

EUSTOC

DEVELOPING AN EU STATISTICAL APPARATUS FOR
MEASURING ORGANISED CRIME, ASSESSING ITS RISK AND
EVALUATING ORGANISED CRIME POLICIES



AGIS 2003

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Christopher Lewis
Barbara Vettori

 **TRANSCRIME**

IN CO-OPERATION WITH




University of
HUDDERSFIELD
Applied Criminology Group

ASSOCIATE SUPPORT MEMBER



UNIVERSITÀ DEGLI STUDI
DI TRENTO



UNIVERSITÀ CATTOLICA
DEL SACRO CUORE

EUSTOC

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ORGANISED CRIME, ASSESSING ITS RISK AND EVALUATING ORGANISED
CRIME POLICIES

FINAL REPORT

EXECUTED BY

TRANSCRIME

IN CO-OPERATION WITH

CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE
UNIVERSITY OF HUDDERSFIELD, APPLIED CRIMINOLOGY GROUP

AND

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AS ASSOCIATE SUPPORT MEMBER



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FOREWORD

This Final Report presents the results of the Study “EUSTOC – Developing an EU Statistical apparatus for measuring Organised Crime, assessing its risk and evaluating organised crime policies”. The Study was carried out by Transcrime, Joint Research Centre on Transnational Crime, Università di Trento/Università Cattolica del Sacro Cuore di Milano (Italy), in cooperation with the Applied Criminology Group (University of Huddersfield, UK), the Centre National de la Recherche Scientifique (France), and Europol as 'associate support member'. It was financed by the European Commission under the 2003 AGIS Programme.

The Research was directed by Ernesto U. Savona, professor of criminology at the Università Cattolica del Sacro Cuore, Milan, and director of Transcrime, with the assistance of Christopher Lewis, University of Portsmouth, UK, as co-director. It was co-ordinated by Barbara Vettori, research coordinator at Transcrime (Milan office). Other researchers at Transcrime contributed to the Study, namely Elisa Martini (until March 2004), Marco Serafini (until June 2004) and Francesca Romana Pandolfi (since July 2004). The Research Unit of the Centre National de la Recherche Scientifique comprised Pierre Kopp. The Research Unit of the Applied Criminology Group was co-ordinated by Ken Pease and comprised Rachel Armitage (since April 2004) and Sylvia Chenery (until April 2004). Europol provided its assistance throughout the whole duration of the Study in the person of Dirk Nonninger, assisted by Marnix Auman and Camilla Croneld.

This Final Report has been edited by Ernesto U. Savona, Christopher Lewis and Barbara Vettori. It was written by (in alphabetical order): Rachel Armitage, Pierre Kopp, Christopher Lewis, Francesca Romana Pandolfi, Ken Pease, Marco Serafini and Barbara Vettori.¹

This report is organised as follows:

- Acknowledgements (chapter 1);
- Executive summary (chapter 2);
- Introduction (chapter 3);
- Aim and objectives of the Study (chapter 4);
- Operational definitions (chapter 5);
- Methodological steps (chapter 6);
- International data sources on organised crime (chapter 7);
- Regional data sources on organised crime (chapter 8);
- EU national data sources on organised crime (chapter 9);

¹ The various sections of this report can be attributed to their authors as follows: Ken Pease and Rachel Armitage, subsections 9.1.3, 9.1.6, 9.1.7, 9.1.8 and 9.1.15; Pierre Kopp, subsections 9.1.2, 9.1.5, 9.1.10, 9.1.12, 9.1.14; Christopher Lewis, chapters 7 and 8; Francesca Romana Pandolfi, subsection 9.1.4; Marco Serafini, subsection 9.1.11; Barbara Vettori, this foreword, chapters 1 to 6, subsections 9.1.1, 9.1.9 and 9.1.13, section 9.2 and chapter 10.

- Conclusions and recommendations (chapter 10);
- Bibliography (chapter 11);
- The questionnaire developed for the Study (annex A).

1.

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2.

EXECUTIVE SUMMARY

This Final Report presents the results of the Study “EUSTOC – Developing an EU Statistical apparatus for measuring Organised Crime, assessing its risk and evaluating organised crime policies”. The Study was carried out by Transcrime, Joint Research Centre on Transnational Crime, Università di Trento/Università Cattolica del Sacro Cuore di Milano (Italy), in cooperation with the Applied Criminology Group (University of Huddersfield, UK), the Centre National de la Recherche Scientifique (France), and Europol as 'associate support member'. It was financed by the European Commission under the 2003 AGIS Programme.

The starting point of this Study was that there is an urgent need for mapping existing data sources on organised crime – in terms of *who* collects statistics on organised crime, *what* kind of data are collected and *how* these are collected (data collection criteria). With regard to the EU framework, this would enable an understanding of the extent to which MS data collection systems are harmonised and therefore assist future EU initiatives aimed to further improve systems to develop a coherent EU statistical apparatus in this field. This would in turn promote a better knowledge of the phenomenon and fine-tuned policies and practical measures to combat it. A EU common statistical apparatus on organised crime would make it possible to measure the volume of organised crime, assess its risk (threat and harm) and evaluate the effectiveness and efficiency of organised crime reduction policies.

On this basis, the aim of the Study was to analyse the state of the art of existing data sources on organised crime set up at international, regional and national (within the EU) levels – in terms of *who* collects statistics on organised crime, *what* kind of data are collected and *how* these are collected (data collection criteria) – in order to evidence common points (symmetries) and divergences (asymmetries) in the collection of these data. The purpose, as far as the analysis of national (within the EU) data sources on organised crime was concerned, was to produce recommendations aimed to assist the EU Commission’s work in further harmonising MSs’ OC data collection systems.

In order to achieve this aim, the following objectives were chosen:

1. *to analyse and compare international data sources on organised crime*, in order to identify the points they have in common (symmetries) and their divergences (asymmetries);
2. *to analyse and compare regional data sources on organised crime*, in order to identify the points they have in common (symmetries) and their divergences (asymmetries);
3. *to analyse and compare national data sources on organised crime in the EU member states*, in order to identify the points they have in common (symmetries) and their divergences (asymmetries).

The methodology employed to reach the above objectives consisted, for objectives 1 and 2 (to analyse and compare international/regional data sources on organised crime), in the collection and analysis of relevant secondary sources on databases on organised crime set up at an international level/regional level and in the comparison of the databases so as to identify the points they have in common (symmetries) and their divergences (asymmetries).

For objective 3 (to analyse and compare national data sources on organised crime in the EU member states), a questionnaire was prepared in order to understand what kind of data on organised crime are collected at national level, how they are collected and by whom they are collected. This was administered to fifteen national experts (one for each member state). On the basis of the replies to the questionnaire, integrated by relevant secondary sources, fifteen country profiles were drafted. They were then compared so as to identify the points they have in common (symmetries) and their divergences (asymmetries).

The main conclusions reached for each of the above mentioned levels of analysis (international, regional and MSs levels) are as follows.

With reference to *international data sources on organised crime*, data on organised crime throughout the world are scarce, mainly due to problems of definition. The main international organisation active in this is the United Nations. However, it is a slow-moving body and because of its Charter has to give more emphasis to agreement on policy issues than to scientific and measurement advances. However, the UN surveys do give useful background data. The UN Turin research centre has also made methodological advances into using data collected from a variety of novel sources, in an attempt to set up an organised crime index.

With reference to *regional data sources on organised crime*, data on organised crime in the European region of the world are just as scarce as in the rest of the world. Though a large number of structures have been set up, these have mainly been concerned with qualitative measures of organised crime activity. The main common measurement feature of organised crime reports in Europe is the counting of the number of organised crime gangs as part of the annual report to Europol, which is however done in a slightly different way in each country. The best sources of data are to be found in the work of HEUNI, which uses the material available from many different sources, including the UN surveys of crime, the European Sourcebook of crime statistics, and proceedings of the European Society of Criminology and other special conferences on organised crime.

With reference to *data sources on organised crime at national (MS) level*, the national systems were compared on the basis of:

- A) key features of the organised crime data collection system;
- B) variables on organised crime collected;
- C) main organisations collecting data on organised crime and their relationship with bodies bringing together the data collated by each collecting organisation;
- D) quality of the procedures for collecting data on organised crime;

E) dissemination of data on organised crime.

The results of the comparison are as follows.

A) COMPARING THE KEY FEATURES OF OC DATA COLLECTION SYSTEMS IN THE 15 EU MEMBER STATES

- *OC definition(s) used to collect data in the MSs*: not fully harmonised yet because of a lack of adoption of the Enfopol definition by all MSs (only ten out of fifteen MSs make use of it), and by its heterogeneous application even in those countries formally adhering to it;
- *OC data collection system typologies in the MSs*: most countries have offence-based systems, but there are also offender-based and mixed systems;
- *relation between ordinary crime data sources/OC data sources*: only in eight out of the fifteen MSs there are specific data sources for organised crime or at least specific sections for it within ordinary crime data sources;
- *time of collection of the data on OC*: relevant differences among the MSs.²

B) COMPARING THE VARIABLES ON ORGANISED CRIME COLLECTED IN THE 15 EU MEMBER STATES

- *variables on organised criminal groups and members collected in the 15 member states*: a bulk of variables common to most MSs, but different modalities and data collection techniques;
- *variables on organised criminal groups and members collected in the 15 member states*: a limited number of member states collect data on variables crucial to understand the level of penetration and corruption of the legal economy by organised crime and its financial basis;
- *variables on organised criminal activities*: lack of a predetermined set of variables common to all MSs.

C) COMPARING THE MAIN ORGANISATIONS COLLECTING DATA ON ORGANISED CRIME IN THE 15 EU MEMBER STATES AND THEIR RELATIONSHIP WITH BODIES BRINGING TOGETHER THE DATA COLLECTED BY EACH COLLECTING ORGANISATION

- *collecting organisations and coordination bodies*: police forces, at the local/regional and central level are respectively the main collecting organisations and coordination bodies in the MSs, while other authorities contribute to collect data, in their specific field of activity. However, there is a lack of integration of police data sources on organised crime and those managed by other public agencies;
- *collecting organisations and coordination bodies*: business entities do collect a variety of data on the OC events committed against them and of their harm, but do not share them with the public sector;

² So, in offence-based systems the time of collection of data is either as soon as a crime is discovered or when it is necessary to submit a full report on the case to the court; in an offender-based system, at the time when suspicion arises that a given person is member of a criminal group.

- *level of cooperation to coordination bodies from collecting organisations:* good in the majority of the member states;
- *tools and media employed by coordination body to bring together data on OC collected by collecting organisations:* a variety of tools and media, with a prevalence of standardised tools (templates/questionnaires/input forms) and electronic media;
- *time intervals at which the transmission of data on OC to coordination body/ies takes place:* continuous data transmission in the majority of the MSs;
- *feedback from coordination bodies to collecting organisations:* a good practice provided in the majority of the MSs.

D) COMPARING THE QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME IN THE 15 EU MEMBER STATES

- *usefulness and reliability of OC data:* good in the majority of the member states;
- *consistency of OC data:* good in the majority of the member states;
- *national and EU comparability of OC data:* national comparability is almost always possible, EU comparability is more problematic;
- *timeliness of updating of OC data:* annual in most member states;
- *consequences of acquittal of OC suspects after criminal proceedings on the OC database:* most member states retain the information for a given period of time.

E) COMPARING THE DISSEMINATION OF DATA ON ORGANISED CRIME IN THE 15 EU MEMBER STATES

- *degree of dissemination of data on organised crime in the 15 EU member states:* in most member states only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations;
- *production of an annual report on organised crime in the 15 EU member states:* all but one member state do this;
- *beneficiaries of dissemination of data on organised crime in the 15 EU member states:* normally a restricted circulation with limited information provided to the wider public;
- *media used for disseminating data on organised crime in the 15 EU member states:* in the vast majority of countries, a variety of media, including electronic ones, are used;
- *quality of the disseminated materials on organised crime in the 15 EU member states:* generally good in terms of layout, insufficient in terms of availability of relevant metadata in some member states.

On the basis of these conclusions, which show a large number of asymmetries hampering approximation and comparability of MS data sources on organised crime, ten recommendations were put forward to assist the European Commission's action to further harmonise MSs' OC data sources.

These recommendations address harmonisation not only directly, i.e. suggesting the EU Commission to overcome the identified asymmetries, but also indirectly. The conclusions of the Study, in fact, also highlighted some main obstacles to the development, at MS level, of a complete and reliable picture of OC (namely, the lack of integration of police data on organised crime and those collated by other public agencies, as well as of public and private data) and related best practices (namely, the setting up of a offender-based system for collecting data on organised crime; the setting up of specific data sources for organised crime or at least specific sections for it within ordinary crime data sources; regular feedback from coordination bodies to collecting organisations). The recommendations below are also based on these obstacles and best practices. Promoting at the EU level common solutions to these problems and spreading these best practices in all MSs is in fact a way to improve the quality of national data sources on organised crime, while getting the harmonisation process further.

The ten recommendations of this Study are as follows:

- Recommendation 1: promoting the adoption of Enfopol 35 as operational definition to collect data on OC, as well as its uniform interpretation;
- Recommendation 2: inviting MSs with an offence-based system to adopt a offender-based system, whether exclusively or cumulatively;
- Recommendation 3: inviting MSs to set up specific data sources for OC or at least specific sections for it within ordinary crime data sources;
- Recommendation 4: inviting MSs to use common modalities to measure the same variable on OC groups/members and promoting the harmonisation of data collection techniques to the widest possible extent;
- Recommendation 5: inviting MSs to collect information on those variables on OC groups/members crucial to understand the financial basis of OC and its level of penetration and corruption of the legal economy;
- Recommendation 6: inviting MSs to collect information on at least a bunch of common variables related to OC activities;
- Recommendation 7: inviting MSs to integrate national police data sources on OC and those managed by other public agencies;
- Recommendation 8: inviting MSs to integrate public and private data sources on OC;
- Recommendation 9: inviting MSs to systematically require coordination bodies to provide collecting organisations with feedback;
- Recommendation 10: inviting the EU Commission to take advice from a standing expert group on the measurement of organised crime.

3.

INTRODUCTION

The aim of this Study was to analyse the state of the art of existing data sources on organised crime set up at international, regional and national (within the EU) levels in order to evidence common points (symmetries) and divergences (asymmetries) in the collection of these data.

First of all it will be interesting to consider why it is important to map existing data sources on organised crime.

Mapping existing data sources on organised crime – in terms of *who* collects statistics on organised crime, *what* kind of data are collected and *how* these are collected (data collection criteria) – produces an in depth knowledge of the contents and mechanisms used for the collection of data on the phenomenon. In this way it enables the identification of the common points (symmetries) and divergences (asymmetries) in the collection of these data at international, regional and member states (MS) level.

With specific regard to the European Union framework, this is the necessary background knowledge for the development of comparable statistics on organised crime at the EU level, and therefore of a coherent EU statistical apparatus in this field. This would in turn promote a better knowledge of the phenomenon and the development of fine-tuned policy and practical measures to combat it. A EU common statistical apparatus on organised crime would in fact be the starting point for measuring the volume of organised crime, assessing its risk (threat and harm) and evaluating the effectiveness and efficiency of organised crime reduction policies. In particular, it would be of use to:

- *policy makers, both at the MS and at the EU level*, so that they can plan effective crime prevention policies and measure their impact with a view to reshaping policies whenever they have proved less than fully effective. The significance of information on criminal groups and their activities to this end has been commented upon by the European Commission, which recently pointed out that “there is a need for comparable crime statistics [...] for Community risk assessments, monitoring and evaluation of Community funding programmes and as a tool for general policy planning” (European Commission, DG JHA, 2004: 1). This applies in particular to organised crime, where especial attention should be paid to the development of comparable statistics, since it is here that “the knowledge gaps are biggest” (European Commission, DG JHA, 2003: 2). A clear obligation in this direction is imposed by article 30 2d) of the Treaty on European Union, which refers to the need to establish “a statistical network on cross-border crime”. In the same way, the Council Action Plan of 27 March 2000 “The Prevention and Control of Organised Crime: a European Union Strategy for the Beginning of the New Millennium” includes a chapter (2.1) on Strengthening the collection and analysis of data on organised crime, whose political guideline declares that “the EU strategy should be based on reliable and valid data on organised crime and on offenders”;

- *national law enforcement agencies*, since it would provide them with information crucial to combating these groups and promote cooperation among agencies at the European level. Recommendation n. 2 of the 1997 Action Plan to combat organised crime adopted by the Council on 28 April 1997 states on this point that “The member states, and the Commission, should, where it does not already exist, set up or identify a mechanism for the collection and analysis of data which is so constructed that it can provide a picture of the organised crime situation in the member state and which can assist law enforcement authorities in fighting organised crime [...]. The information so collected and analysed shall be organised in such a way that it is readily accessible for investigations and prosecutions at national level and can be effectively used and exchanged with other member states”.

The importance of mapping organised criminal groups operating within the European Union arose relatively recently, in the 90's; however, little attention was initially paid to the need to push member states to follow some kind of common criteria in the collection and processing of these data.

To promote police cooperation amongst the member states, the European Council decided in November 1993 to produce an annual strategic report on the scale of and trends in international organised crime in the Union, mainly based on contributions from the member states (Europol, 2001: 8). This decision was implemented thereafter through the design of a questionnaire consisting of six open-ended questions on the organised crime situation in 1993. This questionnaire was sent out in 1994, and the first European Union Organised Crime Situation Report (henceforth EU OCSR) was drafted on the basis of the replies. The report has been issued annually since 1994, initially by the Drugs and Organised Crime Working Groups and then, in 1998, by Europol in cooperation with the multidisciplinary group on organised crime (MDG) and the Contact and Support Network (CSN), under the guidance of the Presidency of the EU.

The first measurement exercise of 1994 produced very meagre results. This can be seen from its findings on the number of active criminal organisations that were summed up as follows:

“In Italy, there are four main groups (Mafia, Camorra, N'drangheta and Sacra Corona Unita). Ireland is mainly confronted with four groups. France is confronted with three groups of Italian origin (Mafia, Camorra and N'drangheta) and several Chinese groups. The Netherlands listed 321 groups in 1993, 98 of which can be considered as very organised” (Ad Hoc Working Group on International Organised Crime, 1994: 6).

In 1994 therefore:

- only 4 of the then 12 member states reported organised criminal groups active in their country;
- there was a large discrepancy in the magnitude of the phenomenon as reported by the small number of reporting countries, with the Netherlands stating that there were more than three hundred organisations in that country, and the other three countries reporting fewer than ten.

The poverty of these results and the great differences among the few reporting member states were due to a variety of factors, notably:

- the lack of a common definition of 'organised criminal group';
- differing national criteria and parameters to collect and analyse information;
- the lack of a common data collection system;
- the lack of a standardised structure for the preparation of national contributions to the overall EU-report (van der Heiden, 1996).

To overcome these problems, at least in part, and to improve the quality and comparability of the organised crime picture in the Union, a series of meetings at expert level was held in the following years. The result of these meetings was, first of all, the reaching of an agreement on a common EU definition of organised crime to be used to count groups, which is contained in 6204/2/97 Enfopol 35 Rev. 2.³ Another major innovation was the setting out of a clear and unitary structure that national reports should follow, with a list of topics to be addressed as well as other guidelines, thereby to a certain extent encouraging member states to produce a detailed quantitative and qualitative picture of organised crime.

Given this background, and considering that a process for approximating organised crime data collection procedures in the EU framework has existed since the mid-90's, this Study aims at understanding at which point of this approximation process we are and what further actions, if any, should be taken in order to develop it further.

³ The definition contained in 6204/2/97 Enfopol 35 Rev 2 comprises the following 11 criteria (criteria 1 to 4 and, in addition, two from 5-11 must be met for an organised criminal group to be defined as such): 1. involvement of more than two people; 2. for a prolonged or indefinite period of time; 3. suspected of involvement in serious crimes; 4. determined by the pursuit of profit and or power; 5. separate roles for each member; 6. use of some form of discipline or control within the group; 7. active internationally; 8. use of violence or other means suitable for intimidation; 9. use of commercial or business like structures; 10. engagement in money laundering; 11. influence on politics, the media, public administration, judicial authorities or the economy.

4.

AIM AND OBJECTIVES OF THE STUDY

The aim of the Study was to analyse the state of the art of existing data sources on organised crime set up at international, regional and national (within the EU) levels – in terms of *who* collects statistics on organised crime, *what* kind of data are collected and *how* these are collected (data collection criteria) – in order to evidence common points (symmetries) and divergences (asymmetries) in the collection of these data.

In order to reach the above-mentioned aim, the following objectives have been selected:

1. *to analyse and compare international data sources on organised crime*, in order to identify the points they have in common (symmetries) and their divergences (asymmetries);
2. *to analyse and compare regional data sources on organised crime*, in order to identify the points they have in common (symmetries) and their divergences (asymmetries);
3. *to analyse and compare national data sources on organised crime in the EU member states*, in order to identify the points they have in common (symmetries) and their divergences (asymmetries).

5.

OPERATIONAL DEFINITIONS

As the aim of the Study was to analyse the state of the art of existing EU data sources on organised crime set up at international, regional and national levels, it is important to start with an operational definition of the key concept *data source on organised crime*, as used in this Final Report.

This concept refers to *any database containing information on organised criminal members and/or their activities*.

It refers to data sources specifically related to organised crime and those addressing it secondarily, i.e. together with other forms of criminality. Also, it refers to databases containing either qualitative or quantitative information or both. The concept covers data sources managed by any institution, whether public or private.

Finally, the concept has a wide geographical coverage and refers to data sources established at the international, regional and MS level. With reference to the MS level, the focus here is on the original 15 EU member states, as the project was submitted and approved before EU enlargement of May 2004.

No operational definition can be provided for organised crime, on the other hand. Though the Study has been carried out keeping in mind the common EU definition of organised crime contained in 6204/2/97 Enfopol 35 Rev 2, this has just been used as a benchmark while checking the various operational definitions of organised crime used to collect data in the MSs.

6.**METHODOLOGICAL STEPS**

To achieve the aim of the Study, for each of its selected objectives the following steps were carried out.

To reach objective 1 (to analyse and compare international data sources on organised crime):

STEP 1A. Collection and analysis of existing data sources on organised crime set up at an international level

This first step involved the collection and analysis of the main data sources on organised crime set up at the international level, to understand what kind of data are collected, how are they collected and by whom are they collected.

This was achieved by collecting and analysing the following secondary sources:

- reports produced on the theme by international institutions (for example, the United Nations);
- literature on the subject.

STEP 1B. Comparison of the international data sources on organised crime analysed under point 1A

The second step involved the comparison of the data sources analysed under step 1A, in order to identify the points they have in common (symmetries) and their divergences (asymmetries).

To reach objective 2 (to analyse and compare regional data sources on organised crime):

STEP 2A. Collection and analysis of existing data sources on organised crime set up at regional level

This step involved the collection and analysis of the main data sources on organised crime set up at the regional level, to understand what kind of data are collected, how are they collected and by whom are they collected.

This was achieved by collecting and analysing the following secondary sources:

- reports produced on the theme by regional institutions (for example, Europol and the Council of Europe);
- literature on the subject.

STEP 2B. Comparison of the regional data sources on organised crime analysed under point 2A

The following step involved the comparison of the data sources analysed under step 2A, in order to identify the points they have in common (symmetries) and their divergences (asymmetries).

To reach objective 3 (to analyse and compare national data sources on organised crime in the EU member states):

3A. Preparation of a questionnaire to be sent to one expert in each EU member state to collect information about the data sources on organised crime established at MS level

This step involved the drafting of a questionnaire aimed at understanding what kind of data on organised crime are collected at national level, how they are collected and by whom they are collected.

A draft version of the questionnaire, prepared by Transcrime, was presented at the First Meeting of the Steering Group for Project EUSTOC,⁴ held in Brussels on the 22nd–23rd of January 2004. On that occasion, on the basis of the comments by all the partners, the questionnaire was finalised (the questionnaire is in annex A).

3B. Identification of 15 national experts (1 for each member state) to whom to administer the questionnaire

The following step involved the identification of the 15 national experts (1 for each member state) to whom to send the questionnaire.

Europol played a key role in this step. The questionnaire developed in step 3A was distributed and presented by Transcrime on the occasion of the meeting of the (former) Contact and Support Network (CSN) of Europol, held in The Hague, at Europol's premises, on the 25th of March 2004. The national experts of the CSN were asked for their cooperation in replying to the questionnaire or in providing with the contact details of suitable respondents.

The members of the CSN were very cooperative. Thanks to their support and to the kind cooperation of Dirk Nonninger of Europol, shortly after that meeting a complete list of contact persons was agreed.

3C. Testing of the questionnaire

Before proceeding to its administration to the selected experts, the questionnaire was tested by Nicky Miller, Home Office – Research, Development and Statistics.

3D. Administration of the questionnaire

The next step involved the administration of the questionnaire.

First, it was foreseen that the administration of the questionnaire would be carried out by the three research units involved in the Study. Responsibilities were shared, with each research group dealing with 5 member states:

- the Applied Criminology Group was assigned the administration of the questionnaire to the experts of Denmark, Germany, Greece, Ireland and the United Kingdom;

⁴ The Steering Group was made up of 2 persons from Transcrime, 1 person from the Centre National de la Recherche Scientifique, 1 person from the Applied Criminology Group, plus 1 international expert.

- the Centre National de la Recherche Scientifique was assigned the administration of the questionnaire to the experts of Belgium, France, Luxembourg, the Netherlands and Spain;
- Transcrime was assigned the administration of the questionnaire to the experts of Austria, Finland, Italy, Portugal and Sweden.

Each research unit then contacted the national experts of their assigned countries. As a rule, the national expert was first contacted by phone by the researcher and briefly informed about the aim of the Project and of his/her role in it. The person was then asked if s/he intended to fill in the questionnaire personally or rather preferred to suggest the name of a more suitable respondent.

Following this initial phone conversation, the designated respondent was sent the final version of the questionnaire by email. S/he first replied to the questionnaire in electronic format and then sent the file to the researcher, shortly before a phone interview. This was arranged in order to discuss the replies, and to clarify any doubts or unclear points. In some cases, instead of the phone interview, the researcher preferred to make an on site visit to discuss the replies to the questionnaire.

3E. Writing up of the 15 country profiles analysing existing data sources on organised crime set up at MS level

On the basis of a standardised structure, agreed by all the partners on the occasion of the Second Meeting of the Steering Group for Project EUSTOC, held in Brussels on the 3rd-4th of June 2004, the 15 country profiles analysing existing data sources on organised crime set up at MS level were drafted.

The following sources were used for the writing up of the country profiles.

As primary sources:

- the replies by the national experts to the questionnaire.

As secondary sources:

- reports produced on the theme by national institutions, as well as other relevant literature.

STEP 3F. Comparison of the MS data sources on organised crime analysed under point 3E

The following step involved the comparison of the data sources analysed under step 3E, in order to identify the points they have in common (symmetries) and their divergences (asymmetries).

7.

INTERNATIONAL DATA SOURCES ON ORGANISED CRIME

7.1 REVIEW OF INTERNATIONAL DATA SOURCES ON ORGANISED CRIME

It is clear from the existing literature that the measurement of organised crime is in its infancy. Even when we get agreement on what is a good working definition of organised crime, and, as we discuss below, this is no easy matter, in many ways there are no proper measures, but only proxies.

These proxies can be divided into two parts:

- a) the events and situations that occur prior to organised crime being committed: e.g. conditions for the supply of illegal goods or services such as the cultivation and flow of illegal drugs or the manufacture of synthetic drugs; the flow of human beings across frontiers for prostitution or illegal employment purposes. These two chapters contain descriptions of a few measures of some aspects of these situations;
- b) the way that money gained from such illegal activity is 'laundered' after the transaction is completed. These chapters contain a small amount of information on such happenings. This is partly because money illegally gained is frequently used for legal purposes but also because money can be laundered through institutions in many countries whose statistical apparatuses are non-existent.

There are other potential proxies of organised crime about which virtually nothing is known, e.g. the extent to which:

- c) political power and influence gained through organised crime is exercised;
- d) public authorities in some countries are permeated by corrupt officials and business transactions subject to extra costs due to corruption;
- e) the activity of criminal organisations contributes to profoundly distorting the allocation of resources in the economy (Kopp, 2004).

Many commentators prefer to use a different concept entirely. Levi, for example, prefers to talk about the Organisation of Serious Crime rather than organised crime (Levi, 2002).

Despite these deficiencies there is a good deal of relevant literature, both about these proxies and about plans to improve organised crime measurement. Much of this literature comes from international organisations and other state public bodies.

This section looks at international sources from countries outside Europe and is divided into three parts: that from the UN (7.1.1), that from other international organisations (7.1.2) and that from other non-European states (7.1.3).

7.1.1 Work of the United Nations in the measurement of organised crime

Prior to 2000, the normal practice of the UN crime prevention programme was to base organised crime analyses on the periodic surveys of crime trends and criminal justice operations (see UN, 2004a). However, such analyses were clearly incomplete: as Bouloukis, Farrell and Laycock say (Bouloukis et al, 2002), while some of the data gathered through these methods might be construed as proxies for organised crime they do not systematically collect information which directly measures transnational organised crime. It is possible that the UN Survey could provide some indirect indicators of transnational organised crime via its measures related to drug offences, bribery, fraud and embezzlement.

Since 2000, the UN has moved forward in the organised crime area, both in policy and research. Its main current tool for intervening with organised crime has been the UN International Convention against Transnational Organised Crime (UNODC, 2004). This convention aims to promote cooperation to prevent and combat transnational organised crime more effectively. It defines organised crime as:

- being committed in more than one country;
- being committed in one country but planned or having substantial effects in another;
- being committed by a group that operates in more than one country.

It lays down a number of mandatory actions on member states affecting changes to their penal code, confiscation of assets derived from transnational organised crime or international cooperation. It also has associated with it three protocols:

- to prevent, suppress and punish trafficking in persons, especially women and children;
- against the smuggling of migrants by land, sea and air;
- against the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition.

Having been drafted in 2000, the convention finally entered into force on 29 September 2003 (UN, 2004b) The main tool of progress is a regular meeting of all members, the first of which was in June–July 2004.

Information on transnational organised crime is specifically mentioned in article 28 of this convention:

Article 28: collection, exchange and analysis of information on the nature of organised crime

Each State Party shall consider analysing, in consultation with the scientific and academic communities, trends in organised crime in its territory, the circumstances in which organised crime operates, as well as the professional groups and technologies involved.

States Parties shall consider developing and sharing analytical expertise concerning organised crime activities with each other and through international and regional organisations. For that purpose, common definitions, standards and methodologies should be developed and applied as appropriate.

Each State Party shall consider monitoring its policies and actual measures to combat organised crime and making assessments of their effectiveness and efficiency.

However, as can be seen nothing is mandatory about article 28, simply an exhortation to states to consider some work on measurement. Moreover, very little attention was paid to measurement in the preparatory papers for the June 2004 meeting (UN, 2004c).

Because member states of the UN, despite signing up to the transnational organised crime convention, have made very little progress in their measurement of the phenomenon, the UN itself has been unable to keep to its plan of producing an organised crime report every two years. This plan has as one of its aims 'the immediate establishment and further development of a data bank on organised crime trends, providing information on various aspects of crime and the activities of organised crime groups' (see UNCJIN, 2004).

This does not mean that the UN has made no progress in measurement at all. There is an ambitious Global Programme on Assessing Transnational Organised Crime Groups: Dangerousness and Trends under the UN Centre for International Crime Prevention (CICP) in Vienna. This programme, planned to run from 1999 to 2004, aims to:

- assess organised crime groups worldwide according to dangerousness and threats to society;
- provide member states and the international community with reliable information and analysis on the major and emerging transnational organised crime groups.

The overall goal of the programme is not only to build up a body of knowledge on transnational crime, but also to identify tools which would enable governments to adopt the most appropriate control measures to combat and prevent organised crime.

Outputs from this programme are slow in being published, and not easy to find. However, a good example of the UN's work can be found in their report *International Cooperation in the Prevention, Combatting and Elimination of Kidnapping and in Providing Assistance to Victims* (UN, 2004d). This relies on reports by national correspondents on the most dangerous organised crime groups in 13 countries and 1 UN Region. Overall trends varied: in many

countries the number of incidents of kidnapping was regarded as non-existent, insignificant, unchanged or in decline, due in many cases to the introduction of new laws and more effective policing. However, as many countries reported increases in the number of cases over the last 10 years, with particular increases in the UK, Colombia, Argentina and Mexico: although a small proportion of kidnappings resulted from unorganised 'family' arguments, the majority were due to organised criminal activity.

The results of two further programmes on organised crime by the UN are due to be published in 2004: the *Assessment of Organised Crime in West Africa*, where drug trafficking organisations have diversified into other forms of criminal activity such as smuggling of contraband goods, money laundering and trafficking in women and children and the *Assessment of Organised Crime in Central Asia*, where it is estimated that two-thirds of the opiates cultivated in Afghanistan pass through the borders of this region, making it the world's most important drug smuggling route. These reports will be extremely valuable to both the regions concerned and to other countries that are the recipients of the drugs, goods, money or people trafficked, such as Europe and North America.

The UN, through its Turin Institute, UNICRI, is in the process of conducting research in a completely new modality, to work towards different estimates of organised crime. This research uses number of different sources of data, collected by different agencies, in an attempt to construct measures of both conventional crime but also organised crime and human trafficking (Van Dijk, 2004.) Various source indicators can be used together to construct an organised crime index, using which countries can be compared. An example of a set of ten indicators quoted by Van Dijk was the following:

- cost of OC on businesses (World Economic Forum, average of business leaders surveys for four years);
- organised crime GAD 2001 (from Risky Business Poole–Robb and Bailey, 2003);
- unsolved homicides (police–recorded homicides minus convictions per 1000 population);
- nationality of people arrested for human trafficking (UNODC);
- firearm smuggling (UN study on firearm regulations);
- cigarette smuggling (estimates of smuggling as a percentage of total cigarette sales from the 'World Tobacco file');
- thefts of cars, excluding joyriding (ICVS minus cars recovered);
- consumer fraud (ICVS city rate);
- black market (Index of Economic Freedom 2001, Heritage Foundation);
- OC obstacle for business growth (European Bank of Reconstruction, 2002).

Although there must be a good deal of uncertainty about the data quality of such indicators and the relative quality between them, the exercise as a new methodology is to be commended as the likely forerunner of new and better developed indicators of organised crime, as long as there are few direct measures available, either nationally or internationally.

7.1.2 Work of other non-European international organisations in the measurement of organised crime

It is well known that most developing and transitional countries need to attract investment, either private or from international agencies such as the EU or the World Bank. One of the important characteristics in whether a private or public investor shies away from a country is whether crime, and particularly organised crime in that country is significantly large. Examples are South Africa, where the continued high extent of murders since 1994 has lowered potential investment, and Kenya where the acknowledged extent of corruption in public officials caused the investment of donors such as the World Bank to be minimised in the years up to 2003.

It is likely that most studies by private organisations are unpublished. However, studies by the World Bank are more likely to be available. An example is the report by Hellman and colleagues which gives some useful estimates of corruption in transitional countries for the World Bank Institute (Hellman et al, 2000). This report gives estimates of the extent to which contracts were subsidised by the country (or effectively their loan agencies) and extent to which bribery was common when negotiating contracts.

Several private organisations have excellent web sites looking into certain aspects of the organised crime problem. Transparency International conducts a good deal of ongoing research into the extent of corruption in various countries and keeps its material rather more up to date than most other sources. Their regular *Global Corruption Report* (Transparency International, 2004) contains information on the following aspects:

- the regulation of political finance worldwide;
- the disclosure of money flows in politics;
- the enforcement of political finance laws;
- the practice of vote buying;
- the role of the private sector, with a special focus on the arms and oil sectors;
- efforts to repatriate wealth looted by politicians;

as well as detailed assessments of the state of corruption in 34 countries and a league table of the world's top 10 embezzlers.

Some organisations are good at putting together existing statistics on topics that are essential for better understanding of organised crime. For those who wish to look further into drugs and drug markets the Canadian Centre for Substance Abuse maintains a good web site⁵ that gives links to many excellent sources of statistics in different countries, including studies that are just starting. There is both historical and up to date information from Canada and the USA, Australia, the European Union, including the UK, and several studies of substance abuse conducted on a multinational basis. In the same way, for those who wish to look at the up to date statistics on the

⁵ Available at <http://www.ccsa.ca/index.asp?ID=31&menu=Statistics>.

extent of volume crime, the UK Home Office produces a useful annual International Bulletin.⁶

7.1.3 Work of non-European states in the measurement of organised crime

The USA has been in the forefront of trying to draw together data on organised crime. A good example is the series of reports on heroin produced by the Office of National Drugs Policy (Office of National Drug Control Policy, 2000; 2002). This attempts to weave together and reconcile information currently known about heroin consumption, heroin seizures and purchases, and the movement of heroin into the USA from various source areas. It has two main purposes:

- to provide a baseline for evaluating progress in achieving the supply reduction goals of the National Drug Control Strategy; and
- to inform policy decisions by providing insights into the source of heroin, where it is entering the US, and how successful US law enforcement is at detecting and seizing it.

The most up-to-date estimates of flow of drugs from supplying to consuming countries is given by Pierre Kopp (Kopp, 2004), who also emphasises the challenge for economic analysis posed by the way criminals in drug markets react to their environment. He says:

“The law plunges markets into illegality, the actors evolve therein in a context marked by very incomplete information, the whole criminal fabric adapts, as well as it can, to the environment. Exposed to high organisational costs [...] criminals try to optimise their strategies which seem best adapted to their context. Others maintain independent forms of criminality: all impose a high costs on society”.

The problem of measuring money laundering has also proved difficult: one of the first attempts at making estimates in this field was by the Financial Action Task Force in 1990 (FATF, 1990) which estimated the turnover of illegal retail drug sales as over 120 billion dollars (quoted in Kopp, 2004). Another early author (Walker, 1995) described the existing official statistical sources as being ‘unhelpful’ and this seems to be a recurrent theme. Walker said:

“If the measurement of the extent of money laundering is seen as a continuing need for policy assessment and development, then there is a need for considerable improvement in the provision of appropriate data on the estimated and proven proceeds of crime and on the prevalence of laundering in a range of different criminal environments”.

Despite these difficulties, and defining money laundering as ‘the process by which illicit source moneys are introduced into an economy and used for legitimate purposes’, Walker suggested that the greatest components were sourced by fraudulent offences followed by the drugs trade – virtually nothing else matters.

⁶ Available at <http://www.homeoffice.gov.uk/rds/pdfs2/hosb1203.pdf>.

If there are few studies on measurement, there are even fewer on impact of organised crime, although this aspect is now becoming more to the fore in planned research. The Canadians have produced two good, albeit oldish studies of the impact of organised crime and the extent of substance abuse in Canada.

In Single et al. (1996), tentative estimates were made of the costs to the whole of Canadian society of substance abuse: this took into account welfare costs, non-workforce, death and illness, research, education and law enforcement costs. As a first order estimate these figures could be extrapolated to other countries pro rata.

A study by Porteous on the impact of organised crime in Canada (Porteous, 1998) confirms the estimates for substance abuse and goes on to estimate annual losses to the government from alcohol, tobacco and jewellery smuggling and also adding to the cost of substance abuse by thwarting a high tobacco tax policy.

Different subgroups of the population are affected in different ways by organised crime, and studies looking at these differential impacts are particularly useful. In her study of the impact of organised crime on young offenders in Canada, Richter-White (2003) explores the possible effect of drugs, alcohol, tobacco, vehicle theft, terrorism, human smuggling and child sexual exploitation, youth gangs, gambling, fraud, corporate organised crime, money laundering, the Internet, computers and software, among others. An important conclusion relevant to this study is her finding that “due to the nature of organised crime, data are usually gathered through non-scientific methods including police reports and interviews, details learned through informants, and interviews with justice and corrections personnel and so on”. She goes on to say that “secondary information is used to help form government and policy decisions in the absence of available academic data”.

