetzungen sowie zu Übergriffen auf unterrepräsentierte Gruppen. So sind sexuelle Übergriffe auf alleinstehende Frauen, aber auch häusliche Gewalt ein Thema.

Wichtige Präventivmaßnahmen für Flüchtlinge und Migranten sind:

- Maßnahmen zur Erhöhung des Bildungsniveaus und zur Eingliederung in den Arbeitsmarkt (wie bspw. das Projekt „Kurve kriegen“<sup>104</sup> oder „Klar-kommen! Chancen bieten durch Prävention vor Ort“<sup>105</sup>),
- Förderung der Integration zur Unterbindung von Kriminalität, allerdings sollten Integrationsmaßnahmen auf spezifische ethnisch-kulturelle Gegebenheiten abgestimmt sein,

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<sup>104</sup> Siehe [https://www.polizei.nrw.de/artikel\\_\\_155.html](https://www.polizei.nrw.de/artikel__155.html).

<sup>105</sup> Siehe <http://www.awo-koeln.de/fachstelle-fuer-gewaltpraevention/klarkommen-chancen-bieten-durch-praevention-vor-ort.html>.

- kriminalpräventive Maßnahmen (auch für das Sicherheitsgefühl der Mehrheitsgesellschaft) u. a. auch Maßnahmen zur Zurückdrängung von Rechtsextremismus, Wissensgenerierung über die demografische Zusammensetzung unter Flüchtlingen; Programme für Migrant\*innen sind auch anwendbar auf Flüchtlinge, wobei hier ggf. die Geschlechterkomposition beachtet werden sollte,
- kriminalpräventive Maßnahmen im Flüchtlingsheim: keine Bildung heterogener Gruppen, Vorbeugung der Rekrutierung durch Islamisten,
- Verbesserung der Kommunikation der örtlichen Fachstellen,
- Mangel an Übersicht zu kriminalpräventiven Flüchtlingsprojekten auf Länder- und Kommunalebene beseitigen.

### *Bewertung*

Einleuchtende Ansätze werden vorgestellt, allerdings muss betont werden, dass der Aspekt der OK in diesem Artikel nicht angesprochen wird und nur am Rande relevant ist. Es handelt sich eher um gesellschaftliche Präventivmaßnahmen, die verhindern sollen, dass gerade junge Migrant\*innen und Flüchtlinge in Versuchung geraten, kriminellen Handlungen nachzugehen.

### *Anmerkung*

Im Bereich kriminalpräventiver Maßnahmen für junge Migrant\*innen ist Hacı-Halil Uslucans Studie „Kriminogene Entwicklungsrisiken von Jugendlichen mit Zuwanderungsgeschichte und Möglichkeiten der Prävention und Intervention“ (2012) lesenswert.

In Bezug auf die Stichwörter „Parallelgesellschaft“ oder „Paralleljustiz“ fanden sich aufschlussreiche Artikel, die sich auf die Nutzung sogenannter Friedensrichter und die Entwicklung paralleler Gesellschaftsstrukturen von Großfamilien bzw. Clans beziehen. Hier sind besonders die Beiträge von Markus Porsche-Ludwig „Wie parallel ist die Paralleljustiz?“ (2016) und der Artikel von Erol Özkaraca „Paralleljustiz in Einwanderervierteln“ (2013) sowie die BMJV-Studie „Gibt es eine Paralleljustiz in Deutschland?“ (2014) zu erwähnen. Allerdings wurden diese nicht näher ausgewertet, weil sie keinen präventiven Ansatz verfolgen. Auf der Europol-Homepage wird das Analyseprojekt *AP Migrant Smuggling* (ehem. FP Checkpoint) erwähnt, das die Identifizierung und Auflösung organisierter Schleuserbanden unterstützt.

### 3.2.2 Mahmoud Jaraba/Matthias Rohe (2015): Paralleljustiz

#### *Gegenstand*

Die Studie beschäftigt sich mit der Existenz von Paralleljustiz in Berlin. Zunächst definieren die Autoren ihren Begriff von Paralleljustiz, wobei angemerkt wird, dass eine außergerichtliche Streitbeilegung an sich nicht rechtswidrig oder mit einem parallelen Rechtssystem gleichzusetzen sei.<sup>106</sup> Weiter erfordern die Rahmenbedingungen der Studie, sich bei der Untersuchung auf spezifische sozial-ethnisch-religiöse Milieus zu beziehen. So zeige sich Paralleljustiz häufig in Formen der OK oder in bestimmten ethnisch geprägten Kreisen, die von der Mehrheitsgesellschaft ausgeschlossen seien und sich mit anderen kulturellen Grundzügen identifizieren. Somit wurden für Berlin die muslimischen Communitys aufgrund ihrer Anzahl näher betrachtet. Als Vergleichsgruppe bezieht sich die Studie auf Roma-Communitys. Die methodische Vorgehensweise stützt sich auf insgesamt 93 Experten aus islamisch-religiösen Milieus und Organisationen sowie auf Experteninterviews mit Vertretern von Polizei, Staatsanwaltschaft und NGOs. Zudem erfolgten elf Gruppeninterviews. An dieser Stelle sei betont, dass die Studie nicht den Anspruch erhebt, valide quantitative Ergebnisse zu präsentieren. Im Rahmen dieses Berichts werden lediglich die Ergebnisse bezüglich der Clankriminalität muslimischer Migranten betrachtet.<sup>107</sup>

#### *Ziele*

Dezidierte Darstellung der Umstände, die eine Entwicklung zur Paralleljustiz in einzelnen Communitys begünstigen können, sowie Herausarbeitung präventiver Handlungsempfehlungen.

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<sup>106</sup> Hierzu: „Der staatliche Auftrag des Schutzes Schwächerer und der Aufrechterhaltung unerlässlicher gemeinsamer Verhaltensstandards muss konsequent verfolgt werden, um den Rechtsfrieden im Rahmen einer freiheitlichen, den Menschenrechten verpflichteten staatlichen Ordnung durchzusetzen. Wer diese Grenzen überschreitet, stellt sich gegen die staatliche Ordnung und muss zur Wahrung verlässlicher rechts-staatlicher Verhältnisse im Alltag mit allen dem Rechtsstaat zur Verfügung stehenden Mitteln in die Schranken gewiesen werden.“ (Rohe/Jaraba 2016: 8).

<sup>107</sup> Falls Interesse an einer tiefergehenden Auswertung dieser Studie besteht, können alle Aspekte, die die Autoren anbringen, in Betracht gezogen werden. Auf Probleme und Mechanismen der Paralleljustiz wird in dieser Auswertung nicht weiter eingegangen.

### *Forschungsfragen*

Wegen des aktuell nur verfügbaren Projektumrisses werden die Forschungsfragen interpretativ aus den Zielen abgeleitet. Welche Ursachen begünstigen das Entstehen einer Paralleljustiz? Auf welche Weise könnte man dem Entstehen einer Paralleljustiz entgegenwirken?

### *Ergebnisse*

Paralleljustiz wird durch folgende Faktoren begünstigt:

- kulturelle und religiöse Prägungen,
- Folgen von Migrationsvorgängen,
- Konkurrenz innerhalb der Moscheen und innerhalb der Clanfamilien.

Folgende Empfehlungen zur Vorbeugung der Entstehung von Paralleljustiz in den gekennzeichneten Bereichen werden ausgesprochen:

- *Strafrecht* – Erhöhung personeller Ressourcen in Justiz und Polizei; interkulturelle Fortbildungen; Sensibilisierung für die Gefahren und das Entstehen von Paralleljustiz; eingehende Dokumentation des Ermittlungsvorgangs; Gefährderansprachen; Kontakte zu Imamen und Familienoberhäuptern; Verdichtung des Kooperationsnetzwerks zwischen Verwaltung, NGOs und anderen Akteuren; Runde Tische,
- *Familie* – zugängliche Bereitstellung von Informationen hinsichtlich der in Deutschland geltenden Regelungen zu Eheschließung und -scheidung; Aufklärung über Zivilehe und religiöse Hintergründe der Eheschließung in Moscheen und religiösen NGOs.

### *Bewertung*

Die Präventionsempfehlungen beziehen sich eher auf einen sozialen Rahmen, der darauf abzielt, potenzielle Opfer einer Paralleljustiz (hier vor allem Frauen) vorbeugend zu schützen und eine allgemeine Aufklärung und Erweiterung des Wissens in der Gesellschaft bereitzustellen. Zugleich werden Empfehlungen an Polizei und Justiz gegeben, die sich auf personelle Aufstockung und phänomenspezifische Weiterbildungen beziehen. Ein zentraler Vorschlag, der auch in vorherigen Studien aufgetaucht ist, ist die Optimierung der Zusammenarbeit nicht nur zwischen Behörden, sondern auch zwi-

schen lokalen Akteuren. So empfiehlt der Autor die Etablierung runder Tische, um den Austausch über das spezifische Phänomen zu verbessern.

### **3.2.3 Friederike Zigmann (2015): Macht und Ohnmacht des Staates? Struktur und Einfluss arabischer OK-Strukturen in deutschen Großstädten**

#### *Gegenstand*

Im Rahmen ihrer Bachelorarbeit hat sich die Autorin mit der Clankriminalität der Miri und Mhallamiye in Berlin aus polizeilicher und gesellschaftlicher Sicht und den Fehlern im Umgang mit Migrant\*innen aus kriminalpräventiver Sicht auseinandergesetzt. Der gesellschaftliche Umgang mit den libanesischen Bürgerkriegsflüchtlingen führte, laut der Autorin, zu einer Segregation von der Mehrheitsgesellschaft. Durch die Entwurzelung festigten sich die kulturellen Werte im Hinblick auf die eigene Familie. Die Berufung auf die Familie in schwachen Regionen ist eine große Gemeinsamkeit der Mhallami mit der italienischen OK. Wo der Staat nicht eingreift, ersetzen Familiennetzwerke in ländlichen Gegenden unterentwickelter Regionen Teilfunktionen des Staats. Zur weiteren Betrachtung wird auf den Ansatz der „Crime families“, der sich mit der Betrachtung von OK mit Fokus auf Netzwerke und Verwandtschaft beschäftigt, verwiesen. Es wird deutlich, dass arabische Familien, wie die analysierte Lupollo-Familie, in ein Netz aus legalen sowie illegalen Kooperationen eingebunden sind.

