International organised crime in the European Union
Abstract
Scientific research demonstrates that organised crime is neither as international, nor as organised as often represented by media and law enforcement agencies. This note aims at presenting a different picture of international organised crime. In its first part it analyses the criteria concerning the definition of international organised crime and suggests that at European level the terminology of "serious crime" might be more accurate. The second part reviews and critically discusses the correlation between the European policing structures and their choices and constraints. It expresses scepticism about the rise of new analytical methods and models like "intelligence-led policing" and suggests alternatives. It recommends overcoming the exclusive reliance on insider knowledge and police sector data by drawing inspiration from other policing models and by including independent personalities in the analysis panels for the setting up of future serious crime threat assessment reports.
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<tr>
<td>BKA</td>
<td>Bundeskriminalamt (Germany)</td>
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<td>CEPOL</td>
<td>European Police College</td>
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<td>COSI</td>
<td>Standing Committee on Operational Cooperation on Internal Security</td>
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<td>EMCCDA</td>
<td>European Monitoring Centre for Drugs and Drug Addiction</td>
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<td>IDU</td>
<td>Injection Drug Users</td>
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<td>KPI</td>
<td>Key Performance Indicator</td>
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<td>NCIS</td>
<td>National Criminal Intelligence Service</td>
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<td>OC</td>
<td>Organised Crime</td>
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<td>OCG</td>
<td>Organised Crime Group</td>
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<td>OCN</td>
<td>Organised Crime Notification Scheme</td>
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<td>OCTA</td>
<td>Organised Crime Threat Assessment</td>
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<td>ORCS</td>
<td>European Organised Crime Situation Report</td>
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<td>RCMP</td>
<td>Royal Canadian Mounted Police</td>
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<td>SOCA</td>
<td>Serious and Organised Crime Agency (UK)</td>
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<td>SOCTA</td>
<td>Serious and Organised Crime Threat Assessment</td>
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<td>TOC</td>
<td>Transnational Organised Crime</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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EXECUTIVE SUMMARY

Aim

This note deals with the analyses of international organised crime in the EU. It aims at presenting a picture of crime that is different from the ones customarily featured in news reports and geopolitical maps in atlases.

Following the end of the Cold War, the authors of these atlases have attempted to apply the kind of reasoning developed in the field of military strategy to organised crime. They assumed that criminal groups had a structure and strategic goals such as the invasion of territories and markets. By applying such reasoning, these analysts have homogenised the diversified groups involved in criminal activities as if they were instruments under the authority of a foreign command. The maps produced in this way have multiplied over time, and, given their “simplicity”, have been used as evidence of criminal activities. Thus they tend to justify demands on the police services to find the roots and “routes” of organised crime. These maps, however, distort fundamentally the reasoned representation of serious criminal activities in the European Union. Presenting analyses that rely on a detailed criminological knowledge, but also on the critical reflections of police services themselves, is therefore central to provide useful recommendations to the institutions in charge of these issues at the EU level.

KEY FINDINGS

- The reasoned representation of serious organised crime in the European Union must detach itself from the simplifications of strategic mapping.

Firstly, these maps do not provide a detailed and nuanced overview of criminal activities. Crime is overrepresented in these depictions, which induces reactions akin to those involved in confronting a quasi-military threat. In fact, criminal actors are far from having the capacities attributed to foreign armies (Section 1.1).

Secondly, these maps seldom refer to criminal organisations by their name, but rather often associate them with a specific nationality or even ethnic group. Thus, they fuel suspicion towards entire communities, whereas only a handful of persons are responsible for criminal activities. This practice is all the more problematic as it homogenises a myriad of small groups in an incorrect fashion, and clouds the central fact that the composition of active criminal organisations in the European Union is almost never mono-ethnic or nationality-based. Furthermore, the most lucrative activities are conducted by local groups, which have been established for a long time and have intimate knowledge of money-laundering networks, and/or of existing local, regional or even national forms of protection (Section 1.3).

Thirdly, these representations emphasise a marginal aspect of the phenomena, i.e. crimes committed by foreigners, but obscure at the same time its most important component, i.e. the relations with local societies, particularly at the municipal scale (Sections 1.2 and 1.3). Transnational criminal activities cannot be reduced to the acts of foreigners, in their country and in the EU.