However, Statistics Canada has also reported on the extent to which existing police data could serve to measure organised crime (Statistics Canada, 2002). Results from this study are relevant to similar types of work in other countries or groups of countries and include the following conclusions, which are not unsimilar to the results found in some of the country reports in this volume:

- all police forces collect data on organised crime, but mainly in a narrative form, which is not statistical in nature;
- the need for a secure database for investigative purposes means that such databases are restricted in the way they can share data with other systems;
- intelligence information is not transferred to police central records unless a charge is preferred. This leads to output statistics, which grossly underestimate the level of organised crime.

The Australian Institute of criminology (AIC) has published a number of useful research papers that deal with the problems of organised crime (see AIC web site). Graycar and Grabosky edited an important series of papers on money laundering in Australia (Graycar and Grabosky, 1995) which includes a useful *tour d'horizon* by Pinner (Pinner, 1995) and an examination by Wahlert

of the new types of crime coming from greater use of IT and automatic cash transfers (Wahlert, 1995). More recently Smith and Urbas have discussed the extent of fraud on the Internet, with particular reference to the Pacific region (Smith and Urbas, 2001) and Smith, Grabosky and Urbas have written more generally about aspects of cyber-crime (Smith, Grabosky and Urbas, 2004). On another topic David has given some estimates of the extent of human trafficking into Australia (David, 2000). AIC also looks into an area of new crime where no estimates have yet been made but which is widespread: child pornography on the Internet (Krone, 2004).

Australia is also the source of a useful strategic assessment of organised crime (Queensland Police Service, 1999). This goes beyond the traditional consideration of what criminal gangs and organisations are operating in an area, towards the compilation of a Risk Assessment Matrix (RAM). This RAM takes into account what is known about criminal organisations, the illegal commodities they trade, external environmental factors that affect their operation, and impact of these activities in Queensland. The methodology looks at nine sectors where commodities are traded illegally and associates risks to each of these, ranging from very high for heroin to low for wildlife crime and prostitution.

7.2 COMPARISON OF THE INTERNATIONAL DATA SOURCES ON ORGANISED CRIME

Data on organised crime throughout the world are scarce. This is partly due to problems of definition, although one is left with the impression that, for many commentators, the lack of a straightforward definition is an excuse for not pursuing the idea of measurement.

Also important is that the main way to measure something as awkward a concept as organised crime is to use proxy measures. In this case these can be prior measures (e.g. the characteristics of various markets, supply chains, personnel involved and so on) or post measures (e.g. measures of money laundering). Thus most sources of data on organised crime concentrate on drugs and drug markets, trafficking and smuggling or on money laundering.

Thus, although the literature is extensive,⁷ most references are descriptive of specific types of organised crime or discussions, the types of gangs that operate, or government action. Little priority is given to measurement.

Although this lack of data stems from the difficulty of definition, it is interesting that this does not inhibit commentators from making statements about the scale of organised crime, and calling into aid modern technical developments as if these were only used by organised criminals. In his valuable summary chapter on organised crime for the third edition of the *Oxford Handbook of Criminology* (Levi, 2002), Levi states that:

“Definitional ambiguities do not seem to inhibit confident statements about the ‘scale of the problem’, which is always asserted to be growing and often said to be using high-tech methods, as if crossing borders by plane, motor

⁷ See for example Nathanson Centre at York University in Canada <http://www.yorku.ca/nathanson/default.htm>.

vehicle, digital phone or computer were not also done by the general population”.

The UN has been extremely active in this field. However, it is a slow-moving body and because of its Charter has to give more emphasis to agreement on policy issues by all its members than to scientific and measurement advances by what would often be a small subset of its members. However, the UN surveys give useful background data. The UN Turin research centre has also made methodological advances into using data collected from a variety of novel sources, in an attempt to set up an organised crime index.

Although there is a lot of uncertainty about the data quality of the indicators used by the UN and the relative quality between them, the exercise does use data from reputable sources in a new methodology which has potential for development. As long as there are few direct measures of organised crime available, then new methodologies, using new forms of data seems the best way forward into extending the measurement of organised crime from the existing proxy measures into areas such as the disruption of markets, levels of public corruption and the extent of political power and influence resulting from the organised crime phenomenon.

8.

REGIONAL DATA SOURCES ON ORGANISED CRIME

8.1 REVIEW OF REGIONAL DATA SOURCES ON ORGANISED CRIME

This section looks at literature for the European region in three sections: that from the Council of Europe (8.1.1), that from the European Union (8.1.2) and that from other sources including member states of the EU and other institutions (8.1.3).

8.1.1 Work from the Council of Europe in the measurement of organised crime

The CoE has set up a group of specialists on criminal law and criminological aspects of organised crime (PC-S-CO). This group prepares annual reports on organised crime, analysing the characteristics, activities, resources, methods, geographical coverage, influence and trends of organised criminal groups operating in Europe. These reports complement the Europol reports at pan-European level.

The CoE *Organised Crime Situation Report 2002* was produced from a questionnaire completed by thirty-eight member states, with five European countries not participating (Albania, Belgium, Georgia, Luxembourg and Ukraine) (Council of Europe, 2002a). The following criteria, slightly different from the UN, were used when designing the questionnaire:

Mandatory criteria

- Collaboration of three or more people.
- For a prolonged or indefinite period of time.
- Suspected or convicted of committing serious criminal offences.
- With the objective of pursuing profit and/or power.

Optional criteria, of which two were needed to qualify as organised crime

- Having a specific task or role for each participant.
- Using some form of internal discipline or control.
- Using violence or other means suitable for intimidation.
- Exerting influence on politics, the media, public administration, law enforcement, the administration of justice or the economy by corruption or any other means.
- Using commercial or business-like structures.
- Engaged in money-laundering.
- Operating on an international level.

The situation report is organised into the following sections: an environmental scan; illicit markets, with an emphasis on drugs; licit markets; organised crime groups; trends. It is a detailed and important document, although, of course, it is restricted to the answers given by the particular experts chosen in each country.

The same group is also tasked with conducting best practice surveys in member states of the CoE to study existing solutions to combat organised crime in member states as examples for other member states. Having produced best practice reports on witness protection, the reversal of the burden of proof and interception of communications, in 2001 the group chose crime analysis as one of their best practice surveys (Council of Europe, 2002a). As an aid to their surveys, they made site visits to Belgium, Russia and the UK, as three countries representing different legal traditions. They also took into account the need to balance combating organised crime with the protection of certain human rights, including the tensions between:

- early detection and presumption of innocence;
- the right to a fair trial, and the use of covert methods of investigation;
- targeted anti-crime policies and the principle of non-discrimination in article 14 of the ECHR.

The group divided their findings into: the theoretical framework; analysis of organised crime; legal aspects; institutional aspects; access to and quality of data; the future of crime analysis. They concluded that there were some strong and some weak points in crime analysis for each of the countries covered:

Country	Strong Points	Weak Points
Belgium	Systematic approach to crime analysis Good research and development on new methods and techniques	The effect of the (then) recent police reform on crime analysis was unknown No clear data protection rules
Russia	No problems with the acceptance of analysts within law enforcement Full access for analysts to all relevant data Excellent cooperation with academic research institutions	No infrastructure for crime analysis Incomplete use of the added value of analysis No quality assurance systems
The United Kingdom	A very professional approach to the ideas of analysing Excellent selection and education of young analysts University and research background of strategic analysts High standard output of studies and recommendations	Lack of regulations about communication Communication between management and analysts is not optimal No proper career structure Problem of court appearance as witness

SOURCE: Council of Europe, 2002a.

The report makes twelve useful suggestions for future development of crime analysis in member states, including the need for intelligence led policing, standardisation of terminology for crime analysis, the need for specially trained analysts, the need for the results of analysis to be used effectively in court and the need for exploring new methods of analysis.

The Council of Europe is also sponsoring four programmes against organised crime associated with Eastern and South-Eastern Europe (Council of Europe, 2004). These are:

- Programme MOLI – three projects against money laundering in the Russian Federation, the former Yugoslavian Republic of Macedonia and in the Ukraine;
- Programme OCTOPUS – a project against corruption and organised crime, which started as a joint programme of the European Commission and the Council of Europe and is now continued by the Council of Europe;
- Project LARA – support to regional criminal law reform to combat and prevent trafficking in human beings;
- Programme CARDS – a regional police project against serious crime in South-eastern Europe.

8.1.2 Work from the European Union in the measurement of organised crime

In many ways the work of the European Union complements the work of the Council of Europe. The European Union has taken organised crime seriously since the setting up of the Single European Act. It was recognised early on that open borders could assist illicit activity as well as facilitating licit actions and the setting up of the various Schengen agreements were an attempt to set the security infrastructure for ‘an area without internal frontiers’.

The main EU organ of action is Europol, the European Police Office in The Hague. This was set up in 1995 to improve the effectiveness of the competent authorities in the member states and cooperation between them in an increasing number of areas:

- preventing and combating terrorism;
- unlawful drug-traffic;
- trafficking in human beings;
- crimes involving clandestine immigration networks;
- illicit trafficking in radioactive and nuclear substances;
- illicit vehicle trafficking;
- combating the counterfeiting of the euro;
- money-laundering associated with international criminal activities.

Europol has the following main tasks and in conducting these a good deal of information about organised crime is produced.

- to facilitate the exchange of information between member states;

- to obtain, collate and analyse information and intelligence;
- to notify the competent authorities of the member states without delay of information concerning them and of any connections identified between criminal offences;
- to aid investigations in the member states;
- to maintain a computerised system of collected information.

The definition of organised crime used by the EU is the same as that used by the Council of Europe. Each year Europol produces an organised crime report (OCR). There is a confidential version and an 'open' version (see Europol, 2004). The primary aim of the report is to obtain and disseminate information about organised crime (OC) in the EU with a focus on its cross-border manifestations. This enables governments and parliaments to formulate an EU strategic policy for tackling OC internationally. It also supports law enforcement decision-makers to set priorities and allocate resources, and law enforcement officers to understand the specific details of OC. Access to the closed version of this report is restricted to law enforcement agencies within the member states. Since 2002, the OCR has been developing into a threat assessment, replacing the former OC situation report.

The organised crime report is acknowledged to be primarily a qualitative assessment, with measures confined to broad assessments of the numbers of groups active in different countries.

More generally, the EU Directorate of Justice and Home Affairs has a significant programme of research, conferences and political action in the organised crime area. More generally, they have created a European Forum for the prevention of organised crime, and a series of meetings started in mid-2004 with a view to developing comparable statistics and sharing good practice.

A summary of the work of the directorate is given in EU (2004). This is divided into the following areas:

- mechanism for evaluating ways to combat organised crime;
- exchange of DNA analysis results;
- making it a criminal offence to participate in a criminal organisation in the member states;
- crime associated with particular routes.

However, most of these are not mandatory and there is very little in them pertaining to measurement.

The EU has also been aware of the threat to organised crime activity likely from the expansion of the EU to twenty-five countries from 1 May 2004. An early assessment of the threat due to expansion was made in 2001 (Davis et al., 2001), looking particularly at organised crime, corruption and illicit arms trafficking.

The EU also cooperates with wider international bodies such as the UN and the G8 group of nations in combating organised crime. The G8 is an informal group of eight countries: Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States of America. Ever since their 1995

Summit, the G8 have been co-operating to tackle international crime. A group of senior experts (known as the "Lyon Group") was tasked to review and assess existing international agreements and mechanisms to fight organised crime and to make recommendations for closing any loopholes they might find. Globalisation has been accompanied by a dramatic increase in transnational crime, such as trafficking in drugs and weapons, smuggling of migrants, trafficking in human beings, high-tech crime and money laundering.

8.1.3 Work from other European sources in the measurement of organised crime

The European Institute for Crime Prevention and Control affiliated with the UN (HEUNI) has taken a considerable interest in both volume crime statistics and in organised crime measurement over the years. Many of their publications are important background reading.⁸

They have produced several series of country profiles for nearly all countries of Europe and North America, based on responses to the UN crime surveys, and a good deal of other contextual information. These need to be read in conjunction with their companion volumes on crime and criminal justice systems. Although for each country only summary information is given, this is essential background for considering organised crime in that country (see HEUNI 1995a, 1995b, 2000a, 2000b). A more up to date series of papers, including comparative trends in volume crime, was published by HEUNI in 2004 (HEUNI, 2004a).

HEUNI has also specifically addressed the question of organised crime (HEUNI, 1998) in a series of papers that described recent trends in organised crime and in national and international countermeasures around the world, but with a particular emphasis on Europe. More recently, HEUNI has published a large collection of papers on organised crime, with particular emphasis on Eastern Europe (HEUNI, 2004).

Various other institutes take an active part in pushing forward our understanding of the level of organised crime within the EU.

The Dutch Institute at the Vrije Universiteit Amsterdam has conducted several useful studies and publishes a regular newsletter about developments on organised crime. The 2003 newsletter (CIROC, 2003) give overviews of the *Organised Crime Monitor*, an ongoing research project based on an analysis of police files on cases of drug production and trade, human smuggling and trafficking in women and underground banking. The 2004 newsletter (CIROC, 2004) gives summaries of east and central European organised crime in the Netherlands: trafficking in human beings through Albania, anti-money laundering efforts, contract killings and women and the mafia.

The UK Home Office RDS directorate has described how the UK system works, with the setting up of the National Criminal Intelligence service (NCIS) (Brown et al., 2004).

⁸ These materials can be downloaded from their web site <http://www.heuni.fi/12538.htm>.

The Institute of Advanced Legal Studies at the University of London has conducted many studies for the EU: for example, their GROTIUS study on the implementation of EU instruments in the area of EU criminal law, their FALCONE study on the use of national criminal records as a means of combatting organised crime, their FALCONE study on the creation of a European criminal record as a means of combatting organised crime.⁹

The University of Exeter has a very good web site, summarising the work of the EU on organised crime for its students in very reliable form (Exeter University, 2004). Again this tends to be in qualitative form, with little emphasis on measurement.

The work of the European Colloquium Group on Cross Border Crime is also important and has led to a series of Colloquia resulting in some valuable collections of papers on organised crime throughout Europe (see Van Duyne and colleagues, various dates). Some of these consider the problem of measurement (e.g. see von Lampe, 2004) and others look into law enforcement in the context of money laundering (see Van Duyne, Pheijffer, 2004).

8.2 COMPARISON OF THE REGIONAL DATA SOURCES ON ORGANISED CRIME

Data on organised crime in the European region of the world are just as scarce as in the rest of the world. Although a large number of structures have been set up by international bodies concerned (i.e. the Council of Europe, the European Union, Europol) and by research bodies such as HEUNI and other national institutes, these have mainly been concerned with qualitative measures of organised crime activity and with the collection of best practice on ways of combatting organised crime.

The main common measurement feature of organised crime reports in Europe is the counting of the number of organised crime gangs as part of the annual report to Europol. However, this is done in a slightly different way in each country, depending on the structures set up to combat organised crime, although not all countries have set up such structures.

The best sources of data are to be found in the work of HEUNI, which uses the material available from many different sources, including the UN surveys of crime, the European Sourcebook of crime statistics, and proceedings of the European Society of Criminology and other special conferences on organised crime.

This work is being attempted to be drawn together by an EU group set up under the authority of the Directorate General of Justice and Home Affairs of the EU from the summer of 2004. This group is attempting to draw together the existing commitments of the EU to develop statistics on organised crime. for example:

- in the Millennium Strategy;
- in the Treaty on European Union itself (article 30 2d);

⁹ See IALS web site.

- in the Dublin declaration of December 2003 which recommended that ‘a comprehensive system of European crime statistics should be elaborated and a co-ordinated EU Crime Statistics Strategy be developed’.

The objective is to develop European Community statistics for the enlarged union of twenty-five member states, to allow for the post-2006 financial perspectives in the area of Justice and Home Affairs, on crime and criminal justice.

This EU initiative is likely, in due course, to enable the setting up of a large body of data on organised and volume crime across Europe. Whether the agent for these data will be the normal Statistical arm of the EU, Eurostat, which at present has no locus for crime or criminal justice data, agencies such as Europol and the Lisbon Drugs prevention agency, or the Directorate of Justice and Home Affairs itself remains to be seen. However, for the time being the best available material is summarised on web sites of organisations such as HEUNI in Finland, The Institute for Advanced Legal Studies in London and Exeter University.

9.

EU NATIONAL DATA SOURCES ON ORGANISED CRIME

9.1 EU NATIONAL DATA SOURCES ON ORGANISED CRIME: COUNTRY PROFILES

9.1.1 Austria

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Austria uses two definitions to collect data on organised crime:

- the European definition contained in Enfopol 35 and
- the national definition of § 278a of the Austrian criminal code.

The definition contained in 6204/2/97 Enfopol 35 Rev. 2 comprises the 11 criteria (criteria 1 to 4 and, in addition, two from 5–11 must be necessarily met in order to have an organised criminal group) referred in chapter 8 of this report.

The definition of organised criminal group provided by the Austrian criminal code is:

A person who creates an organisation with a greater number of persons which has a long duration and is structured like a business company, or a person who is member of such an organisation, is to be punished by incarceration from 6 months to five years if:

1. *the organisation commits recurrent and planned serious crimes against people's life, health, freedom or fortune or if they commit serious crime in sexual exploitation, people smuggling, illicit transfer of explosives, firearms or ammunition, radioactive material, dangerous litter, counterfeited money or drugs;*
2. *they seek enrichment on a large scale or political or economic influence on a large scale;*
3. *they try to corrupt or to intimidate others in order to protect themselves against punishment.*

Starting from these two similar definitions, a unique data collection system on offences committed by people suspected of belonging to organised crime is set up. The two definitions are used more or less in a cumulative way.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

The collection of data on crimes committed by members of organised crime groups is part of the general system for collecting data on any offence.

The basis of the data collection is that the system relies on local police forces. Police officers are required to complete a specific form whenever there is concrete suspicion that a crime has been committed. Once the form

has been completed, it is sent electronically to the Federal Criminal Intelligence Service, Department of Criminal Statistics.

Data collection on any criminal event is completed *only when there is a concrete suspicion that someone has committed one or more crimes*. This need means that the filling in of the specific form by the police officer responsible for the case usually takes place some time after the crime has been committed. This can be weeks or months later. In particular, it takes place only after certain investigations have been carried out. It usually takes place when it is necessary to submit a full report on the case to the court so that the prosecution of the suspect can be started. This contrasts with the position in some other countries, e.g. England & Wales, where crime is recorded by the police as soon as it is discovered.

This applies to any kind of crime. As far as crimes perpetrated by members of organised criminal groups are concerned, if the police officer assesses that the event under analysis has the characteristics of a crime committed by the member of a criminal organisation, they will tick the button *OK-rel* (which stands for organised crime-relevance) included in the form used to collect data. This will be marked in cases of § 278a and in cases of serious crimes, when unknown perpetrators obviously/probably work according to organised criminal methods (e.g. stealing cars to dispose of them across international boundaries).

The analysis and processing of these data takes place within the *Bundesministerium für Inneres* (the Federal Ministry of Interior), at the *Bundeskriminalamt* (Federal Criminal Intelligence Service). The Federal Criminal Intelligence Service is both the headquarters of the national criminal investigation services, therefore being responsible for the coordination and cooperation among the provinces, and the reference point at the international level, being the Austrian National Contact Bureau of Europol and Interpol. It is headed by a Director, who reports to the Directorate General for Public Security, which in turn forms Division II of the Federal Ministry of the Interior.

The office in charge of the collection and analysis of data is situated within the Federal Criminal Intelligence Service, Department for Crime Analysis, Statistics and Prevention. It has the following tasks:

- data collection;
- data processing and analysis, either for administrative purposes (e.g. for resource allocation and/or policy making) or for police management (e.g. for operational and/or strategic intelligence);
- drafting of the Austrian Crime Report for the Parliament, one chapter of which is dedicated to organised crime;
- drafting the Austrian contribution for the Europol's Organised Crime Report.

The variables collected within the database managed by the Criminal Intelligence Service on organised crime coincide with the variables collected for the general crime statistics and include:

- *information on the crime committed*: type of crime/offence according to the penal code, number of crime/offences, whether the crime was cleared up, economic damage caused, *modus operandi* of the crime, etc.;
- *information on the perpetrator/s and accomplices, if known*: identity of the offender, age, gender, nationality, status of the offender in the country – if known, etc.;
- *information on the victim, if any*: age, gender, nationality, status of the victim in the country – if known.

Some additional variables are collected in drug cases or for cases of people smuggling and illegal immigration. These are:

- *in drug cases*: kind of drug, amount (grams, pieces), confiscation, known perpetrator (age, gender, nationality), arrests made;
- *in cases of people smuggling and illegal immigration*: number, age and nationality of smugglers, number, age and nationality of illegal immigrants, place where the people were encountered in Austria (e.g. border, national territory).

The database thus provides a picture of the activities of organised criminal groups' members in the country. It is therefore possible to say how many crimes related to organised criminal groups were committed, what are the main characteristics of the perpetrators and of the victims, as well as the magnitude of the damage caused by such acts. It is important to note, however, that organised criminal groups are not attached any particular label on the database; what is labelled, normally on the basis of the name of the perpetrator or of the entire operation, is the task force created to deal with the case.

Data on criminal suspects are retained on the database as long as they are involved in criminal activities. The period will depend on the type of crime committed. In the event of acquittal after criminal proceedings personal data on criminal suspects are deleted from the database. This happens on the basis of an automatically reminder from the database itself.

There are two different user groups for the Austrian Crime Statistics database. Officers of local police forces can only input data. Department 4 of the Criminal Intelligence Service Austria can input data, but can also query the database; such queries are made to prepare monthly and annual reports as well as *ad hoc* to answer queries from police management or policy makers.

The data collection system on organised crime described above is the main one. It is however worth being noted that there is another reporting system, qualitative in nature, which is integrated with it. The nine provincial police forces, at the end of each year, send to the Criminal Intelligence Service a report describing which organised criminal groups are active in their provinces, as well as their activities.

This information enables a qualitative assessment of the organised crime phenomenon in the country to be prepared. Since the sources of information for this qualitative report are basically the same cases as those for which data have been inserted into the database, there is considerable overlap between the two systems.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

The Federal Criminal Intelligence Service receives good cooperation from local police forces. This is because of the detailed reporting procedures that require police officers to submit a full report on a case to the court so that a suspect can be prosecuted, if this is deemed to be necessary.

Recent technical changes have improved the system. Until two years ago the form was transmitted to the Federal Criminal Intelligence Service by fax. It is now sent electronically, thus improving the communication between the various offices, speeding up the data transmission and reducing communications problems/delays.

The Federal Criminal Intelligence Service also feeds back information to the local law agencies to help them in their law enforcement. First of all it sends back a copy of the annual Austrian contribution to the Europol's Organised Crime Report. More importantly it also informs provincial responsible case officers when it finds a link between organised crime groups or members in several provinces. The central authorities thus add value to the investigative role of the provincial authorities by picking up patterns from the central database.

Dealing now with the capacity of the organised crime data collection system to provide an useful and reliable picture of organised crime in Austria, it needs to be recognised that the information collected at the moment is extremely limited.

To improve this situation and to enrich the amount of information collected on organised criminal groups, a reorganisation of the handling, collection and storage of organised crime related data is being carried out. This project started in March 2004 and is due for completion by the end of 2004. The idea is to organise a database including all organised crime cases, which would comprise a larger amount of information than that presently collected such as information on the *modus operandi*, on the financial means of the groups, on the connections to other groups/people, as well as to legal markets.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

With reference to the dissemination of data on organised crime, only some collected data are disseminated. This is not always in as much detail as that available to the collecting organisations themselves.

The most relevant publication on the topic, produced annually, is the Austrian Crime Report, which includes one chapter on organised crime. This is a summary of the organised crime situation in Austria. The report is produced by the Criminal Intelligence Services, sent to the Parliament and, once approved, it is disseminated to a restricted public, i.e. law enforcement agencies and governmental bodies. However any interested person or group (e.g. a research institute) can obtain the entire report if they make a good case for this to the Criminal Intelligence Services.

The information presented in this report is basically that included in the Austrian report prepared annually by the Criminal Intelligence Services for

the Europol Organised Crime Report. However the Europol report is not disseminated to the public generally.

Finally, data on drug related offences are annually presented in the *Drug-related Crime Rate Annual Report (Republic Österreich, Bundesministerium für Inneres, Bundeskriminalamt, Sub-Department 3.5, 2003 and 2004)*. The report, which is available on the Internet, contains a section assessing the involvement of organised criminal groups (main groups and routes exploited) in such illicit activities.

E. CONCLUSIONS

The first comment on Austrian organised crime data is to say that the way the two definitions mentioned in section A are used is rather unclear. The national and the European definitions of organised crime interact and are applied when a case is defined as organised crime related or not. The two definitions are in fact used in a cumulative way, so that, when one requirement is missing under the penal code, the other definition is used. In cases of unclearness both definitions are used. This flexibility in defining and collecting data on the phenomenon may impact negatively, in the end, on the reliability of the organised crime picture. It also makes international comparisons unsatisfactory.

Apart from this, the Austrian data collection system is integrated into ordinary crime statistics and works according to a very easy mechanism (just tick a box). However, this is made at the price of the small amount of information collected. The data collected on basic crime statistics are quite limited and do not allow a deep understanding of the organised crime phenomenon.

Because of this a project has been recently launched to enrich Austrian knowledge of organised crime. A new system of collecting data is in progress and it is planned to finish this work by the end of 2004. The successful completion of this project will make it possible to collect a larger amount of information than those collected nowadays, such as: information on the *modus operandi*, on the financial means of the groups, on the connections to other groups/people, as well as to the legal markets.

9.1.2 Belgium

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Belgium uses the same definition as the German *Bundeskriminalamt*.

This has five general characteristics, all of which need to be present, before a crime is classified as organised:

- systematic commission of offences which, individually or jointly, are of considerable extent;
- the commission of offences for gain or for power;
- the commission of offences by more than two persons acting in concert;

- the commission of offences for a long or indefinite period;
- the commission of offences where the tasks are divided up;

and three specific characteristics, one of which needs to be present before a crime is classified as organised:

- exploitation of commercial structures;
- recourse to violence or other methods of intimidation;
- use of influence over political life, the media, public authorities, justice or the economy.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

The Federal Police (Directorate for fighting Organised Crime) and the Ministry of Justice (Policy Department) are jointly responsible for the collection of statistics on organised crime, including both quantitative and qualitative data, in order to produce the overall national picture of organised crime. They depend for the quality of the data they collect on the efficiency of the different police agencies located in the various judicial districts of Belgium. The quality of the data collected on organised crime in Belgium depends thus on the amount of work put in by each local correspondent.

The procedure of data collection is bottom-up. All the operational units use the same form. This is more qualitative than quantitative. The form is around thirty pages long, which is too long to be reproduced here. However, a copy of the section on violence is in the appendix to this subsection. This form needs to be completed when the local agencies consider that a crime or an attempt at a crime has been committed or when the activity of a group of persons can be linked to organised crime.

This data collection is supervised, centralised and computerised once a year in a special unit of the Federal Police (Directorate for fighting Organised Crime). This special unit can ask for more information from the agent in charge of a specific case. A check can also be made with or within the central service to discover whether there is any known connection between the people being investigated and any branch of organised crime.

The process of data collection is not driven by offence type, but by a suspicion that a member of an organised crime gang has been observed. This happens even if no offence has been committed. As a result there is no direct statistical link between the offences committed by the criminal organisation and the traditional police databases on volume crime.

Each field officer must complete a separate form for each case he is involved in. The template is specifically designed to signal organised crime. It starts with a checklist that establishes clearly whether the authors of the offence are or not linked to organised crime. The remaining questions describe in depth the *modus operandi* and the various connections with organised crime.

The data describe how the criminal organisation is structured and shows to which group (e.g. ethnic origin or other) it belongs. They show the name of the organisation and provide details on the main types of crime and the geographical areas where the organisation is active.

The data collected facilitate the creation of a list of suspected members of the organisation. Details are also given on surname and first name of each suspect, function in the organisation, gender, nationality, place and country of birth and what police or legal measures or actions were taken against them, if any. Another field shows whether or not the perpetrator is judged to be part of the hard core of the organisation.

In addition to this general collection of data on organised crime, the Directorate for fighting Organised Crime also gathers operational information on well-targeted groups that are selected according to the specific region (e.g. South-east China, the Balkans, former Soviet Union, etc.). Other Directorates also gather operational data on phenomena such as the criminal markets in which criminal groups are involved.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

A powerful database is created by the Federal Police from these forms completed by local agents. This database enhances the expertise both of the officers of the Federal Police and of the local agents. A very strong feature of the Belgian procedure is the easy access to this database by local field officers. Every field officer is routinely in touch with the Federal Police (Directorate for fighting Organised Crime) to ask for information and advice. There is thus a continuous flow of basic information on organised crime in both directions: from the local agent to the Federal Police on individual returns and from the Federal Police to the local agents of patterns of organised crime and expertise in dealing with it.

The database permits the analysis of the offences committed by criminal organisations. This analysis is mostly qualitative but takes different aspects into account: e.g. type of group (ethnicity, size, organisation, origin), estimation of the proceeds of crime, the part of the criminal organisation involved in the type of crime, problems during investigations, *modus operandi*, possible trends and impacts of organised crime.

Information on individual suspects is kept on the data base even though they may have been acquitted in court of any criminal proceedings brought against them.

This particular system has been in existence for eight years and its usefulness has thus increased over time. The procedures are well defined and disseminated through all the levels of the hierarchy. Analysis of the trends in data over these eight years indicates that the methodology has remained broadly consistent throughout this time.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Although the Belgian data collection system gives information on the threat or risk posed by organised crime, this is insufficient to give the full picture. Every two years the agencies in charge of the data collection publish a report on organised crime. At present this is not disseminated to the public but kept for the agencies concerned.

The information gathered in this way is interesting to make at least a descriptive survey about what is known on organised crime in Belgium. The rules and definition are clear (i.e. the definition is being part of a criminal organisation). Within the EU, Belgium can compare its information on organised crime with countries that are using more or less the same procedures (e.g. Germany, Spain, the Netherlands).

Nevertheless, according to the Federal Police (Directorate for fighting Organised Crime) it appears that it might be possible, after having realised a real threat assessment through benchmarking, to develop a more complex system able to monitor an analysed phenomenon and able to give information in a shorter time.

E. CONCLUSIONS

The Belgian system is rather unique. It does not rely on an ex-post procedure as in France, where the offence is the starting point of any enquiry. Neither it is an ex-ante system mobilizing heavy resources on monitoring and intelligence, as the UK system seems to be.

It is a quite simple system where the field agents complete a form to signal any suspect connection with organised crime to the Federal Police (Directorate for fighting Organised Crime). The Federal Police then centralise and analyse the information onto a database.

The work, both at national and local level, focuses on strategic aspects, rather than the solution of individual crimes. However, systematic feedback is given to the strategic analysts at local level in the way of a local situation report. That report provides information to enable local investigators to direct and orientate their local policy.

ANNEX 1. EXAMPLE OF FORM USED IN BELGIUM – SECTION 6 ON VIOLENCE

6. Emploi de Violence et intimidation (autre que l'influence)

Lisez attentivement la définition de la violence/intimidation reprise dans la check-list.

6.1. L'organisation a-t-elle fait usage de violence ou d'intimidation?

- Non. (Passez à la question 7)
- Oui, sur base d'information dure. (Répondez à la question 6.2.)
- Oui, sur base d'information douce. (Répondez à la question 6.2.)

6.2. Où et à l'encontre de qui la violence et/ou l'intimidation a-t-elle été exercée par l'organisation?

- Mentionnez dans la colonne "nature de la violence/intimidation", la nature de la violence/intimidation exercée. Indiquez le code correspondant, dans la ligne qui correspond à la nature de la victime qui subi la violence/intimidation.
- Indiquez d'une croix dans la colonne "2003" les actes de violence ou d'intimidation qui ont eu lieu en 2003.
- Indiquez à chaque fois dans la colonne "LIEU", le code de l'arrondissement ou du pays (référez-vous à l'annexe B) correspondant à l'endroit où la violence/intimidation a eu lieu. Quand une même nature de victime est associée à

une même nature de violence/intimidation mais que le lieu est différent, attachez une lettre aux codes de nature de violence/intimidation ET au lieu (par ex.: menaces directes sur policiers à Dinant et incendie sur policiers à Huy: Policiers/ 1a – 10b/ 957a – 961b).

- Lorsque vous disposez d'une information douce (càd une information qui n'est ni mentionnée dans un P.V. ou ni mentionnée dans un rapport d'enquête) vous pouvez **Entourer** EXCEPTIONNELLEMENT la mentionner ici. Entourez ou soulignez le code choisi du lieu ou de la violence/intimidation. De cette manière la distinction entre l'information douce et l'information dure pourra être faite lors du traitement des données (ex.:957a, 961b...).

Nature des victimes (violence/intimidation contre)	Nature de la violence/intimidation	2002	LIEU
Propres membres du groupe (=interne)			
Autres organisations criminelles			
Policiers			
Magistrats			
Personnes désireuses de collaborer avec la police ou avec la justice			
Douane			
Services d'inspection sociale ou économique			
Autres services ou institutions publiques:.....			
Monde financier			
Particuliers/firmes			
Politiciens/partis politiques			
Media			
Groupes idéologiques (ex. Greenpeace)			
Associations sportives			
Autre. Laquelle:.....			

Légende: Codes arrondissement:

- menaces directes
- menaces par lettre
- présence menaçante
- menaces vis-à-vis de membres de la famille ou de connaissances
- menaces téléphoniques
- diffusion de rumeurs nuisibles
- compromission/chantage
- coups et blessures
- assassinat/meurtre
- incendie
- destruction matérielle (autre qu'incendie)
- rétention doc. Identité/moyen transport
- enlèvement/prise d'otage
- autre. Laquelle:.....

9.1.3 Denmark

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Organised crime is not defined legally within Denmark, therefore the collection of data on criminal groups, networks and individuals follows the criteria set out in Enfpopol 35.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

Within Denmark, the organised crime data collection system is both offence and offender-based. For example, intelligence may be collected on an offence without knowledge of the offenders involved, in this instance the offence would be the unit of analysis. However, where individuals are monitored by the Serious Organised Crime Agency (SOCA), due to their suspected or previous involvement in organised crime, the suspect would be the focus of intelligence gathering.

Organised crime groups

The process of data collection regarding organised crime groups within Denmark does not allow a defined set of variables to be replicated. Officers from Danish police districts as well as the operational support units of the national police (the investigative arm of SOCA) complete an electronic report and send this to SOCA as and when intelligence relating to organised crime groups is received. The report does not contain a set list of variables, but rather covers everything that is known about the group. Although the report does not contain a definitive list of variables, data are collected on all variables described in Enfpopol 35. These include: nationality, geographical coverage, form of co-operation with other suspects, criminal activities of suspects, resources, use of violence and use of influence.

Once the electronic report is submitted to SOCA, a designated officer will study the information provided and make decisions about what additional information needs to be collected. Foreign partners can also contribute with additional data. The table below gives some indication of the agencies responsible for collecting information on organised crime groups.

OC group's name	Variables collected on the OC group	Collecting agency
Outlaw Motorcycle Groups	All data available on the OC groups and individuals	SOCA and the police districts
<i>Ad hoc</i> criminal groups – firm and loose structured	All data available on the OC groups and individuals	SOCA and the regional support centres via the police districts
Individuals and networks involved in OC	Information and data of current interest	SOCA and the police districts
Foreigners operating in Denmark either alone or by means of Danish contacts	Data of current interest	Europol, Interpol, police and customs co-operation between the Nordic countries (PTN), Baltic Sea Task Force (BSTF)

All relevant data concerning individuals' activities are recorded for those individuals linked with outlaw motorcycle gangs and on others registered by SOCA due to their involvement in organised crime. This includes variables such as: name, location, type of offence, *modus operandi*, means of transport, partners, contacts, violence used, weapons used as well as any additional information which the reporting police officer feels would be useful.

The names of individuals already found guilty of involvement in organised crime are retained on SOCA's organised crime database. This name will remain on the database if new information is added. If no new information is added to the database, their name will be removed following a fixed period.

Organised crime offences

For individuals known by SOCA to be involved in organised crime, all relevant data concerning their activities are recorded and analysed. In the case of specific organised crime related offences, a variety of agencies collect data which are forwarded to SOCA and differ in typology of offence they collect data for. The first group of offences includes:

- drugs trafficking;
- drugs manufacturing.

The variables collected for these offences are: the name, the location, the type of offence, the type of drug, the *modus operandi*, the means of transport, the route, the contacts, the violence used, the weapons used.

The agencies involved in collecting data for these offences considered to be organised crime related by the Danish authorities are: SOCA, the regional support centres, the operational support units, the police districts.

The second group includes the following offences:

- environmental crime;
- extortions, including money for protection;
- fraud;
- loan sharking/usury;
- trafficking in human beings;
- prostitution;
- smuggling;
- illegal firearms and explosives trading;
- works of art, antiques, jewellery, archaeological material trafficking;
- embezzlement;
- gambling;
- infiltration into public procurement;
- OC related theft and robbery;
- money laundering;
- kidnapping for ransom;

- intellectual property theft;
- stock market manipulation;
- real estate manipulation;
- cyber crime;
- organised vehicle theft;
- organised lorry load theft.

The variables collected for these offences are: the name, the location, the type of offence, the *modus operandi*, the means of transport, the contacts, the violence used, the weapons used.

The agencies involved in collecting data for these offences considered to be organised crime related by the Danish authorities are grouped together as follows:

- SOCA, the regional support centres, the operational support units, the police districts, which collect data concerning: environmental crime, extortions (including money for protection), prostitution, smuggling, illegal firearms and explosives trading, works of art, antiques, jewellery, archaeological material trafficking, organised crime related theft and robbery, kidnapping for ransom, intellectual property theft, cyber crime and organised lorry theft;
- SOCA, the regional support centres, the operational support units, the police districts and the Public Prosecutor for Serious Economic Crime, which collect data on: fraud, loan sharking/usury, embezzlement, gambling, infiltration into public procurement, money laundering, real estate manipulation;
- SOCA, the aliens department, the regional support centres, the operational support units, the police districts, which collect data on: trafficking in human beings and organised vehicle theft;
- SOCA, the aliens department, the regional support centres, the operational support units, the police districts, the Public Prosecutor for Serious Economic Crime, which collect data concerning stock manipulation.

Within Denmark SOCA holds all organised crime data. It receives data from all Danish police districts on all issues relating to trans-border and trans-regional organised crime. It is responsible for both regional monitoring and co-operation and provides the national contact point for international collaborative partners.

In addition to information provided by the police districts, the following agencies collect data on organised crime related activity: tax authorities, financial investigation units within the police, the aliens department within the police, customs, insurance companies associations and bank associations.

Once SOCA receives information/data, the designated SOCA officer will conduct a qualitative assessment of the data, cross reference them with other intelligence and make decisions regarding additional investigations which need to take place. If additional investigation is needed then SOCA officers

will visit the original data source, i.e. the individual officer/district to collect further information.

It is the opinion of the Danish respondent that SOCA receive full co-operation from the various collecting agencies. SOCA has access to all pending investigations within Denmark and co-ordinates the work carried out by police districts regarding individual investigations.

It is the opinion of the Danish respondent that the police districts co-operate with SOCA for two reasons. First, because SOCA are part of the Danish police and second, because of the information/assistance they receive from SOCA in return.

The police districts have access to an up to date national database which ensures they are continuously briefed on organised crime related issues. SOCA also provides support to the police districts where crimes cross district borders. In terms of ongoing feedback from SOCA to the national districts, the extent to which information is passed back to the districts depends upon the information and whether feedback would add value to the investigation.