#### *Ziele*

Ziele sind die Darstellung des Einflusses arabischer OK-Gruppen auf die Gesellschaft und Impulse für einen Ansatz zur Zerschlagung der Clanstrukturen.

#### *Forschungsfragen*

Wegen des aktuell nur verfügbaren Projektumrisses werden die Forschungsfragen interpretativ aus den Zielen abgeleitet. Können die kriminellen Netzwerke, die sich aus den Großfamilien gebildet haben, als kriminelle Organisationen gesehen werden? Welche Schwierigkeiten bestehen bei der Strafverfolgung der Clanmitglieder und können diese überwunden werden?

### *Ergebnisse*

Die Großfamilien sind nicht nur in einer Stadt angesiedelt, sondern haben meist auch Verwandte in anderen Großstädten und im Ausland. Mangels Forschung kann von einer erhöhten Jugenddelinquenz in Berlin nicht auf das Vorhandensein krimineller Netzwerke in arabischen Großfamilien geschlossen werden. Die Forschungslage ist schwierig, da die kriminellen Aktivitäten in den Kreis der Familien eingebunden und somit auch von ggf. unbeteiligten Familienmitgliedern geschützt werden. Die Rangordnung krimineller Familienmitglieder orientiert sich an der Familienhierarchie.

Schätzungen zufolge können etwa 100 polizeiliche Maßnahmen pro Jahr auf eine Großfamilie fallen, wobei die Straftaten in unterschiedliche Deliktfelder reichen. Die illegalen Gewinne werden zunehmend durch Hawala-Systeme ins Ausland transferiert und bspw. in Gastronomie, Immobilien oder Diskotheken investiert. Die Analyse der legalen und quasi-legalen Einkünfte der Familien könnte so einen ersten Aufschluss über deren Wirkungsradius liefern. Eine Ausdehnung der Finanzermittlungen zur Vermögensabschöpfung sowie eine engere Kooperation mit den Steuerbehörden und ausländischen Behörden seien wünschenswert. Der Berliner Staatsanwalt Kamstra hält eine Null-Toleranz-Strategie und permanente Kontrollen zur Eindämmung der Clankriminalität für sinnvoll, allerdings für weniger effektiv als bei Rockergruppierungen.

### *Bewertung*

Da sich die Clan-Familien durch die Anlage ihrer kriminellen Profite in Immobilien etc. in der Community positionieren, fordert die Autorin mangels Informationen eine Ausdehnung der Finanzermittlungen zur Vermögensabschöpfung. Offen bleibt allerdings die Frage, wie die Herausbildung solcher Clanstrukturen verhindert werden könnte.



### **3.3 Organisierte Kriminalität im Internet (Cyber-OK)**

#### **3.3.1 Integration vernetzter Daten und prädiktive Analyse zum Schutz vor Organisierter Kriminalität (LIDAKRA) (2018)**

##### *Gegenstand*

Durch die zunehmende Nutzung des Internets zur Begehung und Planung von Straftaten erhöht sich der Personalaufwand bei den zugehörigen Rechercharbeiten entsprechend. Aufgrund der Heterogenität der Datenbeschaffenheit müssen diese Recherchen meist manuell festgehalten werden – dies bedeutet einen enormen Zeitaufwand.

##### *Ziele*

Entwicklung einer Software, die die Rechercharbeiten teilautomatisiert durchführt. So können die Ergebnisse einfacher analysiert und ggf. ein Bezug zu OK-Tatbeständen hergestellt werden. Zudem sollen Muster bzw. bestimmte Vorgehensweisen Krimineller im Internet aufgedeckt werden. Aufgrund der hohen Datenschutzanforderungen besteht die Idee dieses Projekts darin, eine allgemeine Plattform bereitzustellen, die von allen Sicherheitsbehörden genutzt werden kann.

##### *Forschungsfragen*

Wegen des aktuell nur verfügbaren Projektumrisses wird folgende Forschungsfrage interpretativ aus den Zielen abgeleitet. Inwiefern kann durch die Einführung einer Software eine effizientere Auswertung und Bearbeitung von Daten beim Verdacht auf Straftaten im Internet herbeigeführt werden?

##### *Ergebnisse*

Laufzeit bis 02/2018 – Ergebnisse noch nicht zugänglich.

#### **3.3.2 Analyse und Bekämpfung von bandenmäßigem Betrug im Onlinehandel (ABBO) (2018)**

##### *Gegenstand*

Das Projekt beschäftigt sich mit dem Ausmaß der Planung und Durchführung von Straftaten im Online-Versandhandel. Durch die zunehmende Nut-

zung von Online-Versandhändlern, laut Projektumriss ca. 70 % der Bestellungen über das Internet, werden die Händler auch zunehmend für Kriminelle attraktiver. So nehmen bandenmäßig organisierte Tätergruppen größere Gruppenbestellungen vor, bezahlen sie aber nicht. Schwierig ist die Verfolgung dieser Täter insbesondere, da sie meist gefälschte Identitäten zum Bestellen nutzen.

### *Ziele*

Bereitstellung neuer Forschungserkenntnisse zur Bekämpfung und Erkennung dieser Form von OK. Entwicklung einer Plattform, die die Analyse gleichzeitig eingehender großer Online-Bestellungen aufnimmt und nach spezifischen Mustern sucht. Durch diese Analyse sollen Betrugspotenziale eingeschätzt werden. Somit sind Kunden und Online-Anbieter, aber auch die Behörden sicherer vor Betrugsfällen im Internet. Ein besonderer Aspekt des Projekts widmet sich der Wahrung der Datenschutzrechte.

### *Forschungsfragen*

Wegen des aktuell nur verfügbaren Projektumrisses wird folgende Forschungsfrage interpretativ aus den Zielen abgeleitet. Inwieweit kann man Kunden und Onlinehändler vor bandenmäßigem Betrug schützen?

### *Ergebnisse*

Laufzeit bis 01/2018 – Ergebnisse noch nicht zugänglich.

### *Anmerkung*

Im Rahmen von „Horizon 2020“ wurde im Bereich „Security“ eine Ausschreibung zur Entwicklung neuer Methoden der Prävention, der Ermittlung und der Reduzierung cyberkrimineller Verhaltensweisen entdeckt.<sup>108</sup> Die Deadline der Ausschreibung war Mitte August 2017. Im Rahmen dieses Calls wurden unter dem Thema „Technologies for prevention, investigation, and mitigation in the context of fight against crime and terrorism“ Projekte gesucht, die sich u. a. mit der Entwicklung neuer Technologien im Bereich der Cyberkriminalität beschäftigen. Der Fokus der Verfolgung liegt auf

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<sup>108</sup> Mehr zum Call und den Voraussetzungen: Human Factor for the Prevention, Investigation, and Mitigation of criminal and terrorist acts – SEC-07-FCT-2016-2017, <http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sec-07-fct-2016-2017.html>.

virtuellen Währungen und auf der Unterstützung von Online-Märkten im Darknet.<sup>109</sup>

### **3.4 Organisierte Kriminalität im Zusammenhang mit dem Wirtschaftsleben**

#### **3.4.1 Verfolgung und Prävention organisierter Finanzkriminalität mit virtuellen Währungen (*Bitcrime*) (2017)**

##### *Gegenstand*

Die zunehmende Nutzung virtueller Währungen, deren Handel zwischen den Nutzern und die Abwesenheit von Kontrollmechanismen. Der deutsche Teil des Projekts beschäftigt sich mit Kontrollinstanzen innerhalb des Markts und der Vorgehensweise bei konkretem Tatverdacht. Die Ergebnisse sollen im Anschluss überprüft und in Einklang mit den in Österreich erarbeiteten Präventionsmechanismen gebracht werden. Angemerkt sei, dass sich diese Auswertung primär auf die präventive Komponente des Projekts bezieht.<sup>110</sup>

##### *Ziele*

Ein zentrales Ziel ist die Entwicklung innovativer praxisorientierter Ansätze zur Identifikation und Verfolgung sowie zur Prävention organisierter Finanzkriminalität mit virtuellen Währungen. Durch die Einbettung der Analyseergebnisse in einen Demonstrator und die Bereitstellung einer Testumgebung im BKA können mögliche Muster des kriminellen Handels mit virtuellen Währungen ermittelt werden. Zudem kann die Effektivität der erarbeiteten Regulierungsmaßnahmen eingeschätzt werden.

##### *Forschungsfragen*

Folgende Forschungsfragen sind aus den Zielen abgeleitet, da der vorliegende Bericht zum Projekt keine expliziten Forschungsfragen formuliert. Auf welchem Stand sind die technischen Grundlagen virtueller Währungen und inwiefern werden diese illegal oder legal genutzt? Inwiefern sind die Hand-

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<sup>109</sup> Siehe <http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sec-12-ict-2016-2017.html>.

<sup>110</sup> Bei Bedarf einer detaillierten Auswertung des Projekts können auch die anderen Forschungsfragen eingehender betrachtet werden.

lungen mit virtuellen Währungen strafbar? Wo liegen die technischen und rechtlichen Grenzen der Ermittlungsführung? Welche präventiven Regulierungsansätze ließen sich im Zusammenhang mit virtuellen Währungen einsetzen?