- Organised criminal networks, when they exist and when they persist over time (which is rare), are not only caused by foreigners. Local criminal actors, who have a good
knowledge of their own societies and conclude temporary alliances around “business opportunities” with those who are distributing a given product, establish such networks. They are also in constant competition among themselves. Most of the organised criminal activities, such as those conducted by mafias, have not been transplanted in the EU, despite the views of some who have opposed freedom of movement and Schengen and who foresaw the worse (Section 1). Mafias have not sent their diaspora as bridgeheads, as soldiers of crime, but they have tried more or less successfully to use existing local networks as footholds. In almost every case, competition, sometimes in violent forms, has taken over any stable modality of alliance (Section 1.4 and 1.5).

Serious crime in Europe is therefore more disorganised than organised, which explains why experts cannot agree on a precise definition of organised crime (Section 1.1) or on the added value of a traditional mapping of such activities, which is incapable of showing the extent to which crimes are unstable and temporary, despite it being serious.

The central outcome, here, is that the idea of stable organised crime, conducted between powerful organisations based on transnational ethnic solidarities, and which is responsible for serious organised crime as a whole in the European Union, does not stand up to the test of the precise analysis of data collected by local police authorities, of judiciary evidence that sustain specific cases, and of the studies conducted by criminologists who conclude, on the basis of their research that the strategisation and geopoliticisation of crime is erroneous. These studies and analytical models question the effects of journalistic framings and of the strategisation of serious organised crime. The latter induces an improbable hierarchy and coordination in the conduct of criminal activities, and further establishes an unlikely continuity between threats to external security and threats to internal security. This continuity indeed leads to the hyper-simplification of complex and fluid criminal phenomena, instead of accounting for their mutability and networked dimension.

- By detailing the most precise and solid approaches to serious international crime, or more exactly transnational crime, this note shows that criminal activities do not follow stable patterns.

Most of these activities are tied with local opportunities. These local opportunities are rarely permanent. They open up, often because of changes in legislation (e.g. financial deregulation) which creates possibilities of loopholes for illegal markets and products. They are very rarely the result of a new mafia implantation abroad structuring routes and patterns of collaboration for many years.

The porosity of the boundary between what is licit and what is illicit in criminal activities, and most prominently the permeability between the criminal or underworld and the upper world, prevent attempts to anticipate illegal dealings before the facts have been committed, this despite noted efforts in this domain. Indeed, serious analyses of illicit trade highlight how, through collusion and tacit agreement, perfectly legal, local companies are the most important facilitators of crime.

- The fight against such criminal activities must therefore combine at least three levels:

Firstly, the level of general legislation which, by affecting legal flows have allowed for illegal flows to transit undetected through legally opened channels (for example, reforms affecting the banking system or turning certain areas into tax havens);
Secondly, the level of police activities, particularly those services that have specialised in fighting serious and organised crime, such as Europol and its national correspondents;

Thirdly, the level of police and administrative services that manage daily life in cities (Section 2) and the development of full spectrum policing as alternative to intelligence-led policing.

These levels are intertwined and the information has to circulate. Limiting the fight against serious crime at the second level (Europol and its correspondents) on the one hand, while ignoring the need for better regulation of financial flows (tax havens for instance), and ignoring the daily struggle against crime led by local police forces, on the other, leads to the following paradox: specialised police units are required to concentrate their efforts on a marginal phenomenon, whose evaluation is often biased, while being simultaneously responsible for the lack of results. They are asked to draft reports that reinforce stereotypes, despite the fact that a significant portion of these police officers are highly sceptical about the usefulness of such documents and the results that can be achieved through them. These units ask for more time to produce useful operational pictures that reflect the complexity of their task, and not some highly simplifying syntheses. So as suggested "The OCTA in its current format does not meet the requirements of the desired policy cycle, which demands a more in-depth analysis serving as a solid input".¹

On the basis of the interviews conducted for this note and of the available scholarship on international police activities, particularly on their exchanges of information, it appears that local police forces probably do a much better job than is usually believed. They arrest significant numbers of petty criminals and seriously disrupt trafficking activities. If they do not find the “head of the hydra” or the “crime general”, it is because such personalities do not exist. These police officers are thus sometimes irritated to receive general reports, especially at the European level, which do not help them in their daily struggle and which, by presenting “syntheses”, overlook the complexity of local situations. In particular, these reports, such as the Europol OCTAs and now SOCTAs, do not distinguish between local variations in patterns of criminal activities, which would be a useful outcome, and repeat year after year the same maps listing the major “criminal hubs” (Annexes in Section 5). The lack of trust of these police officers has a serious impact, insofar as they reply to information requests from Europol with growing scepticism.