In the case of current organised crime related events, the relevant police district is contacted immediately to ensure that they are briefed and co-operation maintained.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

Within Denmark, officers from police districts have access to electronic reporting systems whereby data relating to organised crime are submitted on an ongoing basis to SOCA. Although the majority of these data are objective and corroborated, some need to be corroborated by SOCA.

To achieve this, the designated SOCA officer conducts an in-depth, qualitative assessment of all data to ensure their accuracy. It is the opinion of the Danish respondent that this system for submitting organised crime related data to SOCA ensures that it is useful, reliable and consistent. Denmark use the Enfopol 35 definition of organised crime, therefore data are likely to be comparable with other EU countries.

Officers within police districts have access to electronic reporting systems and data relating to organised crime are electronically transmitted to SOCA or the regional support centres on an ongoing basis. In addition to this real-time data sharing, once a year police districts prepare a written report on the organised crime situation. This describes the activities carried out by organised crime groups in that district during the past year.

These reports are submitted to SOCA in January and relate to the data collected within the previous calendar year. These data are used to inform SOCA's annual report, published in July each year. This report is entitled *Organiseret Kriminalitet I Danmark in 2003* (Organised Crime in Denmark in 2003), and the latest report includes data up to and including 2003.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

In general, data collected on organised crime are only disseminated to a limited audience of law enforcement agencies and governmental bodies. However, an annual report containing a limited amount of information is published in July each year. The most common method for disseminating data on organised crime within Denmark is through the world-wide-web, although reports are also available in media such as paper and cd-rom.

It is the opinion of the Danish respondent that the quality of both printed and electronic versions of annual reports are of an acceptable standard. However, these reports do not contain sufficient technical advice to support further data extraction or the relevant metadata to allow further analysis.

E. CONCLUSIONS

Within Denmark, data on organised crime groups and organised crime related offences are collected by a variety of organisations. These include police districts, operational support units, the Public Prosecutor for Serious Economic Crime as well as customs. The Serious Organised Crime Agency (SOCA) has the responsibility for co-ordinating, analysing and disseminating all organised crime related information which is collected by these individual agencies.

The process of collecting data on organised crime groups does not allow a definitive list of variables to be replicated for this report. Officers from the individual police districts have access to an electronic reporting system which enables all information on organised crime groups to be submitted to SOCA on an ongoing basis. Although these reports do not include a set list of variables, data are collected on all variables described in Enfopol 35, as well as additional information considered to be relevant to the case.

Within Denmark, the emphasis is upon the individual as opposed to the offence, therefore for any offence committed by an individual who is monitored by SOCA variables are collected on: name, location, type of offence, *modus operandi*, means of transport, partners, contacts, violence used and weapons used.

9.1.4 Finland

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

The main definition used in Finland to collect data on organised crime at the operational level is the EU definition of organised crime. Its eleven-criteria (six of which have compulsorily to be met) are therefore applied in order to measure the extent of OC at the operational level.

Also the definition provided in the penal code is significant from the point of view of information gathering. Chapter 17:1a, introduced in 2003, punishes participation in the activity of a criminal organisation with a fine or imprisonment up to two years. The offence is defined as follows:

(1) A person who:

1 by establishing or organising a criminal organisation or by recruiting or attempting to recruit persons for it,

2 by equipping or attempting to equip a criminal organisation with explosives, weapons, ammunition or substances or goods intended for their production or other dangerous objects or substances,

3 by arranging, attempting to arrange or providing a criminal organisation training for criminal activity,

4 by obtaining or attempting to obtain for, or giving, a criminal organisation premises or other facilities needed by it or means of transport or other equipment that is very important from the point of view of the organisation,

5 by directly or indirectly giving or collecting assets for the financing of the criminal activity of a criminal organisation,

6 by managing financial matters that are important to the criminal organisation or by giving financial or legal advice that is very important from the point of view of the activity of the organisation, or

7 by promoting actively the criminal objectives of the criminal organisation in another significant way,

participates in the activity of a criminal organisation intended to commit one or more offences for which the maximum statutory sentence is imprisonment for at least four years, or one or more of the offences referred to in chapter 11, section 8, or in chapter 15, section 9, and if such an offence or its punishable attempt is committed, shall be sentenced for participating in the activity of a criminal organisation to a fine or to imprisonment for at most two years.

(2) What is provided above in subsection 1 (6) regarding legal advice does not apply to the performance of the duties of legal counsel or representative in connection with the pre-trial investigation or court proceedings regarding an offence or the enforcement of a sentence.

(3) What is provided in subsection 1 does not apply if an equally or more severe penalty is provided elsewhere in law for the act.

(4) A criminal organisation is defined as a structured association, established over a period of time, of at least three persons acting in concert to commit the offences referred to in subsection 1.

In addition to this, the penal code (chapter 6) prescribes grounds for increasing and reducing the punishment, some of which are relevant in organised crime cases too. The following are grounds for increasing the punishment:

(1) the criminal activity has been methodical;

(2) the offence has been committed as a member of a group organised for serious offences;

(3) the offence has been committed for remuneration;

(4) the offence has been committed against a person who belongs to a national, racial, ethnic, or other similar group of people, on the basis of belonging to this group; and

(5) the offender has a criminal history, if the relation between it and the new offence on the basis of the similarity between the offences or otherwise shows that the offender is apparently heedless of the prohibitions and commands of the law.

From the point of view of organised crime cases, chapter 6, section 2 is particularly relevant, but cannot be applied at the same time as the prescriptions of chapter 17:1a.

However, it is worth being noted that, although the national definition in chapter 17a is very much supported at the judicial level, the EU-definition is applied as a basic definition in criminal intelligence work and while building the picture of organised crime in Finland.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

The collection and analysis of data on organised crime in Finland is carried out by the Criminal Intelligence Division of the National Bureau of Investigation (from now on NBI) in cooperation with other law enforcement authorities, namely regional and local police units, customs and frontier guard authorities. This cooperation makes it possible the collection and analysis of data on organised crime both for operation intelligence purposes (thus directly serving the operational activities of the law enforcement agencies) and for strategic intelligence purposes (thus assisting decision makers while deciding on the allocation of resources at national and regional level).

Looking more into details at the organisational structure set up to collect data on organised crime in the country, there are two levels: local and central.

At local level, information on organised crime is retrieved by specialised regional and provincial field intelligence groups. These are mainly operating within the police forces; but data are also collected by customs and frontier guard authorities. Also local police officers, on the basis of their daily activities, may¹⁰ report on people suspected (in consideration of previous convictions, intelligence reports, surveillance, contacts with organised criminal members, etc.) or ascertained to belong to an organised criminal group.

Offences and suspects are registered into the police database, i.e. the Criminal Complaint File System. This is the general police database, to which any police officer has access and inserts information on the crimes they are investigating. The database is the main basis for compiling crime statistics

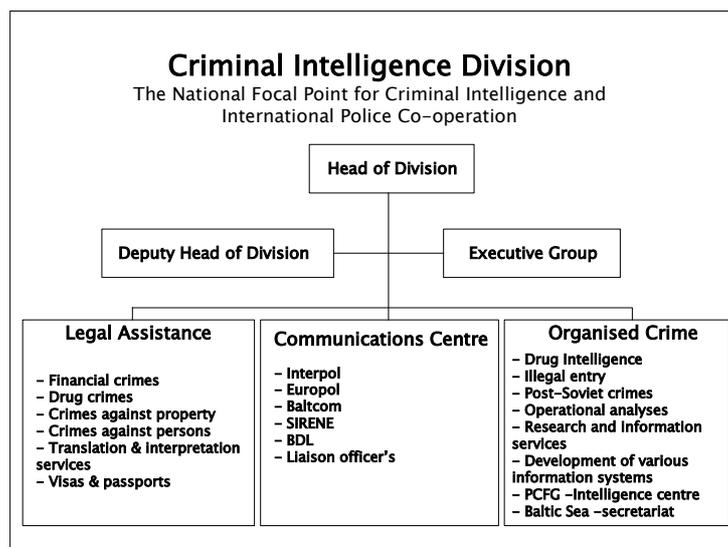
¹⁰ As a matter of fact, local police officers, due to their limited geographical area of competence, cannot normally be aware, when investigating a particular case, of its organised crime relevance. Just to make an example, in a police district in Northern Finland, there was a case of sex business under investigation, and an Estonian name appeared. The police unit did not pay any particular attention to the person or the organised criminal nature of the case before the NBI researcher showed the investigators a list of the most important Estonian organised crime members active in Finland, where the name also appeared. This explains why the local level does not usually contribute much to the organised crime picture in the country. It is only at regional and national level that, by applying the EU definition of organised crime, organised crime cases are skimmed and then analysed.

and contains basic data on offences. Should the local police officer believe that a case is organised crime related, they can signal this when inserting the information on the case into the database simply by ticking a specific box.

Local police forces have their representatives in regional criminal intelligence groups, and it is mainly the responsibility of these officials to collect, coordinate, and transmit the criminal intelligence information concerning organised criminal activities to the national level (e.g. in joint meetings, by *ad hoc* means, entering them into national databases).¹¹ Customs and the frontier guards authorities do also have organised crime as one of the main targets of their work. They collect these data into their own databases (although customs also use the police Criminal Complaint File System to register offences), and report about its developments for the purposes of the national follow-up of organised crime at the NBI.

The NBI is the body that brings together all these data for different national purposes, mostly together with the representatives of customs and frontier guards authorities. The NBI is, under the Ministry of Interior, one of the national units¹² of the Finnish police. The Bureau plays a crucial role in the collecting and processing of data on organised crime. This is because of the function of the Bureau, which is to prevent and investigate international, organised, professional, financial and other serious crime and to develop crime prevention and investigation methods.

In particular, within the NBI, it is the Criminal Intelligence Division – Organised Crime Section which acts as the national central intelligence agency and brings together data coming from the peripheral level, as well as other information (i.e. various kinds of both restricted and open source reports) on organised crime. The organigram below shows the structure of the NBI Criminal Intelligence Division.



¹¹ There are a variety of arrangements between local districts units under provincial police bureau. It depends on these arrangements on how info comes up to the regional level.

¹² There are other two national police units, namely the national traffic police and the security police.

A central national database, i.e. the suspects' database, serves the collection and dissemination of information on people suspected to belong to organised criminal groups for purposes of operational and strategic intelligence. Compared to the Criminal Complaints File System, this is a smaller database, registering intelligence information on people allegedly linked only to serious and organised forms of crime. Also it is intended as a tool to foster exchange of information between the different law enforcement agencies.

The database, maintained by the Ministry and managed by the police IT Management Agency, is controlled by an analyst employed at the operational analysis unit of the Organised Crime Section, which has the task to come up with a picture of organised crime in the country. Access to the database is restricted and it is limited to members of local regional intelligence or surveillance groups.

A person remains registered in the database as long as there is a cause to suspect him/her of organised criminal activity. Most of the persons registered in the OC database have a long criminal career and they use to act as a member of criminal networks well known to the police. In addition to single criminal proceedings which may be going on and may just concern a part of the activities of the person/group in question, it depends on what law enforcement authorities know about the doings of this person/group whether there is cause to a registration. In case there is no cause to suspect a person of organised crime activity, the registration will be deleted after acquittal. In the same way, groups that have ceased their criminal activities are deleted from the database.

For the purposes of operational intelligence, the operational crime analyses group of the Criminal Intelligence Division collects information daily from national databases (e.g. the Criminal Complaint File System and the suspects' database), using various automated tools. Only a few statistical figures are counted: the number of followed-up (i.e. monitored) persons, the number of criminal groups, the shares of different nationalities in the groups, the main geographic area of activity of the group, the main criminal branches of the groups, as well as the offences committed by the persons who are followed up, whatever they are.

General developments in certain offence categories, with particular attention paid to the role of organised crime, are followed by a number of special intelligence groups in the NBI organisation, and in the field of economic crime by the Authority Co-operation Development Project VIRKE, a joint intelligence and research group for the police, tax and the distraint authorities.

The most important and stable special intelligence groups in the NBI are the drugs group, the illegal immigration group, the motorcycle gang crime group and the NBI specialists on cyber crime. Situation reports with some statistical data concerning other types of crime are also put together (e.g. on vehicle crime, money forgeries and environmental crime). The Finnish Money Laundering Clearing House is also part of the NBI organisation, and it delivers detailed statistical and qualitative information concerning money laundering and its control (e.g. number of suspicious transactions, and related countries, related nationalities, amounts of assets involved).

National reports on organised crime and its specific themes are compiled by the research group of the Criminal Intelligence Division of the NBI, in cooperation with other specialised units and bodies which also compile reports of their own. Actually, in the Finnish organised crime reporting lots of other mostly qualitative material is used as the operational follow-up provides just some figures and does not cover all the significant features in criminal activities.

Other kinds of intelligence are gathered through the criminal intelligence organisation and connected to these data. The police databases, in fact, do not include all the data/information that may be available in the law enforcement authorities, such as information gathered by 'walking about', meetings, telephone calls, investigation minutes, telephone intercepts, etc.

Data are gathered concerning:

- the suspect: nationality (the data cover only the persons who participate in organised criminal activities in Finland, not e.g. persons who arrange drugs for Finnish criminal groups in Estonia or Spain), other basic personal data such as age are available;
- the crimes of which these persons are suspected: information on the time and place of commission, and on the *modus operandi* is collected, as well as any connections to criminal activities known to law enforcement authorities;
- connections to other criminals, both at the national and international level;
- connections to companies/legal world in general;
- serving of time in prisons, as well as the location of OC group members in different prisons.

For the purposes of strategic intelligence and threat reporting, a wide variety of sources is used. The basic statistical data compiled by the operational intelligence process are only a small part of the information used in putting together the overall picture of organised crime situation in Finland.

Strategic intelligence looks at sources that are typical to research work, i.e. all kinds of reports and analyses (both open and restricted), contacts to and interviews of investigators and other experts home and abroad, and a wide variety of contacts to expert bodies which provide information that could be of use for the assessment of the overall organised crime threats.

Cooperation between police, customs and frontier guards authorities in the collection, analysis and exchange of information on organised crime is further developed through a particular institutional arrangement, i.e. the PCFG [police, customs, and frontier guards] management group of the highest chiefs.

It is supported by the anti-crime working group as well as regional management groups for the cooperation. The NBI has an important role in this cooperation, and houses the joint national criminal intelligence centre of the PCFG authorities, established in May 2004. The PCFG has not any central databases yet, but some databases of the partners can be used and/or searched by other partners.

The PCFG criminal intelligence centre is perhaps the most important intelligence project ever in Finland. The aim of the PCFG national criminal intelligence centre is to make it possible for the law enforcement authorities to share joint intelligence data by using shared tools. In addition to the police, customs and frontier guard authorities, the Criminal Sanctions Agency, which comes under the Ministry of Justice, shares the data.

The NBI also coordinates the joint strategic threat reporting of the PCFG cooperation established between police, customs, and frontier authorities for the purposes of steering their cooperation which concentrates on countering cross-border organised crime. This cooperation is well-established and is being systematically developed further with joint efforts.

All information received or collected by the NBI Criminal Intelligence Division on OC is analysed and in case any 'hits' appear, the relevant units are immediately informed. In Finland, the idea of the ongoing developments in organising a nationally coordinated investigation of organised crimes is to bring different law enforcement units (both local units and also different branches such as police, customs, etc.) to work together in a coordinated way.

The aim of this national operational follow-up of OC groups is to identify the most important targets for investigation. The law enforcement authorities meet regularly in order to present and choose operational targets for investigation and to agree on their joint and coordinated investigation.

In the collection process described in this section, the transmission and exchange of data on organised crime is continuous. Information collected is available for analysis in national databases, and reports compiled by the different authorities are regularly distributed to partners in PCFG, and meetings are held on a regular basis.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

Firstly it is important to consider the limited nature of national databases on organised crime. The Criminal Complaint File System is not thought particularly useful in relation to organised crime because the ticking of the box showing organised crime relevance by local police officers is regarded as unreliable. This is because, as already noted, they normally have a limited awareness of the connection of single cases to wider organised criminal phenomena.

Both this system and the suspects' database, furthermore, contain limited information on organised crime. The tendency, both at regional and national (NBI) level, is to keep the number of organised criminal groups rather low, so that the focus in the end is on the main ones, partly to keep costs down.

Apart from this, information registered into the two databases cannot be maintained to be the only organised crime related offences in the country because:

- the information is preliminary and its purpose is to result into investigations;

- the population under follow-up is constantly revised for operational purposes on the basis of police intelligence.

Also, although technical tools have assisted, the contents of the databases remain fragmented and not always internally coherent. This is because the databases put together different kinds of sources where reporting practices and criteria differ. Also the practices of registration of offences are to a certain extent inconsistent. This decreases the reliability of some basic crime statistics figures.¹³

Sharing intelligence in general is also a challenge: only a small share of the information collected in some format or other by law enforcement authorities is used for intelligence purposes. The development of the joint intelligence structures has enhanced consciousness of each others' information resources and ways to process them, as well as projects and developments that add to consistency in each of the partners.

The assessment of the roles of organised criminal groups operating from abroad is also problematic. The information collected with the help of the liaison officer network abroad is actually of great significance, but from a point-of-view of a proper overall picture, the practices are not yet sufficiently established (e.g. the contents of the reports of the liaison officers do not meet equal criteria, and processes for the collection of information are not yet sufficiently established). The qualitative information provided by the liaison officers and other direct contacts, as well as various written reports are essential for the overall picture of the impact of foreign OC groups today.

The material as a whole is rather fragmentary for comparisons over time. Also comparability of data over time has to be based mostly on qualitative data as methods of collection and analysis have changed frequently.

Comparisons with other EU countries are very improbable for specific phenomena. However, comparisons on the basis of qualitative data and trends could be made.¹⁴

Problems also arise in the tools that are available for searching information on organised crime. Today, well-developed electronic document and records management systems would be available, but these are not used. The system relies on a relatively high number of separate databases and individual solutions – even single investigation units and groups have information management solutions of their own.

¹³ For example, separate smuggling trips by one person in one and the same criminal project are often registered each as one offence, sometimes all together as one offence according to the practice in the penal process. The quality of registration is improved mostly by training and instructions.

¹⁴ In autumn 2003, for example, an evaluation was made on the Nordic police–customs liaison officer reports on drugs, to see whether they were useful for joint threat reporting. The Nordic Countries police and customs authorities, in fact, cooperate on an established basis in the field of countering drug trafficking – this is the so-called PTN-cooperation, i.e. police and customs against drugs in the Nordic countries – by e.g. having joint liaison officers in several cities all over the world as well as related activities. This report is available in English. Also one joint threat report has been compiled for the purposes of the Baltic Sea Task Force for operational police chiefs, much in the same way as in the Nordic context (and Europol/MDG): every country provides what it can without any joint framework.

The information management is rather fragmented, and even reports are rarely included in centralised information resources, such as the police or NBI Intranet, as these are open to all who work there. Accordingly, those who compile the national reports are not necessarily aware of all sources of information which may be available.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

As far as dissemination is concerned, only some data are disseminated, and not always in as much detail as is collected. This because a significant share of the data in question is criminal intelligence data, the free dissemination of which is restricted by law and also would harm the purposes for which they are collected.

Therefore, data are disseminated to a restricted public, such as selected law enforcement agencies and/or governmental bodies. Also the quality and usefulness of the data vary and affect the usability of them as well as the form in which it is shared. The sharing of the data happens usually between relevant units and authorities, but special attention is paid to the quality of the information available in public about the impact of organised crime in Finland.

Some offence categories such as drugs and alcohol crimes, crimes connected to firearms and explosives are usually presented separately in operational organised crime situation reports when needed.

Amongst the main reports produced, the following are worth a mention:

- *the Annual PCFG Report*, which is restricted and in Finnish;
- *a larger Annual Crime Review*, produced by the NBI/Criminal Intelligence Division and coordinated by the Research Group of the NBI. It contains lots of information on all significant sectors and phenomena of serious professional crime, and is thus much related to organised crime matters. The report is in Finnish, restricted and distributed to a large audience of law enforcement authorities in the country, mainly in electronic format;
- *the Finnish contribution to the Organised Crime Report*, sent to Europol for MDG purposes (and the same paper cut down for the purposes of the European Council), which is restricted and in English. It combines the materials in all the previously mentioned reports.

The significance, role, and status of the PCFG report (and reporting process) will be strengthened as the working together between the three authorities is intensified, and the structures that are developed for the working together (e.g. the joint operational intelligence centre, where the representatives of the three authorities work together in joint premises) will be decisively important for the OCR process.

With reference to the availability of metadata in the above reports, it varies but in general these are given as far as it is possible for security reasons.

Particular efforts are necessary in order to improve the retrievability and use of information from the different kinds of law enforcement records. A large share of these is available only now in paper format. The police libraries, records management units and information services cooperate

systematically, and a Finnish police thesaurus is now being written. The emergence of the digital environment in records managements demands the acquisition of tools for document and records management. It also requires the development of working practices and processes so that e.g. appropriate metadata would be registered and linked to each document in order to make it retrievable.

Information about the organised crime situation and threats is given to the wide public through the media on several occasions annually and when particular reasons arise. Information bulletins are also available at the websites of the different authorities. The authorities also publish in paper format, and articles on various problems concerning organised crime are available e.g. in the *Rikostutkimus* (Research Studies on Crime) yearbook published by the NBI as well as among the publications of the National Police College.

The National Institute for Crime and Crime Prevention as well as the HEUNI have published research reports on questions concerning organised crime too. For example, a paper by Leskinen (2003) of the NBI on illegal sex business in Finland had a significant role in raising wide public discussion as well as proposals for new legislation and intensified law enforcement efforts against organised pimping.

E. CONCLUSIONS

The Finnish data collection system on organised crime seems to be marked out by a fragmentary character. Bringing together data from different law enforcement agencies has been problematic and has impacted negatively on the quality of the national organised crime picture.

However, some developments are promising. The criminal intelligence structures and processes are being rearranged at a national and regional level. The aim of this process is to strengthen the role of the National Bureau of Investigation as the national centre for coordinated intelligence and investigation activities of the police, customs and frontier guards authorities against organised crime in particular. Work is also underway to improve the consistency, exchange of information and access to the data stored by all the law enforcement agencies.

The best features of the system are the joint efforts and cooperation of police, customs and frontier guards authorities in the PCFG. This has been further developed with the setting up, since May 2004, of the joint operational intelligence centre, where the representatives of the three authorities work together in joint premises at the NBI.

9.1.5 France

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

There is no legal definition of organised crime in the French penal code and no operational definition used to collect data on organised crime.

France has, however, signed the Palermo Convention on organised crime. The Palermo meeting was convened in 2000 to discuss the UN proposal for a directive on transnational organised crime (see chapter 7 of this report). According to this definition, an organised criminal group consists of a group of three or more people acting together in violation of the national law or regarding an infraction specifically defined by the convention. The purpose of the criminal group has to be to gain a material or financial advantage, directly or indirectly.

In addition, the French Parliament passed a law on 9 March 2004 to introduce a legal framework for dealing with organised criminality. Although not giving a definition of organised crime, this law does include a list of offences concerned with organised criminality. This list includes murders committed by organised gangs, tortures, kidnappings, acts of cruelty, trafficking in human beings for the purposes of labour and/or sexual practices, control of prostitution, etc.

The French system of data collection on organised crime is not built around a specific definition or backed up by a precise methodology. Local police departments do, however, send surveys of their activity to the International Relation Division of the *Direction Centrale de la Police Judiciaire*. The *Police Judiciaire*, in turn, extracts from these reports any features that can be linked to organised crime. The *Police Judiciaire* also produces an annual report for Europol.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

There is no specific structure for collecting data on organised crime in France. Data are collected on an offence basis and reported to the *Police Judiciaire*. But there is no ongoing analysis or wider use of these data. It is only during the process of writing the annual report for Europol that some patterns are deduced from the various reports from the local police departments on what could be the activity of organised crime.

The collection of data on offences is carried out by various groups within the French police and *gendarmerie*: the national law enforcement agencies, Economic Crime Inspection Service, Fiscal Information and Investigation Services, Financial Investigation Services, Financial Investigation Units, Immigration Services, Anti Drugs Agencies, customs. The *Direction Centrale de la Police Judiciaire* (International Affairs) is in charge and brings together the data collected and the various administrative reports that are produced by the services.

The following data are collected on offences where organised crime is judged to be involved: drug trafficking and drug manufacturing, environmental crime, extortion including money for protection, human trafficking, prostitution, smuggling, illegal firearms and explosive trading, works of art, antiques, jewellery, archaeological material trafficking, embezzlement, gambling, infiltration into public procurement, organised crime related theft and robbery, money laundering, kidnapping for ransom, intellectual property theft, stock market manipulation, real estate manipulation, cyber crime.

In France, there are no specific data sources on organised crime but only data on offences that are interpreted to shed some light on organised crime activities. Data are collected on the basis of the cause of the organised crime: the cases are either dealt with by a general service or a specific agency dedicated to a particular type of crime.

As a consequence, many different services deal with organised crime. Each produces their own partial analysis, which circulate throughout their hierarchy. As a consequence the knowledge about organised crime in France is not based on a specific collection of data but on the appreciation made by the various services of the involvement of organised crime in the general volume of their workload.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

In the opinion of the French respondent there is a wide range of materials resulting from investigations conducted by all of the investigating law enforcement agencies. This ensures that reliable statements can be made on the existence, dimensions and forms of organised crime within France. However, it does seem that some data are not analysed in depth.

The data are collected on the basis of offences that have come to the notice of the authorities. However, the inclusion of a particular case in the field of organised crime does not follow a common analytical grid. The administrative information issued by the various services does not, in general, give much attention to being able to carry out any form of statistical analysis. The emphasis is generally more focused on trends reported by the field agent or meta-analysis done on the basis of the collective skill of the service.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Data are collected on an annual basis. The latest Organised Crime Situation Report refers to the year 2003 and was prepared by the *Direction Centrale de la Police Judiciaire*. Data collected on organised crime are generally only disseminated to a restricted public such as selected law enforcement agencies and governmental bodies. This is done via both on-line and paper versions.

The data collected by *Police Judiciaire* are then analysed to produce the annual report on organised crime for Europol. According to French officials, the French report is of the same quality as most other EU countries. However, it is clear that some other countries do dedicate more specific resources to improve their knowledge on organised crime.

E. CONCLUSIONS

The French situation is consistent with the fact that organised crime is very weakly defined in the penal code. It also reflects the fact that the various police authorities do not share an operational definition of organised crime, either formally or informally.

The process of data collection is representative of a tradition where all the data collection and the treatment of the information start with the commission of an offence. As a result it is up to the service dealing the case to decide whether the case has to be linked with organised crime. There are no particular guidelines to assist with this decision.

However this eventual linkage does not have a large influence on the way the case is likely to be dealt with by police forces and the judicial system. The police professional culture does not consider hard data as a very useful tool in the fight against organised crime when field knowledge and skill are highly valued.

Clearly, the French system combines an ex-post approach where analysis follows the commission of the offence with a very informal method of gathering data. These two elements reinforce each other:

- working on an offence driven base does not need to pay a lot of attention to intelligence and systematic monitoring;
- on the other hand, little attention is given to developing a common culture about organised crime and this does not encourage developing specific procedures dedicated to fighting organised crime and organised criminal gangs.

9.1.6 Germany

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

The German definition used for reporting on organised crime is the organised crime definition of the Working Party of Police and Judicial Authorities (*AG Justiz/Polizei*) adopted in May 1990. It defines organised crime as:

“The planned commission of criminal offences, determined by the pursuit of profit or power, which, individually or as a whole, are of considerable importance, whenever more than two persons involved collaborate for a prolonged or indefinite period of time, each with own appointed tasks a) by using commercial or business-like structures, b) by using violence or other means suitable for intimidation, or c) by exerting influence on politics, the media, public administration, judicial authorities or the economy”.

This serves as a working definition which Justice and Police departments are obliged to use. It is not set out in the German penal code or the code of criminal procedure.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

Within Germany, the organised crime data collection system consists of two main components and is neither solely offence-based nor offender-based. In the first component (activity report), the unit of analysis is the organised crime investigation. This consists of data relating to offence, offender, suspects, etc. In the second component (analysis of organised crime

structures), the unit of analysis is the organised crime group. In this instance, the main unit of analysis would be the group, with data relating to activities collected as a consequence of offender-based information.

Organised crime groups

Although collecting agencies do not record data on organised crime activity by the name of the group, there are a set of specific, detailed variables which relate to offence, organised crime relevance, suspects, duration of collaboration, activity of the group and financial aspects. These variables are detailed below:

- offence: geographical location, offence type, number of offences;
- organised crime relevance: special criteria of the organised crime definition – do the group use commercial or business-like structures, violence/intimidation or exerting influence? Fulfilment of the fifty indicators (see annex 2), calculation of the organised crime potential of the group;
- suspects: number of suspects, nationality of suspects, ethnicity of suspects, weapons used by suspects, previous arrests, outstanding arrest warrants;
- duration of the collaboration of the organised crime group;
- fields of activity of the group/crime: *modus operandi*, country of origin, transit and destination of criminal goods;
- financial aspects: damage caused, profits earned, confiscation of assets.

These variables are collated by the police forces of the sixteen federal states (*Landeskriminalamter*), the Customs Investigations Office (*Zollkriminalamt*), the Directorate of the Federal Border Police (*Bundesgrenzschutz-direktion*), and the Federal Criminal Police Office (*Bundeskriminalamt*). In terms of the retention of these data, German law states that the storage of personal data is not allowed in the case of an acquittal of that individual.

Organised crime offences

The following list contains the organised crime offences with respective data collected and the agencies involved in collecting them. These offences are divided in three groups.

The first group, where the data are collected by the Federal Criminal Police Office (BKA) and the police forces of the sixteen federal states, includes drug trafficking and drugs manufacturing. Data collected on these two offences are on: name, address, evidence, links to firm/organisation, material i.e. information on the drug involved, evidence of communications, vehicle, means of payment, tip-off/lead, weapon, designation of offence/incident, use of counterfeit money/notes.

The second group, where the data are gathered by police forces of the sixteen federal states, BKA and the *Bundesgrenzschutz* (Federal Border Police), includes illegal migration and human trafficking. Variables collected on these offences are: name, address, evidence, links to firm/organisation, evidence of communications, vehicle, designation of offence/incident, accounts.

The third group, where the data are collected by Central Specialised Services of the state police forces as well as the BKA for financial enquiries, includes money laundering. Variables gathered are: name, address, evidence, links to firm/organisation, buildings/places/addresses (this may include deeds/certificates or ownership), banking and transactions, tracking money.

For the offence categories: environmental crime, fraud, loan sharking, illegal firearms and explosive trading, organised crime related theft and robbery, embezzlement, intellectual property theft, stock market manipulation, real estate manipulation and organised vehicle theft there are no data collection criteria specific to organised crime. In practice this means that from the standard variables collected on these offences, it is not possible to establish whether the offence is organised crime related or not. For this reason, each of these offences is looked at on a case by case basis using the organised crime working definition as well as the list of general indicators to establish whether the offence should be classed as organised crime.

Within Germany, there are specific data sources for organised crime. Operational organised crime data on individuals, groups, addresses, etc. are collected and held by law enforcement agencies nationwide.

Strategic (as opposed to operational) data are collated by various law enforcement agencies, and sent to a central agency (BKA) for strategic analysis. Using the German definition of organised crime, as well as a uniform and nationally applied set of fifty indicators (see annex 2), the sixteen police forces of the federal states, the Customs Investigations Office, the Federal Border Police and the BKA decide whether or not individual offences should be related to organised crime.

Once data have been collected by the individual law enforcement agencies, they are transmitted electronically to the BKA. This takes place annually, and must be completed by the 1st February each year. At the BKA data are checked and reports drafted on different subjects, for example on ethnic groups or organised crime fields. Reports will elaborate on the current position regarding police enforcement efforts and will also contain a calculation of any group's organised crime 'potential'. The organised crime potential is calculated using the fifty organised crime indicators in the annex that are variably weighted and displayed on a scale of 1 to 100 points.

The Organised Crime Situation Report also contains the results of in-depth expert interviews with investigators. These interviews are conducted on annually prioritised subjects with the dual aim of formulating recommendations for the improvement of law enforcement actions to combat organised crime and to ensure an appropriate allocation of resources.

A comprehensive version of the Organised Crime Situation Report is sent to law enforcement agencies both nationally and internationally. This also acts as the basis for the German contribution to the Organised Crime Situation Report of the European Union. An edited version of the Situation Report serves as a press release, which is published in a variety of media (including via the website www.bka.de).

In addition to the national Organised Crime Situation Report, the sixteen federal states also produce regional Organised Crime Situation Reports. In some states, these are referred to as 'Joint Justice/Police Situation Reports'. The structure and content of these reports vary according to each state.

The main agencies/organisations collecting data on organised crime within Germany are the police forces of the sixteen federal states (*Landeskriminalämter*), the Directorate of the Federal Border Police (*Bundesgrenzschutz-direktion*), prosecution authorities, intelligence agencies, the Customs Investigations Office (*Zollkriminalamt*) as well as academic research. The BKA, as the central agency of the German criminal police, is responsible for collating and analysing all organised crime data which are collected by these individual agencies.

The process of data sharing between the individual collecting agencies and the BKA takes place according to an established data collection mechanism (which is constantly refined and improved). All investigating authorities collect data from organised crime related investigations according to a uniform data-collection screening system. The data are delivered to the BKA by the central offices of the state police forces, the Federal Border Police and customs in a standardised data-collection table (Microsoft Excel format).

This takes place on an annual basis and data for each calendar year are delivered to the BKA by the 1st February. Data are sent by e-mail or on CD/Floppy disks via the post. It is the opinion of the German respondent that the co-operation between federal state authorities, the Federal Border Police, customs and the central co-ordinating body (BKA) is very positive. This opinion can be confirmed by satisfaction surveys carried out with recipients of the organised crime reports. These include law enforcement agencies both on the federal level and in the *Bundesländer* (in general, those making policing decisions).

As well as an instrument to support the priority setting process on a decision-making level within (central) law enforcement agencies, the Organised Crime Situation Report is also seen as a feedback mechanism. Although (investigating) law enforcement agencies receive a copy of the report, in most cases it will simply act as background information.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

It is the opinion of the German respondent that the wide range of provable data collected from investigations conducted by the investigating law enforcement agencies ensures that reliable statements can be made on the existence, dimensions and forms of organised crime within Germany.

The mechanisms for data collection allow differentiation according to variables such as ethnic groups, crime type and *modus operandi*. The collection of 'soft-data' prior to organised crime investigations also allows opportunities for development.

All investigating authorities collect data from organised crime related investigations according to a uniform data-collection screening system. This joint collection with uniform-screening, the uniform application of the organised crime definition as well as regular expert meetings guarantees the consistency of data. At present, a project is being conducted at a national level with a view to reducing any inconsistencies present in the assessment of organised crime related cases.

The German and EU definitions (eleven criteria) are to a large extent congruent in their contents and are therefore considered compatible. Data are collected on an annual basis. The latest Organised Crime Situation Report refers to the year 2003.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Data collected on organised crime are generally only disseminated to a restricted public such as selected law enforcement agencies and governmental bodies. In this instance, the data collected by the BKA are disseminated according to the level of detail and breakdown followed by the variety of collecting agencies. Although the majority of data are disseminated to a restricted public, an edited version of the Organised Crime Situation Reports is provided to members of the general public.

The main media through which organised crime reports are published is 'paper'. However, the edited version of the report is available on the website (www.bka.de) and the variety of collecting agencies such as the police forces for each of the sixteen federal states, the Federal Border Police and customs also receive the comprehensive report on cd-rom.

It is opinion of the German respondent (supported by client satisfaction surveys) that the printed material is of an acceptable standard in terms of layout, presentation and graphics, and that sufficient details are provided regarding the methodology for data collection. Each report contains reference to the methodology for data collection and analysis and more detailed information on the analysis and collection of data is available on request. As the reports published both on-line and on cd-rom correspond with the paper version of the report, they too are considered to be user-friendly in terms of presentation and content.

It is the opinion of the German respondent that the Organised Crime Situation Report is discussed by a variety of different audiences. This is stimulated by an annual press release from the Federal Ministry of the Interior.

E. CONCLUSIONS

Within Germany, data on organised crime groups and organised crime related offences are collected by a variety of organisations. These include the police forces of the sixteen federal states, the Directorate of the Federal Border Police and the Customs Investigations Office. The BKA, as the central agency of the German criminal police, is responsible for collating and analysing all organised crime data which are collected by these individual agencies.

Although collecting agencies do not record organised crime data by group name, there is a specific set of data collection variables which relate to offence, organised crime relevance, suspects, duration of collaboration, other criminal activity and financial aspects. For the variable 'organised crime relevance', data are collected on fifty organised crime indicators that allow the organised crime potential of the group to be identified.

In terms of organised crime related offences, data are collected on specific variables such as name, address, vehicle and weapon. However, for the majority of offences, there are no specific categories enabling the organised crime relevance of that offence to be derived.

Within Germany, operational organised crime data are collected and held by nationwide law enforcement agencies. Strategic data are collected by a variety of agencies and sent on an annual basis to the BKA which produces the national Organised Crime Situation Report for Europol.

In terms of dissemination, a comprehensive version of the Situation Report is sent to law enforcement agencies both nationally and internationally, and this report also acts as the German contribution to the Organised Crime Situation Report of the European Union. An edited version of this report is available to the wider public both in hard copy and via the BKA website (www.bka.de).

The German respondent expressed positive views regarding the quality of the procedures for collecting organised crime data as well as the standard of its presentation within public documents. The opinion was also expressed that mechanisms for the collection and sharing of data ensure its reliability, consistency and national/EU comparability. Finally, it was suggested that the relationship between those responsible for collecting organised crime data and those responsible for co-ordinating its collation and analysis is very positive. This suggestion is supported by client satisfaction surveys.

ANNEX 2: GENERAL INDICATORS FOR THE IDENTIFICATION OF OC-RELEVANT FACTS

- I Preparation and planning of the crime
 - 1. precise planning
 - 2. adaptation to market requirements by taking advantage of market niches, identification of requirements, etc.
 - 3. contract jobs
 - 4. large-scale investment, e.g. by pre-financing from unidentifiable sources
 - 5. creation and exploitation of legal spheres of influence
 - 6. provision of areas of retreat in other countries
- II Commission of the crime
 - 7. precise and qualified perpetration of the crime
 - 8. exploitation of fairly expensive or difficult-to-use scientific means and findings
 - 9. involvement of specialists (also from abroad)
 - 10. division of tasks
 - 11. recruitment of individuals who have not previously come to police notice
 - 12. creation of highly sophisticated and complex company networks
- III Financial Conduct/Activities
 - 13. investment of funds from unidentified sources
 - 14. acceptance of financial losses from commercial enterprises
 - 15. discrepancy between financial investment and expected profit

16. conspicuous investments, e.g. purchase of real estate or other property which is not in line with the income
- IV Use of the proceeds of crime
 17. reinvestment into the legal business cycle
 18. use in connection with (legal) business activities by the perpetrators
 19. money laundering activities
- V Conspiratorial conduct of perpetrators
 20. counter-surveillance
 21. compartmentalization
 22. cover names
 23. coded language and written communication
 24. use of state-of-the-art technology to counter police surveillance activities
- VI Links between perpetrators/crimes
 25. supra-regional
 26. national
 27. international
- VII Group Structures
 28. hierarchical organisation
 29. relationship of interdependence or authority between several suspects for which there is no obvious explanation
 30. internal system of sanctions
- VIII Support for group members
 31. support for absconders
 32. recruitment of certain lawyers and payment of the latter by third persons
 33. larger sums of cash provided for defense
 34. larger sums of money offered to bail out group members
 35. threats against and intimidation of persons involved in the proceedings
 36. once available witnesses can no longer be traced
 37. persons involved are silent because they fear reprisals
 38. use of surprise witnesses to exonerate suspects
 39. group members are looked after when in pre-trial detention/penal custody
 40. next of kin are taken care of
 41. re-integration into group after release from prison
- IX Corruption
 42. drawing individuals into the perpetrators' social environment
 43. individuals are made dependent on perpetrators, e.g. as a result of sex, illicit gambling, loan sharking
 44. bribery, provision of holiday homes luxury cars, etc.
- X Trend toward monopolization
 45. business 'take-overs', partnerships
 46. front persons doing business on behalf of the perpetrators
 47. control over certain areas of business

48. protection racketeering

XI Public relations work

49. controlled or biased publications to divert attention from suspects

50. systematic attempts to exploit social institutions, e.g. by means of conspicuous patronage

9.1.7 Greece

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Within Greece, organised crime is defined by law 2928/2001, articles 1 and 2, which revised article 187 of the penal code. The crime categories covered by this law are as follows:

- counterfeiting/forgery and the distribution of such documents or money;
- fraud;
- arson;
- arson against forests;
- illegal possession, distribution and use of explosives;
- instigating shipwrecking;
- poisoning food and natural resources;
- risking the security of planes, ships and aeroplanes;
- intentional homicide;
- aggravated assault;
- kidnapping;
- under-age kidnapping;
- unintentional kidnapping;
- slave trade;
- rape;
- abuse of indecent behaviour;
- seduction of minor;
- special theft types (such as theft or trafficking of artefacts, antiques, jewellery or cultural material, intellectual property theft, organised crime related theft);
- embezzlement;
- armed robbery;
- blackmail;
- illegal migration;
- cybercrime;
- loan sharking;

- drug trafficking and manufacturing;
- illegal firearms and explosives;
- environmental crime;
- infiltration into public procurement.