### *Ergebnisse*

Unter anderem wird auf den Ansatz, „Intermediäre“ zur Kontrolle in die Geldwäscheprävention einzubinden, eingegangen, wenngleich er sowohl praktisch als auch rechtlich als ineffektiv gilt. Von größerem Nutzen sind daher ggf. Transaktionssperllisten, die Geldwäsche verhindern sollen. Insgesamt sollen die Präventionsmaßnahmen die an den Finanztransaktionen beteiligten Akteure dazu bewegen, Überwachungs- und Identifizierungsmaßnahmen umzusetzen und ggf. auffällige Transaktionen zu melden, da sie die einzige zuverlässige Quelle zur Erkennung der sonst für die Behörden unsichtbaren Transaktionen sind. Zudem wird festgestellt, dass sich die klassischen Maßnahmen zur Bekämpfung der Geldwäsche nicht unbedingt auf die Prävention im virtuellen Bereich übertragen lassen: So ist das Betreiben mehrerer Krypto-Coin-Konten teilweise von der Wallet-Software vorgegeben. Der Regulierungsansatz kann von Kriminellen mittels privater Tauschbörsen umgangen werden. Demnach muss ein auf die Gegebenheiten der virtuellen Welt zugeschnittener Regulierungsansatz erarbeitet werden:

- Identifizierung von Adressaten (bspw. Verpflichtung der *Miner*, Transaktionen nicht in der *Block chain* zu verarbeiten; Intermediäre als Dienstleister für virtuelle Kryptowährungen; Standardisierung der *Block-chain*-Technologie),
- Identifizierung der Inhaber vertrauenswürdiger Konten durch Intermediäre; *Blacklisting*-Ansatz und Kontaktbeschränkung der Intermediäre auf legale Kontoinhaber.

Eine Regulierungsmöglichkeit sähe wie folgt aus:

- Einführung von Sperrlisten gemäß des Transaktions-Blacklistings und Verpflichtung der Intermediäre, Krypto-Coins aus bestimmten Transaktionen nicht anzunehmen. Andernfalls sollen strafrechtliche Sanktionen folgen. Hierbei muss genau bestimmt werden, wann eine Transaktion auf die Sperrliste gesetzt wird. Eine vorläufige Beschränkung auf den Straf-

tatenkatalog gem. § 261 Abs.2 sollte vorgenommen werden und die Sperrliste sollte öffentlich für die Nutzer einsehbar sein.

#### *Bewertung*

Das Projekt veranschaulicht, wie effektiv die Sperrlisten sein können und dass vergleichsweise niedrige in die Grundrechte des einzelnen Bürgers interveniert wird. Sperrlisten sind daher eine interessante Handlungsempfehlung für die polizeiliche Praxis.

### **3.4.2 Organisierte Finanzdelikte – methodische Analysen von Geld-, Daten- und Know-how-Flüssen (INSPECT) (2016)**

#### *Gegenstand*

Zusammenschluss von Deutschland und Österreich zur Vorbeugung von Datendiebstählen bei Finanztransaktionen.

#### *Ziele/Forschungsfragen*

Die Bereitstellung präventiver Maßnahmen durch die Analyse illegaler Geld- und Datenflüsse. Bereitstellung von Informationen zu den Verbreitungswegen von Insiderwissen u. a. durch Täterinterviews. Die Erkenntnisse sollen den Behörden die Aufklärung von Finanzdelikten erleichtern.

#### *Ergebnisse*

Laufzeit bis 10/2016.

### **3.4.3 Stiftung Wissenschaft und Politik (2018): Modelling and mapping the risk of Serious and Organised Crime infiltration in legitimate businesses across European territories and sectors (MORE)**

#### *Gegenstand*

Die Fortsetzung des Pilotprojekts ARIEL.<sup>111</sup> Die Methodik des Projekts beinhaltet sowohl quantitative (Berichte, Akten, Datenbanken) als auch qualitative (Interviews, Textanalyse) Elemente.

#### *Ziele*

Identifizierung des Risikos der Infiltrierung legitimer Unternehmen durch OK. Zudem soll ein Risikomodell erarbeitet und ausgewertet und zu diesem Zweck in 28 EU-Ländern Fälle gesammelt und analysiert werden.

#### *Forschungsfragen*

Die Forschungsfragen sind aus den Zielen abgeleitet, da der vorliegende Projektumriss keine expliziten Forschungsfragen formuliert. Inwiefern kann man das Risiko der Infiltrierung der Wirtschaft durch die OK bemessen und wie manifestiert sich diese Infiltrierung? Wie kann man die Infiltrierung in Zukunft vermindern oder ganz unterbinden?

#### *Ergebnisse*

Laufzeit bis Dezember 2017 – die Ergebnisse sind noch nicht zugänglich.

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<sup>111</sup> ARIEL bezieht sich in der Analyse auf fünf Mitgliedsstaaten und ist explorativ angelegt. Zentrales Ziel des Projekts ist die Identifizierung des Risikos der Infiltration der OK in legitime Unternehmen anhand einer ausgearbeiteten Liste von Risikofaktoren. Die Risikofaktoren sind anhand einer komparativen Analyse, die sich auf örtliche und betriebliche Schwächen, die Modi Operandi der Täter und die Charakteristika infiltrierter Unternehmen stützt, ausgearbeitet und können in einem nächsten Schritt zu einem Risikomodell weiterentwickelt werden. ARIEL fußt auf zwei Vorgänger-Projekten: *Organised Crime Portfolio* (OCP) und *Mafia Investments* (PON). Zentrale Forschungsfragen beschäftigen sich mit der Rolle der OK in der Wirtschaft und aus welchen illegalen Märkten heraus die OK die Wirtschaft infiltriert. Unter anderem betrachten die Projekte die Sektoren und Unternehmen, in die die OK-Gruppen ihr illegal erworbenes Geld investieren, sowie das Ausmaß der Vermögensabschöpfung durch europäische Behörden.

## 4 Fazit

Zusammenfassend lässt sich sagen, dass sich zum Phänomen „Organisierte Kriminalität und Präventionsmaßnahmen“ kaum deutschsprachige Studien vorliegen. Auf nationaler Ebene wurde ein aufschlussreicher Artikel aus juristischer Perspektive zum Thema der Kronzeugenregelung als Präventivmaßnahme zusammengefasst. Dieser zeigt deutlich, dass eine Evaluation der Wirksamkeit und Anwendbarkeit gesetzlicher Verschärfungen und Änderungen notwendig ist. Die Optimierung gesetzlicher Präventivmaßnahmen kann nur durch einen eingehenden Dialog und eine anschließende Auswertung im Einklang mit den Anwendern der Gesetze geschehen.

Die zusammengefassten Studien beschäftigen sich mit der konkreten Analyse und Aktenauswertung bezüglich einzelner OK-Gruppierungen und entsprechenden präventiven Maßnahmen, die entweder von den Polizeibehörden vor Ort getroffen wurden oder von den Wissenschaftlern als sinnvoll angesehen werden. Dabei ist vor allem aufgefallen, dass jede Studie die Notwendigkeit der Kooperation mit anderen Behörden und Einrichtungen über die einzelne Polizeibehörde hinaus zu einer effektiven Eindämmung Organisierter Kriminalität sieht. Auch setzen einige Studien darauf, die Tatmöglichkeiten und -orte für die OK-Gruppenmitglieder einzugrenzen und die Gruppe so letztendlich zu sprengen. Dies erfordert ohne Zweifel einen beträchtlichen Personal- und Zeitaufwand. Eine angesichts dieser Empfehlungen wesentliche Frage lautet, welche Behörden und Institutionen im Zusammenschluss dazu beitragen können, das Handlungsfeld der OK-Gruppierungen einzudämmen. Eine aus der vorliegenden Literatur abgeleitete Empfehlung ist die Einberufung Runder Tische, an denen über mögliche präventive Maßnahmen und Handlungskonzepte diskutiert wird. Dies könnte zur Identifizierung von Mustern und Gruppenstrukturen der OK-Gruppierungen beitragen, würde dem Daten- und Informationsaustausch zwischen Behörden und Institutionen zugutekommen und möglicherweise die in einigen Studien angesprochenen Schwierigkeiten bei der Kooperation verringern. Fortbildung in interkulturellen Kompetenzen und Erweiterung der Sprachkenntnisse sind von erheblicher Bedeutung, um eine stabile internationale Zusammenarbeit zu gewährleisten. Zudem sollte ggf. schon während der Ermittlungen auf die Zerschlagung einzelner Aktivitätsfelder der OK-Gruppierungen fokussiert werden.

Ein weiterer vorgestellter Ansatz beschäftigt sich mit der Intervention beim Rekrutierungsprozess weiterer Mitglieder durch die OK-Gruppe. Eine Empfehlung lautet daher, die von OK-Gruppen zur Rekrutierung neuer Mitglieder genutzten Orte zu identifizieren und Rekrutierungen zu unterbinden. Dadurch kann nicht nur der Einstieg in kriminelle Karrieren verhindert, sondern ggf. auch die OK-Gruppe geschwächt werden. Doch nicht nur auf polizeilicher Ebene müssen die präventiven Maßnahmen ansetzen – auch auf gesamtgesellschaftlicher Ebene muss das Ziel sein, die Bevölkerung besser über die Formen Organisierter Kriminalität und deren Auswirkungen und Reichweite aufzuklären. OK-Prävention muss auf kommunaler Ebene beginnen, damit polizeiliche Präventivmaßnahmen wirken können. Ein weiteres Problemfeld bei der Implementierung präventiver Maßnahmen gegen OK-Gruppen ist die OK-Definition. So merkt Kirby an, dass das Fehlen einer einheitlichen OK-Definition und eines standardisierten Vorgehens bei der Bekämpfung von OK-Gruppen die Umsetzung von Handlungskonzepten erschweren. Dies könnte besonders in Bezug auf einen „*Multi-Agency-Ansatz*“ zur Prävention von OK zu Schwierigkeiten führen.