RECOMMENDATIONS

- In view of these conclusions, it appears that Europol, with the publication of its OCTA reports, has a serious problem of positioning.

By trying to live up to political and media expectations in order to gain recognition while being aware of the limits of its activities, Europol is losing local credibility, in a similar fashion to that currently experienced by SOCA in Great Britain. In both cases, what is being questioned is the pertinence of an intelligence-led policing model. Such a model can only function with strong information returns from the field, which in turn allow for a sophisticated analysis of accurate and real data. If this model is degraded, it loses its pertinence, especially if the bottom-up logic is replaced by a top-down logic.

The note recommends drawing inspiration from other typologies and other models to solve these difficulties. Full spectrum policing combining the three levels of struggle against serious crime is one of them. One of the most prominent alternatives is that developed by Commander Sleipnir of the Royal Canadian Mounted Police, which emphasises the difference between types of serious crimes and insists on the importance of fighting white-collar crime as well as environment crime. These criminal modalities are not easily detected through current serious crime indicators, despite the fact that they are the costliest to society as a whole and that they are also the most difficult to fight only through policing. Nevertheless, considering their central importance, this can be achieved through a coordinated approach to police action, integrating these crimes in their agenda, and if combined with local public policies and European recommendations and actions.

Here the European Union would clearly have an advantage, because of its structure in which agencies in charge do not rely on a single national political system. Europol could account for these activities without increasing its overall level of intervention.

- As far as models are concerned, Europol should be given more time to produce its reports, possibly one every four years. Such a report would however be extremely detailed, in order to avoid the amalgams and biases we have identified.

Yearly reports should focus on a specific domain in order to bring added value. They should start with serious forms of crime that have been marginalised until now (environmental crime, white-collar criminality). In order for these reports to be consistent, the scope of the information and of the expert opinions gathered should be widened to avoid the development of routines and the shaping of a path dependency over time.

Such reports should not focus exclusively on those police services that are specialised in the fight against organised crime or drugs. Participation should be widened to include the police services of major cities and key financial centres. Local credibility would thus be enhanced through detailed examples. The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), located in Portugal, has used such a methodology. The reports would comprise expert opinions beyond the police forces, whether from doctors, sociologists or ethnologists, to avoid the tropism that characterises the work of specialised police units. The contribution of political
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and economic personalities in the analysis panels organised for the report would also be central, in order to provide a general overview of international financial mechanisms within which organised crime is inserted, and consider alternative responses beyond law-enforcement.

This could possibly be envisaged in the framework of the “Harmony” project discussed within the Standing Committee on Operational Cooperation on Internal Security (COSI) – the condition being that this committee would be opened to a larger number of participants in order to reinforce its general coherence and in-depth expertise. For the time being, the Harmony project is indeed too managerial and somewhat limited to interactions among a reduced number of groups sharing the same views².

The European Parliament is co-legislator and shares the budgetary authority in this domain. However, it never appears in the consultation process foreseen by Harmony. Why is that? It could provide an alternative view in these areas by, for instance, contributing to the quality of Europol reports. The participation of representatives appointed by the LIBE Committee could be envisaged for this purpose. Such a representative would be tasked with providing a broader view, taking into account the level of general legislation and its effects, which specialised agencies and bodies are perhaps unable to incorporate fully. In addition, the chair of COSI should be asked to present and explain to the Parliament his views on relations between the different agencies and their progress in that area, as well as on the specific responsibility of COSI in the follow-up to the Harmony project.

² This point is partly consistent with the research conducted by Madalina Busuioc and Deirdre Curtin for the European Parliament (Busuioc and Curtin, 2011) and the research undertaken by Amandine Scherrrer, Julien Jeandesboz, and Emmanuel-Pierre Guittet (forthcoming note on Internal Security Strategy), which, through in-depth interviews, is more critical on the “common” methodology which is a top-down and preventive methodology that excludes some actors. This note is also complementary to the research undertaken by Valsamis Mitsilegas which details “The Council Framework Decision on the Fight against Organised Crime and what can be done to strengthen EU legislation in this field”, note commissioned by the European Parliament (PE453.195).
1. A DIFFICULT AGREEMENT ON THE DEFINITION

**KEY FINDINGS**

- The EU member states have considered using the generic term of Transnational Organised Crime (TOC) instead of drug trafficking, money laundering, financial crime and corruption, under the influence of the US. However, many countries in Europe have refused to agree on a European definition. It explains why the terminology of “serious crime” has often been preferred, as the crime may be very serious but nevertheless disorganised, and related to specific opportunities.