The criteria for organised crime characterisation were introduced by Enfopol 35, Rev. 2, so they follow European standards and are internationally agreed definitions.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

Within Greece the organised crime data collection system is offence-based. The offence is the main unit of analysis with information on the suspect collected as a consequence of information collected on offences.

Organised crime offences

Data are collected on all crimes defined as organised crime related in law 2829/2001 by a variety of different organisations relevant to each specific offence. These include the Greek police, the Ministry of Commercial Navy, special forces for money laundering and trafficking and customs. For each offence, data are collected on nineteen specific variables, these are:

- structure of the organised crime group;
- crimes committed by the organised crime group;
- geographical area in which group operates;
- name of the group (according to the nationality of key members);
- estimated total number and number of suspected or arrested members;
- total number of key members;
- citizenship of key members;
- nationality of key members;
- relationship to other organised crime group;
- if so, which other organised crime group?
- use of violence (within the group, against members of other organised crime groups, or against others);
- infiltration into criminal justice officers, courts, businesses, politicians, others;
- use of specialist methods (such as offsetting, internet, etc.);
- countermeasures;
- employment of skilled workers (such as lawyers, chemists, experts, technicians, etc.);
- risk estimates for legal markets;
- risk estimates for illegal markets.

Although often considered to be organised crime related, prostitution, gambling, stock market and real estate manipulation are not classified as criminal offences within Greece. For this reason, data are not collected on these activities.

Organised crime groups

Within Greece, organised crime groups are named by the nationality of key members – this may contain one or two nationalities. The actual list of organised crime groups is confidential and could not be duplicated for the purposes of this questionnaire. For each organised crime group, data are collected on the nineteen variables listed above.

Data are collected by a variety of different collecting agencies such as the Ministry of Commercial Navy, special forces for money laundering and trafficking and customs. These data are sent to the Greek police who are responsible for co-ordinating data on organised crime activity.

Within Greece, there is a specific source for organised crime data. The Greek police have the responsibility for collating and analysing both qualitative and quantitative data collected by a variety of individual organisations.

Organisations which collect data on organised crime within Greece include the Ministry of Commercial Navy, special forces for money laundering and trafficking, customs, the courts, coast guards, the Committee on article 8 of law 2331/1995 (money laundering), academic research and newspapers. The Ministry of Justice also holds data on convictions for organised crime activities. Although local law enforcement agencies send data to the Greek police regarding organised crime related activity, specific feedback from the police to these agencies very rarely takes place.

Data on organised crime activity as well as convictions for organised crime related offences are available from 1998 to the present. In the opinion of the Greek respondent that the police receive the full co-operation of these various organisations when collating data on organised crime activity.

The process of data sharing between these various agencies takes place according to each organisation's protocols for data and information exchange. Organised crime data are sent to the police on an annual basis. This takes place in February and covers the period for the previous calendar year.

Submission of data takes place using a variety of different media; these include e-mail, fax, phone and post. In terms of data protection, legislation states that the names of organised crime suspects should be removed from the police's organised crime database following their acquittal.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

The Greek respondent expressed the opinion that the Greek system for collating organised crime data has two main weaknesses.

The first relates to time-constraints. When an arrest occurs all information around the potential organised crime case has to be collected within a period

of 24 hours. This limits the amount of information which can be collected and stored.

The second weakness relates to the method of recording organised crime data. When a crime is recorded by the Greek police, there is no single identification number which follows that case through the court system process (Ministry of Justice). Therefore, crimes originally recorded as 'organised crime related' by the police may be judged by the Ministry of Justice to be normal criminal activity. In this instance there would be no means of tracing the case back to police data and re-classifying the offence. On the other hand, crimes recorded as 'normal criminal activity' by the police, may be judged by the Ministry of Justice to be organised crime related. In this instance, there would be no means of re-classifying the original offence as an organised crime.

Consistent methods of quantitative data collection have been in place within Greece since 2002. In 2005, a new database to aid the input/analysis of organised crime related data will be introduced.

The criteria for classification and collection of organised crime data were introduced by Enfopol 35, Rev. 2; therefore they follow the European standards. Law 2829, which defines organised crime, was introduced in 2001, data collection methods were standardised in 2002.

Organised crime data are updated on an annual basis. Data from organisations such as customs, Ministry of Commercial Navy and special forces for money laundering and trafficking are sent to the police in February of each year. The latest statistics available on organised crime refer to 2003.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Most data collected on organised crime within Greece are disseminated to a restricted audience only. In this case these data are disseminated according to the level and detail which is provided by the collecting organisations themselves. The most common media used to disseminate organised crime data is paper. However, secure e-mail is used to send data to Europol.

Although most data are restricted to a limited audience, general statistics on organised crime are published to a wider audience, alongside data for all other crimes defined by law 2829/2001.

It is the opinion of the Greek respondent that the quality of this material is good and that the police pay particular attention to ensuring that documents are attractive (cover, binding, colours, graphics), well formatted (numbering, font sizes and emphasis within the text) as well as clear and comprehensible (summary, introduction, conclusions, recommendations, limitations, information gaps). Reports published to a limited audience do not contain information relating to methodology/data construction processes. The reports focus largely upon recommendations rather than issues of methodology.

Finally, the respondent for Greece felt that the material disseminated on organised crime activity do stimulate discussion of this subject within Europol and national law enforcement agencies or governmental bodies.

However, the opinion was expressed that they do not encourage debate on the issues of organised crime amongst the general public.

E. CONCLUSIONS

Within Greece, data on organised crime groups and organised crime related offences are collected by a variety of organisations. These include the Ministry of Commercial Navy, special forces for money laundering and customs. The police have the responsibility for collating and analysing all organised crime data collected by these individual agencies.

Organised crime groups are named according to the nationality of their key members. For each group, data on nineteen variables are collected. These include the structure of the group, crimes committed by the group, name, geographical area, nationality, citizenship and number of key members, relationship to other organised crime groups, use of violence, infiltration into legitimate organisations, use of specialist methods, countermeasures, employment of skilled work and risk estimates for legal and illegal markets. In terms of specific organised crime related offences, data are collected for the same nineteen variables for all offences listed under law 2928/2001.

Within Greece, individual law enforcement agencies send organised crime data to the police on an annual basis. This takes place in February, with data covering the period of the previous calendar year. It is the opinion of the Greek respondent that the police receive full co-operation from the individual agencies when collating and analysing organised crime data.

In terms of dissemination, most organised crime material is restricted to a limited audience of e.g. law enforcement agencies and governmental bodies. The general public will only have access to general statistics on organised crime levels.

The Greek respondent expressed positive views about the timeliness, national and EU comparability and consistency of organised crime data within Greece, and stressed the importance of a new database and software being introduced in 2005 which will aid the input and analysis of organised crime data.

Weaknesses in the usefulness and reliability of Greek organised crime data were highlighted. These relate to procedures for data collection as well as methods of recording crime offences.

In terms of the former, when an arrest occurs all information surrounding the potential organised crime case must be collected within a period of 24 hours. It is the opinion of the respondent that this restricts the information which can be collected and recorded on each offence.

The latter weakness relates to the limitations in data recording methods. When a crime is recorded by the police, there is no single identification number which follows the case through to the court system process. For this reason, if a crime is recorded by the police as a non-organised crime related offence and later judged by the Ministry of Justice to be an organised crime, there is no means of re-classifying the original offence as an organised crime. Therefore, statistics within Greece may portray an inaccurate picture of true levels of organised crime.

9.1.8 Ireland

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Ireland uses the Enfpol 35 definition of organised crime (see chapter 8 of this report). Although this forms the Irish definition of organised crime, the National Criminal Intelligence Unit also collates information on what it describes as 'major criminals'. These individuals may not meet the full requirements of Enfpol 35, but still remain an integral part of the criminal enterprise.

An example provided by the Irish respondent was that in the case of an offence such as lorry load theft, the driver may not be classed as an organised criminal according to the strict definition provided by Enfpol 35, however, this person would remain of interest to the National Criminal Intelligence Unit. The National Criminal Intelligence Unit's secure intelligence database holds information on both organised criminals as classified by Enfpol 35, and those considered to be major criminals, even though they may not meet the strict criteria as set out under Enfpol 35.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

Within Ireland the organised crime data collection system is both offence and offender-based. In most instances data collection is focused upon the offender/individual, their level of involvement and the type of criminality. However, in some cases the offence may be the unit of analysis with data relating to offenders collected as a result of offence-based intelligence.

Organised crime groups

Data on organised crime groups are not necessarily categorised according to a single group name. However, for all groups who fit the Enfpol 35 definition, or those considered to be major criminals and therefore of interest to the National Criminal Intelligence Unit, data relating to the following variables are collected by *An Garda Síochána* (police force) in collaboration with other relevant agencies such as the Revenue Commissioners:

- levels of violence used;
- levels of profit derived from groups' activity;
- impact upon the public (either as victims or as users of illegal drugs);
- possible effect upon legitimate business;
- levels of cross border activities;
- potential for harm to the economy.

In terms of retention of information, the National Criminal Intelligence Unit retain details of individuals involved (or suspected of being involved) in organised crime even after acquittal, only as long as this is necessary for the prevention or detection of crime. If, after acquittal, a suspect believes that

these data are being held unlawfully, they can ask for them to be removed or rectified.

Organised crime offences

As will be discussed in more detail below, variables which would allow an offence to be identified as an organised crime are not systematically collated or recorded on the national police recorded crime database (PULSE). For this reason, the National Criminal Intelligence Unit (based within *An Garda Siochana*) uses their own data collection procedures to ensure that they have an up to date picture of organised crime. The collecting agencies and the variables collected which relate to specific organised crime related offences are detailed in the list below. This list was drawn up considering the two different groups of offences characterised by distinct collecting agencies.

The first group, where data are collected by *An Garda Siochana* and the Revenue Commissioners, includes the following offences with respective variables collected:

- *drug trafficking*: type of drug, routes, mode of transport;
- *drugs manufacturing*, where data are collected on precursor chemicals;
- *smuggling*: product involved, use of legitimate businesses;
- *illegal firearms and explosives trading*: type of weapons, routes, connection to other forms of crime;
- *money laundering*: source of money, means employed, use of legitimate business;
- *intellectual property theft*: type of product, location manufacturing.

The second group, where the data are collected just by *An Garda Siochana*, includes the following offences with relative variables:

- *extortions, including money for protection*: levels of violence, motive, level of paramilitary involvement;
- *fraud*: means, targets – state or major business;
- *illegal migration*: routes, identity of facilitators, abuse of systems, false documentation;
- *trafficking of human beings*: routes, identity of facilitators;
- *prostitution*: use of force or intimidation;
- *works of art, antiques, jewellery, archaeological material trafficking*: type of product stolen, routes for export;
- *organised crime related theft and robbery*: identity of persons involved, means of disposal of proceeds, levels of violence, possibility of inside involvement;
- *kidnapping for ransom*: identity of those involved, motive;
- *organised vehicle theft*: types of vehicles stolen, means of disposal of vehicles;
- *organised lorry load theft*: type of product, means of disposal.

Although generally considered to be offences related to organised crime, within Ireland data are not systematically collected on the following offence categories: environmental crime, loan sharking/usury, embezzlement, gambling, infiltration into public procurement, stock market manipulation, real estate manipulation and cybercrime. The reason for this, according to the Irish respondent, is that these offences have not, at present, been linked to organised crime within Ireland.

The process of collating, storing and analysing data relating to organised crime is the responsibility of the National Criminal Intelligence Unit (based within the police). Although separate agencies collate their own data (utilising their own systems), the National Criminal Intelligence Unit is responsible for co-ordinating the collection of these data for both operational and strategic purposes.

As with many other countries, the police recorded crime database (PULSE) which holds information on all offences committed within Ireland, provides no indication of whether an offence is organised in nature. For this reason, the National Criminal Intelligence Unit has a separate process for collecting data relating to organised crime. Once collated, these data are held on their own secure intelligence system.

The system (or separate collection plan) for collecting data on organised crime has several strands, these involve both ongoing operational data collection as well as data collection exercises for strategic/review purposes. In terms of operational information, the National Criminal Intelligence Unit receives data on an ongoing basis from teams working within thematic, multi-agency groups. Examples of these include the Criminal Assets Bureau which includes officers from agencies such as the police, the benefits agency and customs. These officers work at an operational level on a daily basis. The Police Drugs Unit and the Customs National Drugs Team also work together on a daily basis, with liaison officers based within the same offices. In these instances, data relating to organised crime are fed back to the National Criminal Intelligence Unit on an ongoing basis.

Police forces throughout Ireland are also obliged under an internal force instruction to report any intelligence which may be relevant to organised crime to the National Criminal Intelligence Unit (NCIU). Data relating to organised crime are sent by police forces in paper format on an ongoing basis; however, the process of data sharing is currently being upgraded to an electronic system.

The feedback loop from the NCIU back to the police working on the ground varies according to the nature of the information. If the information provided to the NCIU was operational and current, the feedback would be immediate. If the information was strategic, the feedback would be less urgent.

Part of the NCIU remit is to provide feedback to aid law enforcement agencies and being part of the same police service aids this dissemination process. The Irish respondent felt that, in general, feedback takes place 'often' (as opposed to 'always' or 'rarely').

In addition to the ongoing data sharing which takes place between the NCIU, customs and other relevant agencies, the NCIU conducts data collection exercises that are strategic, not operational. These procedures are designed to ensure that data are up to date as well as informing the annual Organised

Crime Situation Report and the Organised Crime Cross Border Report. Data collection involves:

- a yearly report from customs regarding all information collated on organised crime within the previous year;
- a three monthly trawl of the PULSE system, paying particular attention to headline offences traditionally associated with organised crime. In this instance, the NCIU will look in detail for factors which may identify an offence as organised in nature. If they feel an offence contained in the PULSE system may relate to organised crime and this offence is not on their own system, they will contact the relevant divisional commander and investigate this offence in more detail. The Irish respondent felt this process was a 'back-up' exercise and NCIU rarely come across organised crime offences they had not already recorded.

Although operational data are collected by a variety of agencies on an ongoing basis, individual agencies such as customs continue to collect their own data using their own systems, with strategic level data only shared between these agencies for the purpose of preparing annual situation reports. The Irish respondent felt a paper published by the Department of Justice, Equality and Law Reform (28/07/2004) may go some way towards highlighting current inadequacies in the linkages between *An Garda Siochana* and other agencies involved in the criminal justice process. Chapter eight of that paper highlighted the lack of integration between police statistics and those collated by other agencies. Due to the current absence of formal data sharing mechanisms between data collection agencies and the police he was not able to comment on the relationship between these agencies.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

The Irish respondent felt the procedures for collating data on organised crime provide an accurate account of the level of organised crime taking place in Ireland. Because crimes are not categorised as 'organised' within the police recorded crime system (PULSE), a separate detailed investigation of relevant crimes takes place. This avoids assumptions (whereby a crime is assumed to be linked to organised crime and six months into an investigation it transpires that this is inaccurate) or omissions (whereby crimes are assumed to have no organised crime link when further investigation would reveal involvement).

The Irish respondent also felt that the organised crime situation report provides as accurate a picture as any report could provide of the current position regarding organised crime within Ireland. He stressed that any report will be out of date the day that it is written. However, he believed that the ongoing multi-agency liaison between agencies such as customs and the National Criminal Intelligence Unit ensures that operational data are continuously updated.

He also expressed the opinion that issues of consistency regarding data collection have not emerged as a problem. This was due to the fact that the NCIU is part of a single police service. For this reason police forces are obliged to submit data to the NCIU using a consistent reporting process.

The respondent also felt that the separate process of collecting data on organised crime helped to avoid any inconsistencies. Because organised crime data involve a separate collection plan and is not contained within the national police recorded statistics, the police conduct their own process of data collection. This avoids problems with incompatible software, definitions or methodological standards.

In terms of national and EU comparability, Ireland uses the Enfopol 35 definition and collection criteria for organised crime. Therefore data should be comparable with those from other European countries. The respondent, however, expressed the view that it is not possible to have a single set of guidelines that will allow a simple determination that a crime was or was not the work of persons who are part of an organised crime group.

The suggestion was made that there needs to be an understanding on the part of other contributors, or those intending to use any data for comparative purposes, of the process that was used within each individual country to compile and assess their organised crime data.

As was referred to earlier within the report, data on organised crime are collected operationally on an ongoing basis. Data are held within the NCIU secure intelligence system and updated daily. As a means of informing the annual Organised Crime Situation Report, the NCIU also conduct a three monthly trawl of the police recorded crime system (PULSE) as well as receiving annual feedback from customs.

The annual Organised Crime Situation Report is submitted to Europol on an annual basis and relates to information collected for the previous calendar year. Although the respondent expressed the opinion that this separate process of data collection has benefits in terms of avoiding assumptions that an offence is/is not linked to organised crime, it means that a large amount of data is collected on a retrospective basis.

The respondent suggested that a more formalised collection plan, with the responsibility for submission of data at regular set intervals, would be useful, but added the caveat that data would still need constant re-evaluation once an investigation had been completed.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Data collected on organised crime are generally disseminated to the wider public. However, to ensure that that law enforcement agencies do not educate the organised crime groups, or provide them with advance knowledge of future strategies, the information disseminated to the general public is edited and contains only a limited amount of information.

An edited version of the organised crime report (*A Cross Border Organised Crime Assessment*) is available on the police website.¹⁵ In addition, a more comprehensive, confidential report is submitted to Europol on an annual basis. This takes place in June each year, and reports on organised crime which has taken place within the previous calendar year.

¹⁵ Available at <http://www.garda.ie/angarda/pub/CrossBorderReport.pdf>.

The main medium through which data on organised crime are published is paper. It was the opinion of the respondent that the quality of published reports, in terms of presentation and layout, is excellent and that sufficient relevant metadata are contained within the reports. The respondent also suggested that both on-line and machine-readable versions of reports are sufficiently user friendly, providing adequate technical advice and support.

Finally, the respondent felt that much of the discussion surrounding the subject of organised crime within Ireland is generated by either politicians or the media and that such discussions generally occur in the wake of a significant or serious crime, rather than as a response to the publication of statistics.

E. CONCLUSIONS

Data contained within the Irish police national recorded crime database (PULSE) provide no indication of whether or not an offence is organised in nature and although offences traditionally associated with organised crime are held on this system, there are no variables allowing these offences to be categorised according to the criteria set out by Enfpopol 35. For this reason, the National Criminal Intelligence Unit (*An Garda Síochána*), who are responsible for the collection, analysis and dissemination of information relating to organised crime, conduct their own data collection exercises and hold their own secure intelligence database.

Operational data collection takes place on an ongoing basis through multi-agency thematic units such as the Criminal Assets Bureau. Individual police forces are also required, through an internal force instruction, to submit any intelligence which may relate to organised crime to the NCIU, again on an ongoing basis.

In addition to this ongoing data collection exercise, the NCIU conducts several data collection exercises designed to inform the annual situation reports. This involves a three monthly trawl of the police national recorded crime database (PULSE), paying particular attention to headline crimes. Any offences which have not been previously recorded by the National Criminal Intelligence Unit, which are thought to be organised in nature, are investigated in more depth through liaison with individual divisional commanders.

Once a year, customs are also asked to submit an annual report to the NCIU outlining details of organised crime activity within the previous year. Although customs work alongside *An Garda Síochána* on a daily basis, they continue to collect their own data using their own systems. The Irish respondent highlighted the weaknesses in this retrospective data collection exercise and identified this as an area for improvement.

An annual assessment of organised crime is disseminated to the wider public and is available on *An Garda Síochána's* website. This report is limited in its content, and a more comprehensive annual Organised Crime Situation Report is submitted to Europol in June each year.

The Irish respondent expressed positive views regarding the quality of the procedures for collecting organised crime data as well as the standard of its presentation within public documents. He felt that the separate data

collection process for organised crime avoids assumptions being made regarding a crime's organised crime status at the point at which data are recorded. Although the respondent viewed this mechanism as a positive element in terms of ensuring that data are both accurate and reliable, suggestions were made that this retrospective data collection exercise should become more proactive, allowing data from all relevant sources to be updated on an ongoing basis.

9.1.9 Italy

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Organised crime in Italy is a complex phenomenon in continuous development. Indeed, on the one hand, the phenomenon is characterised by the standard mafia-type model; on the other hand, the increasing complexity and organisation required in carrying out ordinary crimes (such as robbery, theft, etc.) led to the development of a variety of national and foreign criminal groups.

Taking this into consideration, the definition of organised crime is based on the following provisions:

- *association for purposes of committing offences (simple organised crime or conspiracy –article 416 penal code):*

“When 3 or more persons associate to commit several crimes, those persons promoting, establishing or organising the said association shall be liable, for this sole offence, to imprisonment for 3 to 7 years. For the sole offence of participating in the said association, the punishment shall be imprisonment for 1 to 5 years [...]”.

The offence of criminal association is committed when a) a connection exists between an association's members that does not cease after the association has committed the offences it planned, b) this connection is not confined to one or more specific offences, but relates to a broader criminal strategy, and c) the association is equipped with a structure suited to its purposes. The perpetration of planned offences is not necessary for the commission of the offence of association (which is characterised by the act of placing under threat);

- *Mafia – type association (Mafia –type organised crime – article 416-bis penal code):*

“1. Persons belonging to a Mafia-type organisation of three or more persons shall be liable to imprisonment for a term of between three and six years. 2. Persons who further the activities of or manage the organisation shall be liable to imprisonment for a term of between four and nine years for that offence alone. 3. A Mafia-type organisation is an organisation whose members use the power of intimidation deriving from the bonds of membership and the atmosphere of coercion and conspiracy of silence that it engenders to commit offences, to acquire direct or indirect control of economic activities, licences, authorisations, public procurement contracts and services or to obtain unjustified profits or advantages for itself or others, or to prevent or obstruct the free exercise of the right to vote, or to procure votes for itself or others at elections. 4. If the

organisation is armed, members shall be liable to imprisonment for a term of between four and ten years in the circumstances described in the first subsection and between five and fifteen years in the circumstances described in the second subsection. 5. The organisation shall be deemed to be armed if its members have access to weapons or explosives for the purposes of furthering the aims of the organisation, even if hidden or stored. 6. If the economic activities which the members intend to acquire or maintain control over are financed in whole or in part by the proceeds of crime, the penalties set out above shall be increased by between a third and a half. 7. In the event of a conviction, articles which were used or intended to be used to commit the offence and the proceeds thereof shall be forfeited. 8. The provisions of this section are also applicable to the Camorra and any other organisations, whatever their names, that make use of the power of intimidation deriving from the bonds of membership to pursue goals typical of Mafia-type organisations”.

Therefore, an association is considered to be ‘Mafia-type’ if a) the members of the group exploit their power of intimidation, derived from the link existing between the members, and the state of submission and obligation to keep silence arising from that power, and b) the aim of the association is to engage in activities in the public and private sectors detrimental to the proper functioning of the economy and the public authorities. A Mafia-type offence is committed as soon as the link between members is established; it is not necessary that any other offences be committed;

- *association for the purposes of illicit trafficking of narcotic or psychotropic substances (article 74 of Presidential Decree 309/1990):*

“1. When three or more persons form an association for the purposes of committing more than one offence under section 73, whoever promotes, establishes, manages, organises or finances the association shall be liable to imprisonment for a term of not less than twenty years for this offence alone. 2. Any persons taking part in the activities of the organisation shall be liable to imprisonment for a term of not less than ten years. 3. The sentence shall be increased if the organisation consists of ten or more members or if any of the members are addicted to narcotic or psychotropic substances. 4. If the organisation is armed, in the circumstances described in subsections 1 and 3 above, the sentence may not be less than twenty-four years imprisonment and twelve years imprisonment in the case in subsection two above. The organisation shall be deemed to be armed if its members have access to weapons or explosives, even if hidden or stored. [...]”.

These national definitions are applied when collecting data on organised crime. The preference of national definitions over the European one has its explanation in the peculiarity of the Italian organised crime phenomenon, which requires the application of *ad hoc* definitions to be fully understood and measured.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

The collection of data on organised crime in Italy is organised on two levels, one central and one local one.

At central level lies the *Servizio Analisi Criminale* (from now on SAC), which is one of the offices of the Ministry of Interior, Department of Public Security, Central Directorate of Criminal Police (*Direzione Centrale della Polizia Criminale*).

SAC was established by the Interministerial Decree of 25 October 2000 as “a pole for the crime fighting informative coordination and for the interforces strategic analysis on the criminal phenomena, as necessary support to the National Authority of Public Security and useful reference to the Department of Public Security and the police forces”. It is made up of members from the three police forces (*Carabinieri, Polizia di Stato* and *Guardia di Finanza*) and it is organised in three divisions: the 1st one deals with qualitative analysis, the 2nd with interforces integrated projects (*cattura latitanti, mappe della criminalità, vigilanza appalti*, etc.), the 3rd one with quantitative/statistical analysis.

For the collection of the relevant data, SAC relies on a central and local level, made up of the three police forces and the other organisations involved in the fight against organised crime at the national and international level, such as the Antimafia Investigation Department (*Direzione Investigativa Antimafia – DIA*)¹⁶ and the Central Department for Antidrug Services (*Direzione Centrale per i Servizi Antidroga – DCSA*). The national picture of organised crime produced by the *Servizio Analisi Criminale* is the result of this cooperation.

Looking now at the kind of information on organised crime, this can be grouped as follows.

A first data collection system on organised crime, which is part of the more general data collection system on all crimes. In this system quantitative data on all reported crimes are collected by means of a form, the so called 165 model. This model consists of a list of sixty-nine items on crimes reported by police forces to the judicial authority.

Quantitative data on reported crimes (number of reported crimes of a given type plus the number of suspects) are collected by the provincial offices of the police forces (i.e. *Questure, Comandi Provinciali dell’Arma dei Carabinieri e della Guardia di Finanza*) by completing the 165 model form. The forms are collated at provincial level by Prefectures and sent monthly to the SAC and the National Statistical Institute. The police forces offices update the information provided, through a telematic connection with the central system.

This system enables the collection of data on some crime typologies specifically related to criminal organisations, namely: associations for purposes of committing offences; Mafia – type association and organised crime related homicides. This can be seen in the figure below, which shows the template of the 165 form, with special reference to the collection of organised crime related data.

¹⁶ The DIA is a specialised investigative agency, set up within the Department of Public Security, with the task of carrying out preventive investigations related to organised crime, and carrying out criminal investigations related to mafia association offences or anyway referring to such association.

	Number of Reported Crimes (TOTAL)	Number of Reported Crimes in the Chief City	Number of Reported Crime of Known Author	Number of Reported People (TOTAL)	Number of Reported Minors
[...]					
[03] 2 - Organised crime related homicides					
[...]					
[49] Associations for purposes of committing offences (article 416 criminal code)					
[50] Mafia - type associations (article 416-bis criminal code)					
[...]					

The 165 model data collection system was used until June 2004 when it was completely replaced by an IT system called SDI (*Sistema Di Indagine* - Investigation system). This is an interforces system which registers and manages all criminal events, included the crimes listed in the 165 model. SDI makes it possible to have a unique database where the various kinds of information are inserted in a unique format by all police forces. Information is inserted electronically in this database by all the police forces using the same format.

Information is collected into the SDI in form of 'communications' (i.e. information of interest to the database), on:

- persons (physical or legal); and
- objects (documents, vehicles/plates, stock titles, banknotes and arms).

While the 165 model data collection system could be purely used for statistical purposes, SDI aims at being a online database directly accessed and filled out by police forces, used not only for statistical purposes, but above all for operational purposes.

In addition to the quantitative data collection systems described above, SAC also brings together a wide variety of qualitative information on organised crime:

- sent daily by the provincial and regional offices of the three police forces; and
- contained in the semestral reports of the Prefectures containing qualitative data from each province;
- acquired on the occasion of the annual meetings of a working group (*Gruppo di Lavoro Interforze*) coordinated by SAC and composed of representatives of the different law enforcement agencies dealing with the analysis of organised crime at the national level (*DIA, Direzione Centrale per i Servizi Antidroga, Uffici Centrali e Comandi Generali delle Forze di Polizia*). The working group meets at the beginning of each year to gather, discuss, compare and harmonise qualitative data on organised

crime. Information gathered during the meeting is used by SAC to satisfy the demands of article 113 of law 121 of 1981. Under this article, SAC produces an annual report on the activity of the police forces and the status of public order and security in the country which is then submitted to the Parliament. The report also includes the analysis of organised crime phenomena in the national territory.

A second data collection system contains just qualitative data. It is now being piloted and will be rolled out soon. It is a specific project aimed at the collection and processing of data relating to organised criminal groups active in the national territory. This new project, named MACRO, will map each of the organised criminal groups operating in Italy. It will do this through the precise identification of each criminal group, the number of its members, its denomination, its origin areas, its influence areas and information concerning the group members.

In order to achieve this aim, the MACRO database, which is managed by the SAC, brings together a variety of information from investigative and intelligence activities, and judicial acts from the three police forces and DIA. The variables collected within the database, once this fully enters into force, will be:

- denomination of the organisation;
- ethnic predominancy (if any);
- origin area;
- influence area;
- criminal activity/ies carried out;
- eventual beginning and ending date of the criminal activity;
- names and anagrafical data of members;
- role of the members in the organisation.

Compared to the previous mapping system named ORSO, MACRO should provide more detailed information on organised criminal groups and be easier to manage. Criminal analysis officers of the police forces would be allowed access to MACRO information for strategic and operational purposes.

The means of transmission of data from the local areas to the centre vary. They can be e-mail, fax, phone, as well as oral transmission on the occasion of the meetings of the *Gruppo di Lavoro Interforze*. Transmission of data to the SDI takes place electronically.

The collaboration between the SAC and local offices is also ensured by a specific feedback from the central office to the local agencies. The SAC always sends its general analyses to local officers to help them in their law enforcement and investigation. But the local offices can also benefit from general access to the SAC database for *ad hoc* analyses.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

SAC receives full cooperation from the police forces, DIA and DCSA for the collection of information on organised crime. Overall, the quantitative and qualitative information collected both at the national and regional level furnishes a complete picture on organised criminal groups active within national borders. The picture is already enriched with detailed information on each criminal organisation and its members but it is lacking in data organisation. As soon as the MACRO programme is fully implemented there will be a more organised management information system and territorial offices will provide automatic updating of the data.

Collected information on organised crime is based on shared definitions (articles 416 and 416-*bis* criminal code), which to a certain extent reduce coherence problems. Even when problems of coherence arise, these are sorted out through the daily contacts of SAC, by phone with the law enforcement agencies involved in the data collection and on the occasions of the meetings of the *Gruppo di Lavoro Interforze*. This makes the comparability of both qualitative and quantitative data coming from different areas of the country not problematic.

On the other hand, the comparability of Italian data with those produced by other European countries is highly problematic. This is because of the different national definitions of organised crime adopted.

Another factor which hampers comparability at the EU level is the existence of a variety of recording practices: EU member states register data at different stages of the criminal process (some when the crimes are reported to the police, others only later, when investigations close and the case passes to the judicial authority). The work of the CSN (Contact and Support Network), made up of all EU member states experts in the field of criminal analysis aims at discussing these issues in order to improve EU comparability of organised crime data.

Dealing now with timeliness of the data, these are updated:

- in real time, with regard to the SDI data bank;
- monthly, with reference to quantitative data collected through the 165 model; however it is worth being noted that there is about a two months delay in the transmission of data to SAC – this is the time needed by police forces to consolidate data (which is done at the end of each month), sent them to Prefectures and then from Prefectures to SAC;
- daily, with reference to qualitative data from the police forces to SAC;
- six monthly, with reference to the reports by Prefectures;
- annually, with regard to the annual report produced by SAC with the cooperation of the *Gruppo di Lavoro Interforze*.

The continuous updating of the data banks includes also the information about organised crime suspects in the event of their acquittal after criminal proceedings. In this case the names of suspects are deleted from the database.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations themselves.

So, for example, the main publication on the topic, which is the Annual Report on Organised Crime submitted by SAC to the Parliament *ex art.113* of law 121 of 1981, does not include all qualitative and quantitative data handled by SAC. This Annual Report, after approval by the Parliament, is made available online. While in previous years the Report had taken the form of an autonomous report, separated from the more general report on public order and security, starting from this year it will take the form of a chapter of the latter.

SAC also provides the Italian contribution to the Europol Organised Crime Report, although the main version is not publicly available.

Apart from the above mentioned, where consolidated (i.e. referred to the previous year and therefore final) data are presented, it is possible to get access to data of the current year, not consolidated yet. Access to this information can be authorised to national and international institutions, as well as to a series of external bodies, such as research centres (public and private), Universities, private companies (e.g. banks) or single researchers.

E. CONCLUSIONS

The picture on organised crime produced in Italy appears to be quite complete. It includes intelligence based information on the organised criminal groups active in the country, as well as their activities. This information will be further enhanced and made more detailed with the full implementation of the MACRO programme and the development of the SDI system. Also, information on some organised crime related offences (namely associations for purposes of committing offences; Mafia – type association and organised crime related homicides) are available in ordinary crime statistics.

Furthermore, although the Italian data collection system on organised crime is based on a variety of data coming from different institutions (three police forces, DIA and DCSA), it seems to be characterised by a good internal coherence, made possible by the continuous contacts among the peripheral level (i.e. the above mentioned agencies which are involved in the collection of data on organised crime at local level) and the central one (SAC, which brings together all the data).

However, this is made possible to the detriment of EU comparability. The definitions of organised crime employed in Italy for collecting data are strictly national ones, due to the peculiarity of the organised criminal phenomenon in Italy. In the end this runs the risk of isolating the Italian organised crime system from other organised crime systems in EU member states.

9.1.10 Luxembourg

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Luxembourg uses the definition of organised crime contained in 6204/2/97 Rev. 2 Enfpopol 35 document of 21 April 1997 (see chapter 8 in this report). This can be considered as an internationally agreed definition as it is the one used by most member states of the EU.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

The situation in Luxembourg is unique, due, in particular to the limited size of the country. For this reason names are seldom attributed to the domestic organised crime groups. If these groups are part of foreign groups that can be identified, this information is provided in the national organised crime report.

The main variables collected in Luxembourg are: number of human resources involved, amount of material resources involved, illicit gain obtained over a certain period of time, nationality of the members, regions of origin, ethnic origin, period of activity, form of organisation and structure, type of internal control mechanisms.

The limited size of Luxembourg is reflected in the fact that only 25 to 35 cases a year are reported. The majority are rogatory letter cases or cases that, although they fit the Enfpopol 35 criteria, are not typical organised crime cases but rather cases of well organised criminals. For this reason it makes no sense to consider crime areas independently.

There are a few exceptions, however, such as drug trafficking, trafficking in human beings and car theft, where intelligence is provided even if no specific case has been reported for that year. The main reason is that it happens that during an ongoing investigation information is at the disposal of the authorities even if the case itself is not covered by the reporting mechanism. The policy of the authorities is to report the cases during the year where the main police action took place. This means that the information provided is timely even though for the quantitative part of the report the information is not used for that year.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

There are neither specific data sources for organised crime nor specific sections for organised crime in ordinary crime data sources. This means that the data on organised crime can be reconstructed only indirectly. For example, by selecting within the ordinary crime, types of offences conventionally linked, because of their large scale nature, seriousness and/or degree of organisation required, to organised crime. The data are collected manually by use of a template.

In Luxembourg the police are the only collecting agency. However, data collection is a problem even within the police agency, as the different departments within the police often do not see the added value of collecting these data. Moreover, this data collection represents considerable additional work for police officers.

A template (questionnaire) is used to collect data. Additional information is gathered in police reports and by interviews. The collection procedure is launched at the end of each year. The different police units should make their returns by the end of February. Units are free to report their cases in advance of this once the main police action has taken place, rather than waiting to the end of the year. This would help to improve data quality and reduce loss of time, as it is easier to complete the questionnaire straight away when the information is fresh. However, police rarely use this possibility.

There are other reasons why the information in Luxembourg is not reliable and thus of less use than it might be:

- first there is a lack of interest as already mentioned because the added value is regarded as low. It is a fact that the results of the reports are poor but even if they were not, lack of human resources would make it difficult to use that information to start new investigations;
- secondly, the different criteria used in Enfopol 35 are not well defined. This allows a great deal of local interpretation. Until now, no further attempt to define the criteria on a national level has been made.

A national definition could result in more comparable national reports without changing anything on the international level. However, it is considered that to do this would further complicate the collection mechanism without automatically resulting in a greater comparability. This is because any statistical analysis of such a small number of cases is regarded as not reliable.

As the data sources are the police investigations, the sources are consistent. However, the problem occurs when the choice is made to classify the offence as organised crime or not. This decision is made on a purely subjective basis with the consequence that the cases eventually reported are no longer consistent with each other.

The situation in Luxembourg is unique specific because the size of the country does not allow a reliable quantitative approach. However, the Luxembourg respondent feels that even countries with a comparable size provide data that cannot be compared (compare number of cases reported by France and Germany for example).

D. DISSEMINATION OF DATA ON ORGANISED CRIME

As mentioned before, data are collected at least once a year and must be provided for February of the year for which the organised crime report is written for Europol. Although in the past Luxembourg has met the deadline, this was not possible for 2004. If during the writing period important information is obtained, it is considered in the qualitative part of the national

report. None of the collected data is disseminated more widely and so the knowledge remains within the collecting organisations.

E. CONCLUSIONS

Because of its small size Luxembourg has a very minimalist mode of data collection. Even so, the Luxembourg correspondent feels that the quality of data collection could be improved. In particular, because of the importance of financial institutions such as banks, etc. situated in Luxembourg, the reporting of organised crime with strong links to finance could probably be improved.

9.1.11 Portugal

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

Two main definitions are used to collect data on organised crime.

The first is a national definition that refers to article 299 (*Decreto-Lei 400/82 de 3 de Setembro*) of the penal code concerning the offence of *criminal association*. Article 299 states that:

- anyone who encourages or establishes a group, organisation or association with the aim to commit any kind of crime will be punished with a 1 to 5 years sentence of prison;
- anyone who joins such groups, organisations, or associations or anyone who supports them, particularly providing arms, ammunition, crime tools, guard services, meeting premises, or supports them in any other way for new members' recruitment will incur the same penalty;
- anyone who leads or directs the above mentioned groups, organisations or associations will be punished with a 2 to 8 years sentence of prison;
- the penalties mentioned in the previous paragraphs can be specially attenuated, or even not served, if the offender prevents, or strives to prevent the continuation of such groups, organisations or associations or if he communicates their existence to the Authority enabling it to avoid the practice of crimes.