Zu präventiven Maßnahmen gegen Wohnungseinbruchsdiebstahl, der durch die Involvierung reisender Tätergruppen an Bedeutung gewinnt, gibt es zahlreiche Studien, die für ein länderübergreifendes Vorgehen gegen reisende und zugereiste Täter des WED und eine verbesserte Koordinierung zwischen den Behörden bei der Bekämpfung plädieren. Dabei steht die Entwicklung eines gemeinsamen Konzepts (wie bspw. MOTIV) im Mittelpunkt. Zusätzliche Schwerpunkte liegen auf der Sicherheitstechnik im Wohnraum und der Sensibilisierung der Bevölkerung für Wohnungseinbruchsdiebstahl. Die Beauftragung einer Zentralstelle mit der Überwachung von Intensivtätern wird insofern für sinnvoll gehalten, als in den Studien mangelnde Pflege und Aktualisierung von Datenbanken und erkennungsdienstlichen Instrumenten kritisiert wird. Auch gesellschaftliche Präventivmaßnahmen werden im Rahmen der Forschungsprojekte empfohlen. So stellt ein Beitrag eine Korrelation zwischen dem Abbrechen der Schule oder der Ausbildung und der Begehung von Eigentumsdelikten fest. Präventive Maßnahmen sollen genau an dieser Stelle ansetzen und den Einstieg in kriminelle Karrieren durch eine verstärkte soziale Integration (bspw. Projekte zur Integration und Reintegration von Schulabbrechern/Schulverweigerern, Projekte für benachteiligte Jugendliche oder schulpflichtige Spätaussiedler) verhindern.



Die im Deliktsbereich der Kriminalität im Kontext von Zuwanderung identifizierten präventiven Maßnahmen zielen eher auf zivilgesellschaftliche Prävention, wie die Förderung der sozialen Integration von Migranten, ab. In einigen Studien zu Paralleljustiz und Parallelgesellschaft in Deutschland wird das Versäumnis ebendieser Integration in die Aufnahmegesellschaft kritisiert. In der Studie des KFN zu reisenden und zugereisten Tätern des Wohnungseinbruchs wird in diesem Zusammenhang festgestellt, dass vor allem bei Tätern, die aus der Not heraus handeln und mitunter Asylsuchende sind, die Alternative, Straftaten zu begehen, erst durch eine Perspektivlosigkeit in der Aufnahmegesellschaft entstanden ist. Demnach ist eine Aufklärung der Zugewanderten in Flüchtlingsunterkünften bzw. Jugendheimen (bei unbegleiteten minderjährigen Flüchtlingen) über Vorgehensweisen organisierter Tätergruppen unerlässlich. Nur so kann einer Rekrutierung durch diese Gruppen vorgebeugt werden. Das Verständnis des deutschen Rechtssystems und des deutschen Rechtsstaats sollte in o. g. Institutionen durch Polizei oder Experten der entsprechenden Einrichtungen vermittelt werden, um eine eingehendere Befähigung und vor allem eine Akzeptanz bei Asylsuchenden zu erreichen. Gegen Perspektivlosigkeit müssen berufliche und gesellschaftliche Optionen geschaffen werden. Die Studie von Rohe/Jaraba empfiehlt eine kulturspezifische Sensibilisierung von Polizeibeamten, eine Aufklärung über die möglichen Gefahren und Ursachen der Entstehung von Parallelgesellschaften sowie die Entwicklung eines Netzwerks aus Behörden, NGOs und anderen Praktikern (wie bspw. Kontakte zu Imamen) zwecks Austauschs über aktuelle Entwicklungen und Handlungskonzepte gegen die Entstehung von Clanstrukturen und Paralleljustiz. Da ein Großteil des kriminell erwirtschafteten Gelds von Großfamilien über Hawala-Systeme in Immobilien u. Ä. investiert wird, empfiehlt eine Autorin eine Ausdehnung der Finanzermittlungen zur Vermögensabschöpfung bzw. eine erweiterte Überwachung der legalen und quasi-legalen Einkünfte der Familien. So könnten den Schwierigkeiten des Zugangs bzw. der Offenlegung der kriminellen Aktivitäten einzelner Mitglieder der Großfamilie entgegengewirkt werden.

Wenige auf die Tätergruppen fokussierende wissenschaftliche Studien zu Präventivmaßnahmen wurden in den Bereichen der Organisierten Kriminalität im Internet und der Organisierten Kriminalität im Zusammenhang mit dem Wirtschaftsleben gefunden. Allerdings konnten in o. g. Bereichen einige EU-Projekte mit Präventionsbezug identifiziert werden. Die zentralen Empfehlungen der Projekte adressieren die Entwicklung von Software und Tools

zur verbesserten Einschätzung von Betrugspotenzialen sowie deren Beobachtung. Darüber hinaus können Tatmuster und bestimmte Vorgehensweisen der Täter leichter verknüpft werden, was zu einer Senkung der Kriminalitätsrisiken führen würde. Das Projekt „Bitcrime“ beschäftigt sich mit einem Ansatz zur Geldwäscheprävention, mit dem die Muster des kriminellen Handels mit virtuellen Währungen aufgedeckt werden können. Herausgearbeitet wurde ein Konzept, das den Einsatz von Transaktionssperren vorsieht, um die an den Finanztransaktionen beteiligten Akteure dazu zu bewegen, Überwachungs- und Identifizierungsmaßnahmen umzusetzen. Insgesamt ist die Kapazität präventiver Forschung zu organisierten Begehungsweisen in einzelnen Deliktfeldern noch nicht ausgeschöpft. Konkrete Handlungsempfehlungen oder empirisch nachgewiesene effektive Maßnahmen müssen noch eingehender erforscht werden. In einem nächsten Schritt könnte näher auf bestehende Forschungsbeiträge zu präventiven Maßnahmen und Handlungskonzepten für Opfer von OK-Gruppierungen eingegangen werden.

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## Organisierte Kriminalität und Prävention: Europäische Ansätze und Strategien in der Praxis, 9. OK-Forschungskonferenz in London, GB

Die 9. OK-Forschungskonferenz fand in der Örtlichkeit von RUSI im Stadtzentrum Londons vom 23.-24. Oktober 2017 statt. Der thematische Fokus lag auf Konzepten und Maßnahmen in europäischen Ländern zum Thema OK und Prävention. Die Referenten präsentierten Projekte und Forschungsergebnisse zu OK und Prävention in Deutschland, Großbritannien, den Niederlanden und Schweden. Das Home Office eröffnete die Veranstaltung mit einem Vortrag zu OK-bezogenen Problemen in Großbritannien sowie zur neuen OK-Strategie. Die anschließenden Vorträge befassten sich mit Projekten zu OK und Prävention auf lokalem Level, betonten aber auch spezifische Probleme und Angelegenheiten, welche in die Zukunft reichen. Der Schwerpunkt der deutschen Referenten lag im Themenfeld Kriminalität im Kontext von Zuwanderung. Die schwedischen Referenten präsentierten Maßnahmen und Erwartungen im Zuge der Waffen-Amnestie sowie ein Projekt in sozial benachteiligten Gemeinden. Die niederländischen Referenten stellten Fälle und Projekte bezogen auf den administrativen Ansatz vor. Die englischen Referenten bezogen sich auf Projekte mit dem Ziel, gerade bei jungen Leuten präventiv gegen eine kriminelle Karriere in der OK zu wirken.

„**Operation Jigsaw**“, welche sich mit einem Randomised Control Trial (RCT) befasst und der **West Midlands Police** helfen soll, jene zu identifizieren, welche besondere Gefahr laufen in Aktivitäten der OK involviert zu werden. Im Rahmen der Operation soll ein Präventionsprogramm gegen OK im Einklang mit der nationalen OK-Strategie erarbeitet und umgesetzt werden. Vorgetragen wurden die Ergebnisse und die Vorgehensweise von John Denley und Richard Agar von der West Midlands Police.

Im Gegensatz zu anderen Präventionsansätzen und –maßnahmen bezieht sich diese Operation auf einen proaktiven Präventionsansatz. Ziel ist die Effektivität der polizeilichen Arbeit zu beurteilen. Die Stichprobe besteht aus einer Versuchsgruppe von 800 identifizierten Personen welche alle Verbindungen innerhalb ihres Lebenslaufs zu OK oder zu anderen Personen, die in OK involviert sind, haben. Diese Personen wurden zufällig in vier Kohor-

ten aufgeteilt (Kontrollgruppe, Partner-Gruppe, Social-Media-Gruppe und Polizei-Gruppe). Der Fokus liegt auf der Identifizierung der Peripherie.

Im Detail beschreiben Agar und Denley die Polizei-Kohorte und deren Ansatz. Der leitende Kriminalbeamte wird nach einer Einführung den Kontakt mit jeder Person innerhalb der Gruppe suchen und erörtern, ob sich derjenige in jeglicher Hinsicht in einer Problemsituation, welche eventuell zu einem Abdriften in die Kriminalität führen könnte, befindet. Wenn die Person freiwillig zustimmt und die Unterstützung der Polizeibeamten wünscht, werden die Kontaktdaten aufgenommen. Zwischen dem zuständigen Beamten und der Person wird ein Management-Plan erarbeitet. Dieser gestaltet sich individuell und umfasst die Nennung von Ansprechpartnern und die Wahrnehmung von Terminen mit dem Sozialamt, Treffen mit Mentoren, dem Princes Trust etc. Wenn sich die Person nicht an die Absprachen hält und bspw. kriminell rückfällig wird, werden Sanktionen eingesetzt.