- Too often, the analysis of Organised Crime (OC) homogenises the diversified groups involved in criminal activities and oversimplifies the roots and “routes” of organised crime.

- Careful and alternative research shows that criminal practices are mostly linked with local opportunities and deregulation or change of laws. Contrary to stereotypes against foreigners and diasporas, the evidence thus suggests that the migration of some mafia-type groups can take place, but that it is rare and highly localised. Empirical evidence furthermore suggests that if some organised criminal activities are hierarchical in form, they are the ‘exception rather than the rule’.

- To identify the practices to be targeted at the European level by specific organisations and agencies like Europol, it would be better to recognise that the notions of international organised crime or transnational organised crime are not the most useful, and that the terminology of ‘serious crime’ at the European level may be more accurate.
The theme of organised crime is not new. It emerged during the prohibition period in the US in correlation with the corruption of local police or local mayors by groups producing illicit alcohol. When the Italian mafia was involved (even if most of them were American citizens), a tradition began to name organised crime groups by the name of the diaspora they belonged to, and to speak of international organised crime as soon as trans-border activities were involved in either the traffic of products or in the recycling of money. By the late seventies, drug trafficking analysts, especially those analysing cocaine trafficking, turned their eyes towards Latin America, and the terminology they used moved from international to transnational organised crime, or trans-border crime. This tradition still continues today.

It was during the eighties that the EU member states considered using the generic term of TOC instead of drug trafficking, money laundering, financial crime and corruption, under the influence of the US. Journalists developed the terminology of narco terrorism to characterise different situations: Columbia with narco traffickers using violence, Peru with Sendero Luminoso controlling the territory where farmers were harvesting and producing coca and also Afghanistan and Burma. But, for most of its examples, TOC was related to local groups and drug trafficking. Following the end of the Cold War, the situation changed. The label became fashionable among strategists. Authors of geopolitical atlases have changed their maps and have included terrorism and drug trafficking as serious threats, interpreting them through world maps. They have attempted to apply the kind of reasoning developed in the field of military strategy to organised crime, assuming that criminal groups had a structure and strategic goals such as the invasion of territories and markets. By applying such reasoning, these analysts have homogenised the diversified groups involved in criminal activities as if they were instruments under the authority of a foreign command. The maps produced in this way have multiplied over time, and, given their “simplicity”, have been used as evidence of criminal activities. Thus they tend to justify demands on the police services to find the roots and “routes” of organised crime. These maps, however, distort fundamentally the reasoned representation of serious criminal activities in the European Union by over-homogenising what is characterised by diversity, and by inferring strategic reasoning where it is more a question of local opportunities. They have also had the tendency to associate criminal activities with labels concerning other nationalities by not distantiating themselves from the amalgam between very small groups of criminals and diasporas living in a country or travelling often between countries.

Against this trend of “strategisation” of crime, academic criminologists have been researching and theorising phenomena associated under the rubric ‘transnational organised crime’ since the early 1990s (e.g. Beare, 2004; Edwards and Gill, 2004; Fijnaut and Jacobs, 1991) in a different way. The foci of such academic studies have been to insist on four criteria: 1- the disorganised nature of illicit markets and the scarcity of examples where they are organised and territorialised; 2- the relationship between local ‘groups’ and the constitution of stable ‘networks’ in the consolidation of ‘criminal enterprise’ showing that these permanent features are rare; 3- the local dimensions of organised criminal activity and what has been called “trans-local”, i.e. the limited structuration of intermediaries, but the possibility of linking places of production and consumption through very small networks; 4 -the civil liberties implications of the policies of repression chosen to tackle these practices.
1.1. The structures of illicit markets, mutability and adaptability: organised or disorganised crime?