The second definition of organised crime used in Portugal refers to the set of eleven criteria established at international level by the Council of Europe and also adopted by Europol (6204/2/97 Enfopol 35 Rev. 2) (see chapter 8 of this report).

Using the first definition, the classification of *crime association* is added to the other classifications produced in the context of national crime statistics. *Crime association* becomes an entry of the police statistics annual tables, along with other offence categories. The second definition, identified by the first four mandatory criteria, is used to produce the national Portuguese contribution to the Europol Organised Crime Situation Report (OCSR).

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

National crime data are collected by different collecting organisations in Portugal:

- *Polícia Judiciária;*
- *Polícia de Segurança Pública;*
- *Guarda Nacional Republicana;*
- *Brigada Fiscal (belonging to Guarda Nacional Republicana);*
- *Inspecção-Geral de Jogos;*
- *Inspecção-Geral das Actividades Económicas;*
- *Alfândegas;*
- *Direcções Distritais de Finanças;*
- *Serviço de Estrangeiros e Fronteiras.*

Polícia Judiciária belongs to the Ministry of Justice. *Polícia de Segurança Pública* and *Guarda Nacional Republicana* belong to the Ministry of Interior as well as the *Brigada Fiscal* which is incorporated into the *Guarda Nacional Republicana*. Only the first three bodies are police forces. The other ones can act as police forces only in specific occasions, concerning less severe criminality. *Inspecção-Geral de Jogos* and *Inspecção-Geral das Actividades Económicas* belong to the *Ministério da Economia*. *Alfândegas* (customs) and *Direcções Distritais de Finanças* belong to the *Ministério das Finanças*. *Serviço de Estrangeiros e Fronteiras* is the Immigration Service and, along with other tasks, deals with illegal immigration. It is not clear whether the private sector collects data on crime, but, even if it did, sharing and cross-matching of data coming from other sources would not be permitted by law.

Portuguese National Statistical Institute (INE) brings together all the crime data collected by the collecting agencies already mentioned, with the exception of the Immigration Service. INE produces the yearly crime statistics, which focus on the total number of offences, with a very detailed availability of breakdowns by offence category and source of information.

Statistics are also produced giving the total number of offenders and the monetary harm of crime against property, with breakdowns by offence category, sex, age and nationality of the offenders, and source of information. However, these are based on the only crimes investigated by *Polícia de Segurança Pública* and *Guarda Nacional Republicana*. Statistics are published on annual basis, but they are two years late and geographical breakdown is poor.

Apart from that, INE statistics are too general for the purpose of monitoring organised crime, because they include all crimes, regardless of it being committed in an organised way and regardless of its seriousness. INE statistics thus have no specific information on organised crime and this could only be estimated by assuming all the crimes within certain offence categories were organised crimes. Thus, using INE statistics information to estimate organised crime groups is not very satisfactory.

For this reason the preferred sources of information about organised crime are the primary sources. This means specifically the Immigration Service and *Polícia Judiciária*.

Immigration Service (*Serviço de Estrangeiros e Fronteiras*) has a recent database which is now being updated. This includes all data concerning personal identification of illegal immigrants, such as name, nationality, identification cards, addresses, legal authorisations, criminal record; it is currently under restructuring. At the moment, because of its structure, this database does not permit internal match-cross of the information contained, but it is possible that it will in the future.

Polícia Judiciária is the most useful source. According to the *Decreto-Lei 21/2000 de 10 de Agosto*, that rules all the criminal investigation, *Polícia Judiciária* is considered as a superior police agency with capabilities and responsibilities of investigating the most complex and serious crimes, including the offence of *crime association*. *Polícia Judiciária* is in charge of investigating an established set of crime categories that cover almost the whole area of activity typically carried out by organised crime groups. Apart from the crimes that are under its exclusive competence, *Polícia Judiciária* is also given with the responsibility of the investigation if the crimes are serious or complex.

Moreover *Polícia Judiciária* is the only Portuguese entity allowed by law to manage a criminal database, as foreseen by the *Decreto-Lei 275-A*, article 8. The other police forces (*Polícia de Segurança Pública and Guarda Nacional Republicana*) also manage their own administrative databases. However, these have not been set up for investigation purposes: they record less information and do not permit the cross-matching of all the information contained.

Consequently *Polícia Judiciária* has developed a very detailed and complex electronic database, called SIIC (*Sistema Integrado de Informação Criminal*), which is based on more than 500 window input forms. It is used for investigation purposes, allowing computer-assisted data querying and match-crossing, and it is also used as a source of quantitative/qualitative information on organised crime.

In SIIC all the information about serious and complex crime is stored regardless of it being organised crime. Special procedures (search modes) are then run to isolate information on organised crime (groups and activities). In this way, even if information on organised crime is not specifically collected, it can be easily obtained. Search modes are based on the first four Europol mandatory criteria (see chapter 8). These are computer assisted procedures run by analysts, who then check the output and validate the data personally, also correcting any input errors. The output of this procedure is used to produce Portuguese national contribution to the Europol annual Organised Crime Report.

SIIC is a three branch system database, covering crimes, individuals (e.g. suspect, victims, witnesses, firms, etc.) and objects (those used in the crimes or those linked to individuals involved in the crimes).

The functioning of the recording procedure is as follows. When a crime is communicated to the criminal police, an investigation starts. Each investigation leads to an inquiry. For each inquiry an electronic file is opened

and an identification number is assigned to it. All the information contained in the inquiry is copied to the file, in form of items (e.g. type of crime, even if several, individuals, legal entities, vehicles, addresses, telephone numbers, arms, etc.) and attributes of these items. Items of a given inquiry are considered as unique elementary atoms of information, featured by the inquiry number.

The fact that items are considered as unique elementary atoms of information allows the cross-matching of all the information stored in the database. The fact that items are classified by the inquiry number they refer to allows a complete picture of the inquiry to be produced. An inquiry often contains several offences and more than one suspect.

For each crime the main recorded elements are:

- the classification of the crime according to the Portuguese law, including the place and date of the crime, its duration, harm inflicted in terms of human injury or death, material and monetary cost. In each record there are also two text fields to register both the *modus operandi* and a key word, but at the moment for these two fields the input is not done in a standardised way.

For each individual data are recorded on:

- offenders, victims, witnesses, and the main recorded features are name, sex, age, place of birth, and other operational oriented features of criminals such as bank account, height, place of work, vehicle, address, tattoos, etc. There is also the possibility to register the action typology of the suspects, that is individually or as a group.

For each object collected features vary according to the object considered and there are many objects provided for in the database. The most important objects from an operational point of view are arms, transport means, communication tools.

Polícia Judiciária has six big departments across the country, spread on geographical basis which actually are seven central investigation departments represented in the biggest cities of Portugal (Lisbon, Porto, Coimbra and Faro). These departments work at information level and they are in charge of organising the work of eight small departments spread all over the country carrying out the job of inputting, coordinating and analysing data.

Within each department there are three units dealing with the management of SIIC database: Information Unit (in charge of data input), Coordination Unit (in charge of data validation), Analysis Unit (in charge of data analysis). Only officers working in the Information Unit can input data in SIIC: soon after the crime is known to the *Polícia Judiciária*, the related report is given to the Information Unit that then proceeds to data input.

Therefore SIIC database is updated constantly and data transmission from local level to central level takes place continuously. At the same time the national agencies carry out an informal check of data received from the local ones. In particular, once a week they send back to the local agencies a monitoring of data by fax or e-mail, helping them in their enforcement. The Coordination Unit deals with any corrections of data input. The Analysis Unit deals with both strategic and operational analysis. It operates queries and

interrogations on the database and provide data for investigation purposes. Also the Analysis Unit produces reports on particular topics, when requested. These outline trends and comparisons, e.g. the recent example analysing the scandal of child sex abuse in Portugal.

We have already noted that the Portuguese criminal police does not collect specific data on organised crime groups as key units of recording. There is thus no dedicated database where single groups and their features are included.

Information on criminal actors is collected at the level of individuals that are then clustered into groups. Starting from the data related to group members it is possible to deduce information on the group. As a consequence, neither groups' names nor groups' classifications are used in data collection. Groups are rather identified by the inquiry number they refer to and information is collected in relation to group members. Group members are identified as suspects linked to a given inquiry, and matching the Europol criteria.

In other words, all the suspects within a given inquiry, if matching the Europol criteria, can be linked to one another via the inquiry number and they can also be linked to other items (crime, persons, objects) in the same or in different inquiries via other common elements. Once these data are connected, information on the group can be deduced from data related to its members. All information about people suspected to be involved in organised crime groups is included in the same SIIC database. If suspects are acquitted then their information is still retained on the database for 5 to 10 years as an important data source for any continued investigation. The period depends on the seriousness of the case investigated.

In this way information on groups, even if not specifically collected, can be readily obtained and a prompt picture of the criminal groups produced a few days after being requested.

In relation to each group, and depending on the available information, the following features can be observed:

- main activity of the group;
- *modus operandi*;
- size of the group;
- composition of the members by sex, age and nationality;
- role of the members within the group;
- connections to other persons and to possible legal entities;
- geographical level of activity (local, national, international);
- possible international connections and transborder operations.

Furthermore much more information of an operational nature can be deduced in relation to a group.

Once organised criminal groups have been identified and selected by the search mode procedure, it is possible to link them to the crimes their members have committed and deduce information on the offences related to organised crime.

On the basis of the available data and for each offence category, the search mode procedure could also provide:

- the number of offences perpetrated by organised crime groups;
- the number of offenders linked to organised crime and their features;
- the numbers of groups and their features;
- the numbers of victims linked to organised crime and their features;
- the financial harm caused by organised crime, for the offence category where it makes most sense.

This information can be obtained for the crime categories investigated by *Polícia Judiciária*. These are the categories that Portuguese law identifies as within the exclusive competence of *Polícia Judiciária*, as well as the crimes that, because of their seriousness and complexity, have been assigned to it. These are the following 21 categories:

- 1) more serious drug offences with no distinction between drug trafficking and drug manufacturing;
- 2) environmental crime: pollution with public danger, arson (in wood), explosion, exposure to radioactive substances, release of poison or toxic gas, trafficking in toxic substances, damage to nature;
- 3) extortion;
- 4) fraud: fraud to obtain subsidies, subventions or credits and change of money use, bank fraud, insurance fraud, informatic fraud, fraud to obtain food, drinks and services, other frauds against property, fiscal fraud;
- 5) loan sharking/usury;
- 6) illegal migration (Immigration Services);
- 7) more serious crimes against freedom and against sexual auto-determination including:
 - trafficking in human beings;
 - prostitution: abetting and exploitation;
- 8) slavery and kidnapping;
- 9) smuggling;
- 10) illegal firearms and explosives trading;
- 11) works of art, antiques, jewellery, archaeological material trafficking;
- 12) embezzlement;
- 13) gambling;
- 14) infiltration into public procurement;
- 15) organised crime related theft and robbery, including:
 - robberies in banks, postal offices and public institutions;
 - organised vehicle theft and organised theft on vehicles; trafficking in stolen vehicles or in stolen vehicle loads;
- 16) money laundering;

- 17) intellectual property theft and industrial property theft;
- 18) stock market manipulation;
- 19) organised economic (national, international or transnational) crimes;
- 20) cyber crime: informatics crimes, economic crimes with the use of informatic technology; informatic frauds;
- 21) forgery and counterfeiting: forgery of documents (passports, identity cards, driving licenses, vehicles property titles), values counterfeiting (money, credit titles, seals) and counterfeited values trafficking.

The role of the National Statistical Institute (INE) as the central body bringing together data on crime from different sources does not provide for any specific focus on organised crime.

What is felt is the need for one unique database which could store the information coming from both Immigration Services and *Polícia Judiciária*, the two primary sources able to produce information on organised crime. This project has not yet been launched, although it is in the planning stage.

Coordination and information exchange takes place also in two different organisational structures: UCAT (Anti-Terrorism Combat Unit) and GCS (Security and Coordination Unit – National level). GCS is a coordination body of the three main police forces (*Polícia Judiciária*, *Polícia de Segurança Pública* and *Guarda Nacional Republicana*) plus the Immigration Services. GCS has no central database and has no specific focus on organised crime. It works rather as a task force and as a permanent information exchange forum at criminal level.

Officers from different organisations held weekly meetings where they present and discuss openly written reports on the criminal situation, with a special focus on the latest developments, particular situations and also on single cases. These are very informal meetings for the exchange of information in a simple and effective way. The network of officers attending GCS meetings is featured by excellent cooperation and its members are in regular contact, even outside the meetings. Information, mostly of qualitative type, is transmitted at higher level when needed or asked.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

Accuracy of SIIC data is ensured in two ways: by charging a restricted and trained number of officers of the data input phase (Information Unit) and by running checks and corrections on data after input (Coordination Unit). Some physiological problems of accuracy have nevertheless been registered. This is because of human errors in data input. Efforts are being done to overcome this problem by promoting correct procedures and by increasing the training of officers in charge of data input: training courses are held every two or three months.

Some variations in the figures are found when comparing statistics published by INE (National Statistical Institute) and those produced using *Polícia Judiciária* data and the ones directly produced by *Polícia Judiciária*. This is because INE is provided with raw data and it applies different counting

criteria to harmonise data coming from different primary sources. On the other hand, because INE statistics are the only ones which are disseminated to the wide public, this does not generate problems of consistency. Also some duplications in offences counting procedures are possible in those cases when the transfer of investigations responsibility, moved from a police force to another one, is not well recorded. As for SIIC internal data consistency, Information Units insert data and, in doing that, detect any events not consistent with usual reality. This leads to further analysis to confirm if there is a problem needing a specific reply or not.

Europol criteria ensure a common operational definition of organised crime in terms of collection criteria. Still legal and police systems are considered too different to state a complete cross-country comparability of data in terms of offence definitions and seriousness evaluation. Any attempt of harmonisation involves the political level and parliamentary decisions have not yet been taken in this respect.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Crime statistics are published yearly by INE in a report called *Estatísticas da Justiça*. It comes out with a delay of two years in respect to the current year. Free on line data availability is ensured. Crime data in the shape of Excel tables can be retrieved on Internet at INE website¹⁷ and at the website of the *Gabinete de Política Legislativa e Planeamento* of the Ministry of Justice.¹⁸

Planned and structured reporting activity on organised crime is carried out by *Polícia Judiciária*, which produces the Portuguese national contribution to the annual Europol Organised Crime Situation Report (OCSR). *Polícia Judiciária* is in charge by law of keeping contacts and coordination with Europol. This is the only report on organised crime produced in Portugal. There are two versions of this contribution: the restricted one and the abridged one. The abridged one can be retrieved on Europol website. For OCSR purposes, data are collected yearly, but all information gathered (with no distinction between organised crime and other felonies) is in constant updating. Therefore, even if no report on organised crime is produced outside the annual context of Europol OCSR, both the overall and specific picture of organised crime could, in theory, be produced shortly after being requested by political authorities.

E. CONCLUSIONS

In Portugal the official activity of structured and systematic reporting on organised crime is based on the yearly national contribution to Europol OCSR, which is drawn up by *Polícia Judiciária*. Portuguese national law assigns to this police force both a primary role and specific competences in the fight against organised crime. This makes it the basic and almost unique source of information on organised crime. These data are not affected by problems of consistency among different sources, and cover all the areas of activity usually carried out by organised crime groups. The *Polícia Judiciária*

¹⁷ Available at <http://www.ine.pt>.

¹⁸ Available at <http://www.gplp.mj.pt>.

criminal database is characterised by its richness of information typology, flexibility and constant updating. This enables it to produce, as well as the Portuguese national contribution to Europol Organised Crime Report, specific reports and analyses in short time when requested by policy makers. Information on organised crime both at groups and offences level is extracted according to Europol Criteria.

9.1.12 Spain

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

To identify organised crime groups Spain follows the eleven criteria fixed in Enfopol 35 (see chapter 8 in this report).

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

There are five different law enforcement agencies in Spain involved in the fight against organised crime:

- *Cuerpo Nacional de Policía;*
- *Guardia Civil;*
- *Mossos d'Esquadra* (Catalunia);
- *Ertzaintza* (Basque country police);
- *Servicio de Vigilancia Aduanera* (customs).

After they have identified the organised crime groups, each law enforcement agency must complete a template designed by a special unit (UCIC) of the *Cuerpo Nacional de Policía*.

The same variables are collected and the same collection criteria are followed whatever the organised crime group identified.

The form indicates when and how (police investigation, information from national organisms, help from the public) the criminal organisation was detected. It also describes the number of members, their gender, nationality, ethnic origin.

A distinction is made among the core members and the other. Details are also provided on the organisational structure of the group (hierarchical structure, cellular structure) and on the level of collaboration with other criminal groups. The localisation (provincial group, interprovincial, national i.e. more than three provinces, international) of the activities is also given.

Estimates are made of the material assets of groups and their annual income.

Special interest is paid to the use of violence. This has to be reported with a clear distinction as to whether it is used against criminals or against ordinary victims. The number of deaths each year is recorded.

Information is also collected on the extent of corruption, and whether groups use expertise (e.g. in chemistry, money laundering, weapons, IT systems, etc.).

Information is also recorded on whether the group isolates itself through the use of subordinates, fronts and corruption.

If groups display an ability to develop and employ complex methods in such areas as communication, technology, asset management, political/judicial manipulation or penetration of enforcement agencies, this is also recorded.

Spain does not collect specific information on organised crime offences. Aside from this the amounts of money or goods, including drugs, seized or confiscated are evaluated.

There are five specific data sources for organised crime.

Firstly the *UCIC (Cuerpo Nacional de Policia)*. The source of data for this body is police investigations. This source provides qualitative data: from these data quantitative data are drawn and then deposited into a statistical data base.

Since 1994, all the information generated or received by the operational units is collected, evaluated, collated, coordinated and analysed (both from a strategic and operational point of view) by the *Cuerpo Nacional de Policia*. This unit carries out this task in a decentralised way and according to its hierarchical structure.

This process allows the following:

- the early identification of an organised crime group. This facilitates their encoding, classification and monitoring;
- to investigate such a group rather than just the investigation of a specific offence;
- to establish, through the group's code, a relationship between the statistical organised crime database and the operational information existing about the same group.

The second data source is the *Guardia Civil*. Here, data about volume crime are collected by the Statistics Service and data on organised crimes by the Judicial Police Technical unit. The data sources are the units of this police force.

The third group is the *Mossos d'Esquadra*. This is an autonomous police from Catalonia responsible to the *Comisarias Generales* for the law enforcement. On one hand the *Comisaria General Territorial* is in charge of the common crime and, on the other hand the *Comisaria General de Investigacion Criminal* is in charge of criminal investigation, collection, data processing and analysis connected with organised crime groups operating in Catalonia.

Units having to do with investigation are distributed in the region of Catalonia and depend on the general territorial police station. When each of these units detects any case capable of being classified as organised crime it makes contact with the central units of the general police station for crime investigation.

The questionnaires are filled up by the operational group that is investigating the organised criminal group. This group must register that this investigation relates to organised crime by communicating it immediately to the criminal analysis central area where a code number is assigned to it for its identification.

The questionnaire is available in this police force Intranet. It must be completed with the information available and, when more information becomes available, this must be added.

Any problem with this data collection is resolved by the criminal analysis central area. This system has only recently been adopted for the current year. For this reason, there are as yet no criteria for making an assessment of its accuracy of value.

The fourth group is the *Ertzaintza*: Criminal Investigation Unit and Judicial Police–Central Sections. The information received is collated daily in the different areas of each section, being collected from police investigations. An analysis is made from the data obtained. The data coming from the competent authority (subject to judicial or police request) are also added to the database, although this is not a specific organised crime database. The criminal investigation unit is responsible for completing the questionnaires with the information contained in that database.

The final group is the *Servicio de Vigilancia Aduanera: Departamento de Aduanas e Impuestos Especiales* (customs). This body, which belongs to the Ministry of Finance, is the name of another collecting organisation for organised crime data. They collect the information using the principles and the questionnaire provided by UCIC. Operational Units themselves complete this questionnaire.

In Spain the Criminal Intelligence Central Unit of the *Cuerpo Nacional de Policia* (UCIC) is in charge of the database and brings together the data from the five collecting organisations. When UCIC finds some questionnaires are incomplete, the collecting agencies are asked to complete them, and although this is not always easy agencies are generally supportive and cooperative. They all follow recommendations and adapt to the modifications in the methodology.

The collecting organisations (except CNP–UCIC and *Ertzaintza*) hand out the questionnaire to be completed by operational teams. Some of these teams consider the work additional effort with little added value. This is likely to influence the quality of the answers and produce an important subjectivism when assessing and understanding the variables to identify and describe organised crime groups.

The UCIC (CNP), through its decentralised structure, collects the information generated by the operational units. They do not need to complete any additional documents, because the Intelligence peripheral structure is responsible.

The collecting organisations are provided with a questionnaire that specifies all the information to be collected on organised crime. This questionnaire is complemented by a document on data collection guidance notes, in order to help with interpreting the criteria. In addition, once a year, before the annual

data collection, a control meeting takes place with the aim of sharing information and harmonising criteria.

The information gathered by the UCIC is collected as soon as it is known. The process is as follows: the information given is integrated in a database, and it is continuously analysed, looking for fulfilling the indicator needed to be considered as organised crime. Once detected as an organised crime group: the available information is integrated into the organised crime database.

All the information generated during an investigation on an organised group follows this process and finally is integrated into the organised crime database. The other collecting organisations transmit their questionnaires yearly, during January, February and March, by e-mail or paper. Once the questionnaires are received in the UCIC, they are supervised and coordinated to identify possible duplicities. So we have the data from all the collecting bodies about April on the following year.

Because of the nature of the problem of data collection in the field of organised crime, data available about organised groups are not always complete or accurate. Nevertheless, the information provided gives a very useful picture of the phenomenon and offers a reliable overview of the organised crime activity.

Spain has just implemented a new way of sorting groups in five levels, attending to the potential threat. No details of this are yet available.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

The data collection on organised crime is not arranged to give statistics on organised crime but more to analyse the problem and prepare the national contribution to the Europol annual Organised Crime Report. Thus, some aspects of the organised crime phenomenon are not available, such as the number of offences committed by organised crime groups.

There does not appear to be any consistency problem with the data. But, as the law enforcement agencies involved in collecting data on organised crime in Spain are independent and they do not have common databases, duplication can occur. These duplications are very difficult to detect because the coordination body only brings together statistical information.

All the Spanish collecting organisations have adopted the data collection system provided by *Cuerpo Nacional de Policia*. This is based on the information required in the questionnaires. There is also agreement about concepts and methods. This means that all data are collected under the same criteria.

The Spanish organised crime database only contains statistical data and no names of suspects. Suspects' names do remain in each law enforcement agency. In the national police, data on organised crime are stored in a wide but properly structured database, whatever the judicial results. All data are stored in accordance with the Spanish data protection law. Names are deleted from these records according to the provisions of the Spanish data protection law.

Spanish data can be only compared with those countries that interpret criteria on organised crime in the same way. Experience shows that criteria set by Europol are not interpreted in the same way by all the countries.

Data are collected at least once a year. Nevertheless the *Cuerpo Nacional de Policia* has a method for monitoring organised crime. Most recent figures are from year 2003.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

There is no widespread dissemination of statistics about organised crime. UCIC writes a report on organised crime that is sent to Europol as the national contribution to European Organised Crime Report. This is disseminated to the collecting organisations and within the *Cuerpo Nacional de Policia* to decision makers, so it has a very restrictive distribution. Every law enforcement agency that contributes statistical data to UCIC receives the annual report on organised crime, made from those contributions.

E. CONCLUSIONS

Despite the large size of the country and the difficulties of decentralisation Spain has a very sophisticated method of data collection. The data collection is based on intelligence and is not driven by crime offence.

9.1.13 Sweden

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

In Sweden, there is no national definition of organised crime in the criminal code. However, data on organised crime have been collected in Sweden since 1998 on the basis of the European definition of organised crime contained in 6204/2/97 Enfopol 35 Rev. 2 (see chapter 8). It should be noted that this definition is applied in Sweden more extensively, since data are collected also on organised criminal groups that only fulfil criteria 1, 2, 3 and 4.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

Data on organised crime are collected in Sweden by a variety of institutions, each with their own databases. These institutions are:

- the police;
- the customs;
- the Economic Crime Inspection Service (an independent agency under the Ministry of Justice), and
- the Fiscal Information and Investigation Service (Ministry of Finance).

The four databases are then brought together and coordinated in one merged database, i.e. the so called OBIS (which stands for *organised crime in*

Sweden) database, which is intended to have a very practical use, being used by law enforcement agencies for operational purposes. The OBIS project started in 1998 with participation from the four above mentioned institutions.

Responsibility for the management of the merged database lies with the Police Analysis Unit, which also provides the software for running it as well as managing the police database. Apart from the police, data are input by other institutions, namely the customs, the Economic Crime Inspection Service and the Fiscal Information and Investigation Service. It is important to note however that OBIS is not a joint database; none of the authorities is allowed to distribute information from another authority's database to its own organisation without permission of the inputting organisation.

All four authorities gather the same type of information, using a common input form (see below), and collect it in separate databases. These databases are then merged into one database. One person within each of the above-mentioned organisations is responsible for the OBIS Project. They represent the organisation within the OBIS Project, represent their institution at OBIS meetings, add data to the database and supervise the data collection procedures which take place at regional level.

At regional level, in fact, coordinators collect data from their own region by filling out a common questionnaire and then send it electronically to the person responsible for the database. At the moment, there are twenty-one coordinators for the police, six for the customs, three for the Economic Crime Inspection Service and one for the Fiscal Information and Investigation Service. The coordination between the local agencies and the central ones is satisfactory enough: two or four times per year the local law agencies receive the full national OC database as soon as it is updated by the central offices.

The access to the merged database is exclusive to the person responsible for it in each organisation. Nobody else has the permission to access the merged database, including the regional coordinators who only get the database with information from their own authority.

The merged database mainly provides qualitative data that can be used also for quantitative research.

In addition to OBIS, data on organised criminal members are collected by some police databases, which are both managed at central level within the police and contain information about groups marked as 'organised crime'. These databases are:

- the *Police Surveillance Registry* collects a variety of information on people under surveillance as suspected to belong/have links with organised crime (e.g. Mr. X seen together with Mr. Y; someone suspected of having done something, etc.). Access to the database is permitted to all police personnel who use it for their work (many civilians too), but they can not enter data into it. A few administrative assistants within each department fill it with information;
- the *Criminal Intelligence Database*, which, on the basis of ongoing investigations and previous convictions, includes some people marked as belonging to an organised crime group. It contains more sensitive information than the Police Surveillance Registry, and is accessed by

criminal intelligence analysts and police officers working in the field of criminal intelligence. They can access the database and add data by themselves.

Though the information collected in these databases is sometimes used by OBiS, this is not very useful for organised criminal groups, but rather for single individuals. Furthermore, since there is no commonly used definition for organised crime in these registries, the term is used to loosely to be of any real use. Data collection is therefore based, in this case, on speculation and individual definitions of organised crime of the different people adding information to them. This is probably explained by the fact that there is no definition of organised crime in the criminal code.

Looking now at the kind of variables collected in OBiS, all four authorities use the same input form and therefore collect the same variables. An extract from the input form is provided in the following pages.

TABLE 1. INPUT FORM FOR OBIS (EXTRACT)

<u>Network/organisation</u>	
Name or denomination of the organisation	-----
Where in Sweden is the organisation located and or active (town or province)	-----
Type of organisation (e.g. kidnapping gangs, motorcycle gangs, drug smugglers)	-----
Has the group/network ever been the subject of investigations by your organisation?	Yes/No/Don't know
In which year	-----
Against how many people were judicial proceedings started	-----
Summarise the main activities of the group (e.g. thefts, drug dealing, gambling and serious acts of violence)	-----
<u>Group structure and methods</u>	
Does a solid core of the group exist and how many people is it composed of (e.g. no, yes 1-3 persons, yes 4-7)	-----
Apart from the core, how many people form part of the network (e.g. 1-5 persons, 6-10, 10+)	-----
How long has the group been active	-----
Has the group remained constant over time	Yes/No/Don't know
Was each member of the group assigned specific tasks	-----
Summarise the group structure	-----
Summary of the methods/modus operandi of the group	-----
Evaluation of the above information (confirmed/unconfirmed)	-----
<u>Links to other networks/organisations</u>	
Do links exist between the group in question and other criminal groups/networks	Yes/No/Don't know
Evaluation of the above information (confirmed/unconfirmed)	-----
<u>Group Members</u>	
PERSON N. 1:	
Personal data (e.g. surname, name, date of birth, sex, country of origin, citizenship)	-----
Known for acts of violence	Yes/No/Don't know
Previous convictions	Yes/No/Don't know
Assets	Yes/No/Don't know
Function/task (e.g. boss, intermediary, straw man)	-----
Addresses and type of address (e.g. abode, address recorded at the general Registry Office, wife's address)	-----
Suspected of a crime	-----
Evaluation of the information (confirmed/unconfirmed)	-----
OTHER PERSONS:	
Any other persons (give name, nickname, personal number, sex, country of origin, citizenship, function, suspicion etc. and the evaluation as above)	-----
<u>The group's activities</u>	
EVENT N. 1:	
Offence category (e.g. financial crime, drug offences, arms smuggling)	-----
Type of offence (e.g. violence, homicide)	-----
Means/objects (e.g. letter, bomb)	-----
Transit (departure country, transit countries, final destination)	-----
What persons are involved and in which way. Indicate the tasks or similar	-----
Evaluation of the information (confirmed/unconfirmed)	-----
OTHER EVENTS:	
Any other events/activities (indicate category, typology, means, transits, period, place, summary and evaluation as above)	-----
<u>Threat/violence (discipline and control)</u>	
TYPE/CASE 1:	
Category	-----
Instigator	-----
Purpose (e.g. discipline, power/respect, threats to witnesses)	-----
Who carries out the act of violence	-----
Methods/modus operandi (e.g. threats, maltreatment, homicides)	-----
Victim (e.g. group member, policeman or woman, third person)	-----
Evaluation of the information (confirmed/unconfirmed)	-----
OTHER TYPOLOGIES/CASES:	
Any other typologies/cases (indicate category, purpose, method, etc. and evaluation as above)	-----

Other organisation (company or similar)	
Name of company/organisation	-----
Official sector/activity (e.g. travel agency, restaurant business, auditing)	-----
Criminal activities (e.g. illegal labour, tax offences)	-----
Organisation structure (e.g. Joint stock company, Non profit organisation)	-----
Organisation number	-----
Nominal reference (name and position in the company)	-----
Office/place (town, country where the company is registered)	-----
Evaluation of the information (confirmed/unconfirmed)	-----
Indicators for money laundering	
Method (e.g. money laundering, currency exchange office)	-----
Evaluation of the information (confirmed/unconfirmed)	-----
Other Indicators	-----
Other non-criminal contacts	
Category (e.g. lawyer, artists, police)	-----
Who makes/uses the contacts (e.g. the boss, the whole group)	-----
The purpose of the contact/its role in the activity	-----
Evaluation of the information (confirmed/unconfirmed)	-----
Measures taken against the network/organisation	
Measure (e.g. criminal activity prevention, seizure of drugs)	-----
Means used to commit crime	
Category (e.g. explosives, arms)	-----
Type (e.g. explosive charge)	-----
Evaluation of the information (confirmed/unconfirmed)	-----
Other instruments	
Any other instruments (category, typology, description and evaluation as above)	-----

As the form above shows, among the variables collected there are the following:

- name of members, nationality and task within the group, as well as information on people having contacts with them;
- period of activity;
- structure of the group (how many members in the core, how many outside of it, type of hierarchy, etc.);
- connections to other groups;
- types of crimes committed, place, *modus operandi*, members involved;
- discipline within the group;
- companies used in criminal activity (name, legitimate business, which member uses it and how is it used for criminal activity);
- contacts outside the criminal world (name and task of the contacts, member of the group linked to these contacts);
- tools used in crimes (i.e. explosives, computers, weapons, etc.).

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

With reference to the quality of the procedures for collecting data on organised crime, it can be stated that the data collected are sufficient and

reliable enough for any kind of research. There is however a lack of data in some areas as several regional police agencies are not participating fully in the collection. Three out of four agencies involved in OBiS, except the police, collect data on organised crime through their regional offices to a satisfactory extent. Participation by the regional police agencies is, on the contrary, poor at the moment.

This means that the police database is lacking a lot of relevant and up-to-date information; it collects, in the opinion of our respondent, information on only roughly 30% of the groups that are active today. Why does this happen? Probably because the police is split up into twenty-one fairly independent regional police authorities. Every police authority can set its own priorities and is most interested in what goes on in its own region. Studying the organised crime problem from a national point of view is not highly prioritised as the regional authorities feel no need for it from a local perspective and allocate their resources to other projects.

Another problem which hampers the quality and completeness of the information collected by all the four agencies involved is the inactivity of some regional coordinators; though they should actively solicit information from the local offices and insert it in the questionnaire, it happens that some of them do not put too much effort into this.

The collection of data on offences is also deficient. This is because the aim of data collation in Sweden is mainly focused on individuals.

It is however important to stress that one section of the questionnaire used to collect data expressly asks the respondent for an evaluation of the degree of reliability of the data inserted. In this way it is at least easier to understand the overall reliability of the data when building a national picture of the phenomenon.

Looking now at the comparison of data at national level, as the data are collected by the OBiS-project according to a common format and a common European definition of organised crime, there is no problem in comparing old and new data or data from different authorities. However, the situation is poor for making comparisons at international level, as information can not be shared with other countries unless authorised at a high level.

It is also worth a mention that, although information in the database is continuously updated, there is a time delay before data actually get onto the database, and there are also some gaps. Updating of organised crime suspects' data is carried out as follows: their names are removed from the organised crime database only if they have been inactive in the criminal world for a period of two years. If they are members of an organised crime group but don't commit any crimes, they are still kept in the database for as long as they are a part of that group.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Moving now to the description of the forms of dissemination of data on organised crime, apart from the national contribution to the Europol report, all collected data are disseminated to a restricted public (selected law enforcement agencies and governmental bodies) in the form of an annual report entitled *Organised Crime in Sweden*.

It contains all the information from the merged database and is produced, in Swedish, by the police in cooperation with other authorities involved. Only since 2001 is a declassified version available both on the Internet and in printed format.

The poorness of openly available information on organised crime in Sweden is mainly due to the fact that, since the country is less affected than others by the organised crime phenomenon, there is not very much public discussion about it.

E. CONCLUSIONS

To sum up, the Swedish data collection system on organised crime appears to be quite complete. It sees the cooperation of the various agencies involved in the topic, and makes use of a common and very detailed questionnaire which enables the collection of a great number of variables.

The main limits of the system lie in its actual implementation, with the local police offices contributing to the collation of the statistics only to a very limited extent.

9.1.14 The Netherlands

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

There is no legal definition of the term 'organised crime' in Dutch penal law. However, the Dutch penal code does have section 140, which states:

"Participation in an organisation, the aim of which is to commit crimes, will be punished with a prison sentence of a maximum of six years or a financial penalty of the fifth category".

As well as being charged as a fundamental crime such as the violation of the Opium Act or human smuggling, organised crime can be charged under section 140. However, this is not always the case. Inversely, bringing a charge under section 140 does not necessarily mean that there is actually organised crime (such as in the case of organised disturbances or with groups of football hooligans). Section 140 can therefore not be regarded automatically as a valid indicator of organised crime.

In the Netherlands several definitions of organised crime are used in research or by law enforcement agencies. These are:

- Parliamentary Committee of Inquiry on Methods of Investigation (1996):

"Organised crime exists where groups whose primary aim is to make illegal profits systematically commit crimes that have serious consequences for society and are able to shield these crimes relatively effectively, in particular by showing willingness to use physical violence or to eliminate people by means of corruption".

This definition is also used by the Research and Documentation Centre (WODC) of the Ministry of Justice in its *Organised Crime Monitor*, an

ongoing systematic analysis, performed every three years, of closed police investigations of criminal groups;

- the definitions of the United Nations Convention against Transnational Organised Crime are also used (see chapter 7 of this report):

“Organised criminal group shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;

Serious crime shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

Structured group shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure”;

- National Police Agency/National Criminal Intelligence Division (DNRI):

In the first National Threat Assessment on Organised Crime (published in July 2004), organised crime has been defined as:

“Organised crime exists where groups whose primary aim is to make illegal profits systematically commit crimes that have serious consequences for society”;

- in the annual Dutch contribution to the Europol Organised Crime Report (Dutch Criminal Investigations into Organised Crime or the Dutch Situation Report) organised crime is defined on the basis of the eleven criteria of the European Council (see chapter 8 of this report).

For the Dutch Situation Reports, criminal investigations may be carried out if the criminal offences are liable to a term of imprisonment of four years or more and if the illegally obtained assets (in cash or investments) exceeds a sum of € 226,890. The consequence of this selection is that in the above-mentioned situation reports, only some of the investigations, with the emphasis on more serious and profitable criminal associations, are analysed.

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

There are three main national organisations in the Netherlands that collect, analyse and report (statistical) data on crime. These are:

Statistics Netherlands (CBS)

CBS (the Dutch abbreviation for *Centraal Bureau voor de Statistiek*, in English: Statistics Netherlands) is responsible for collecting, processing and publishing statistics to be used by policymakers and for scientific research. In addition to its responsibility for official national statistics, Statistics Netherlands also has the task of producing EU statistics. The legal basis for

Statistics Netherlands and its work is the Act of 20 November 2003 governing the CBS.¹⁹

Research and Documentation Centre of the Dutch Ministry of Justice (WODC)

The WODC (the Dutch abbreviation for *Wetenschappelijk Onderzoek- en Documentatiecentrum*, in English: Research and Documentation Centre) can best be characterised as an international criminal justice knowledge centre. The centre aims to make a professional contribution to the development and evaluation of justice policy set by the Ministry of Justice. This is done, for example, by defining the research policy of the Ministry; advising how much and what kind of research is needed to answer policy-related questions; conducting in-house research; commissioning external research; systematically collecting, storing, enhancing and providing criminal justice information produced by external organisations; funding research and disseminating information (e.g. publication of magazines, organisation of conferences, etc.).²⁰

National Police Agency/National Criminal Intelligence Division (DNRI)

The DNRI (the Dutch abbreviation for *Dienst Nationale Recherche Informatie*, in English: National Criminal Intelligence Division) is a police department (law enforcement agency) and part of the KLPD (the Dutch abbreviation for *Korps Landelijke Politiediensten*, in English: National Police Services Agency). A number of reporting centres for areas of crime have been set up under the DNRI: murder and sexual offences, human trafficking and smuggling, fraud and other financial crime, environmental crime, firearms, vehicle crime, falsification, narcotics and robbery. The criminal investigation departments of the DNRI support the regional police forces and the National Crime Squad.

The department also houses the *Nationaal Informatie Knooppunt* (NIK) (in English: the National Information Centre), which collects and processes investigation information supplied by the regional police forces and then makes it available again to all police forces. Through scientific research, the DNRI also supplies and collects knowledge on serious, organised crime and supra-regional mid-level crime in the Netherlands. For instance, the DNRI is responsible for the Dutch contribution to the annual Europol EU Organised Crime Report.²¹

Data on organised criminal groups are not collected by Statistics Netherlands (CBS) because it is not a category under the Dutch penal code.

WODC does not collect any statistical data either on organised criminal groups. However, as part of the *Organised Crime Monitor* an ongoing systematic analysis is carried out every three years of closed police investigations of organised criminal groups, and based on a selective sample a range of qualitative data on organised criminal groups is collected

¹⁹ All information on Statistics Netherlands (and many tables/figures about crime and security) can be accessed through the CBS website <http://www.cbs.nl>.