Probleme bei der Durchführung der Operation beinhalten, dass nicht genügend Personen an den angedachten Kursen und Workshops teilgenommen haben. Ein Großteil der zuvor getroffenen Zusagen wurde nicht eingehalten, die anschließende Kontaktaufnahme erwies sich als problematisch. Für diejenigen, die an dem Programm teilgenommen haben, war es ein voller Erfolg – in der Polizei-Kohorte konnte die Wahrscheinlichkeit Straftaten zu begehen um 36 Prozent verringert werden. Auch wenn nicht alle Kohorten ein Erfolg waren, zeigt dies doch deutlich, welche Maßnahmen effektiv greifen und welche eher ineffektiv sind.

Der Generalstaatsanwalt im Bereich Cyber Crime, **Martijn Egberts**, stellt in seinem Vortrag zu „**How the Dutch were able to decrypt millions of messages of Organised Crime Groups**“ dar, inwiefern die Verschlüsselung von Daten und Kommunikation ein steigendes und anhaltendes Problem für die Strafverfolgungsbehörden darstellt.

Viele Kommunikations-Apps nutzen die Form der Verschlüsselung von Text-Nachrichten. Für die Strafverfolgungsbehörden ist dies insofern problematisch, als dass man Beweise für die tatsächliche Kommunikation der Täter benötigt um die Begehung einer Straftat nachzuweisen. Eines der Verschlüsselungsprogramme ist das PGP Protokoll, welches auf einem Algorithmus basiert. Viele kriminelle Gruppen machen vermehrt Nutzen von solchen Algorithmen. Allerdings nutzen nicht nur Kriminelle die Vorteile

von verschlüsselten Daten – auch kommerzielle Servicedienstleister bieten die Verschlüsselung von privaten Texten für die Bürger an. Eine dieser Firmen ist *Ennetcom*. Im Zusammenhang mit einem Auftragsmord gelang es der nationalen Kriminaltechnik Nachrichten, welche die Kommunikation der Täter zur Planung des Mordes enthielten, auf einem PGP-verschlüsselten Blackberry zu entschlüsseln. Auffällig war, dass viele der Smartphones, die bei solchen Straftaten sichergestellt wurden, Blackberrys waren und von *Ennetcom* ohne funktionierende Kamera oder Mikrofon bereitgestellt wurden. Dies führte zum Verdacht, dass *Ennetcom* diese Smartphones vorrangig an Kriminelle verkauft. Die meisten Smartphones wurden bar bezahlt, dies ließ zusätzlich den Verdacht aufkommen, dass *Ennetcom* in Geldwäscheaktivitäten verstrickt sein könnte. Ziel war es nicht nur zu zeigen, dass *Ennetcom* als Unterstützer von cyberkriminellen Aktivitäten agiert, sondern auch den BES Server zu identifizieren und zu lokalisieren. Im Zuge der Ermittlungen und der Zusammenarbeit mit den kanadischen Behörden wurden der Direktor und die Administration von *Ennetcom* festgenommen. Höhere Geldsummen und einige illegale Waffen wurden sichergestellt. Insgesamt sieben Terrabyte an Daten wurden gesichert und anschließend analysiert. Meta-Daten und private Keys wurden entschlüsselt und nach etwa zwei Monaten konnte auch die gesamte Infrastruktur rekonstruiert werden. 3,6 Mio. E-Mails wurden entschlüsselt und im Anschluss mittels Suchbegriffen wie bspw. „Drogenkriminalität“ durchsucht. Als Resultat konnten die niederländischen Behörden genau nachvollziehen, welche OK-Gruppierungen in welchen Deliktsfeldern aktiv agieren.

Fälle wie der von *Ennetcom* werden auch zukünftig die Diskussion rund um die Möglichkeiten der Strafverfolgungsbehörden zur Datenspeicherung und des Datenschutzes anregen.

**Greg Francis** von der NCA Cybercrime Unit sprach in seinem Vortrag „**Changing the Agenda. Prevention is better than a cure**“ über Interventionsstrategien, um den Einstieg in eine kriminelle Karriere gerade bei jungen Personen zu verhindern.

Zunächst ging Francis auf das Phänomen ein, dass im Vergleich zu anderen Deliktsfeldern zum Einstieg in eine Karriere im Bereich Cyber Crime nicht genügend Fachliteratur vorhanden ist. Ziel muss es daher sein, die Umstände, welche Personen dazu bewegen einen cyberkriminellen Weg einzuschlagen, zu identifizieren um Interventionen spezifisch zugeschnitten anwenden

zu können. Ein vielversprechender Ansatzpunkt wird in Gefängnissen, in denen bereits verurteilte Täter interviewt werden konnten, gesehen. So lassen sich Kerncharakteristika identifizieren. Ein anderer wichtiger Faktor betrifft die Wissenschaft, deren Aufgabe in der weiteren Forschung und letztendlich der Validierung oder Falsifizierung von Daten und Fakten liegt.

Die Cybercrime Unit hat über o. g. Interviews folgende Tätercharakteristika eines Cyberkriminellen herausarbeiten können: meist liegt das Alter zwischen 12 und 22 Jahren, die Täter haben meist einen hohen IQ, der mit einem allgemeinen Desinteresse an formalen Bildungsinhalten in der Schule einhergeht. Die Eltern der Täter sind meist nicht im Bilde über die Interessen und besonderen Fähigkeiten ihrer Kinder. Meist verbringen viele der jugendlichen Täter ihre Nächte in der Online-Welt, der Großteil ihrer sozialen Beziehungen spielt sich online ab. Viele der Karrieren haben im Kreis des Gaming begonnen und befassen sich mit „cheaten“ und einfachen Hacking Codes. Allen Tätern ist die Risikofreude gemeinsam, auch der Ruf unter anderen Hackern und den Peer-Mitgliedern ist für die Täter enorm wichtig und spornt sie zusätzlich an. Francis argumentiert, dass die besondere Risikofreude von der (sichtbaren) Abwesenheit der Strafverfolgungsbehörden herrührt. Daher können sich die Täter online sicher und anonym fühlen.

Schlussendlich muss es das Ziel der Strafverfolgungsbehörden und auch der sozialen Institutionen sein, Möglichkeiten und Vorbilder für Jugendliche zu schaffen und ihnen einen alternativen Weg zur Cyberkriminalität anzubieten. Ein Beispiel ist das Projekt *Propolize*, welches darauf abzielt, jungen cyberinteressierten Personen zu helfen, ihr Interesse für Karrieren im Bereich der Cyber-Sicherheit statt der Cyberkriminalität umzusetzen.

**Dr. Ralph Ghadban**, Islam- und Politikwissenschaftler aus Berlin, stellt in seiner Präsentation mit dem Titel „**Criminal clan families in Berlin – history, risks and vulnerabilities**“ die Gefahren für die deutsche Bevölkerung, welche von arabischen Großfamilien ausgehen, dezidiert dar und beschreibt damit auch eine neue Form der OK. Insbesondere libanesische Großfamilienclans haben ihre Strukturen in bestimmten Teilen Deutschlands gefestigt und laut Ghadban keinerlei Achtung vor dem deutschen Rechtsstaat.

Das Hauptcharakteristikum der Clans ist die Gruppensolidarität, das Kollektiv steht anstatt des Individuums im Mittelpunkt. Zunächst stellt Ghadban die Migrationsgeschichte der Mhallamiye dar und verweist auf die Integri-

onsschwierigkeiten in Verbindung mit der restriktiven deutschen Integrationspolitik in den 1980er Jahren. Die exakte Herkunft der Mhallamiye lässt sich nicht genau bestimmen, auch innerhalb der Clans sind Meinungsverschiedenheiten über die letztendliche Abstammung vorhanden. Allgemein bekannt ist, dass sie in den Provinzen Mardin und Midyat im Südosten der Türkei angesiedelt sind. Ihre gesamte Migrationsgeschichte ist jedoch geprägt von Segregation und Erfahrungen der Ablehnung durch die Mehrheitsgesellschaft. Einer der wohl gravierendsten Unterschiede von Deutschland zum Libanon ist, so Ghadban, dass die Mhallamiye nicht in einem Land, welches sich an demokratischen Standards orientiert, sozialisiert wurden. Sie lebten in einem Land, welches ein konfessionelles politisches System verfolgt, in dem die Existenz von zwei Rechtssystemen normal zu sein scheint. Die Clans leben nach der Norm der Diskretion und dem Prinzip der Familienehre, welche durch ein angesehenes, älteres männliches Familienmitglied garantiert werden. Falls diese Regeln von einem Clanmitglied gebrochen werden, drohen Sanktionen in Form von sozialem Druck und Ausschluss aus der Gruppe, oft auch unter Gewaltanwendung. Der deutsche Staat agiert nicht repressiv, achtet die Menschenwürde und Tugenden wie Fairness und Freiheit. Genau diese Einstellung wird laut Ghadban von den Clans als Schwäche ausgelegt. Die Mhallamiye sind in ihrer Auffassung nicht auf den Schutz des Staates angewiesen, da sie sich durch ihre Familienstrukturen schützen. Um die Clan-Solidarität weiter zu stärken, leben die Clans nach dem Prinzip der Endogamie - Zwangsheirat oder Heirat mit Minderjährigen sind dabei keine Seltenheit.

Wie Ghadban weiter beschreibt ist das Konzept der Clans erfolgreich, da die Politik oftmals die Augen vor der Realität in den jeweiligen Bundesländern verschließt. Die Einstellung des Multikulturalismus führe zu einer neuen Form der Ungleichheit, da durch ein vorhandenes Schuldgefühl und die Angst des Rassismus bezichtigt zu werden, viele Handlungen toleriert werden. Es müsse ein Prozess der Akzeptanz stattfinden, in dem man anerkennt, dass man nicht alle Kulturen willkommen heißen kann. Zudem sprach Ghadban die dringende Notwendigkeit von mehr Personal für die Strafverfolgungsbehörden an. Als Fazit hält er fest, dass man sich zukünftig weniger auf die „political correctness“ und stattdessen auf eine realitätsnahe Betrachtung von Sachverhalten konzentrieren sollte.