The concept of ‘organised crime’ supposes some permanent features in time and space permitting to speak of an “organisation”. But often in terms of financial crime, of connection between terrorist and crime activities, or between corrupted politicians and crime, the practices are more linked with local opportunities, deregulation or change of laws than with a strong organisation having a huge territorial base and challenging the state (mafia-like type). Noting that the volatile nature of the criminal market creates an economic milieu, which is discordant and rather antithetical to long-term organisation, whether of a distributed, organic and stable ‘network’ variety or of the more old fashioned depiction of organised crime hierarchies, Hobbs eschews the easy label ‘organised crime’. He insists in his work on the mutability of markets and the limited importance of intermediaries. He is one of the few criminologists to conduct inside ethnographical research independent from police, and has been increasingly critical about police views which, according to him, project on criminal activity its own hierarchical structure instead of analysing it as a market, an illicit one. Peter Reuter, drawing on police files, confiscated records, and interviews with police, prosecutors, and criminal informants in the United States, systematically refutes the notion that ‘the Mafia’ – i.e. a centralized and hierarchical organized crime syndicate – controls the major illegal markets. Instead, he opts for the notion of disorganized crime, suggesting that the cost of criminal groups trying to suppress competition, together with the effects of law enforcement countermeasures ensures that these markets are populated with mainly small enterprises, many of them marginal and ephemeral (Reuter, 1985 and 2008). This notion of disorganised crime and the strong evidence supporting it, blocked the possibility of an agreement on the definition of “organised crime”, even when the pressure of the US administration on police forces across Europe was at its maximum. Many European countries have refused to agree on a definition imported from the US, which may apply to certain countries, like Italy, but which certainly would not encompass the situation of other member states, such as the UK, France, the Netherlands or Belgium. The discussions in the 1990s concerning an EU definition of organised crime were central in that domain. This explains why the terminology of "serious crime" has often been preferred, as the crime may be very serious but nevertheless disorganised, and related to specific opportunities.

For example, the study of illicit trade in licit commodities strongly suggests that legal enterprises are the primary facilitators of action at the wholesale level where significant economic ‘hubs’ act as central points from which mid-market ‘brokers’ feed into the illicit market at the retail level where these commodities reach the consumer. The opportunities depend on the disjunction of national legislations or of voluntary global deregulations of markets. The distinction between licit and illicit, criminal and non-criminal activities is more complex than supposed (i.e. tax evasion by individuals and firms or the role of states facilitating investment in their country, while creating offshore places). Disorganisation is as much present as organisation in the most common practices subsumed under the term “organised” crime.

The notion of organisation is then often reduced to “intermediation” between market places. But analysts of police organisations do not have a clear understanding of network theories (see below) and want to say that stable patterns exist as well as a central role of intermediaries as soon as they have an illicit product connecting two territorial places that they call different markets, and it explains why they focus so much on “routes”.
Organisation and existence of intermediaries in a network are not the same concepts. Intermediaries may exist for only one occasion, to be replaced by others to perform another mediation. In some cases the intermediaries are central but in others they are even evanescent. In the case of human trafficking, the "smugglers" are considered in public discourses as the central piece of criminality, even if in many prostitution cases, research has shown that the situation is not always pure coercion and that back and forth travels are frequent. It is often through debt enforcement and risks to the reputation of women back home that the (criminal) enforcement takes place. But for human trafficking, the search of permanent and stable intermediaries structuring both ends seems to be coherent with findings. It is less the case for irregular migration where smugglers may profit financially, but where this role is sometimes performed by relatives or acquaintances, and where the migrant’s agency in the process often forces smugglers to adjust and restructure their routes. It seems more obvious that the intermediation is structuring the process when speaking of drug markets. Nevertheless, also here the centrality of the intermediaries is not so obvious. Certainly the local retail end of illicit drug markets is connected via criminal ‘brokers’, who occupy the ‘middle range’, to importers who warehouse large quantities for distribution over a wide geographical area (Pearson and Hobbs, 2001; 2003). So, it reveals that illicit drugs markets have a hierarchical distribution chain: wholesalers deal in very large quantities, middle-market traders and brokers in significant quantities and retailers in small quantities. However, the market described by Pearson and Hobbs in their seminal books, is ‘fragmented’ with no central point of control or organization. Pearson and Hobbs largely stress the disorganised and ‘mutating’ nature of the criminal networks in which active entrepreneurs constantly couple and de-couple business links (pp. 55-58). They are unable to say much about the structure of European wholesale importation, but do suggest the importance of ethnicity, especially with regard to heroin importation in the UK. At the same moment, they insist on the specificity of this market and emphasis mutability and adaptability. They are therefore doubtful about the strategy of going after the “Mr Bigs” of organised crime or the strategy of criminal disruption. They continually stress the business-like nature of these markets, citing various examples of mutual support between what otherwise could be market competitors (2003, p. 341-42).

The terminology of organisation has been in crisis and is contested by a majority of researchers from the disciplines of criminology, medicine, social city planning. Yet it continues to be used in policy and police circles. To solve the difficulty of the criteria of organisation, the terminology has been “downgraded” to sometimes very limited interactions involving more than two persons. It implies that three persons committing a crime together can be labelled ‘organised crime’. The terminology of ‘organisation’ has also been applied to those cases where there is a familial link. It has maintained the level of activities of the police squad specialised in organised crime (for example in Germany, which has seen a multiplication of these squads at the Länder level). Organised crime has become petty crime committed by foreigners and diasporas.