²⁰ All information on the WODC and its (English) publications (in pdf format) can be accessed through the WODC website <http://www.wodc.nl>.

²¹ Some information on the DNRI can be accessed through the Dutch police website (look for KLPD under the sub-link Korpsen) <http://www.politie.nl>.

together. Certain phenomena are also counted where possible, such as the number of liquidations.²²

As part of the EU Organised Crime Report, the DNRI collects data on organised criminal groups, based on criminal investigations. These concern open and closed investigations in the preceding calendar year, and the question whether the investigations into organised crime meet the EU criteria referred to above.

Data are collected with the aid of a digital registration form: the *Criminele Samenwerkings Verbanden-manager* (abbreviated to CSV-manager).

The form has been developed as one of the key products in the changeover to more intelligence-led policing. The form is intended to monitor organised criminal groups in a consistent way for operational, tactical and strategic purposes. The data are maintained and used for these purposes at a local, regional and national level. The content and functional aspects of this tool are still undergoing intensive development.

Data on these organised criminal groups are collected at a national level, then converted into SPSS and analysed. Where relevant to the activities of the organised criminal groups, additional qualitative data are also used such as crime pattern analyses and scientific literature from the specific calendar year.

The variables listed in relation to the organised criminal groups include the following:

- number of core members and other members;
- names, dates of birth, places of birth, gender, residence;
- nationality and ethnicity;
- roles of the suspects;
- core and subsidiary activities;
- confirmed, assumed or unconfirmed information;
- duration of collaboration;
- growth trend of group;
- latest criminal activities committed/planned;
- contacts with other organised criminal groups;
- geographical area of work;
- infrastructural area of work (ports, airports);
- level of psychological/physical damage within and outside the criminal circuit;
- nature of any positive or negative sanctions;
- estimate of extent of turnover and/or profits;

²² For an example of this type of qualitative data, the reader is referred to Appendix 1 Falcone Research on the Prevention of Organised Crime Questionnaire in Van de Bunt H., Van der Schoot C. (2003).

- estimate of extent and nature of assets;
- abuse of sectors/legal entities (including *modus operandi* and description of sector);
- use/abuse of people in the professions;
- use of corruptive contacts (including *modus operandi*);
- shielding (active or passive obstruction of government authorities, defensive or offensive strategies);
- description of business;
- sources (of investigation) used.

Besides the use of the CSV-manager the DNRI and the National Crime Squad produce on an irregular basis 'crime pattern analyses' on different forms of organised crime such as hard drugs, human smuggling and Dutch criminal networks. Some of them are available to the general public and some are only available for restricted law enforcement purposes.

Data on different offences often classified as organised crime offences are collected by:

Statistics Netherlands (CBS) & Research and Documentation Centre of the Dutch Ministry of Justice (WODC)

In 1998 the WODC and the CBS decided to join forces to publish unequivocal statistics on crime and law enforcement. This collaboration has meanwhile resulted in the publication of three statistical reference documents on crime:

- *Crime and law enforcement 1999;*
- *Crime and law enforcement 2000 and*
- *Crime and law enforcement 2001; developments and connections.*

The emphasis in these publications is on crime in the area of 'general' criminal law. No separate attention is given to (forms of) organised crime and so these publications contain no statistical data on this subject.

The first reason is that the category of 'organised crime' does not appear in Dutch penal law (this means that no links or cross-references can be made in the data files). A second reason why organised criminal offences cannot be identified is because the statistical summaries take as their starting point the sections in the penal code. These generally do not correspond with the descriptions of crimes adopted by society, such as those listed in question 3 of this EUSTOC questionnaire.

National Police Agency/National Criminal Intelligence Division (DNRI)

The DNRI produces the *Landelijke Criminaliteitskaart* (in English: the National Crime Map). See, for example, the Dutch-publication *Landelijke criminaliteitskaart 2002, aangifte- en verdachteanalyse op basis van Herkenningsdienst (HKS)-gegevens* (in English: National Crime Map 2002, analyses of reported crime and suspects based on data from the Records Section).

The Records Section (abbreviated in Dutch to HKS) system is a national system that has been used by the police since 1986 to register information. Since the various police regions manage the system, it in fact involves Records Systems: one for each police region and the Royal Gendarmerie (KMar). The HKS contains data on the beginning of the penal law chain and concerns the police registration of criminal behaviour based on the individual sections in the penal code. These are then classified under a few broad categories for analysis purposes. The broad crime categories in the National Crime Map are:

- violent sexual offences;
- other sexual offences;
- violent offences against persons;
- violent offences against property;
- non-violent offences against property;
- vandalism, public order and public authority;
- traffic offences;
- offences under the Opium Act;
- other offences.

In addition to information obtained from reports of crimes, the HKS contains the personal details of known suspects. Data are held on persons who are at least 12 years old and against whom, as a suspect, an official report of a crime has been drawn up. The HKS contains information on such aspects as the offence, the time at which it was committed and the *modus operandi*, but also personal information on the suspects such as date of birth, gender, nationality and whether or not there are any addiction problems. Information is also available on the suspects' antecedents.

For the National Crime Map too, no judgements are possible in relation to organised crime.

To summarise, the above sources can best be typified as 'volume crime measures', whereby it is not possible to ascertain whether organised crime was involved.

However, there are some 'quantitative' data available based on the CSV-manager for the Europol EU Organised Crime report. These are:

- *hard drugs*: type, quantity, *modus operandi*, logistic process (acquisition of drugs, countries of origin, transit and destination, smuggling route, form of transport), nature of trade (production, import, export/wholesale or distributive);
- *soft drugs*: type, quantity, *modus operandi*, logistic process (acquisition of drugs, countries of origin, transit and destination, smuggling route, form of transport), nature of trade (production, import, export/wholesale or distributive);
- *environmental crime*: *modus operandi*, nature of environmental crime (dumping of chemical waste, nuclear waste, illegal fireworks, endangered animal and plant species), nature of activities (import, export, dumping, discharging, mixing, etc.), potential damage;

- *extortion: modus operandi* (perpetrators, victims, blackmail, hostage-taking, kidnapping), size of sum, frequency of extortion;
- *fraud: modus operandi*, nature of fraud (fraud with taxes, social legislation, legal entities, etc.), involvement of other countries, structures of opportunity;
- *vehicle crime*: types of vehicles (private cars, goods vehicles, etc.), form of crime (theft, carjacking, home jacking, ram-raiding, ringing, stripping, etc.), logistic process (countries of origin, transit and destination, smuggling route), *modus operandi*;
- *human smuggling*: countries of origin, transit and destination, smuggling route, *modus operandi* (division of jobs among suspects, logistics, nationalities, forms of transport), men, women, minors;
- *human trafficking*, also referred to in the Netherlands as 'criminal forms of sexual expression': countries of origin, transit and destination, smuggling route, *modus operandi* (division of jobs among suspects, logistics, nationalities, forms of transport), men, women, minors;
- *smuggling: modus operandi* (logistics, countries involved);
- *firearms crime*: nature, quantity, type of weapons, *modus operandi* (logistics, countries of origin, transit and destination, smuggling route, extent of trade);
- *misappropriation and embezzlement: modus operandi* (nature and destination of misappropriated goods/embezzled money);
- *theft, burglary and handling stolen goods*: nature, division of tasks, locations, logistics;
- *robbery: modus operandi*, nature and extent, locations, use of weapons and violence;
- *money-laundering: modus operandi*, method (money transfers, loan-back constructions, underground banking, etc.), estimate of amounts;
- *computer crime*: nature and form, *modus operandi*;
- *child pornography*: nature/use of media (film, photographs, Internet), *modus operandi*, logistics (production, processing, sales distribution, scale).

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

The DNRI collects only the data on criminal investigations for the Europol EU Organised Crime Report using the CSV-manager and obtains the data from the twenty-five regional police forces, the Interregional Investigation Teams (IFT/BRT's), the National Crime Squad, the FIOD/ECD, SIOD, AID and the KMar.

The Dutch Situation Report is only produced for the Europol European Situation Report. Because of the pressure of time, its aim is primarily to meet the requirements of the agreed EU plans. It is possible that the composition

of the report will take on a different character in the near future and will also be used for national purposes.

Every two years, for the first time in 2004, a National Threat Assessment on Serious and Organised Crime is drawn up for national strategic purposes. The data on organised criminal groups do not pretend to provide a comprehensive picture of serious and organised crime. The knowledge is significantly restricted by regional and national priorities, the availability of capacity and whether or not there is a good information position on specific criminal activities and population groups. The current method of collecting data is relatively new and still not fully institutionalised in investigation agencies. The completeness and reliability of the data depends strongly on those persons charged with entering the data. These persons are to be trained in this work in the near future in a training module that is under development, which should enhance reliability.

The Situation Report provides a reasonably reliable picture each year of the situation concerning serious and organised crime. However, because of technical or organisational problems in entering the data, each year a small number of investigation agencies fails to provide data on organised criminal groups. Since these are usually the same investigation agencies, the distortion is systematic from one year to the next. We expect that the problems of these investigation agencies will be solved very soon, so that the future picture will be a complete one.

With reference to CSV-manager, the use of the variables is generally consistent. Where this is not the case, consistency is being improved from year to year. In the future training of persons whose job is to collect and enter the data on organised criminal groups, attention will also be given to the uniform use of definitions, classifications and methodological starting points. The data are collected on the basis of a single standard form, and as a result are readily comparable at a national level. Besides the existing eleven criteria, much data are collected about an extra criterion, namely the shielding of organised criminal groups. In this sense it deviates from other EU member states.

The Netherlands has a long tradition of collecting quantitative and qualitative data on organised criminal groups and investigations on an annual basis. Many researchers in the Netherlands, both within and outside the investigation services, are also engaged in research into serious and organised crime. The Dutch reports are fairly or readily comparable to other reports within the EU as regards some of the quantitative basic data. The Dutch report also contains a proportionately higher amount of qualitative data compared to reports from other countries.

The data on organised criminal groups will be updated continually in the future, during the various stages in the process of investigation and prosecution. To date, information has been collected on the preceding calendar year for the situation report in January/February, in order to guarantee that the summary of open and closed investigations is as complete as possible.

The results have proved to be reasonably comparable over the years, because a similar questionnaire was used in the earlier years. Nevertheless, small changes or improvements to the variables in the questionnaire have been

made from year to year, so that mutual comparisons are never exact. In a separate methodological paragraph, attention is always given to changes in the variables, calculation methods, etc. as well as comparability with previous years.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Only some collected data are disseminated, and not always according to the level of detail and breakdown. Reasons for non-dissemination are about confidentiality (in order of importance):

- a) no links with concrete investigations or cases may be published;
- b) no links with concrete collecting organisations may be published;
- c) no sufficient capacity to do the job;
- d) only reporting on the basis of Enfopol 161 in the case of the EU Organised Crime Report.

The DNRI produces an annual and confidential report on organised crime in the context of the EU Organised Crime Report. It is not made available to the general public but only to a restricted 'law enforcement' public.

The different units of the DNRI and the National Crime Squad also produce and publish, often in practical cooperation with universities and/or other agencies, 'crime pattern analyses' with respect to specific forms of organised crime (e.g. human smuggling, human trafficking, Dutch criminal networks, Eastern Europe).

The Research and Documentation Centre (WODC) of the Ministry of Justice produces and publishes every 3 years its *Organised Crime Monitor*, an ongoing systematic analysis of closed police investigations of criminal groups.

Data are generally disseminated to the general public in the case of scientific research or 'open' crime pattern analyses of the DNRI or the National Crime Squad. They are disseminated to a restricted public in the case of confidential analyses (on-line availability and paper copies). There is no wide dissemination in the case of restricted and confidential analyses. In the case of open and published material (e.g. in the Dutch Parliament, in the media, during national or international scientific conferences or seminars on organised crime by law enforcement agencies) a public discussion can be held.

E. CONCLUSIONS

Organised crime investigations focused on groups of perpetrators, and were limited by the availability of information and capacity problems as well as local or national priorities. As a consequence the majority of investigations concentrated on (one part of) a single group. A few investigations involved several groups.

Furthermore, there is now a development suggesting that organised criminal groups are far more dynamic, part of a network and with loose affiliations

made and broken on a regular basis. This means that the structure or chains of command are less obvious. Therefore it is more difficult or even impossible to determine the actual organised group to which some persons or a cell belongs. For the above reasons, the general (political or scientific) opinion in the Netherlands is that it is impossible to count or give a definitive indication of the number of organised criminal groups.

9.1.15 The United Kingdom

This country profile basically refers to the situation in England and Wales. Although some work on organised crime in this subsection is coordinated with work in other parts of the UK (particularly Scotland and Northern Ireland), these areas have separate criminal justice jurisdictions, and are not in general covered in this section.

A. DEFINITION/S OF ORGANISED CRIME EMPLOYED FOR DATA COLLECTION PURPOSES

The primary definition of organised crime is that used by NCIS concerning 'Serious and organised crime'. Organised crime is defined as:

"Those involved on a continuous basis, normally working with others, in committing crimes for substantial profit or gain, for which a person aged 21 or over, on first conviction could expect to be imprisoned for three or more years".

B. KIND OF DATA COLLECTED, DATA COLLECTION CRITERIA AND COLLECTING AGENCIES/COORDINATION BODIES

Within England and Wales, the organised crime data collection system is neither solely offence nor solely offender-based. Although the annual threat assessment produced by NCIS focuses upon threats in terms of offence categories (i.e. fraud, organised immigration crime), NCIS also collates and holds data where the offender is the main unit of analysis. In addition to strategic and tactical assessments (reviewing major threats to the UK), their functions involve the production of:

- *problem profiles* (which describe and aid the understanding of specific aspects of a threat), and
- *target profiles* (from the intelligence collated from other sources, as well as its own intelligence gathering functions, NCIS supports partners in producing profiles of major criminals and criminal organisations).

Operational intelligence gathering also focuses upon both trends in crime (offences) and emerging threats from criminal groups.

Organised crime groups

Data relating to organised crime groups (enterprises) are collected by a variety of different organisations within England and Wales. Local police forces will collect data on and target groups known to them. However, this information is used for operational purposes only and there are no variables relating to organised crime groups contained within the data held on the

Police National Computer (PNC). In addition to local police forces, NCIS and the National Crime Squad (NCS) hold data on priority criminals (nominals) and groups across a variety of crime sectors.

While full details relating to the variables collated on organised crime groups are classified, NCIS seeks to collect the following data regarding organised crime groups:

- criminal activities (main, secondary and supporting);
- ethnicity/nationality;
- *modus operandi*;
- finances;
- co-operation with other criminals;
- use of violence and intimidation;
- use of corruption;
- use of other methods to protect and support criminality.

NCIS co-ordinates the collection of data relating to organised crime groups from a variety of organisations as a means of informing the annual UK Threat Assessment Plan. In addition to this data collection exercise, information relating to organised crime groups is also collated on an ongoing basis through a variety of mechanisms including the Organised Crime Notification Form, regional meetings and its own operational intelligence gathering.

In terms of retention of data relating to individuals suspected of involvement in organised crime, the Data Protection Act (1998) allows data to be collected on individuals for the purpose of the prevention and detection of crime or the apprehension or prosecution of offenders. The Data Protection Act (1998) states that personal data should not be kept for longer than is necessary, however, there is no set time limit imposed by the Act whereby information should be destroyed.

The Association of Chief Police Officers (ACPO) published a code of practice on data protection in 2002 which recommended periods for retention of information. This suggested that details of acquittals (or cases discontinued without caution) should not be retained beyond 42 days (exemptions include certain sexual offences and offences with insufficient evidence to convict). For intelligence data, it is suggested that reports should be reviewed on a regular basis and considered for deletion subject to a maximum period of 12 months.

Organised crime offences

In terms of data relating to organised crime categories, the primary details of all offending are held by local police forces with basic information submitted to the Home Office on a regular basis. Although each police force collates data on the offence categories traditionally considered to be related to organised crime, the PNC does not contain variables which allow the organised crime categorisation of particular offences to be identified. Therefore, whilst each police force will collate and submit data to the Home Office on offences such as prostitution or lorry load theft, it is not possible to identify from these data alone whether an offence is linked to organised crime activity.

In addition to the data collected on all offence categories by local police forces, a number of agencies such as Her Majesty's Customs and Excise (HMCE), the Financial Service Authority/UKLA (United Kingdom Licensing Authority), APACS (Association for Payment Clearing Services), the British Bankers Association (BBA) and the Environmental Agency collect higher level summary information or intelligence on certain priority areas. The data collated by each organisation are summarised within the table below.

Although individual police forces collect and hold data relevant to their geographic area and specific agencies collect data relevant to their organisation, NCIS acts as the central co-ordinating body for information on serious and organised crime. In terms of offence categories, NCIS focuses upon threats as opposed to specific offences, these are determined by priorities set by the UK Threat Assessment and the annual Service Plan. For each threat, NCIS collects data on the standard who, what, where, when, why and how questions in an attempt to build a sound intelligence picture. The main current threat areas are:

- class A drugs trafficking;
- organised immigration crime;
- fraud;
- money laundering;
- firearms;
- hi-tech crime;
- sex offences against children, including on-line abuse.

NCIS also maintains an interest in the following activities:

- armed robbery;
- kidnap;
- organised vehicle theft;
- lorry load theft;
- cultural property and other thefts;
- counterfeit currency;
- payment card crime;
- environmental crime (wildlife crime, illegal waste disposal and trading in ozone depleting substances);
- intellectual property crime (counterfeiting).

The list below, considering offence by offence, details the collecting agencies and the variables collated by them on crime categories traditionally associated with organised crime. As one of NCIS's primary functions is to act as a co-ordination service, enabling partners to notify them of their operations relating to specific offences, where the agency cell on the table below excludes NCIS, it can be assumed that although not the primary collecting agency for this offence, NCIS does collect some data on this offence.

- *Drug trafficking.* The respective collecting agencies are: the Concerted Inter-Agency Drugs Action (CIDA) Group. This is chaired by HMCE (Customs and Excise) and includes the membership of agencies such as NCIS. It collects data on: product, routes, groups involved, methods, links to other group.
- *Drugs manufacturing.* NCIS collates intelligence based data and data are collected on: product, methods, location.
- *Environmental crime.* The agencies involved in collecting data are:
 - the Environment Agency collects data on pollution incidents including incident totals, location, source, pollutant, cause, impact upon Environment Agency, prosecutions, cautions and convictions;
 - NCIS collects data on smuggling of animals including number of incidents, demand for rare animals, smuggling routes, markets, forged certificates for rare animals; illegal dumping;
 - HMCE collects data on illegal smuggling of animals. These include: number of incidents, location, method.
- *Extortions, including money for protection.* Collecting agencies are:
 - local police forces, which collects the main data available on this offence. These data will not specify whether the offences was organised or not;
 - NCIS. It holds some data relating to links with terrorism in Northern Ireland.
- *Fraud.* The agencies which collect data on fraud are:
 - the co-ordination body CICFA (Concerted Inter-Agency Criminal Financial Assets Group) , which is chaired by HMCE and includes the multi-agency membership of groups such as NCIS, NCS and the Association of Chief Police Officers (ACPO);
 - Credit Industry Fraud Avoidance System (CIFAS). Its database contains information on frauds and attempted frauds into which member organisations drawn from a variety of credit-granting sources are required to input data once they have identified a 'bad debt' is international fraud;
 - United Kingdom Licensing Authority (UKLA) Market Abuse Team and Company Monitoring Team. UKLA monitor shares prices/stock markets to identify interesting price movements;
 - Serious Fraud Office which deals with complex fraud cases;
 - HMCE collects data on tax, alcohol and tobacco fraud. These include: volume and financial losses;
 - APACS (Association for Payment Clearing Services) which holds data relating to plastic and credit card fraud. Statistics are collected on: volume, financial losses, type of fraud (card not present, counterfeit, lost and stolen, mail non-receipt and identity theft), place (cash machine, internet, fraud abroad). As well as general statistics on plastic and credit card fraud, APACS have a police unit dedicated to

- organised crime related plastic and credit card fraud – Dedicated Cheque and Plastic Crime Unit (funded entirely by the industry);
- the British Bankers Association (BBA) collects data on non-plastic fraud (i.e. fake cheques, bankers drafts, etc.), volume, losses, methods;
- the Finance and Leasing Association, which currently finances the Vehicle Fraud Unit, collects information on vehicle hire frauds including names, addresses and methods.
- *Illegal immigration*. The agencies involved in collecting data are:
 - the co-ordinating body REFLEX (the Inter-Agency Group against People Smuggling and Trafficking in Human Beings) is chaired by the NCS and co-ordinates information relating to the nature and scale of this offence. Data collected are on: methods, routes, groups involved, key nexus points, links to other crimes, exploitation;
 - NCIS holds intelligence based data on: routes, groups involved, methods, links to other crimes.
- *Trafficking in human beings*. The agencies which collect data on trafficking in human beings are:
 - the co-ordinating body REFLEX (the Inter-Agency Group against People Smuggling and Trafficking in Human Beings) is chaired by the NCS and co-ordinates information relating to the nature and scale of this offence. Data collected are on: methods, routes, groups involved, key nexus points, links to other crimes, exploitation;
 - NCIS holds intelligence based data on: routes, groups involved, methods, links to other crimes.
- *Prostitution*. Local police forces are the only agency who collect data on prostitution, unless the offence is linked to trafficking as a form of exploitation, in which case NCIS will become involved. PNC data will not enable the organised crime nature of this offence to be ascertained.
- *Smuggling*. Data are collected by HMCE but it would not provide details relating to specific variables.
- *Illegal firearms*. Data are collected by NCIS concerning individuals and nature of the market.
- *Works of art, antiques, jewellery, archaeological material trafficking*. There are no central data held on such crimes. However, the Metropolitan Police Service do have a database on crimes committed within their area (The Arts and Antiques Stolen London Database). This database is not organised crime specific. There is a privately maintained database – the Art Loss Register – whose mission is to recover stolen and missing art and antiques. The Art Loss Register works closely with owners, insurers, lawyers and law enforcement to facilitate recovery. Again this is not specific to organised crime.
- *Organised crime related theft and robbery*. Data are collected by the local police forces (though this will not be organised crime specific). If the offence is of significant scale, it will be targeted by NCIS which collects operational intelligence data.

- *Money laundering.* Agencies involved in collecting data are NCIS and Inland Revenue. In 2003, the Inland Revenue established a Money Laundering Investigation Team.
- *Kidnapping for ransom.* Individual incident details will be held by local police forces, though this will not be organised crime specific. NCIS collects data on number of national incidents, motivation (domestic, stranger, criminal, vendetta, people-trafficking, political).
- *Intellectual property theft.* Data are collected by the Patent Office.
- *Stock market manipulation.* UKLA Market Abuse Team and Company Monitoring Team collect data on stock market manipulation. Especially UKLA monitor shares prices/stock markets to identify interesting price movements.
- *Cybercrime.* Hi-Tech Crime Unit (Home Office) and NCIS collect data on number of incidents, methods.
- *Organised vehicle theft.* Data are collected by local police forces (though this will not be organised crime specific) and NCIS which collects data on types of load at risk, methods, potential losses.
- *Organised lorry load theft.* Agencies involved in collecting data are the local police forces (though still will not be organised crime specific) and NCIS which collects data on types of load at risk, methods, potential losses.

Although many agencies report information on organised crime related activity to NCIS, feedback from NCIS to these agencies depends largely upon the intelligence in question. As a means of protecting the individual, as well as the integrity of any future case, information would rarely be fed back to the original source of the intelligence. Feedback would only take place on a 'need to know' as opposed to a 'want to know' basis. However, there are exceptions to this whereby decisions are made that the dissemination of information back to local police forces, local businesses and other relevant agencies would be beneficial to the case.

It was recognised by the UK respondent that the current procedures for data collection could be improved. Because there is no central police force, the role of data collection/analysis/dissemination lies with NCIS, which also has an operational role in supporting law enforcement agencies.

However, the current mechanisms, and NCIS as a separate organisation, will cease to exist by the start of 2006/2007. In February 2004, the government announced its intention to create, by 2006, a Serious Organised Crime Agency (SOCA) that will bring together NCIS, NCS, the investigative and intelligence work of HMCE and the Home Office's responsibilities for organised immigration crime. SOCA will be accountable to the Home Secretary and as is suggested within the Home Office White Paper (2004), the creation of this new agency will address some of the current weaknesses in the generation, dissemination and use of organised crime related intelligence material.

C. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

Within England and Wales, there are neither specific data sources for organised crime nor specific sections for organised crime within ordinary crime data sources. Ordinary crime data collected by local police forces would not allow data on organised crime to be constructed indirectly. There are however several agencies collecting data on organised crime, these include:

- police (43 police forces);
- national law enforcement agencies (NCIS, NCS);
- Economic Crime Inspection Services (Serious Fraud Office, Dedicated Cheque and Plastic Crime Unit of APACS);
- Fiscal Information and Investigation Services (UKLA's Market Abuse Team and Company Monitoring Team);
- Immigration Services (Home Office);
- Anti-Drug Agencies;
- HMCE;
- academic research;
- Bank Associations (British Bankers Association);
- Anti-Counterfeiting Associations (Patent Office);
- Others (including the Environment Agency, Art Loss Register, the Metropolitan Police's Arts and Antiques Stolen London Database).

NCIS currently acts as the co-ordinating body for all data relating to serious and organised crime activity, collecting data from a variety of organisations as well as formulating its own intelligence. NCIS is responsible for formulating and publishing the annual UK Threat Assessment, for which agencies such as local police forces would be required to submit data relating to organised crime within their area.

In terms of ongoing data collection/dissemination, the key mechanisms for sharing information on organised crime include regular regional meetings between police forces, NCIS and other relevant agencies, the Organised Crime Notification Form (which allows local police forces to complete a standard questionnaire for each organised crime group within their area) and multi-agency strategic groups.

The government and law enforcement agencies have developed a range of linked national strategies that are focused upon the different organised crime threats. These include:

- CIDA – Concerted Inter-Agency Drugs Action Group – to tackle Class A drugs;
- REFLEX – the Inter-Agency Group against People Smuggling and Trafficking in Human Beings;
- CICFA – Concerted Inter-Agency Criminal Financial Assets Group – to tackle criminal profits and money laundering;

- the National Firearms Strategy Group – to tackle gun crime;
- other strategic groups are set up to tackle paedophilia, frauds, violent crime and property crime.

As well as informing the annual UK Threat Assessment Plan published by NCIS, data relating to organised crime activity are shared between the various collecting organisations on an ongoing basis. This real-time sharing of information takes place using a variety of different media. Although the current procedures for data collection, analysis and dissemination will cease to exist by the start of 2006/2007, it is the opinion of the respondent that there already exists a high level of genuine co-operation between the various collecting organisations and NCIS. It is suggested that this can be demonstrated through the numerous forums and multi-agency initiatives.

In terms of the quality of procedures for collecting data on organised crime, the respondent felt that there are gaps in geographic and offence coverage and that this can be explained in part by the basic lack of intelligence possessed by local forces which is due to limited resources and competing priorities.

As well as limits in the usefulness and reliability of the data, there are also levels of inconsistency, again due to limited resources and competing priorities within local police forces. It was suggested that the creation of the Serious Organised Crime Agency will address these inconsistencies. The UK respondent did not feel able to comment upon the national and EU comparability of organised crime data within the UK.

NCIS publishes an annual Threat Assessment which incorporates data provided by the various collecting agencies discussed above. With the exception of submissions required for this report, data relating to organised crime are generally collected on a real time/need to know basis. The exception to this is the REFLEX inter agency group designed to tackle people smuggling and trafficking in human beings, which collects data from local police forces on a monthly basis.

D. DISSEMINATION OF DATA ON ORGANISED CRIME

Only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting agency itself. The reasons for the limits in dissemination are, firstly, that much of the intelligence collected by the agencies discussed is intelligence based and therefore not 100% verified. The second rationale relates to the data being operationally sensitive. Finally, the sheer volume of the information collected would make this task impossible.

NCIS produces both confidential and non-confidential Annual Threat Assessments. The non-confidential version of this annual report is available on the NCIS website,²³ via cd-rom and in paper format. This report was published in 2003 and refers to the period up to and including 2002. A separate confidential version of this report is produced and used to inform the strategic thinking of law enforcement agencies and governmental bodies.

²³ Available at <http://www.ncis.gov.uk/ukta/2003/threat01.asp>.

It is the opinion of the respondent that the quality of both printed and on-line material which is disseminated to the general public is of an acceptable standard. Issues relating to technical assistance regarding data extraction within machine-readable versions of the report do not apply – reports are simply PDF documents which do not allow for data extraction. The relevant metadata such as information on the data construction process, methodology or the origin of the published figures is not readily available.

Finally, it is the opinion of the respondent that the disseminated material on organised crime does result in public discussion of the problem.

E. CONCLUSIONS

Data on organised crime groups and organised crime related offences are collected by a variety of organisations. These include individual police forces, as well as agencies such as NCIS, NCS, HMCE, UKLA, APACS, BBA, the Environment Agency and the Home Office. Although a variety of different organisations collect organised crime related data, the central co-ordinating role of data collection, analysis and dissemination lies with NCIS, which also has an operational role in supporting law enforcement agencies.

In terms of organised crime groups, NCIS seeks to collect data on variables such as criminal activities, ethnicity/nationality, *modus operandi*, finances, co-operation with other criminals, use of violence or intimidation, use of corruption and use of other methods to protect and support criminality.

NCIS focuses upon threats as opposed to specific offences. Although data are collected by a variety of organisations in relation to offences traditionally associated with organised crime, NCIS's current priorities are: class A drugs trafficking, organised immigration crime, fraud, money laundering, firearms, hi-tech crime and sex offences against children (including on-line abuse). NCIS also maintains an interest in armed robbery, kidnap, organised vehicle theft, lorry load theft, cultural property and other thefts, counterfeit currency, payment card crime, environmental crime and intellectual property crime.

Data on organised crime related activity are collected by a variety of different police forces and agencies. Although it is NCIS's responsibility to co-ordinate data related to organised crime, it is recognised that current procedures for data collection could be improved. The creation of the Serious Organised Crime Agency by 2006 should go some way towards addressing these weaknesses.

In terms of dissemination, NCIS is responsible for formulating and publishing the annual UK Threat Assessment Plan, for which agencies such as local police forces are required to submit data relating to their geographical location. There are both confidential and non-confidential versions of this report. The first is disseminated to a restricted audience of law enforcement agencies and governmental bodies, the latter being published on the NCIS website, via cd-rom and in paper format.

In terms of the quality of the procedures for collecting organised crime data, the UK respondent felt that there are gaps in geographic and offence coverage and that these can be explained in part by the lack of intelligence possessed by local police forces as well as limited resources and competing

priorities. It was suggested that these weaknesses will be addressed by the creation of SOCA in 2006. Finally, it was suggested that there exists a high level of genuine co-operation between the various collecting agencies and NCIS and that this can be demonstrated through the numerous multi-agency initiatives/forums which have developed over the last few years.

9.2 COMPARISON OF THE EU NATIONAL DATA SOURCES ON ORGANISED CRIME

This section compares the national data sources on organised crime of the 15 EU member states prior to May 2004, as analysed in section 9.1.

The national systems for the collection of data on organised crime are compared on the basis of:

- some key features (9.2.1);
- the variables collected on organised crime (9.2.2);
- who collects the data on organised crime (9.2.3);
- the quality of the data collection procedures (9.2.4) and
- the dissemination of data (9.2.5).

9.2.1 Comparing the key features of OC data collection systems in the 15 EU member states

Table 2 below sums up the key features of the member states' OC data collection systems, in terms of:

- *definition(s) of OC used to collect data*, i.e. whether the European definition contained in Enfopol 35 or other definitions;
- *OC data collection system typology*, i.e.:
 - a) offender-based, where the unit of analysis is the person suspected or known to be a member of an organised crime group, while data on offences are collated as a consequence of the variety of criminal acts committed,
 - b) offence-based, where the unit of analysis is the offence and various techniques or presumptions are employed to identify organised crime related crimes, amongst all reported crimes, or
 - c) mixed systems (i.e. both offence and offender-based).
- *relation between ordinary crime data sources/OC data sources*;
- *time of collection of the data on OC*.

TABLE 2. KEY FEATURES OF OC DATA COLLECTION SYSTEMS IN THE 15 EU MEMBER STATES

	OC definition(s) used to collect data	OC data collection system typology	Relation between ordinary crime data sources/OC data sources	Time of collection of the data on OC
Austria	Enfopol 35 & § 278a criminal code	Offence-based system	Data on OC collected as part of the general crime data collection system, but grouped in a specific database	When there is concrete suspicion that someone has committed a crime, police fill out a standard form and send it to the court
Belgium	German <i>Bundeskriminalamt</i> definition	Offender-based system	There are specific data sources for OC	When a crime has been committed, local police agencies complete a standardised form and send it to the Federal Police
Denmark	Enfopol 35	Both offence and offender-based system	There are specific data sources for OC	When intelligence relating to OC is received, police districts and the operational support units of the national police complete an electronic report and send it to the Serious Organised Crime Agency (SOCA)
Finland	Enfopol 35 & chapter 17:1a penal code	Offender-based system	Data on OC collected as part of the general crime data collection system (the Criminal Complaint File System) and there is also a specific database (the suspects' database)	As soon as a police officer starts investigation and insert info on it in the database
France	No operational definition	Offence-based system	There are no specific data sources; general data on offences are interpreted to shed light on OC activities	When the service dealing with a given offence decides that the case is linked to OC
Germany	1990 German Working Party of Police and Judicial Authorities (<i>AG Justiz/Polizei</i>)	Both offence and offender-based system	There are specific data sources for OC	Once collecting law enforcement agencies decide, on the basis of the OC definition and of fifty indicators, that an OC event occurred and report it to BKA
Greece	Enfopol 35 & law 2928/2001 (artt. 1, 2)	Offence-based system	There are specific data sources for OC	When a crime defined as organised crime related in law 2829/2001 by a variety of different organisations happens
Ireland	Enfopol 35 & a (different) national definition of 'major criminals'	Both offence and offender-based system	Neither specific data sources for OC nor specific sections for it in ordinary crime data sources. The National Criminal Intelligence Unit of <i>An Garda Síochána</i> uses its data collection procedures to build a picture of OC from PULSE (the single system for recording all crimes)	When multi-agency thematic units (e.g. Criminal Assets Bureau and police forces) submit any intelligence which may relate to OC to NCIU
Italy	Artt. 416 and 416- <i>bis</i> penal code & art. 74 Presidential Decree 309/1990	Offence-based system ²⁴	There are both specific data sources (MACRO database for qualitative data – to be shortly implemented) and specific sections for OC within ordinary crime data sources (for quantitative data, 165 model, replaced by SDI – <i>Sistema Di Indagine</i> , Investigation system – in June 2004)	<i>Quantitative data:</i> data on OC crimes are collected by the provincial offices of the police by completing the 165 model form and sent to SAC and ISTAT. Since July 2004, they directly access SDI database online <i>Qualitative data:</i> when info from intelligence, investigative and judicial activities is sent to SAC
Luxembourg	Enfopol 35	Offence-based system (on a case basis)	Neither specific data sources for OC nor specific sections for it in ordinary crime data sources	When the police departments register typical OC cases and inserts the related data in a template

²⁴ As soon as the MACRO system will be implemented, Italy will have a both offence and offender-based system.

	OC definition(s) used to collect data	OC data collection system typology	Relation between ordinary crime data sources/OC data sources	Time of collection of the data on OC
Portugal	Enfopol 35 & art. 299 penal code	Offence-based system	Neither specific data sources for OC nor specific sections for it in ordinary crime data sources	When a criminal investigation starts, an electronic report on the case is submitted by the local police information unit to SIIC database (<i>Sistema Integrado de Informação Criminal</i>), managed by <i>Polícia Judiciária</i>
Spain	Enfopol 35	Offender-based system	There are specific data sources for OC	After each law enforcement agency has identified an OC group, it completes a standard questionnaire and send it to UCIC
Sweden	Enfopol 35, but applied extensively (also to groups that only fulfil criteria 1,2,3,4)	Offender-based system	There are specific data sources for OC, i.e. OBIS database (since 1998), plus the Police Surveillance Registry and the Criminal Intelligence Database	The collecting authorities (police, customs, Economic Crime Inspection Service, Fiscal Information and Investigation Service) use a common input form, and collect info in separate databases. These are then merged into OBIS database
The Netherlands	Enfopol 35, section 140 penal code, Parliamentary Committee of Inquiry on Methods of Investigation, UN Convention against Transnational Organised Crime, National Police Agency/National Criminal Intelligence Division	Offence-based system	Neither specific data sources for OC nor specific sections for it in ordinary crime data sources	When an investigation on an OC related crime starts
The United Kingdom	NCIS	Both offence and offender-based system	Neither specific data sources for OC nor specific sections for it in ordinary crime data sources	When an investigation on an OC related crime starts

Table 2 suggests the following comments on the key features of MSs data collection systems on organised crime:

OC definition(s) used to collect data in the MSs: this is not fully harmonised

With reference to the operational definitions used to collect data on organised crime, these are not uniform yet.

Ten out of fifteen MSs make use of the European definition contained in Enfopol 35; while in the remaining countries national definitions prevail. However, this does not imply that two-thirds of the MSs use the very same definition of organised crime to collate data on it. We need to recognise that:

- in eight out of the ten countries where the European definition is applied, it is not the sole definition used but coexists with other national definitions that are used alternatively or cumulatively to collate information on criminal groups. Very often it happens that the way in which the two types of definition interact is unclear, as it happens in Austria;
- apart from this problem, it may happen that the Enfopol definition is applied differently, because of a conscious choice (as in Sweden, when it is always applied extensively, i.e. also to groups that only fulfil criteria 1, 2, 3, 4 of the definition) or because of different interpretations of the eleven criteria contained in the definition itself.

One can therefore conclude that the uniform collection of data on organised crime is hampered in the member states both by the lack of adoption of the Enfopol definition by all MSs, and by its heterogeneous application even in those countries formally adhering to it (due, as seen, to different national interpretations of Enfopol criteria and to the coexistence and application of national definitions with the European one). This lack of harmonisation in defining organised crime or in interpreting the same definition of it probably impacts negatively, in the end, on the comparability of the organised crime picture among countries.

OC data collection system typologies in the MSs: most countries have offence-based systems, but there are also offender-based and mixed systems

As for the OC data collection system typology, within the European Union member states there are both offence-based systems, offender-based and mixed systems (i.e. both offence and offender-based).

About a half of the countries (i.e. seven member states) have an offence-based system, which means that the unit of analysis of the data collection systems for this countries is the offence (any offence, indeed). The consequence is that in these MSs data are collected on all offences and various techniques (e.g. ticking the button 'OC relevance' if the case meets the criteria of the OC definition, as it happens in Austria, or an ex post case by case analysis, as in Luxembourg) or presumptions (e.g. that certain crimes, because of their seriousness, require a complex form of organisation and can therefore be considered as organised crime related, as it happens in France) are subsequently employed to identify, amongst all reported crimes, only those offences committed by organised criminal groups.

In four countries (Belgium, Finland, Spain and Sweden), the organised crime data collection system is, instead, offender-based. In these countries, therefore, the unit of analysis is the person suspected or ascertained to be a member of an organised crime group, and data on organised crime related offences flow from information on crimes carried out by its members.

Both approaches are adopted in four MSs (Denmark, Germany, the Netherlands and the United Kingdom), where, in addition to OC data collected as part of the general crime data collection system, specific information on OC members is also collected.

It is worth noting that, if compared to an offence-based system, which is reactive (since it reacts to an offence already committed), an offender-based system is proactive and makes it possible the collection of intelligence information that could enable the prevention of organised criminal events. Also, offender-based systems do normally provide a more reliable picture of organised crime because the information they collect is based on the monitoring of organised criminal members, rather than on the employment of often artificial techniques to identify OC related crimes among all reported crimes.