**Johan Gustafsson**, Detective Inspector bei der schwedischen Polizei, gibt in seiner Präsentation „**Counteract the existence and use of illegal weapons and explosives in Sweden**“ eine Übersicht zu einem Regierungsauftrag bzgl. der Probleme mit dem illegalen Handel mit Schusswaffen in Schweden.

Eine Maßnahme, welche aufgrund des Regierungsauftrages ergriffen wurde, bezieht sich auf Polizeibeamte mit einer zusätzlichen psychologischen Ausbildung, welche Kontakt zu den Opfern von Verbrechen und deren Familien halten. In Großbritannien war diese Maßnahme insbesondere in schwer zugänglichen Milieus ein großer Erfolg. Andere Maßnahmen beinhalten Ansätze der „automatic threat detection“ und der „group violence intervention“.

Eine der wesentlichen Maßnahmen ist jedoch die Verschärfung des Waffen- und Sprengstoffrechts, welche polizeiliche Ermittlungen, wie den Einsatz von verdeckten Ermittlern oder die Anordnung von Überwachungsmaßnahmen, erleichtern sollen. Aber auch die technische Ausstattung bspw. bezogen auf Videoüberwachung wird in diesem Maßnahmenpaket thematisiert. Weiter soll vermehrt in die Ausbildung bei der Polizei investiert werden. Dies hat den Hintergrund, dass manche Polizeibeamte wichtige Hinweise übersehen und es demnach zu einem verringerten Ansatz des Strafmaßes kommt. Auch im Jahr 2018 findet, wie im Jahr 2013, eine Schusswaffen-Amnestie statt, welche es ermöglicht, ohne strafrechtlich verfolgt zu werden Schusswaffen abzugeben. Besonders sollen in Hoch-Risiko-Gebieten mit Hilfe von in diesen Kreisen hoch angesehenen Personen Familien, welche im Besitz von illegalen Waffen sind, auf diese Vorgehensweise aufmerksam gemacht werden. 2013 wurden 15.000 Waffen und 36 Tonnen Schussmunition abgegeben – viele der abgegebenen Waffen waren jedoch alte Jagdgewehre.

**Prof. Rita Haverkamp** stellt Definitionen und verschiedene Aspekte im Zusammenhang mit deutschen Clanstrukturen in ihrer Präsentation „**Clan structures and crime in the context of migration**“ vor.

Stämme und Clans sind aufgrund ihrer (Bluts)Verwandtschaft und ihrer Loyalität eine der ältesten Formen der sozialen Organisation. Ein Stamm ist eine soziale Gruppe welche aus nomadischen Verbindungen besteht und in verschiedenen Dörfern verankert ist. Der Stamm ist auf einen spezifischen geografischen Raum und eine eigene Sprache sowie Kultur beschränkt. Dies

vereint den Stamm gegen Außenstehende. Der Clan hingegen besteht aus einer Gruppe von Familien welche auf eine gemeinsame Abstammung und einen gemeinsamen Vorfahren, real, mystisch, bluts- oder auch nicht blutsverwandt, bauen. Der Clan ist eine informelle Organisation, welche sich auf ein Netzwerk aus (Bluts)Verwandschaft stützt. Mit der Durchführung einer Heirat kann ein Clan bspw. vergrößert und seine Macht dementsprechend ausgeweitet werden – die geografischen Beziehungen des Clans werden neu definiert. Die interne Loyalität garantiert den Clanmitgliedern Sicherheit und Geborgenheit ggü. äußeren Einflüssen. Durch die Sozialisation im Clan werden die Ansichten des Mitgliedes aufgrund der sozialen, ökonomischen und politischen Funktion des Clans dementsprechend geprägt. Die meisten Clans sind patriarchal organisiert – die Frau hat eine eher untergeordnete Rolle in der Clanhierarchie. Normen und Regeln innerhalb des Clans werden von den Clanältesten festgelegt – je nach Familienzugehörigkeit im Clan müssen sich die Mitglieder an die jeweiligen Regeln halten. Oben genannte Regeln sind meist nicht im Einklang mit dem deutschen Rechtssystem.

Eine der ältesten Clanstrukturen ist die der Roma, welche in geschlossenen und komplizierten Strukturen organisiert sind. Die Roma haben zudem eine durch negative bzw. durch Ablehnung geprägte Migrationshistorie. Aufgrund dessen grenzen sie sich klar von der Mehrheitsgesellschaft ab. Während den 1950er und 1960er Jahren erfuhr Deutschland einen Zustrom von italienischen Zuwanderern, für die die Familie ebenfalls den Mittelpunkt des Lebens darstellt. In den 1990er Jahren begann eine Massenmigration von Albanien nach Deutschland. In Albanien leben die meisten Leute in patriarchal strukturierten Familien, der Clan ist demnach eine der wichtigsten Institutionen. Ein Ältestenrat beschließt wichtige Maßnahmen innerhalb des Clans und legt die Regeln fest. Eine der am häufigsten beobachteten Normen innerhalb dieser Clans ist der Ehrenkodex, und, häufig bei Nichtbefolgung des Kodex, die Blutrache. Auch libanesische Zugewanderte sind in Clans strukturiert – die Flüchtlingslager im Libanon sind dafür bekannt, Clan Identitäten zu reproduzieren.

**Prof. Stuart Kirby**, staatlich geprüfter Psychologe und Professor für Policing an der Universität Central Lancashire (**University Central Lancaster**), stellt das *Projekt Engage* vor, welches sich mit Präventionsmaßnahmen in vier Gebieten im Großraum Manchester auseinandersetzt. Das *Projekt Engage* zielt darauf ab, Personen, insbesondere junge Männer, welche in OK

involviert sind, zu identifizieren. Zielgruppe sind hierbei nicht die Kerngruppenmitglieder, sondern die Peripherie der OK-Gruppierungen.

Zunächst stellt Prof. Kirby dar, dass die Notwendigkeit von Präventionsmaßnahmen im Bereich OK allein aufgrund des finanziellen Schadenspotenzials von OK-Gruppen gegeben ist. Wenn man den verursachten OK-Schaden nur um ein Prozent reduzieren könnte, würde man mehrere Millionen Pfund sparen. Die Frage, die jedoch bleibt, ist, ob man gegen OK wirklich präventiv handeln kann und falls ja, wie man den Erfolg der Präventionsmaßnahmen messen kann.

Hierzu wurde ein sechsstufiger Prozess u. a. zur Identifikation der Kriminellen anhand von Risikoindikatoren entwickelt. Das frühzeitige Eingreifen ist in drei verschiedene Ebenen gegliedert: der „upstream“, welcher dazu dient die Awareness der gesamten Bevölkerung durch bspw. (Internet)Kampagnen zu erhöhen. Die nächste Ebene befasst sich eher mit der Bevölkerung in spezifischen Gebieten einer Stadt, die dem Risiko der OK eher ausgesetzt sind oder in welchen eine erhöhte Aktivität von OK verzeichnet werden kann – hier setzt *Project Engage* an. Die letzte Ebene spiegelt somit die tertiäre Ebene wider und bezieht sich auf Personen, von denen man genau weiß, dass sie in organisierte kriminelle Strukturen eingebunden sind. Maßnahmen sind hier bspw. persönliche Vor-Ort-Kontrollen an der Haustür und deutlich zu machen, dass das Risiko entdeckt zu werden so hoch ist, dass es den Aufwand einer Straftat nicht lohnt. Nachdem die „risikogefährdeten“ Personen identifiziert sind, wurden ebendiese gemeinsam von mehreren Institutionen und Behörden hinsichtlich ihrer kriminellen Karrieren und einschneidenden Erlebnissen in ihrer Kindheit analysiert.

Deutlich wird, dass die Ergebnisse zwar aufschlussreich, jedoch sehr ressourcenintensiv sind. Die Zusammenarbeit mit lokal ansässigen Behörden und Instituten in diesen Gebieten ist vielversprechender, als Akteure von außerhalb einzubeziehen. Insgesamt betrachtet stellt sich die Zusammenarbeit mit jungen Individuen, die in OK involviert sind, als äußerst schwierig dar. Tendenziell war es jedoch so, dass die jüngeren Personen eher bereit waren an dem Programm, welches u. a. auch Schulkurse beinhaltet, teilzunehmen. Die allgemeine Anwesenheit bei den einzelnen Kursen und Gesprächen lag bei ca. 66 Prozent, zudem konnte kein signifikanter Rückgang bzgl. eines anti-sozialen Verhaltens festgestellt werden. Eine weitere Auswertung

von Jugendlichen, die in OK involviert sind, ist innerhalb der nächsten sechs Monate geplant.

Die Präsentation mit dem Titel **„Organised Crime Prevention in The Netherlands: cases and policy“** von **Dr. Peter Klerks**, niederländischer Politikwissenschaftler und Kriminologe, bezieht sich vorrangig auf Maßnahmen von Strafverfolgungsbehörden, welche darauf abzielen, die Verbreitung von OK in den Niederlanden zu verhindern.

Eine der zentralen Aussagen von Klerks ist, dass durch die Abwesenheit von Polizei und Kontrolle ganze Stadtgebiete zu sozial anfälligen Gegenden für OK werden können. Eine bewusste und stringente Vorgehensweise in den Bereichen Wirtschaft, Soziales, Bildung und Administration kann einen Stadtbereich wesentlich stabilisieren. Gezielte Strafverfolgung kann soziale Risiken sichtbar machen und die Awareness der betroffenen Akteure steigern. Demnach ist ein „gutes Haushalten“ essentiell auf allen Ebenen der unterschiedlichsten Behörden und Institutionen. Dr. Klerks beschreibt einige Fallbeispiele, anhand derer der niederländische Ansatz zu OK-Prävention, der auch administrative Ansätze enthält, verdeutlicht werden soll.