Relation between ordinary crime data sources/OC data sources: only in eight out of the fifteen MSs there are specific data sources for organised crime or at least specific sections for it within ordinary crime data sources

Only in eight out of the fifteen MSs there are specific data sources for organised crime or at least specific sections for it within ordinary crime data sources. In the remaining cases, there are neither any specific data source for organised crime nor specific sections for it within ordinary crime data sources, so that data on organised crime are reconstructed indirectly, on the basis of general crime data.

Time of collection of the data on OC: there are relevant differences among the MSs

MSs, also depending on the OC data collection typology adopted, differ from each other with reference to the time when data on organised crime are collected. So, in offence-based systems normally the collection of data on organised crime takes place as soon as a crime is discovered and recorded by the police; however, it may happen (e.g. Austria) that the time of collection is moved forward, to the time when it is necessary to submit a full report on the case to the court so that prosecution can be started.

In an offender-based system, information is mainly collected at the time when suspicion arises that a given person is member or connected to a criminal group, and therefore is not necessarily linked to the commission of any offence.

This difference in the time of collection of data is another factor hampering the collection of comparable statistics among member states.

9.2.2 Comparing the variables on organised crime collected in the 15 EU member states

Table 3 below sums up the variables on organised crime collected in the member states.

TABLE 3. VARIABLES ON ORGANISED CRIME COLLECTED IN THE 15 EU MEMBER STATES

	Variables collected on organised crime
Austria	<i>Variables on the crime</i> (e.g. type of crime, number of crimes, economic damage caused, <i>modus operandi</i>); <i>variables on the perpetrator/accomplices</i> (identity, age, gender, nationality, status in the country); <i>variables on the victim</i> (age, gender, nationality, status in the country) plus some <i>additional variables</i> in <i>drug cases</i> (e.g. kind of drug, amount) and in cases of <i>people smuggling and illegal immigration</i> (e.g. number, age and nationality of smugglers & of immigrants)
Belgium	<i>Variables on the OC group</i> : name, structure, composition, types of crime committed, geographical areas where the organisation is active, <i>modus operandi</i> , estimated proceeds, trends and impact <i>Variables on OC suspects</i> : surname and first name, function in the organisation, gender, nationality, place and country of birth, police or legal measures taken against them (if any)
Denmark	<i>Variables on the OC groups</i> : all data available on individuals, whereabouts and contacts (not predetermined set), and in any case all variables described in Enfopol 35 <i>Variables on the OC activities</i> : for <i>drug trafficking and manufacturing</i> : name, location, type of offence, type of drug, <i>modus operandi</i> , means of transport, route, contacts, violence used, weapons used; for <i>other offences</i> : name, location, type of offence, <i>modus operandi</i> , means of transport, contacts, violence used, weapons used
Finland	<i>Variables on the OC suspects</i> : number of followed-up (i.e. monitored) persons, basic personal data (e.g. age, nationality), serving of time in prisons and connections to other criminals, crimes of which these persons are suspected (time and place of commission, <i>modus operandi</i> , connections to other criminal activities, connections to companies/legal world in general) <i>Variables on the OC groups</i> : number of OC groups, shares of different nationalities in the group, main geographic area of activity, main criminal branches
France	The variables normally collected on any offence
Germany	<i>Variables on OC group</i> : on <i>offences</i> : geographical location, offence type, number of offences; on <i>organised crime relevance</i> : special criteria of the OC definition plus fulfilment of fifty indicators, calculation of the organised crime potential of the group; on <i>suspects</i> : number, nationality, ethnicity, weapons used, previous arrests, outstanding arrest warrants; on <i>the duration of the collaboration of the organised crime group</i> ; on <i>fields of activity of the group/crime</i> : <i>modus operandi</i> , country of origin, transit and destination of criminal goods; on <i>financial aspects</i> : damage caused, profits earned, confiscation of assets <i>Variables on OC offences</i> : on <i>drug trafficking and drugs manufacturing</i> : name, address, evidence, links to firm/organisation, material i.e. information on the drug involved, evidence of communications, vehicle, means of payment, tip-off/lead, weapon, designation of offence/incident, use of counterfeit money/notes; on <i>illegal migration and human trafficking</i> : name, address, evidence, links to firm/organisation, material, evidence of communications, vehicle, designation of offence/incident, accounts; on <i>money laundering</i> : name, address, evidence, links to firm/organisation, buildings/places/addresses (this may include deeds/certificates or ownership), banking and transactions, tracking money; <i>other offences</i> : no data collection criteria specific to organised crime
Greece	Data on the following <i>19 variables related to OC groups</i> are collected: structure of the organised crime group, crimes committed by the group, geographical area in which group operates, name of the group (according to the nationality of key members), estimated total number of members, number of suspected or arrested members, number of key members, citizenship of key members, nationality of key members, relationship to other organised crime group, use of violence (within the group, against members of other organised crime groups, or against others), infiltration into criminal justice officers, courts, businesses, politicians, others, use of specialist methods (such as offsetting, internet, etc.), countermeasures, employment of skilled workers (such as lawyers, chemists, experts, technicians, etc.), risk estimates for legal markets, risk estimates for illegal markets
Ireland	<i>Variables on OC groups</i> : levels of violence used, levels of profit derived from groups' activity, impact upon the public (either as victims or as users of illegal drugs), possible effect upon legitimate business, levels of cross border activities, potential for harm to the economy <i>Variables on OC offences</i> : on <i>drug trafficking</i> : type of drug, routes, mode of transport; on <i>drugs manufacturing</i> : precursor chemicals; on <i>smuggling</i> : product involved, use of legitimate businesses; on <i>illegal firearms and explosives trading</i> : type of weapons, routes, connection to other forms of crime; on <i>money laundering</i> : source of money, means employed, use of legitimate business; on <i>intellectual property theft</i> : type of product, location manufacturing; on <i>extortions, including money for protection</i> : levels of violence, motive, level of paramilitary involvement; on <i>fraud</i> : means, targets, state or major business; on <i>illegal migration</i> : routes, identity of facilitators, abuse of systems, false documentation; on <i>trafficking of human beings</i> : routes, identity of facilitators; on <i>prostitution</i> : use of force or intimidation, on <i>works of art, antiques, jewellery, archaeological material trafficking</i> : type of product stolen, routes for export; on <i>organised crime related theft and robbery</i> : identity of persons involved, means of disposal of proceeds, levels of violence, possibility of inside involvement; on <i>kidnapping for ransom</i> : identity of those involved, motive; on <i>organised vehicle theft</i> : types of vehicles stolen, means of disposal of vehicles; on <i>organised lorry load theft</i> : type of product, means of disposal

	Variables collected on organised crime
Italy	<p><i>Quantitative variables on OC: till June 2004, 165 model</i> the following variables on <i>associations for purposes of committing offences, Mafia – type association and organised crime related homicides</i>: number of reported crimes (total), number of reported crimes in the chief city, number of reported crime of known author, number of reported people (total), number of reported minors; <i>since July 2004, SDI database</i>: all the variables listed in the 165 model plus other information of interest to the database on persons (physical or legal) and objects (documents, vehicles/plates, stock titles, banknotes and arms)</p> <p><i>Qualitative variables on OC</i> (to be shortly reported in MACRO database): denomination of the organisation, ethnic predominance (if any), origin area, influence area, criminal activity/ies carried out, eventual beginning and ending date of the criminal activity, names and personal data of members, role of the members in the organisation</p>
Luxembourg	Main variables collected: number of human resources involved, amount of material resources involved, illicit gain obtained over a certain period of time, nationality of the members, regions of origin, ethnic origin, period of activity, form of organisation and structure, type of internal control mechanisms
Portugal	<p><i>Variables on OC offences</i>: number of offences perpetrated by organised crime groups, number of offenders linked to organised crime and their features, numbers of groups and their features, numbers of victims linked to organised crime and their features, financial harm caused by organised crime, for the offence category where it makes most sense</p> <p>Starting from the data related to group members it is possible to deduce the following <i>variables on the group</i>: main activity of the group, <i>modus operandi</i>, size of the group, composition of the members by sex, age and nationality, role of the members within the group, connections to other persons and to possible legal entities, geographical level of activity (local, national, international), possible international connections and transborder operations</p>
Spain	<i>Information on OC groups</i> : when and how the group was detected; about members: number of members, gender, nationality and ethnic origin of members and core members, organisational structure of the group (hierarchical structure, cellular structure), collaboration with other criminal groups, places and regions of activities (local, provincial, inter-provincial, national or international); material resources (estimated group assets and annual income); use of violence (within criminal group itself, by criminal group against another one, against people outside the criminal world; number of deaths); use of corruption; use of expertise (e.g. in chemistry, money laundering, weapons, IT systems, etc.); use of complex methods in such areas as communication, technology, asset management, political/judicial manipulation or penetration of enforcement agencies
Sweden	<i>Variables on OC groups in OBiS database</i> : name of members, nationality and task within the group, info on people having contacts with them; period of activity; structure of the group (how many members in the core, how many outside of it, type of hierarchy, etc.); connections to other groups; types of crimes committed, place, <i>modus operandi</i> , members involved; discipline within the group; companies used in criminal activity (name, legitimate business, which member uses it and how it is used for criminal activity); contacts outside the criminal world (name and task of the contacts, member of the group linked to these contacts); tools used in crimes (i.e. explosives, computers, weapons, etc.)
The Netherlands	<p><i>Variables on OC groups</i>: number of core members and other members; names, dates of birth, places of birth, gender, residence; nationality and ethnicity; roles of the suspects; core and subsidiary activities; confirmed, assumed or unconfirmed information; duration of collaboration; growth trend of group; latest criminal activities committed/planned; contacts with other OC groups; geographical area of work; infrastructural area of work (ports, airports); level of psychological/physical damage within and outside the criminal circuit; nature of any positive or negative sanctions; estimate of extent of turnover and/or profits; estimate of extent and nature of assets; abuse of sectors/legal entities (including <i>modus operandi</i> and description of sector); use/abuse of people in the professions; use of corruptive contacts (including <i>modus operandi</i>); shielding (active or passive obstruction of government authorities, defensive or offensive strategies); description of business; sources (of investigation) used</p> <p><i>Variables on OC offences</i>: on <u>hard & soft drugs</u>: type, quantity, <i>modus operandi</i>, logistic process (acquisition of drugs, countries of origin, transit and destination, smuggling route, form of transport), nature of trade (production, import, export/wholesale or distributive); on <u>environmental crime</u>: <i>modus operandi</i>, nature of environmental crime (dumping of chemical waste, nuclear waste, illegal fireworks, endangered animal and plant species), nature of activities (import, export, dumping, discharging, mixing, etc.), potential damage; on <u>extortion</u>: <i>modus operandi</i> (perpetrators, victims, blackmail, hostage-taking, kidnapping), size of sum, frequency of extortion; on <u>fraud</u>: <i>modus operandi</i>, nature of fraud (fraud with taxes, social legislation, legal entities, etc.), involvement of other countries, structures of opportunity; on <u>vehicle crime</u>: types of vehicles (private cars, goods vehicles, etc.), form of crime (theft, carjacking, home jacking, ram-raiding, ringing, stripping, etc.), logistic process (countries of origin, transit and destination, smuggling route), <i>modus operandi</i>; on <u>human smuggling</u>: countries of origin, transit and destination, smuggling route, <i>modus operandi</i> (division of jobs among suspects, logistics, nationalities, forms of transport), men, women, minors; on <u>human trafficking</u>: countries of origin, transit and destination, smuggling route, <i>modus operandi</i> (division of jobs among suspects, logistics, nationalities, forms of transport), men, women, minors; on <u>smuggling</u>: <i>modus operandi</i> (logistics, countries involved); on <u>firearms crime</u>: nature, quantity, type of weapons, <i>modus operandi</i> (logistics, countries of origin, transit and destination, smuggling route, extent of trade); on <u>misappropriation and embezzlement</u>: <i>modus operandi</i> (nature and destination of misappropriated goods/embezzled money); on <u>theft, burglary and handling stolen goods</u>: nature, division of tasks, locations, logistics; on <u>robbery</u>: <i>modus operandi</i>, nature and extent, locations, use of weapons and violence; on <u>money-laundering</u>: <i>modus operandi</i>, method (money transfers, loan-back constructions, etc.), estimate of amounts; on <u>computer crime</u>: nature and form, <i>modus operandi</i>; on <u>child pornography</u>: nature/use of media, <i>modus operandi</i>, logistics (production, processing, sales distribution, scale)</p>

	Variables collected on organised crime
The United Kingdom	<p><i>Variables on OC groups:</i> criminal activities (main, secondary and supporting), ethnicity/nationality, <i>modus operandi</i>, finances, co-operation with other criminals, use of violence and intimidation, use of corruption, use of other methods to protect and support criminality</p> <p><i>Variables on OC offences:</i> on <u>drug trafficking</u>: product, routes, groups involved, methods, links to other group; on <u>drugs manufacturing</u>: product, methods, location; on <u>environmental crime</u>: incident totals, location, source, pollutant, cause, impact, prosecutions, cautions and convictions; <u>smuggling of animals</u>: number of incidents, location, demand for rare animals, smuggling routes, markets, forged certificates, illegal dumping, method; on <u>fraud</u>: volume, financial losses, type of fraud (card not present, counterfeit, lost and stolen, mail non-receipt and identity theft), place (cash machine, internet, abroad), method; on <u>illegal immigration & trafficking in human beings</u>: methods, routes, groups involved, key nexus points, links to other crimes, exploitation; on <u>kidnapping for ransom</u>: number of national incidents, motivation (domestic, stranger, criminal, vendetta, people-trafficking, political); on <u>cybercrime</u>: number of incidents, methods; on <u>organised vehicle theft</u>: types of load at risk, methods, potential losses; on <u>organised lorry load theft</u>: types of load at risk, methods, potential losses</p>

Table 3 suggests the following comments on the variables on organised crime collected in the MSs:

Variables on organised criminal groups and members collected in the 15 member states: a large number of variables are common to most MSs, but there are many different modalities and data collection techniques

There is a large number of variables on OC groups and members on which information is collected by the vast majority of MSs.

These are, first of all, *variables on OC suspects*, including: total number of OC suspects, basic personal data (identity, age, gender, nationality), function in the organisation, measures already taken against them (if any), connections to other criminals, crimes of which these persons are suspected.

These are also *variables on OC groups*, such as number of OC groups, group denomination, number of members (total/key members/suspected or arrested members), shares of different nationalities in the group (or ethnic predominance, if any), structure, role of the members in the group, geographical areas where the organisation is active (or most active), types of crime committed (or core/subsidiary activities or main/secondary/supporting activities), *modus operandi*, collaboration/relationship with other criminal groups, use of violence (within the group, against members of other organised crime groups, or against others/people outside the criminal world), use of corruption.

The existence of a bulk of variables on organised criminal groups and members on which most MSs collect data does not imply, however, a full harmonisation and comparability of the related information, due to:

- different modalities used for the same variables (e.g. the use of violence is measured by MSs through a list of modalities which varies from country to country);
- different data collection techniques, depending on different data collection system typologies, dissimilar legal and police systems and timing of the collection, as well as on the different level of detail reached by the MSs on the same variable, with countries collecting information on the basis of standardised forms (which may lead to less detailed but more nationally comparable information) and countries opting for more flexible templates, with more attention paid to the complexities of reality.

Variables on organised criminal groups and members collected in the 15 member states: a limited number of member states collect data on variables crucial to understand the level of penetration and corruption of the legal economy by organised crime and its financial basis

Only in a limited number of countries are the following variables – crucial to understand the level of penetration and corruption of the legal economy by organised crime and its financial basis – also taken into account: connections to companies (companies used in criminal activity or abuse of legal entities), political/judicial manipulation or penetration of enforcement agencies, employment of skilled workers (such as lawyers, chemists, experts, technicians) and financial aspects of the groups (such as profits earned).

Variables on organised criminal activities: there is a lack of a predetermined set of variables common to all MSs

There is not a predetermined set of variables common to all MSs on OC offences. There is, however, a tendency to collect information on the crimes typically related to organised crime, namely:

- *drugs manufacturing*: precursor chemicals (or product), location, method;
- *drug trafficking*: routes, groups involved, methods, links to other groups, info on the drug involved (type of drug, amount), *modus operandi*, means of transport, smuggling routes, contacts, violence used, weapons used, links to firm/organisation (or use of legitimate businesses);
- *trafficking in human beings*: routes, countries of origin, transit and destination, identity of facilitators, *modus operandi*;
- *money laundering*: source of money, links to firm/organisation, buildings/places/addresses, means employed (money transfers, loan-back constructions, underground banking, etc.), use of legitimate business.

Also in this case, the same factors mentioned above with reference to variables on OC groups and members may apply.

9.2.3 Comparing the main organisations collecting data on organised crime in the 15 EU member states and their relationship with bodies bringing together the data collated by each collecting organisation

Table 4 below sums up the main actors involved in the collection of data on organised crime and their relationship. In particular, the following elements are herein taken into consideration:

- *collecting organisation(s)*, i.e. which are the main organisations collecting data on organised crime;
- *coordination bodies*, i.e. which are the bodies bringing together the data collated by each collecting organisation, if any;
- *level of cooperation from collecting organisations to coordination bodies*;
- *tools & media used by coordination body to bring together data on OC by collecting organisations*;
- *time intervals at which the transmission of data on OC to coordination body/ies takes place*;
- *feedback from coordination bodies to collecting organisations*, i.e. whether the coordination body provides the collecting organisations with fed back information based on the data provided by the latter.

TABLE 4. WHO COLLECTS DATA ON ORGANISED CRIME

	Collecting organisation(s)	Coordination bodies	Level of cooperation to coordination bodies from collecting organisations	Tools & media used by coordination body to bring together data on OC by collecting organisations	Time intervals at which the transmission of data on OC to coordination body/ies takes place	Feedback from coordination bodies to collecting organisations
Austria	Police (plus the customs)	<i>Bundeskriminalamt</i>	Good cooperation	Standard form sent electronically	Continuous	Yes
Belgium	Police (plus other law enforcement agencies, prosecution authorities, courts and immigration services)	Federal Police (Directorate for Fighting OC) & Ministry of Justice (Policy Dept)	Varies from organisation to organisation	Template, interviews, quant/qual reports, mainly sent electronically	Continuous	Yes
Denmark	Operational support units of the national police & police districts, regional support centres, SOCA (plus tax authorities, FIUs and aliens departments within police, insurance companies and bank associations)	Serious Organised Crime Agency (SOCA)	Full cooperation	Report sent electronically	Continuous	Yes
Finland	Regional and local police units, customs and frontier guard authorities	National Bureau of Investigation, Criminal Intelligence Division, OC Section & PCFG [police, customs, and frontier guards] management group of the highest chiefs	Good cooperation	Databases, written reports, meetings and interviews sent using different media (including electronic ones)	Continuous	Yes
France	National law enforcement agencies, Economic Crime Inspection Service, Fiscal Information and Investigation Services, Financial Investigation Services, Financial Investigation Units, Immigration Services, Anti Drugs Agencies, customs	<i>Direction Centrale de la Police Judiciaire</i> (International Affairs)	Good cooperation	Reports; during the process of writing the annual report for Europol OC patterns are deduced from these reports from the local police departments	Annual	-
Germany	Police forces of the 16 federal states (<i>Landeskriminalamter</i>), Customs Investigations Office (<i>Zollkriminalamt</i>), Directorate of the Federal Border Police (<i>Bundesgrenzschutz-direktion</i>), Federal Criminal Police Office (<i>Bundeskriminalamt</i>) (plus prosecution authorities and intelligence agencies)	<i>Bundeskriminalamt</i> (Federal Criminal Police Office)	Positive cooperation	Uniform electronic data-collection screening system in Microsoft Excel format	Annual	Yes

	Collecting organisation(s)	Coordination bodies	Level of cooperation to coordination bodies from collecting organisations	Tools & media used by coordination body to bring together data on OC by collecting organisations	Time intervals at which the transmission of data on OC to coordination body/ies takes place	Feedback from coordination bodies to collecting organisations
Greece	Police, Ministry of Commercial Navy, special forces for money laundering and trafficking, customs, courts, coast guards, Committee on art. 8 law 2331/1995	Police	Full cooperation	Protocol for data and information exchange; data sent by e-mail, fax, mail and phone	Annual	Rarely
Ireland	<i>An Garda Síochána</i> , Revenue Commissioners, Criminal Assets Bureau, Intelligence Agencies and customs	National Criminal Intelligence Unit (NCIU)	Good cooperation	Paper format, even if the process of data sharing is currently being upgraded to an electronic system	Continuous	Yes
Italy	Police forces (<i>Carabinieri, Polizia di Stato e Guardia di Finanza</i>), Antimafia Investigation Department (DIA – <i>Direzione Investigativa Antimafia</i>), Central Department for Antidrug Services (DCSA – <i>Direzione Centrale per i Servizi Antidroga</i>), <i>Servizio Analisi Criminale</i> (SAC), prosecution authorities, Intelligence Agencies, FIUs	<i>Servizio Analisi Criminale</i> (SAC – within the Ministry of Interior, Department of Public Security, Central Directorate of Criminal Police)	Good cooperation	165 model and SDI: electronically MACRO: by e-mail, fax, phone, as well as in form oral transmission during the meetings of <i>Gruppo di Lavoro Interforze</i>	165 model: monthly SDI: continuous	Yes
Luxembourg	The six regional police forces and the different departments of the <i>Service de Police Judiciaire</i>	<i>Police Grand-Ducale</i>	Good cooperation	A specific template is completed manually; additional info is gathered in police reports and by interviews	Annual	–
Portugal	<i>Polícia Judiciária, Polícia de Segurança Pública, Guarda Nacional Republicana, Brigada Fiscal, Inspeção-Geral de Jogos, Inspeção-Geral das Actividades Económicas, Alfândegas, Direcções Distritais de Finanças, Serviço de Estrangeiros e Fronteiras</i>	<i>Polícia Judiciária</i>	Good cooperation	Electronic report based on more than 500 window input form	Continuous	Yes
Spain	<i>Cuerpo Nacional de Policía</i> (UCIC), <i>Guardia Civil, Mossos d'Esquadra</i> (Catalunia), <i>Ertzaintza</i> (Basque country police), <i>Servicio de Vigilancia Aduanera</i> (customs)	The Criminal Intelligence Central Unit of the <i>Cuerpo Nacional de Policía</i> (UCIC)	Good cooperation	Questionnaires transmitted electronically or in paper form	Annual	–
Sweden	Police, customs, Economic Crime Inspection Service (Ministry of Justice) and Fiscal Information and Investigation Service (Ministry of Finance)	Police Analysis Unit	Not good cooperation (partial info provided, due to different priorities and inactivity of some regional coordinators)	Questionnaires filled out by regional co-ordinators and transmitted by secure intra e-mail (rarely mail)	Continuous	Yes (2–4 times per year)

9. EU national data sources on organised crime

	Collecting organisation(s)	Coordination bodies	Level of cooperation to coordination bodies from collecting organisations	Tools & media used by coordination body to bring together data on OC by collecting organisations	Time intervals at which the transmission of data on OC to coordination body/ies takes place	Feedback from coordination bodies to collecting organisations
The Netherlands	25 regional police forces, Interregional Investigation Teams, National Crime Squad, Fiscal Intelligence and Investigation Service and Economic Control Service, Social Intelligence and Investigation Service, General Inspectorate and Royal Gendarmerie, National Police Agency/National Criminal Intelligence Division (DNRI), WODC	National Police Agency/National Criminal Intelligence Division (DNRI)	Hampered by technical or organisational problem in entering the data and lack of cooperation from few organisations	Digital registration form (CSV-manager) to produce annual contribution to EU OCSR	Annual	-
The United Kingdom	43 police forces; NCIS, NCS; Serious Fraud Office, Dedicated Cheque and Plastic Crime Unit of APACS; UKLA's Market Abuse Team and Company Monitoring Team; Immigration Services (Home Office); Anti-Drug Agencies; HMCE; British Bankers Association; Patent Office; Environment Agency; Art Loss; Metropolitan Police; CIDA (Concerted Inter-Agency Drugs Action Group); REFLEX; CICFA (Concerted Inter-Agency Criminal Financial Assets Group); National Firearms Strategy Group	National Criminal Intelligence Service (NCIS)	High level	Various tools, including the OC Notification Form and regional meetings, and various media	Continuous	Rarely

Table 4 suggests the following comments on the main organisations collecting data on organised crime (“collecting organisations”) in the 15 EU member states and their relationship with bodies (“coordination bodies”) bringing together the data collated by each collecting organisation:

Collecting organisations and coordination bodies: police forces, at the local/regional and central level, are respectively the main collecting organisations and coordination bodies in the MSs, while other authorities contribute to collect data, in their specific field of activity

In all the 15 member states the main organisations collecting data on organised crime are local or regional police forces, while the coordination body is a specific office set up within the national police.

This simple organisational structure is enriched in the majority of the MSs, on the side of the collecting organisations, by other authorities, such as customs, Financial Intelligence Units, immigration services, etc. These contribute to collect data on criminal groups, in their specific field of activity. The participation of other authorities in the data collection, however, may have a bad side effect in terms of reliability of some basic crime statistics figures because of an often reported lack of integration between police statistics and those collated by other agencies, as well as of different registration and reporting practices and criteria.

Collecting organisations and coordination bodies: the extent to which OC impacts on businesses is ‘hidden’

Scarcely reported by the national experts who cooperated in this Study is the collection of data on organised crime by business entities. This has not to be interpreted as a lack of data collection in the private sector, but rather as the consequence of the unawareness of its extent by respondents. It is reasonable to believe that business entities collect a variety of data on the OC events committed against them and of their harm, but do not share them with the public sector.

Level of cooperation to coordination bodies from collecting organisations: good in the majority of the member states

As for the level of cooperation to coordination bodies from collecting agencies, this is good in the vast majority of the MSs, i.e. in twelve out of fifteen countries.

Among the factors that have been reported as promoting this cooperation are the following:

- linking OC data collection to a reporting activity which is necessary for the criminal process (e.g. for starting prosecution, as in Austria);
- the sense of belonging to the same institutions (i.e. police);
- the information/assistance that the collecting organisations receive from the coordination body, either in term of easy access to the national OC database or feedback (this will be further developed below).

Among the factors that, on the other hand, represent an obstacle to a full cooperation of the collecting agencies with the coordination body, the following have been remarked upon:

- police forces, especially when not receiving in return information and assistance by the coordination body, may not see the added value of collecting these data, which represents considerable additional work for them, and therefore tend not to cooperate (e.g. Luxembourg);
- technical or organisational problems in entering the data;
- a gap between national police priorities and local police priorities, that do not see the need for collecting data on OC from a local perspective and therefore allocate their resources to other projects.

Tools and media employed by coordination body to bring together data on OC collated by collecting organisations: a variety of tools and media, with a prevalence of standardised tools (templates/questionnaires/input forms) and electronic media

The tools employed by the coordination body to bring together data on organised crime collated by collecting organisations include standard templates/questionnaires/input forms normally filled out electronically. The information is normally sent electronically, though fax and paper are still used in some instances.

Apart from the standardised tools mentioned above, less uniform instruments such as interviews, meetings and phone talks are also employed. In these cases the media used take the form of oral transmission of data.

Time intervals at which the transmission of data on OC to coordination body/ies takes place: continuous data transmission in the majority of the MSs

There is a continuous flow of information from the collecting agencies to the coordination body in nine out of fifteen member states. In the remaining MSs (France, Germany, Greece, Luxembourg, Spain and the Netherlands) data transmission takes place annually.

Feedback from coordination bodies to collecting organisations: provided in the majority of the MSs

As already mentioned above when dealing with the level of cooperation to coordination bodies from collecting organisations, feedback from the former to the latter is one of the factors that enhances the cooperation between peripheral and central level. This because collecting agencies receive something in return for their collaboration, something which may be extremely useful in solving ongoing investigations or discovering new cases. They therefore become aware of the added value of a national OC data collection system and contribute to it more actively.

Considering the importance of well established feedback practices, it is therefore promising to note that feedback is provided in nine MSs.

Feedback takes different forms. A first and basic feedback mechanism is the sending of the report analysing the information provided (normally the national

contribution to the EU OCSR), or other general analyses, from the coordination body to the collecting agencies. A more relevant form of feedback takes place when the central authority helps the local agencies in their law enforcement by informing them of a link between different cases or between OC groups or members in several provinces.

Of course, the extent to which information is passed back to local police forces depends upon the information and whether feedback would add value to the investigation. If the information was operational and current, the feedback would normally be immediate. If the information was strategic, the feedback would be less urgent.

In two MSs, namely Greece and the United Kingdom, feedback is provided only rarely. In the United Kingdom, in particular, information would rarely be fed back to the original source of the intelligence for protecting the individual, as well as the integrity of any future case.

9.2.4 Comparing the quality of the procedures for collecting data on organised crime in the 15 EU member states

Table 5 below sums up the quality of the procedures for collecting data on organised crime in the 15 EU member states. In particular, the following elements are herein taken into consideration:

- *usefulness and reliability of OC data*, i.e. whether there are general areas thought to be not covered by the data or any gaps in the data;
- *consistency of OC data*, i.e. whether variables are coherent with one another, and figures are based on common definitions, classifications, and methodological standards;
- *national and EU comparability*, i.e. the extent to which data on organised crime collected in a given country are comparable each other and with data collected in other EU countries;
- *timeliness of updating*, i.e. the time intervals (e.g. quarterly, yearly, etc.) at which data on organised crime collected in a given country are updated;
- *consequences of acquittal of OC suspects after criminal proceedings on the OC database*, i.e. whether information on OC suspects are deleted or retained in OC database in case of their acquittal in criminal proceedings.

TABLE 5. QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME

	Usefulness and reliability of OC data	Consistency of OC data	National and EU comparability	Timeliness of updating	Consequences of acquittal of OC suspects after criminal proceedings on the OC database
Austria	Poor due to the limited amount of info collected	Scarce	Yes, data can be compared with data in other EU countries	Annual	Name automatically deleted
Belgium	Good	Good	Comparability is possible with MSs using the same procedures, i.e. Germany, Spain, NL	Annual or every 2 years	Info on suspects is retained
Denmark	Good, for the accuracy checks made by SOCA	Good, for the accuracy checks made by SOCA	Yes, for the definition used and the accuracy checks made by SOCA	Continuous	Names of convicted people are removed following a fixed period, if no new information is added
Finland	Scarce, due to the limited amount of info collected and limited awareness of the connection of single cases to wider OC phenomena by local police officers	Scarce, due to the fragmentation and differences among databases	Improbable	Continuous	Even after acquittal, a person remains registered as long as there is a cause to suspect him/her of OC activity
France	Scarce, due to a offence driven nature of the system	Scarce, due to the lack of a specific structure for collecting data on organised crime	No	Annual	Not applicable
Germany	Good	Good, due to uniform-screening and OC definition, and to regular expert meetings	Yes, since the German definition and the Enfpol definition are to a large extent congruent and comparable	Annual	Data are deleted
Greece	Scarce, for a) time-constraints (when arrest occurs all info about the case has to be collected within 24 hours) and b) the method of recording OC data (no single identification number which follows the case through the court system process)	Good since 2002 (will be further improved in 2005 by a special database and software for input and analysis)	Yes	Annual	Names of OC suspects are removed from the database
Ireland	Good	Good	Yes, but is problematic	Continuous	Info retained only as long as this is necessary for the prevention or detection of crime
Italy	Good	Good	No at the EU level	<i>Qualitative data:</i> daily, half-yearly and annually. <i>Quantitative data:</i> for 165 model monthly; for SDI in real time	The names of suspects are deleted from the database

	Usefulness and reliability of OC data	Consistency of OC data	National and EU comparability	Timeliness of updating	Consequences of acquittal of OC suspects after criminal proceedings on the OC database
Luxembourg	Scarce for two reasons: a) a lack of interest because police departments do not see the added value of this procedure that represents considerable additional work. The results of the reports are poor but even if they were not, lack of human resources would make it difficult to use that info to start new investigations b) criteria of Enfopol 35 are subject to a great deal of local interpretation	Scarce, for the subjectivity of the choice to classify the offence as OC	No	Annual	-
Portugal	Good	Good	No at the EU level	Continuous	Info retained for 5 to 10 years as source for investigation
Spain	Good	Impaired by the lack of databases common to the various collecting organisations; duplication can therefore occur	Impaired by difference national interpretations of Enfopol criteria	Annual	-
Sweden	Good, even if there is a lack of data in some areas as several regional police agencies are not participating fully in the collection	Good	Yes at the national level, due to an unique coordination body. No at the EU level	Continuous	Names removed only if they have been inactive in the criminal world for a period of 2 years
The Netherlands	Scarce	Good	Yes, nationally for the use of a standard form; yes at the EU level for some basic data	Annual	-
The United Kingdom	Scarce, due to limited resources and competing priorities within local police forces	Scarce	-	Continuous	Deleted within 12 months

Table 5 suggests the following comments on the quality of the procedures for collecting data on organised crime in the 15 EU member states:

Usefulness and reliability of OC data: good in the majority of the member states

With reference to the usefulness and reliability of OC data, this is good in nine out of fifteen member states.

In the other member states various factors hamper the development of a complete understanding of organised crime, which are worth being mentioned:

- the limited amount of information collected (e.g. Austria and Finland);
- the limited awareness of the connection of single cases to wider OC phenomena by local police officers (e.g. Finland), which results in the under-reporting of organised crime related crimes to the coordination body, and therefore in a partial picture of the OC phenomenon;
- the problematic nature of the assessment of the roles of organised criminal groups operating from abroad (e.g. Finland). The information collected with the help of the liaison officer network abroad is of great significance, but practices are not yet sufficiently established;
- a lack of an in-depth analysis of the data collected (France), which limits their usefulness;
- time-constraints limiting the amount of information which can be collected and stored. So, for example, in Greece, when an arrest occurs all information around the potential organised crime case has to be collected within 24 hours;
- the lack of a single identification number which follows that case through the court system process (Ministry of Justice) (e.g. Greece). Therefore, crimes originally recorded as 'organised crime related' may later be judged to be normal criminal activity, and vice versa;
- a lack of cooperation by some police forces, due to limited resources, technical or organisational problems in entering the data and above all to the fact that they consider data collection as an additional work for them, with a low priority because of the low added value for their activity;
- a great deal of local interpretation of the criteria used in Enfpopol 35;
- the use of presumptions to separate OC related offences from other crimes, in offence-based systems.

Consistency of OC data: good in the majority of the member states

With reference to the consistency of OC data (which refers to the coherence of variables with one another, to the lack of contradictions when comparing data on the same subject coming from different sources, to the circumstance that figures are based on common definitions, classifications, and methodological standards), in nine out of fifteen member states this is good. Among the factors that enhance consistency, the following have been reported:

- the use of a common definition of organised crime;
- the use of common and standardised data input forms;

- regular expert meetings and daily contacts between the collecting organisations and the coordination body to sort out consistency problems (e.g. Germany and Italy);
- accuracy checks routinely made by the coordination body (e.g. Denmark and Portugal);
- charging a restricted and trained number of officers of the data input phase (e.g. Portugal);
- a process of collecting data on organised crime separate from national police recorded statistics, with its own definitions and methodological standards;
- the development of joint intelligence structures (e.g. Finland), which enhance consciousness, among collecting organisations, of each others' information resources and ways to process them.

In the remaining six countries, consistency of OC data is scarce, due to the following factors:

- fragmentation and differences among the databases of the different collecting organisations (e.g. Finland, Spain), which are therefore not always internally coherent;
- the subjectivity of the choice to classify the offence as OC or not (e.g. Luxembourg);
- limited resources and competing priorities within local police forces (e.g. the United Kingdom).

National and EU comparability of OC data: national comparability is almost always possible, EU comparability is more problematic

As far as *national comparability* of OC data is concerned, this is possible in most EU countries. In particular, the existence of a unique coordination body, of a standardised form for the collection of data and of accuracy checks to make comparable data from different agencies are all factors promoting comparability of information on organised crime nationally.

Different is the picture as far as *EU comparability* is concerned. Here comparability can normally be made only on the basis of qualitative data and is limited to some basic data and trends. Full comparability is hampered by the lack of a common OC definition or of different interpretations of the Enfpol 35 criteria, as well as by different legal and police systems and related recording practices.

Timeliness of updating of OC data: annual in most member states

With reference to the time intervals (e.g. quarterly, yearly, etc.) at which data on organised crime collected in the member states are updated, in most member states this is annual.

In the remaining states there is an on going and continuous updating of this information.

Consequences of acquittal of OC suspects after criminal proceedings on the OC database: most member states retain the information for a given period of time

What is the impact of the acquittal of OC suspects after criminal proceedings on the OC database?

While a minority of the member states immediately delete the name from the OC database, most of them require some conditions to do so, namely the elapse of a given period of time (1 to 10 years), if no new information on the criminal involvement of the person has been in the meanwhile collected. In this way, data can be used still for a while as source for investigation.

9.2.5 Comparing the dissemination of data on organised crime in the 15 EU member states

Table 6 below sums up the dissemination of data on organised crime in the 15 EU member states. This is a particularly important area, since the extent and quality of dissemination procedures is greatly useful in producing better research – and therefore better and knowledge-based policies – and higher public awareness of the phenomenon.

In particular, the following elements are herein taken into consideration:

- *degree of dissemination*, which refers to the extent to which data on organised crime collected in a given country are disseminated. This in order to understand whether all or only some collected data are disseminated, and whether these are disseminated always according to the level of detail and breakdown followed by the collecting organisations themselves or not;
- *production of an annual report on organised crime*;
- *beneficiaries of dissemination of data on organised crime*, i.e. whether the wide public or a restricted public, such as selected law enforcement agencies and/or governmental bodies;
- *media used for dissemination of data on organised crime*;
- *quality of the disseminated materials*, in terms of presentation, layout, graphics, indexing, etc., and of ready availability of technical advice to support subsequent processing (data extractions, file structures, conversion to spreadsheets, etc.) and metadata (i.e. information on the data construction process, like definitions, origin of the figures, methodology, accuracy, treatment of non-response, publication arrangements, existence of related series, backward revisions, etc.).