Das erste genannte Beispiel behandelt die Zurückhaltung von Know-how im Bereich der Energieversorgung von Cannabiszüchtern. Dieser Ansatz basiert auf der in den Niederlanden weit verbreiteten Praxis des Indoor-Cannabis Anbaus und der Produktion. Die über die Jahre erarbeitete Professionalität dieser Betreiber wird durch einen gewissen Zweig der Industrie, welcher die technischen Mittel und Services zum Cannabisanbau liefert, unterstützt. Daraus folgernd sollen die Verbote der „grow shops“ sowie ebendiese Mitarbeiter der o. g. Industriezweige daran gehindert werden den Cannabisanbau voran zu treiben.

Im zweiten Fall geht es um die Erpressung von Bauern, dem Drogengeschäft ihre Anwesen und Ländereien zur Verfügung zu stellen. Die lokale Polizei arbeitet im *Projekt Focus* daran, Wissen in diesem Bereich zu sammeln, die Awareness der Bauern zu steigern sowie diese in o. g. Fällen zu unterstützen.

Das nächste Fallbeispiel beinhaltet die Problematik der versteckten Hohlräume in Fahrzeugen, welche oftmals von Kriminellen für den Transport oder den Handel mit Waffen, Drogen oder illegal erworbenem Geld genutzt werden. Um dem illegalen Handel mit solchen Gütern vorzubeugen, besteht

im niederländischen Gesetz ein Verbot solcher Hohlräume, welche nicht im Kfz-Plan gekennzeichnet sind. Verkehrskontrollen haben immer wieder gezeigt, dass solche Hohlräume bei professionellen Tatverdächtigen genutzt werden. Dubiose Hinterhofwerkstätten bieten immer wieder den Einbau solcher Hohlräume in Fahrzeuge an – hier muss eine Wissensaufbereitung seitens der Polizei geschehen, Fälle müssen aktiv verfolgt werden und letztendlich in der Schließung solcher Firmen resultieren.

Das *Projekt Fabricius* hat das Ziel, das heruntergekommene Hafenviertel von Ijmuiden zu säubern. Dabei sollen problematische Orte, Unternehmen und Einwohner genauer untersucht werden, um letztendlich die Kriminalität in diesem Viertel zu senken und das Ansehen des Viertels wieder herzustellen. Die Strategie setzt auf eine starke Polizeipräsenz und eine Erhöhung der Awareness der Bevölkerung für bestimmte Kriminalitätsformen.

**Kim Nilvall** von der schwedischen Polizei trägt zum Thema „**Research intelligence-led policing**“ vor. Ziel dieses schwedischen Ansatzes ist die Prävention von urbaner Kriminalität und zugleich die Vereinfachung einer guten Regierungsführung um auch in sozial benachteiligten Nachbarschaften ein stabiles soziales Klima herzustellen.

Hintergrund dieses Projektes ist die Beobachtung, dass in den letzten Jahren eine Verrohung in der schwedischen Gesellschaft eingetreten ist, insbes. in bestimmten Städten. Speziell im Gang-Milieu wurde eine Zunahme der Straftaten verzeichnet, aber auch Morde und Gewalt in bestimmten Nachbarschaften nahmen zu. In diesen Vierteln gab es häufig Proteste gegen die Polizei und andere behördliche Figuren. Im Einklang mit den Protesten kann davon ausgegangen werden, dass in diesen Vierteln eher weniger Straftaten der Polizei gemeldet wurden – die Kooperation während der Ermittlungen gestaltet sich schwierig und existiert häufig nicht. Die o. g. Nachbarschaften sind charakterisiert durch soziale Risiken und soziale Unruhen sowie durch einen Rückgang der sozialen Kontrolle. Lokal ansässige Institutionen gehen zudem zu wenig auf die Belange und Sorgen der Bevölkerung vor Ort ein. Dadurch sinkt dementsprechend auch das Vertrauen in diese Institutionen und die Anzeige von Straftaten geht zurück. Durch ebendiese Faktoren wird es Kriminellen erleichtert solche Gebiete für sich zu beanspruchen.

61 Gebiete sind zurzeit als sozioökonomisch benachteiligt eingestuft, 23 als weitestgehend benachteiligt und sechs Gebiete laufen Gefahr sozial benach-

teiligte Gebiete zu werden. Mittels eines theoretischen Rahmenkonzepts können betroffene Nachbarschaften identifiziert werden und Bedürfnisse sowie Voraussetzungen zur Verbesserung der Situation erarbeitet werden. Das theoretische Rahmenkonzept zielt darauf ab, in der Gemeinde präventiv gegen OK zu wirken, die Sicherheit in der Nachbarschaft wiederherzustellen und Normen bzw. problematische Verhaltensweisen entgegenzuwirken. Die Voraussetzungen für eine stabile soziale Entwicklung finden sich im sozialen Kapital (z. B. Respekt vor polizeilichen oder anderen behördlichen Anordnungen) und grundlegenden Normen und Werten (bspw. persönliches Sicherheitsempfinden) wieder. Die theoretischen Anhaltspunkte werden in vier Muster geordnet, um lokale Informationen dementsprechend gebündelt zu strukturieren.

Auf kurze Sicht sind Resultate und Vorteile dieses Konzepts zum einen die Möglichkeit des nationalen Monitorings der Entwicklung von sozial benachteiligten Gebieten sowie die Möglichkeit institutionelle Handlungen zur Prävention zu strukturieren und zu priorisieren. Zum anderen können die Gemeinden ihre Ressourcen dem Gefahrenlevel entsprechend planen und anpassen. Langfristige Vorteile des Konzepts sind die Evaluation von vergangenen Handlungen im Hinblick auf deren Effektivität und mögliche neue Anpassungsnotwendigkeiten. Folglich schafft man vermehrt Kapazitäten um den Einfluss der OK auf einem lokalen Level einzudämmen. Dies beeinflusst auch die Phänomene des Terrorismus und der Radikalisierung.

## Präventionsmöglichkeiten gegen Organisierte Kriminalität – Ergebnisse der Diskussionen aus den Workshops

Nach den Konferenzvorträgen wurden Workshops zu den Themenkomplexen „Strategische Ansätze“, „Operationale Ansätze“ und „Risikofaktoren“ durchgeführt. Darin wurden vorrangig Themen diskutiert, die sich mit erfolgreichen Interventionen und Bekämpfungsansätzen im Bereich der Prävention von OK beschäftigen. In diesem Zusammenhang wurde die Relevanz der Verbindungen zwischen wissenschaftlicher Forschung, polizeilicher Praxis sowie der Kommunikation über die Medien herausgestellt. Allgemeiner Konsens war, dass institutionsübergreifende Kooperationen vermehrt in Anspruch genommen werden sollten, um relevante Forschungsthemen herauszuarbeiten und gute Forschungsergebnisse zu erzielen – dies könnte Ermittlungen in eine neue Richtung lenken. Die NCA betreibt Plattformen im Bereich Cyber Crime, auf denen Wissenschaftler die Charakteristika von Cyberkriminellen betrachten. Zusätzlich wurde diskutiert, wie die Wissenschaft für die Strafverfolgungsbehörden von Nutzen sein kann, bspw. im Hinblick auf die Verifizierung bisheriger Forschungsergebnisse oder die Entwicklung von Tools und Techniken, die das polizeiliche Arbeiten vereinfachen sollen. Ein vielversprechender Vorschlag lautete, Europol in die Verbreitung wissenschaftlicher Erkenntnisse bzw. herausgearbeiteter *Best Practices* einzubeziehen, um der Wissenschaft im polizeilichen Kontext einen Raum zum Austausch zu geben. Das Ziel muss sein, die teilweise schwierige Kommunikation zwischen Wissenschaft, Polizei und Politik zu verbessern. Die Grenzen zwischen den jeweiligen Bereichen sind kulturell bedingt und können somit auch aufgehoben werden. Daran muss in Zukunft gearbeitet werden – die einzelnen Bereiche müssen mehr miteinander kommunizieren.

Es wurde angemerkt, dass die meisten sensiblen Daten nur den Strafverfolgungsbehörden zugänglich sind. In den Niederlanden bestehe – aufgrund des weniger strikten Datenschutzes – hingegen ein vermehrtes Aufkommen sensibler Daten in der Öffentlichkeit, was auch dazu führe, dass die Wissenschaft eher in der Lage sei, Tools anhand dieser Daten zur Unterstützung der Strafverfolgungsbehörden bei der Bekämpfung der OK zu entwickeln. Zudem würde das Zusammenspiel der diversen Akteure das Vertrauen in die Sicherheitsbehörden stärken. Als Mankos wurden in den Workshop-

Diskussionen u. a. der Datenschutz und die damit verbundene eingeschränkte Kooperation mit nicht polizeilichen Institutionen aufgefasst. Die Identifikation von Straftätern könne somit erschwert sein – zukünftig bedürfte es eines breiteren Zugangs zu Daten. Beispielsweise wurde vorgeschlagen, Daten zu anonymisieren, um sie leichter miteinander austauschen zu können und so der Wissenschaft die Möglichkeit zur Analyse zu eröffnen. Dies sollte sowohl national als auch europaweit geschehen. Zudem sind Landesgrenzen oftmals noch Barrieren für den polizeilichen Informationsaustausch – auch hier muss an einer Vereinheitlichung gearbeitet werden.

Konsens bestand darüber, dass die Identifizierung von Risikofaktoren für kriminelle Karrieren erst am Anfang stünde. Es wurden familiäre Verhältnisse und Verbindungen, aber auch das Fehlen von Vorbildern für Jugendliche genannt. OK sei ein Zufluchtsort für Personen mit dem subjektiven Eindruck, dass ihre Möglichkeiten im Leben eingeschränkt seien oder sie daran gehindert würden, Größeres zu erreichen. Finanzielle Gründe dürften vorrangig sein, jedoch sind die Motivationen komplex und vielfältig. Diskutiert wurde bspw. über den Wohnungsmangel oder die Situation in bestimmten prekären sozialen Milieus. Eine wesentliche Feststellung der Diskussionen lautete, dass bei moderneren Formen der OK, wie bspw. bei Wirtschafts- und Cyberkriminalität oder neuen Betrugsformen, die Motivationen und Hintergründe für die Täter anders gelagert seien als in traditionellen Betätigungsfeldern der OK. Hier scheint sich der „Karriereanstieg“ mehr aufgrund der individuellen Fähigkeiten, der persönlichen Skills kombiniert mit den passenden Gelegenheiten zu vollziehen. Wie begegnet man nun solchen Personen und verhindert, dass sie eine Karriere in der OK einschlagen? In den Diskussionen setzte sich dazu eine eindeutige Meinung durch: Man müsse bereits bei sehr jungen Leuten präventiv tätig werden – Zeitpunkte im Leben, an denen man als Strafverfolgungsbehörde Einfluss nehmen könnte, müssten identifiziert werden. Wichtige Maßnahmen seien Bildung, Awareness-Kampagnen, Schaffung positiver Vorbilder und Einbeziehung der Eltern sowie die Identifikation von Personen, die Gefahr laufen, in eine kriminelle Karriere einzusteigen. Man muss deutlich darstellen, dass ein Einstieg in die OK weder anzustreben noch als Ausgleich für ein Gefühl der Wertlosigkeit zu begreifen ist. Hier spielen Netzwerke zwischen den Institutionen und auch innerhalb der Kommunen eine Rolle.



Ein weiterer Diskussionsschwerpunkt befasste sich mit der Messung der Effektivität und der Effizienz wissenschaftlicher Ergebnisse sowie deren praktischer Umsetzung. Eine Entwicklung besserer Methoden zur Effektivitätsmessung wurde gefordert. In diesem Kontext wurde auch der dringende Bedarf, mehr qualitative Analysen und Fallstudien zur Unterstützung der Strafverfolgungsbehörden durchzuführen, formuliert. Ein Vorschlag aus den Workshops lautete, interdisziplinäre Teams zu bilden und zu überprüfen, ob die Interdisziplinarität ggf. Einfluss auf die Effektivität polizeilicher Maßnahmen nehmen kann. Weiterhin wurde im Rahmen der Diskussionen dargelegt, dass Präventionsmaßnahmen zum Teil weniger kostenintensiv als repressive Maßnahmen sein könnten und im Bereich der OK vermehrt auf Präventionsmaßnahmen zu setzen daher eine Überlegung wert sein dürfte.

## Part V

## List of contributors

*Prof. Dr. Rita Haverkamp*

Professor of Crime Prevention and Risk Management at the University of Tübingen, Germany

*Dr. Ralph Ghadban*

Masters Degree in Philosophy in Beirut and PhD in Islamic and Political Sciences in Berlin, Germany

*Johan Gustafsson*

Detective Inspector at the Development Centre in Stockholm, Sweden

*Mary Hess*

Freelance translator, Mainz-Kastel, Germany

*Richard Agar*

Detective Chief Inspector and Head of the West Midlands Police Serious and Organised Crime Prevent team, United Kingdom

*Martijn Egberts*

National Cybercrime Prosecutor at the High Tech Crime Division of the National Public Prosecutor's Office, The Netherlands

*John Denley*

Detective Chief Inspector at the West Midlands Police, United Kingdom

*Kim Nilvall*

Detective Inspector, Swedish National Bureau of Investigation, Swedish Police, Stockholm, Sweden

*Dr. Peter Klerks*

Dutch political scientist and criminologist and strategic advisor at the public prosecutor's head office he advises the Board of Procurators General, The Netherlands

*Prof. Dr. Stuart Kirby*

Chartered psychologist and Professor of Policing and Criminal Investigation  
at the University of Central Lancashire, United Kingdom

*Greg Francis*

Senior Officer within the NCCU Prevent Team at the NCA, London, United  
Kingdom

## About the editors and authors

### Editors

**Ursula Töttel** is a CID officer (Kriminalhauptkommissarin) at the Bundeskriminalamt Wiesbaden. She worked as a police officer in the area of terrorism, especially fugitive searches, in the surveillance group and overseas contacts and participated in several special inquiry teams following terrorist attacks. For eight years she worked in the field of analysis and evaluation in organised drug crime. Since 2007, she has been part of the Research and Advisory Unit for Organised and Economic Crime and Crime Prevention and project leader of the EU project Research Network on Organised Crime. She retired in March 2018.

**Julia Weber** is a social scientist, working since 2017 as researcher at the Research and Advisory Unit for Organised and Economic Crime and Crime Prevention of the Bundeskriminalamt, Wiesbaden. After finishing her studies in sociology and American Studies at the Johann Wolfgang Goethe University in Frankfurt 2016, she joined the unit. Her research interests include i.a. migration, especially unaccompanied minors.

### Authors

**Martijn Egberts** has been working as a public prosecutor in the High Tech Crime Division of the National Public Prosecutor's Office since May 1<sup>st</sup>, 2014, which is part of Public Prosecution Service. In June 2015, he became the National Cybercrime Prosecutor. The National Public Prosecutor's Office deals with the High Tech Crime Team of the National Investigation Unit, which is part of the National Police. The High Tech Crime Team investigates attacks on vital infrastructure, but also crimes committed with advanced attack methods such as advanced persistent threats or certain malware, or large DDoS attacks. It is challenging to translate these forms of crime into criminal offences and to translate the criminal liability under pertaining legislation into the various technical challenges in this digital age.

**Greg Francis** is a Senior Officer with over 20 years of experience in the field of law enforcement investigation and prosecution, primarily of OC. His

current role is within the NCCU Prevent Team, in which he is part of a team responsible for formulating, implementing and monitoring alternative strategies to cybercrime. He is also a Magistrate and was active in this role until October 2013.

**Dr. Ralph Ghadban** was born in 1949 in Lebanon, but has resided in Germany since 1972. He studied a Masters in Philosophy in Beirut and completed his PhD in Islamic and Political Sciences in Berlin. He has worked with Lebanese and Arabic refugees for 17 years, and has established social work with Arab groups in the main prisons of Berlin. Dr. Ghadban went into migration research in 1994 with an emphasis on Muslim minorities. Since then, he has taught at Universities of Applied Sciences and gives Lectures and seminars for governmental employees involved in migration activities. He has published three books and over 20 contributions in miscellaneous works as well as numerous articles online and in print. I.a. Ghadban is a member in the board of the Governmental Islamic Conference (2006) and the Institute of Advanced Study in Princeton USA.

**Johan Gustafsson** is a Detective Inspector at the Development Centre in Stockholm – the National Operations Department of the Swedish Police – with a focus on OC. He is a former operator of Piketen, the Stockholm SWAT Unit and team leader of a secret surveillance team. He holds a Master's degree in law.

**Professor Rita Haverkamp** is Professor of Crime Prevention and Risk Management at the University of Tübingen. She is, i.a., a member of the international Penal and Penitentiary Foundation, of the Scientific Advisory Committee on the Dialogue on Societal Aspects of Security Research in the Federal Ministry of education and Research, and of the Research Advisory Board of the Federal Criminal Police. Recent publications include: Sato, Mai/Haverkamp, Rita/Hough, Mike: Trust in the German police, in: *European Police Science and Research Bulletin* (ed.): Special Conference Edition Nr. 1 – Policing civil societies in times of economic constraints 2016, pp. 83–90, and Arnold, Harald/Haverkamp, Rita: Ignored securities? On the diversity of securities and a proposal for their integration, in: Palidda, Salvatore (ed.): *Governance of security and ignored insecurities in contemporary Europe* 2016, pp. 65–80.

**Professor Stuart Kirby** is a chartered psychologist and Professor of Policing and Criminal Investigation at the University of Central Lancashire (UK). His academic research interests surround crime reduction, investigation and Organised Crime and he acts as an academic advisor to Her Majesties Inspector of Constabulary and National Police Chiefs Council (Crime). He has advised and presented to police agencies in the North America, China, India, UAE, and Europe. Prior to academia he served with the Lancashire Constabulary, retiring as Detective Chief Superintendent in command of the HQ Crime & Operations Division (which covered Counter Terrorism and Serious Organised Crime).

**Dr. Peter Klerks** is a Dutch political scientist and criminologist who has been working in the area of criminal investigations since 1993. Since 2010, as strategic advisor at the public prosecutor's head office he advises the Board of Procurators General on a.o. criminal investigations, organized crime control, intelligence and innovation. Since 2000 Dr. Klerks is also employed at the Police Academy of The Netherlands as senior researcher and principal lecturer. Dr. Klerks held positions in academia (Erasmus University Rotterdam and Leiden University), a private consulting firm and local politics (Amsterdam city council). He has published well over a hundred books, reports, policy papers, peer-reviewed articles and columns on investigations, crime control and intelligence issues.

**Kim Nilvall** started his career as an investigator at Gothenburg Police Department in the field of serious crime. He soon became detective inspector at the Gothenburg Police Department in the local crime investigative unit. Until 2001, he did investigative work such as surveillance and informants handling. From 2002 to 2004 he was the project managers of the project Flyers which is concerned with operational intelligence work on trafficking of ecstasy. One year later he managed the project Nick's, a project on internet related drug trafficking. From 2006 to 2008 he worked as course director for management and Intelligence work. From 2008 to 2013 he was appointed team leader on operational intelligence- and analytical work on criminal of strategic interest. Moreover, he worked on drug trafficking, online market places in the ToR-network. His recent work includes the development of national methodology within the Swedish Police Authority to prevent local organized crime as well as a monitor and follow up on nationwide crime development in 61 social disadvantaged neighbourhoods in Sweden. Since

April 2017, he works as a manager in a project concerned with increased local crises management capacity to prevent social unrest, antagonistic threats and events of significance to civil- and military defence.