TABLE 6. DISSEMINATION OF DATA ON ORGANISED CRIME

	Degree of dissemination	Annual report	Beneficiaries of dissemination	Media used for dissemination	Quality of disseminated materials
Austria	Only some collected data are disseminated	Yes, one chapter on OC in the annual crime report	Law enforcement agencies and governmental bodies	E-mail and paper copies	Good standard, but metadata not yet readily available
Belgium	Only some collected data are disseminated	Yes, it is produced every 2 years	Law enforcement agencies and governmental bodies	Paper copies	-
Denmark	All collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations	Yes	Full version restricted to a limited audience; summary to wide public	Www, paper copies and cd-rom	Good standard, but not sufficient advice on metadata
Finland	Only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations	Annual PCFG Report Annual Crime Review by NBI Contribution to Europol report	Law enforcement agencies and governmental bodies	Www and paper copies	Good standard and sufficient advice on metadata according to security reasons
France	Only some collected data are disseminated	Yes, for Europol	Law enforcement agencies and governmental bodies	Www and paper copies	-
Germany	All collected data are disseminated, and always according to the level of detail and breakdown followed by the collecting organisations	Yes (1 national and 16 regional)	Law enforcement agencies and governmental bodies (summary available to wide public)	Www and paper copies	Good standard and sufficient advice on metadata
Greece	All collected data are disseminated, and always according to the level of detail and breakdown followed by the collecting organisations	No, OC data are published with all the other crimes defined by law 2829/2001	Law enforcement agencies and governmental bodies	Electronically and paper copies	Good standard, but not sufficient advice on metadata
Ireland	Only some collected data are disseminated, and always according to the level of detail and breakdown followed by the collecting organisations	Yes, for Europol	Full version restricted to a limited audience; summary to wide public	Paper copies and Www	Excellent standard and sufficient advice on metadata
Italy	Only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations	Yes, one chapter in the annual on public order and security	Wide public	Www, paper copies and cd-rom	Good standard and sufficient advice on metadata
Luxembourg	None of the collected data is disseminated, and their knowledge remains within the collecting organisations	Yes, for Europol	Not applicable	Not applicable	-
Portugal	None of the collected data is disseminated, and their knowledge remains within the collecting organisations	Yes, for Europol	Not applicable	Not applicable	Not applicable
Spain	None of the collected data is disseminated, and their knowledge remains within the collecting organisations	Yes, for Europol	Law enforcement agencies	Not applicable	Not applicable

	Degree of dissemination	Annual report	Beneficiaries of dissemination	Media used for dissemination	Quality of disseminated materials
Sweden	All collected data are disseminated, and always according to the level of detail and breakdown followed by the collecting organisations	Yes	Law enforcement agencies and governmental bodies; since 2001 a declassified version is available to the wide public	Www and paper format	Good standard and sufficient advice on metadata
The Netherlands	Only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations (reasons: confidentiality, no links with concrete investigations/cases/collecting organisations published, no sufficient capacity to do the job)	DNRI: yes, for Europol DNRI and National Crime Squad: 'crime pattern analyses' with respect to specific forms of organised crime WODC: 'OC monitor', based on closed police investigations	DNRI: confidential DNRI and National Crime Squad & WODC: wide public	Www and paper copies	Good standard and sufficient advice on metadata
The United Kingdom	Only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations	Yes, the NCIS report in two versions (one confidential and one non-confidential)	<i>Confidential version</i> : a restricted audience of law enforcement agencies and governmental bodies; <i>non-confidential version</i> : wide public	Www, cd-rom and paper format	Good standard, but not sufficient advice on metadata

Table 6 suggests the following comments on the dissemination of data on organised crime in the 15 EU member states:

Degree of dissemination of data on organised crime in the 15 EU member states: in most member states only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations

In most of the EU countries (eight out of fifteen) only some collected data are disseminated and not always according to the level of detail and breakdown followed by the collecting organisations themselves. The reasons for this partial dissemination are as follows:

- a significant share of the data in question is criminal intelligence data, the free dissemination of which is restricted by law and also would harm the purposes for which they are collected; therefore, in order to ensure that law enforcement agencies do not educate the organised crime groups, or provide them with advance knowledge of future strategies, their dissemination is partial;
- no links with concrete investigations or cases and/or with concrete collecting organisations can be disseminated;
- much of the intelligence collected by the agencies is intelligence based and therefore not 100% verified;
- the sheer volume of the information collected would make this task impossible.

In three member states (Luxembourg, Portugal and Spain), none of the collected data is disseminated, and therefore their knowledge remains within the collecting organisations.

Production of an annual report on organised crime in the 15 EU member states: all but one member state have it

With the only exception of Greece, all member states produce (normally annually) a report on organised crime, either in form of an autonomous report, or as an autonomous chapter within a wider publication on crime statistics. This is also normally the publication that is provided to Europol for the EU OCSR. Also, in some member states, some offence categories (such as drug related crimes, trafficking in human beings, etc.) are specifically addressed in detailed reports.

It is worth being noted that, while in most member states an English version of the report is available, this does not apply to some member states (e.g. Finland and Sweden), where the document is produced only in their own national language.

Beneficiaries of dissemination of data on organised crime in the 15 EU member states: normally a restricted public, with limited information provided to the wide public

In general, data collected on organised crime are only disseminated to a limited audience of law enforcement agencies and governmental bodies.

However, an abridged version of the annual report on organised crime, containing a limited amount of information, is made available to the wide public in the majority of the member states. Notwithstanding this dissemination to the public, most respondents feel that much of the discussion surrounding the subject of organised crime is generated by either politicians or the media and that such discussions generally occur in the wake of a significant or serious crime, rather than as a response to the publication of statistics.

Media used for disseminating data on organised crime in the 15 EU member states: in the vast majority of countries, a variety of media, including electronic ones, are used

With the only exception of Belgium, when data on organised crime are disseminated only in paper form, all member states spread data on organised crime using a variety of methods (paper, cd-rom, e-mail, www), including electronic ones, which enables the diffusion of this information to the widest extent.

About electronic media, however, it is worth being noted that efforts would sometimes be required (e.g. Finland) to improve the retrievability and use of information from the different kinds of law enforcement records, through the acquisition of tools for document and records management and the development of working practices.

Quality of the disseminated materials on organised crime in the 15 EU member states: generally good in terms of layout, insufficient in terms of availability of relevant metadata in some member states

In most countries, the disseminated materials on organised crime are of an acceptable standard with reference to presentation, layout, graphics, indexing, etc.

Also – with only exception of four member states (Austria, Denmark, Greece and the United Kingdom), where the focus of publications on organised crime is mainly upon recommendations rather than issues of methodology – technical advice to support subsequent processing (data extractions, file structures, conversion to spreadsheets, etc.) and metadata (i.e. information on the data construction process, like definitions, origin of the figures, methodology, accuracy, treatment of non-response, publication arrangements, existence of related series, backward revisions, etc.) are normally readily available.

10.

CONCLUSIONS AND RECOMMENDATIONS

The aim of the Study was to analyse the state of the art of existing data sources on organised crime set up at international, regional and national (within the EU) levels – in terms of *who* collects the statistics on organised crime, *what* kind of data are collected and *how* these are collected (data collection criteria) – in order to evidence common points (symmetries) and divergences (asymmetries) in the collection of these data.

This section sums up the main conclusions reached for the three levels of analysis (international, regional and member state). With particular reference to the MS level – on the basis of the findings reached on the symmetries and divergences in the collection of data on organised crime in the original 15 member states – some recommendations are also put forward to assist the European Commission in taking action to improve organised crime data collection procedures.

With reference to *international data sources on organised crime*, data on organised crime throughout the world are quite scarce, mainly due to problems of definition. We also conclude that the main way to measure something as complex a concept as organised crime is to use proxy measures (in form of prior measures: e.g. the characteristics of various markets, supply chains, personnel involved and so on, or post measures: e.g. measures of money laundering).

The main international organisation active on organised crime measurement is the United Nations. However, it is a slow-moving body and because of its Charter has to give more emphasis to agreement on policy issues by all its members than to scientific and measurement advances by what would often be a small subset of its members. However, the UN surveys do give useful background data. The UN Turin research centre has also made methodological advances into using data collected from a variety of novel sources, in an attempt to set up an organised crime index.

Although there is a lot of uncertainty about the data quality of the indicators used by the UN Turin Centre and their relative quality, the exercise does use data from reputable sources in a new methodology that has potential for development. As long as there are few direct measures of organised crime available, then new methodologies, using new forms of data seem the best way forward into extending the measurement of organised crime from the existing proxy measures into areas such as the disruption of markets, levels of public corruption and the extent of political power and influence resulting from the organised crime phenomenon.

With reference to *regional data sources on organised crime*, data on organised crime in the European region of the world are as scarce as in the rest of the world. Although a large number of structures have been set up by international bodies such as the Council of Europe, the European Union and Europol or by research bodies such as HEUNI and other national institutes,

these have mainly been concerned with qualitative measures of organised crime activity and with the collection of best practice on ways of combatting organised crime.

The main common measurement feature of organised crime reports in Europe is the counting of the number of organised crime gangs as part of the annual report to Europol. However, this is done in a slightly different way in each MS, depending on the structures that have been set up to combat organised crime, although not all countries have set up such structures. The best sources of data are to be found in the work of HEUNI, which uses the material available from many different sources, including the UN surveys of crime, the European Sourcebook of crime statistics, and proceedings of the European Society of Criminology and other special conferences on organised crime.

With reference to *data sources on organised crime at national (MS) level*, the national systems were compared on the basis of:

- A) key features of the organised crime data collection system;
- B) variables on organised crime collected;
- C) main organisations collecting data on organised crime and their relationship with bodies bringing together the data collated by each collecting organisation;
- D) quality of the procedures for collecting data on organised crime;
- E) dissemination of data on organised crime.

The results of the comparison are as follows.

A) COMPARING THE KEY FEATURES OF OC DATA COLLECTION SYSTEMS IN THE 15 EU MEMBER STATES

- *OC definition(s) used to collect data in the MSs: these are not fully harmonised*

The uniform collection of data on organised crime is hampered both by the lack of adoption of the Enfpol definition by all MSs (only ten out of fifteen MSs make use of it), and by its variable application even in those countries formally adhering to it (due to different national interpretations of its criteria and to the coexistence and application of national definitions with the Enfpol one).

- *OC data collection system typologies in the MSs: most countries have offence-based systems, but there are also offender-based and mixed systems*

Within the European Union member states there are both offence-based systems, offender-based and mixed systems (i.e. both offence and offender-based). Around a half of the countries (i.e. seven member states) have an offence-based system.

- *relation between ordinary crime data sources/OC data sources: only in eight out of the fifteen MSs there are specific data sources for organised crime or at least specific sections for it within ordinary crime data sources*

Only in eight out of the fifteen MSs there are specific data sources for organised crime or at least specific sections for it within ordinary crime data sources.

- *time of collection of the data on OC: relevant differences among the MSs*

Depending on the OC data collection typology adopted, MSs differ from each other with reference to the time when data on organised crime are collected (in offence-based systems: either as soon as a crime is discovered or when it is necessary to submit a full report on the case to the court; in an offender-based system, at the time when suspicion arises that a given person is member of a criminal group).

B) COMPARING THE VARIABLES ON ORGANISED CRIME COLLECTED IN THE 15 EU MEMBER STATES

- *variables on organised criminal groups and members collected in the 15 member states: a large number of variables are common to most MSs, but there are many different modalities and data collection techniques*

There is a large number of variables on organised criminal groups and members on which information is collected by the vast majority of MSs. A full harmonisation and comparability of the related information is hampered by the use of different modalities to measure the same variable and different data collection techniques (depending on different data collection system typologies, dissimilar legal and police systems and timing of the collection, and on the different level of detail reached by the MSs on the same variable, with countries collecting information on the basis of standardised forms and countries opting for more flexible templates, with more attention paid to the complexities of reality).

- *variables on organised criminal groups and members collected in the 15 member states: a limited number of member states collect data on variables crucial to understand the level of penetration and corruption of the legal economy by organised crime and its financial basis*

Only in a limited number of countries variables crucial to understand the level of penetration and corruption of the legal economy by organised crime and its financial basis (e.g. connections to companies, political/judicial manipulation or penetration of enforcement agencies; employment of skilled workers; financial aspects of the groups) are taken into account.

- *variables on organised criminal activities: there is a lack of a predetermined set of variables common to all MSs*

There is not a predetermined set of variables common to all MSs, but rather the tendency to collect information on the crimes typically related to organised crime, namely drug related offences, trafficking in human beings and money laundering.

C) COMPARING THE MAIN ORGANISATIONS COLLECTING DATA ON ORGANISED CRIME IN THE 15 EU MEMBER STATES AND THEIR RELATIONSHIP WITH BODIES BRINGING TOGETHER THE DATA COLLECTED BY EACH COLLECTING ORGANISATION

- *collecting organisations and coordination bodies: police forces, at the local/regional and central level are respectively the main collecting*

organisations and coordination bodies in the MSs, while other authorities contribute to collect data, in their specific field of activity

In all the 15 member states the main organisations collecting data on organised crime are local or regional police forces, while the coordination body is a specific office set up within the national police.

Looking at collecting organisations, other authorities (e.g. customs, Finance Intelligence Units, etc.) normally contribute to collect data on criminal groups, in their specific field of activity. This, however, may have a bad side effect in terms of reliability of some basic crime statistics figures because of an often reported lack of integration between police statistics and those collated by other agencies, as well as of different registration and reporting practices and criteria.

- *collecting organisations and coordination bodies: the extent to which OC impacts on businesses is 'hidden'*

As would be expected, businesses do collect a certain amount of data on the OC events committed against them and of the harmful effect of these on their businesses. However, they tend not to share them with the public sector.

- *level of cooperation to coordination bodies from collecting organisations: this is good in the majority of the member states*

The level of cooperation to coordination bodies from collecting agencies is good in twelve out of fifteen countries, due to the following factors: linking OC data collection to a reporting activity which is necessary for the criminal process (e.g. for starting prosecution); the sense of belonging to the same institutions (i.e. police); the information/assistance that the collecting organisations receive from the coordination body, either in term of easy access to the national OC database or feedback.

- *tools and media employed by coordination body to bring together data on OC collected by collecting organisations: there are a variety of tools and media, with a prevalence of standardised tools (templates/questionnaires/input forms) and electronic media*

The tools employed by the coordination body to collate data on organised crime collated by collecting organisations include standard templates/questionnaires/input forms, normally filled out electronically. These data are normally sent electronically.

- *time intervals at which the transmission of data on OC to coordination body/ies takes place: there is continuous data transmission in the majority of the MSs*

There is a continuous flow of information in nine out of fifteen countries.

- *feedback from coordination bodies to collecting organisations: this is provided in the majority of the MSs*

Feedback from collecting organisations to coordination bodies to the latter is one of the factors that enhances the cooperation between peripheral and central level. It is therefore promising that it is provided in nine MSs.

D) COMPARING THE QUALITY OF THE PROCEDURES FOR COLLECTING DATA ON ORGANISED CRIME IN THE 15 EU MEMBER STATES

- *usefulness and reliability of OC data: good in the majority of the member states*

With reference to the usefulness and reliability of OC data, this is good in nine out of fifteen member states.²⁵

- *consistency of OC data: this is good in the majority of the member states*

In nine out of fifteen member states the consistency of OC data is good. Among the factors that enhance consistency, the following were reported: the use of a common definition of organised crime; the use of common and standardised data input forms; regular expert meetings and daily contacts between the collecting organisations and the coordination body to sort out consistency problems (e.g. Germany and Italy); accuracy checks routinely made by the coordination body (e.g. Denmark and Portugal); charging a restricted and trained number of officers of the data input phase (e.g. Portugal); a process of collecting data on organised crime separate from national police recorded statistics, with its own definitions and methodological standards; the development of joint intelligence structures (e.g. Finland), which enhance consciousness, among collecting organisations, of each others' information resources and ways to process them.²⁶

- *national and EU comparability of OC data: national comparability is almost always possible, EU comparability is more problematic*

As far as *national comparability* of OC data is concerned, this is possible in most EU countries.

Different is the picture as far as *EU comparability* is concerned. Comparability can normally be made only on the basis of qualitative data and is limited to some basic data and trends. Full comparability is hampered by the lack of a common OC definition or of different interpretations of the Enfopol 35 criteria, as well as by different legal and police systems and related recording practices.

²⁵ In the other member states various factors hamper the development of a complete understanding of organised crime, such as: the limited amount of information collected; the limited awareness of the connection of single cases to wider OC phenomena by local police officers, which results in the under-reporting of organised crime related crimes; the problematic nature of the assessment of the roles of organised criminal groups operating from abroad; a lack of an in-depth analysis of the data collected, which limits their usefulness; time-constraints limiting the amount of information which can be collected and stored; the lack of a single identification number which follows that case through the court system process, with the consequence that crimes originally recorded as 'organised crime related' may later be judged to be normal criminal activity, and vice versa; a lack of cooperation by some police forces, due to limited resources, technical or organisational problems in entering the data and above all to the fact that they consider data collection as an additional work for them, with a low priority because of the low added value for their activity; a great deal of local interpretation of the criteria used in Enfopol 35; the use of presumptions to separate OC related offences from other crimes, in offence-based systems.

²⁶ In the remaining six countries, consistency of OC data is scarce, due to the following factors: fragmentation and differences among the databases of the different collecting organisations (e.g. Finland, Spain), which are therefore not always internally coherent; the subjectivity of the choice to classify the offence as OC or not (e.g. Luxembourg); limited resources and competing priorities within local police forces (e.g. the United Kingdom).

- *timeliness of updating of OC data: annual in most member states*

With reference to the time intervals (e.g. quarterly, yearly, etc.) at which data on organised crime collected in the member states are updated, in most member states this is annual.

- *consequences of acquittal of OC suspects after criminal proceedings on the OC database: most member states retain the information for a given period of time*

In case of acquittal of OC suspects after criminal proceedings, most MSs require some conditions to delete the name from the OC database, i.e. the elapse of a given period of time, if no new information on the criminal involvement of the person has been in the meanwhile collected.

E) COMPARING THE DISSEMINATION OF DATA ON ORGANISED CRIME IN THE 15 EU MEMBER STATES

- *degree of dissemination of data on organised crime in the 15 EU member states: in most member states only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations*

In most of the EU countries (eight out of fifteen) only some collected data are disseminated and not always according to the level of detail and breakdown followed by the collecting organisations themselves.

- *production of an annual report on organised crime in the 15 EU member states: all but one member state have it*

With the only exception of Greece, all member states produce (normally annually) a report on organised crime, either in form of an autonomous report, or as an autonomous chapter within a wider publication on crime statistics.

- *beneficiaries of dissemination of data on organised crime in the 15 EU member states: normally a restricted circulation with limited information provided to the wider public*

In general, data collected on organised crime are only disseminated to a limited audience of law enforcement agencies and governmental bodies. However, an abridged version of the annual report on organised crime, containing a limited amount of information is made available to the wider public in the majority of the member states.

- *media used for disseminating data on organised crime in the 15 EU member states: in the vast majority of countries, a variety of media, including electronic ones, are used*

Most member states make OC data available using a variety of methods (paper, cd-rom, e-mail, www), including electronic ones, which enables the diffusion of this information to the widest extent.

- *quality of the disseminated materials on organised crime in the 15 EU member states: this is generally good in terms of layout, insufficient in terms of availability of relevant metadata in some member states*

In most countries, the disseminated materials on organised crime are of an acceptable standard with reference to presentation, layout, graphics,

indexing, etc. In some member states technical advice to support subsequent processing and metadata are not readily available.

The above conclusions show a large number of asymmetries hampering approximation and comparability of MS data sources on organised crime. On this basis, we now put forward some recommendations to assist the European Commission's action to further harmonise MSs' OC data sources.

These recommendations address harmonisation not only directly, i.e. by suggesting how the EU Commission overcomes the identified asymmetries, but also indirectly. The above conclusions, in fact, also highlight some main obstacles to the development, at MS level, of a complete and reliable picture of OC (namely, the lack of integration of police data on organised crime and those collated by other public agencies, as well as of public and private data) and related best practices (namely, the setting up of an offender-based system for collecting data on organised crime; the setting up of specific data sources for organised crime or at least specific sections for it within ordinary crime data sources; regular feedback from coordination bodies to collecting organisations). The recommendations of this Study are based on these obstacles and best practices too. Promoting at the EU level common solutions to these problems and spreading these best practices in all MSs is in fact a way to improve the quality of national data sources on organised crime, while moving on the harmonisation process.

Recommendation 1.

“Promoting the adoption of Enfopol 35 as operational definition to collect data on OC, as well as its uniform interpretation”

Background

The uniform collection of data on organised crime is hampered in the member states both by the lack of adoption of the Enfopol definition by one third of the MSs, and by its heterogeneous application even in those countries formally adhering to it.

Recommendation

Action should be taken at the EU level to promote:

- a) the adoption of Enfopol 35 as operational definition to collect data on OC by the MSs still not adopting it, and
- b) its uniform interpretation by those countries already using it.

Recommendation 2.

“Inviting MSs with an offence-based system to adopt an offender-based system, whether exclusively or cumulatively”

Background

Most MSs have offence-based systems, which are typically reactive since they react to an offence already committed. Offender-based systems, on the other hand, are proactive and make it possible the collection of intelligence information that could enable the prevention of organised criminal events; also, they potentially provide a more reliable picture of organised crime because the information they collect is based on the monitoring of organised criminal members, rather than on the employment of often artificial techniques to identify OC related crimes among all crimes.

Recommendation

Action should be taken at the EU level to invite MSs with an offence-based system to adopt an offender-based system – either exclusively or together with an offence-based system.

Recommendation 3.

“Inviting MSs to set up specific data sources for OC or at least specific sections for it within ordinary crime data sources”

Background

The existence of specific data sources for organised crime or at least specific sections for it within ordinary crime data sources – which are present in eight out fifteen MSs – is the necessary starting point for a detailed and highly specific understanding of the organised crime phenomenon.

Recommendation

Action should be taken at the EU level to set up specific data sources for organised crime or at least specific sections for it within ordinary crime data sources in those countries not having them yet.

Recommendation 4.

“Inviting MSs to use common modalities to measure the same variable on OC groups/members and promoting the harmonisation of data collection techniques to the widest possible extent”

Background

Though there is a large number of variables on organised criminal groups and members on which information is collected by the vast majority of MSs, a full harmonisation and comparability of the related information is hampered by the use of different modalities to measure the same variable and different data collection techniques.

Recommendation

Action should be taken to invite MSs to use common modalities to measure the same variable. Also, action should be taken to promote the harmonisation of data collection techniques, as far as this is compatible with differences in legal/police systems.²⁷

Recommendation 5.

“Inviting MSs to collect information on those variables on OC groups/members that are crucial to understand the financial basis of OC and its level of penetration and corruption of the legal economy”

Background

Only in a limited number of countries are variables crucial to understand the level of penetration and corruption of the legal economy by organised crime and its financial basis (e.g. connections to companies, political/judicial manipulation or penetration of enforcement agencies; employment of skilled workers; financial aspects of the groups) taken into account.

Recommendation

Action should be taken at the EU level to invite MSs to collect information on variables related to the level of penetration and corruption of the legal economy by organised crime and its financial basis.

²⁷ While it would be unrealistic to charge the EU with the task to harmonise different legal and police systems and timing of the collection, there is room for harmonisation with reference to the different level of detail reached by the MSs on the same variable, where the EU could suggest a common level of detail, for example on the basis of similar standardised forms.

Recommendation 6.

“Inviting MSs to collect information on at least a bunch of common variables related to OC activities”

Background

There is not a predetermined set of variables on organised criminal activities common to all MSs.

Recommendation

Action should be taken at the EU level to invite MSs to collect information on at least a set of common variables related to organised criminal activities. This could be done according to the following criteria:

- a) adopting an all-offences approach, rather than predetermining some typologies of OC-related offences;
- b) finding an agreement of all MSs on a list of key variables related to each activity on which data should be collected by all of them according to common modalities.

Recommendation 7.

“Inviting MSs to integrate national police data sources on OC and those managed by other public agencies”

Background

Apart from local or regional police forces, that are the main collecting organisations in all MSs, other authorities (customs, Finance Intelligence Units, etc.) normally contribute to collect data on criminal groups. Often there is, however, a lack of integration between police data sources and those managed by other public agencies.

Recommendation

Action should be taken at the EU level to invite MSs to better integrate police data sources on organised crime and those managed by other agencies. This should promote the development of a complete and reliable picture of OC as much as possible.

Recommendation 8.

“Inviting MSs to integrate public and private data sources on OC”

Background

Apart from public authorities, business entities do collect a variety of data on the OC events committed against them and of the harm caused but do not share them with the public sector. So, everywhere there is a lack of integration of public data sources on organised crime and private ones.

Recommendation

Action should be taken at the EU level to invite MSs to better integrate public and private data sources on organised crime. This in order to promote the development of a complete and reliable picture of OC as much as possible.

Recommendation 9.

“Inviting MSs to systematically require coordination bodies to provide collecting organisations with feedback”

Background

Feedback from coordination bodies to collecting organisations, which is now provided in nine MSs, enhances the cooperation between local and central level. This because collecting agencies receive something in return for their collaboration, something which may be extremely useful in solving ongoing investigations or discovering new cases. They therefore become aware of the added value of a national OC data collection system and contribute to it more actively.

Recommendation

Action should be taken at the EU level to invite MSs to systematically require their coordination bodies to provide collecting organisations with feedback.

Recommendation 10.

“Inviting the EU Commission to take advice from a standing expert group on the measurement of organised crime”

Background

There are various aspects of the measurement of OC that need to be followed through (e.g. some of the above recommendations could involve technical advice to MSs; some member states are in the process of changing their procedures on the measurement of organised crime and this will need monitoring; it is also likely that many recommendations could be relevant to the developing situation on the measurement of OC in the new member states).

Recommendation

The EU Commission should take advice from a standing group of experts on organised crime to take forward these recommendations, to monitor the changing situation on the measurement of organised crime and to decide on how these recommendations might be relevant to those MSs that have joined the EU since this Study was started. This could be a separate group or part of the remit of an existing statistical expert group.

For clarity's sake, the ten recommendations of this Study are herein listed together:

- Recommendation 1: promoting the adoption of Enfopol 35 as operational definition to collect data on OC, as well as its uniform interpretation;
- Recommendation 2: inviting MSs with an offence-based system to adopt an offender-based system, whether exclusively or cumulatively;
- Recommendation 3: inviting MSs to set up specific data sources for OC or at least specific sections for it within ordinary crime data sources;
- Recommendation 4: inviting MSs to use common modalities to measure the same variable on OC groups/members and promoting the harmonisation of data collection techniques to the widest possible extent;
- Recommendation 5: inviting MSs to collect information on those variables on OC groups/members crucial to understand the financial basis of OC and its level of penetration and corruption of the legal economy;
- Recommendation 6: inviting MSs to collect information on at least a bunch of common variables related to OC activities;
- Recommendation 7: inviting MSs to integrate national police data sources on OC and those managed by other public agencies;
- Recommendation 8: inviting MSs to integrate public and private data sources on OC;
- Recommendation 9: inviting MSs to systematically require coordination bodies to provide collecting organisations with feedback;

- Recommendation 10: inviting the EU Commission to take advice from a standing expert group on the measurement of organised crime.

11.

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MAIN WEB SITES CONSULTED

Australian Institute of Criminology <http://www.aic.au>

Bundeskriminalamt <http://www.bka.de>

Canadian Centre for Substance Abuse <http://www.ccsa.ca>

CBS – Statistics Netherlands <http://www.cbs.nl>

Centre for Information and Research in Organised Crime, Free University, Amsterdam <http://www.ciroc.org>

Department of Justice, Equality and Law Reform <http://www.justice.ie>

Dutch Police <http://www.politie.nl>

HEUNI – European Institute for Crime Prevention and Control, affiliated with the United Nations <http://www.heuni.fi>

Institute of Advanced Legal Studies, University of London <http://www.ials.sas.ac.uk>

Instituto Nacional de Estatistica Portugal <http://www.ine.pt>

Ministerio da Justica Gabinete de Politica Legislativa e Planeamento <http://www.gplp.mj.pt>

Nathanson Centre at York University (Canada) <http://www.yorku.ca>

StatFin – Statistics Finland's StatFin-Online Service <http://statfin.stat.fi>

UK Home Office <http://www.homeoffice.gov.uk>

WODC – The Research and Documentation Centre of the Ministry of Justice <http://www.wodc.nl>

ANNEX A.
THE QUESTIONNAIRE

This annex contains the questionnaire prepared for the development of the Study.

INSTRUCTIONS FOR THE COMPLETION OF THE QUESTIONNAIRE

Your name has been kindly suggested to us by the Contact and Support Network (CSN) of Europol, whom we approached for assistance. In view of your expertise and knowledge of the topics dealt with, we are asking for your kind **co-operation in answering this questionnaire**, prepared as part of the **EUSTOC project**: "EUSTOC – Developing an EU Statistical apparatus for measuring Organised Crime, assessing its risk and evaluating organised crime policies". The Research is being carried out by Transcrime, Joint Research Centre on Transnational Crime, Università di Trento/Università Cattolica del S. Cuore di Milano (Italy), in cooperation with the Applied Criminology Group (University of Huddersfield, UK), the Centre National de la Recherche Scientifique (France), and Europol as 'associate support member'. It is being financed by the European Commission under the 2003 AGIS Programme.

The **aim** of the Study is to collect information on existing databases on organised crime (groups and activities) in your country. We are mainly interested in national databases, but would also like to know about any important sub-national ones: e.g. if the police for your Capital city hold a database that covers most groups in a certain type of organised crime.

We are interested in information held in terms of the organisations collecting data on organised crime (*who*), the kind of data (variables) that they collect (*what*) and the collection criteria procedures (*how*). In order to reach this aim, this questionnaire is divided into **4 sections**. These are as follows:

Section 1. The Kind of Data (Variables) Collected on Organised Crime, and the Related Collection Criteria: the aims of this section are: a) to identify the definitions used to collect data on organised crime in your country; b) to map the kind of organised crime data collated on organised criminal GROUPS and on the OFFENCES their members commit, and the related collection criteria.

Section 2. Who Collects Data on Organised Crime: the aims of this section are a) to understand the relation between ordinary crime data sources and organised crime data sources in your country b) to identify the main organisations collecting data on organised crime ("collecting organisations") and their relationship with bodies ("coordination bodies") bringing together the data collated by each collecting organisation, if any.

Section 3. The Quality of the Procedures for Collecting Data on Organised Crime: the aim of this section is for you to give your opinion of the overall quality of the procedures for collecting data on organised crime in your country.

Section 4. The Dissemination of Data on Organised Crime: the aim of this section of the questionnaire is to examine the dissemination of data on organised crime collected in your country.

We would also be happy to receive any forms for data collection, or published documents, statistical or research reports that illustrate your reply to the questionnaire.

Please consider the **deadline** for replying to the questionnaire is the **31 of May 2004**.

Your co-operation in the Study will be **fully acknowledged in the Final Report**, a copy of which will be sent to you. Also, if the information you provide us is complete and there is no need for sending a researcher for an in-depth interview to your country, Transcrime will pay your **fee of 500 Euro**. We hope that you will make every attempt to complete the questionnaire and ask for assistance from others in your country if you feel that they can give more complete answers than you can.

We have set up a structure to help you complete the questionnaire, as follows. Soon after you receive the questionnaire, you will be contacted by Transcrime or one of our partners, who will try to answer any queries you have and talk you through the questionnaire. If, after that, you need more help, a visit will be arranged to your country so that your particular problems can be discussed in more detail.

If you have any further queries please get in touch with either:

Marco Serafini, Transcrime researcher (English, Italian)

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Thanking you in advance for your fruitful co-operation, I remain

Yours sincerely



Ernesto U. Savona

Director of Transcrime

SECTION 1. THE KIND OF DATA (VARIABLES) COLLECTED ON ORGANISED CRIME, AND THE RELATED COLLECTION CRITERIA

The aims of this section are: a) to identify the definitions used to collect data on organised crime in your country; b) to map the kind of data (i.e. variables) collated on organised crime.

We are interested in knowing what variables are collected in your country both on organised criminal GROUPS, and on OFFENCES that their members commit. In both cases – groups and offences – we are also interested in the related collection criteria. We are interested both in quantifiable and verifiable data and in intelligence- derived data.

We define data collection criteria as knowing how groups and offences are counted, especially i) in those cases in which one offence consists of several offences; ii) in those cases in which an offence is committed by two or more people iii) in the case of serial or continuous offending; etc.

1. Please list the *definition/s* of 'organised crime' employed in your country to collect data on organised crime. Please state if any of these are internationally agreed definitions.

2. Please write in the table below what kind of data on organised crime groups are collected, the related collection criteria and the collecting organisation/s' name. The heading "variables collected" should be interpreted as *any variable related to organised crime groups operating in your country, such as, for example, number of human resources at disposal of the group, number of material resources (e.g. amount of ill-gotten gains), % of ethnic minorities members, sex and age distribution within the group, organisational structure of the group (hierarchical structure, network, etc.), types of activities the group is involved in, etc.*

Organised crime group's name	Variables collected on the oc group	Collection criteria	Collecting organisation/s' name
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

3. *We are now interested in the types of data on different offences often classified as organised crime offences. To help you, we have listed below a series of offences that the literature links to organised crime because of their large-scale nature, seriousness and/or degree of organisation normally required. Should you wish to report variables collected on further offences, identified on the basis of the definitions of organised crime employed in your country, there are blank links at the bottom of the table. We are not interested in all volume crime measures of: e.g. 'Drug Trafficking' but only where it is felt organised criminals are involved.*

*Please include in the table the variables collected on such offences, the related collection criteria and the collecting organisation/s' name. The heading "variables collected" should be interpreted as *any variable (e.g. number of offences, number and characteristics of offenders, number of victims, average damage per offence, date of the incident, amount of money/goods seized/confiscated, etc.) related to the offences carried out by members of the organised criminal groups operating in your country.**

Offences classified as organised crime	Variables collected on the offence	Data collection criteria	Collecting organisation/s' name
1. Drug Trafficking			
2. Drugs Manufacturing			
3. Environmental Crime			
4. Extortions, including money for protection			
5. Fraud			
6. Loan Sharking/Usury			
7. Illegal Migration			
8. Trafficking in Human Beings			
9. Prostitution			
10. Smuggling			

Offences classified as organised crime	Variables collected on the offence	Data collection criteria	Collecting organisation/s' name
11. Illegal Firearms and Explosives Trading			
12. Works of Art, Antiques, Jewellery, Archaeological Material Trafficking			
13. Embezzlement			
14. Gambling			
15. Infiltration into Public Procurement			
16. OC Related Theft and Robbery			
17. Money Laundering			
18. Kidnapping for Ransom			
19. Intellectual Property Theft			
20. Stock Market Manipulation			
21. Real Estate Manipulation			

Offences classified as organised crime	Variables collected on the offence	Data collection criteria	Collecting organisation/s' name
22. Cybercrime			
23. Organised Vehicle Theft			
24. Organised Lorry Load Theft			

6. We would now like you to list the main collecting organisations on organised crime (i.e. on organised criminal groups and on the offences they commit) that you are aware of in your country (*please tick all the appropriate boxes*)

Collecting Organisations	Yes	No	Do not know
Police	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
National Law Enforcement agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
Prosecution authorities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
Courts	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
Administrative authorities and special agencies, such as:			
- Economic Crime Inspection services	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Intelligence Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Fiscal Information and Investigation services	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Financial Investigation Units	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Immigration services	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Anti-Drug Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Customs	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Others (please specify)			
1.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
2.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
3.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
4.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
Open sources:			
- Academic research	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Others (please specify)			
1.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
2.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
3.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
Private business:			
- Insurance Companies' Associations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Bank Associations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
- Others (please specify)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
1.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
2.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
3.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
4.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
Others (please specify):			

1.-----	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
2.-----	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
3.-----	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
4.-----	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5.-----	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6.-----	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

7. Please answer this question only if there is more than one collecting organisation in your country. Is there any body/ies bringing together the data collected by some/all the collecting organisation/s (from now on “coordination bodies”) (e.g. the national statistical institute, the Ministry of Interior, the Ministry of Justice, etc.)?

<input type="checkbox"/>	<p>YES, there is/are body/ies bringing together the data collated from ALL the collecting organisations (please specify the name of the coordination body/ies)</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
<input type="checkbox"/>	<p>YES, there is/are body/ies bringing together the data collated from SOME collecting organisations (please specify the name of the coordination body/ies and, for each coordination body, the name of the collecting organisations whose data it brings together)</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
<input type="checkbox"/>	<p>No, there is not any coordination body (<i>go directly to question n. 12</i>)</p>

7.1 In your opinion does/do the coordination body/ies receive full cooperation from the different collecting agencies? Please specify on which sources of information you are expressing your opinion.

7.2 For each coordination body, please describe below the tools (e.g. protocol for data and information exchange, questionnaire, in depth interviews, etc.) it employs to bring together data on organised crime collected by the different collecting organisations.

7.3 For each collecting organisation, please specify below the time intervals (yearly, quarterly, etc.) at which the transmission of data on organised crime to each coordination body takes place. Please also specify which media (e.g. e-mail, fax, phone) is normally used for transferring the data and whether any forthcoming changes are proposed.

10. *National and EU Comparability.* To what extent are data on organised crime collected in your country comparable each other?²⁹ Furthermore, could they be compared with data collected in other EU countries?

11. *Timeliness.* At which time intervals (e.g. quarterly, yearly, etc.) are data on organised crime collected in your country updated? At the time of completing the questionnaire, for what period are the most recent figures available?

²⁹ You may wish to address, for example, the following points:

- Are the data comparable over time in terms of concepts, definitions and methods?
- Are the data comparable between different geographical areas of the country?
- Are there any notes assessing the comparability of the data provided?

In case of any revisions, are data on the new basis for comparison purposes provided?

- Is there any factor (e.g. change in recording rules, change in counting rules, change in counting unit, differences in policy priority settings, differences in reporting and recording attitudes, etc) jeopardizing space-time comparability?

SECTION 4. THE DISSEMINATION OF DATA ON ORGANISED CRIME

The aim of this section is to examine the dissemination of data on organised crime collected in your country. We should be happy to receive any copies of such material, references to web sites, etc.

12. To what extent are the data on organised crime collected in your country disseminated (whether to the wide public or to a restricted public)?

<input type="checkbox"/>	<p>All collected data are disseminated, and always according to the level of detail and breakdown followed by the collecting organisations themselves</p>
<input type="checkbox"/>	<p>All collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations themselves, so that a less detailed form of dissemination takes sometimes place.</p> <p>Please comment on the reasons for the less detailed form of dissemination that sometimes takes place</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
<input type="checkbox"/>	<p>Only some collected data are disseminated, and always according to the level of detail and breakdown followed by the collecting organisations themselves.</p> <p>Please comment on the reason for the non dissemination of the remaining data</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
<input type="checkbox"/>	<p>Only some collected data are disseminated, and not always according to the level of detail and breakdown followed by the collecting organisations themselves, so that a less detailed dissemination takes place.</p> <p>Please comment on the reason for a) the non dissemination of the remaining data and b) for the less detailed form of dissemination that sometimes takes place and</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
<input type="checkbox"/>	<p>None of the collected data is disseminated, and therefore their knowledge remains within the collecting organisations <i>(do not reply to the following questions - questionnaire ended)</i></p>

Please state if an annual report on organised crime is produced and disseminated.

13. To whom are generally disseminated the data on organised crime collected in your country? (*only one answer please*)

<input type="checkbox"/>	To the wide public
<input type="checkbox"/>	To a restricted public, such as selected law enforcement agencies and/or governmental bodies

Are there any significant exceptions to your reply? If so, what are these exceptions and on which basis are they justified?

14. Please specify the media through which the data on organised crime collected in your country are normally disseminated (*only one answer please*)

<input type="checkbox"/>	On-line availability
<input type="checkbox"/>	Cd-rom
<input type="checkbox"/>	Paper copies
<input type="checkbox"/>	Other, specify ----- -----

Are there any significant exceptions to your reply? If so, what are these exceptions? Are any changes proposed?

15. We would be grateful for your opinions on the material disseminated.

a) For printed material, is the presentation, layout, graphics, indexing, etc. generally of an acceptable standard?

b) For on-line systems, is the scheme as a whole sufficiently user friendly?

c) In machine-readable versions, is there sufficient technical advice to support subsequent processing (data extractions, file structures, conversion to spreadsheets, etc.)?

d) Is the relevant “metadata” (i.e. information on the data construction process, like definitions, origin of the figures, methodology, accuracy, treatment of non-response, publication arrangements, existence of related series, backward revisions, etc) readily available?

16. Does the disseminated material on organised crime result in public discussion on the organised crime problem?

CONTACT DETAILS OF THE PERSON WHO COMPILED THE QUESTIONNAIRE

Please fill in the Table below with your details.

<u>COUNTRY:</u>	-----
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CONTACT PERSON:

Name:	-----
Position:	-----
Ministry\Agency\Institution:	-----
Mailing address:	----- ----- ----- ----- -----
Telephone:	-----
Fax:	-----
E-mail:	-----

Any other information of relevance:

Thank you very much for your time.

ADDITIONAL QUESTIONS

1. Do the local law enforcement agencies that report OC events/suspects to central agencies receive any feedback that helps them in their enforcement? If so, with which frequency (always/often/rarely)?

2. Are the names of organised crime suspects retained on the OC database in the event of their acquittal after criminal proceedings?