This level of organisation is so weak that, after debates, an additional factor has been added to qualify ‘organised crime’: that of violence.

1.2. Crime and violence: organised crime and mafia

One of the questions is to know if organised crime is an equivalent to violent crime perpetrated by more than two persons (preferably from another ethnicity)?

It depends of the definition and its degree of precision. It is clear that politics is at work trying to confuse organised crime or serious crime with crime committed by foreigners,
which leads to a criminalisation of migrants and citizens with foreign origins. But, for the moment, this political agenda has been combated in both police circles and policy circles, even if this narrative is common in media representations of organised crime. If the answer is negative, if TOC is related not only with violent crime committed by foreigners, but also to financial crime, money laundering and corruption, then it is important to put in perspective the social harm for a society of these different forms of serious crimes, adding for example environmental crimes. Most of these serious crimes ultimately produce structural violence, massive destruction, economic disruption and job losses, but they do not induce spectacular killings during the process. It is only when TOC concerns drug trafficking, human trafficking and racket/protection that serious violence occurs. It is also why the media confuse serious crimes and spectacularly violent crimes. In this case of association between serious crimes and violence, four types of violence may be associated with illicit markets:

1. Racket/protection for market share (probably rare as it is supposed to be a control of population on a territory);
2. Debt enforcement (probably more common than acknowledged);
3. Criminal predation on illicit market operators (unmeasured, since actors in these markets cannot report victimization);
4. Expressive cultural stereotypes related to the need to garner ‘respect’ - violence against women and children, against minorities and poor people because the risk of retaliation is very small (perceived insults and affronts to self-esteem can lead to violence that has no economic rationality and is dysfunctional to the criminal market).

The racket/protection type where the mafia occupy a territory and challenge the state functions and legitimacy is by far the most spectacular, but is also rare. In Europe, Italy has been more an exception than a rule in terms of the process of state making (See Tilly 1972). However now, the debate has been re-launched with the notion that foreign mafias coming from Russia, China, Japan, Turkey, and Nigeria are invading Europe. Beyond the noise of geopolitics, do we have evidence of this phenomenon?

1.3. Is Transnational Organised Crime in Europe the expression of transplantation of foreign mafias?

First, it is important to highlight that this definition would be in someway very restrictive if the definition of TOC was just the activities of mafia linked with foreign countries. These activities exist but they are a small part of the range of activities, which are labelled serious crime. Focusing on them is certainly important in terms of social harm considering their danger, but it is also a form of blindness considering other forms of crimes, and an exaggeration of the mafia like type inside the overall criminality.

Contrary to easy stereotypes against foreigners and diasporas, the evidence suggests that the migration of some mafia-type groups can take place, but that it is rare and highly localised. Varese, explains why in his recent seminal book called "Mafias on the move: how organised crime conquers new territories" (Princeton 2011). Contrary to what is implied by the title of this work, Varese demonstrates that mafias struggle to make an impact in a foreign country where they don’t speak the language; there is little interest in the protection they have to offer. The empirical evidence underpinning these findings relates to
organisations such as the Calabrese ‘Ndrangheta, Sicilian Cosa Nostra, Italian-American Mafia, the Russian Solntsevskaya, Japanese Yakuza, and the Chinese Triads. According to Varese’s study, mafia transplantation has been limited since the end of the Cold War, but co-operation along the lines of production, distribution and retail of prohibited products has increased between criminal organisations based in Moscow and Bulgaria, Italy, as well as Colombia, and the United States. ‘Mafia type’ organisations are rare. They can be defined as “groups that aspire to govern others by providing criminal protection to both the underworld and the upper world on a specific territory” (Varese, 2011, p. 6). Their current growth, when it exists, is located in countries such as Mexico, Honduras, Salvador and Guatemala. In other places, because of the state and market controls, when they try to move out of their territory, they change their structure and lose control, even against smaller local groups of the “destination” country. They become dependent and prefer to deepen their control on a specific place rather than extending it abroad and possibly losing it. As Misha Glenny summarizes in his book review of Varese in the “London Review of Books” published in 30th June 2011: “If Varese is right - and it would be hard to dispute his evidence - most mafias groups seeking new turf eventually either go back home with their tails between their legs or give up being gangsters and take up a less disreputable profession” (p. 25).

So, it is not because a diaspora exists in a country that this diaspora will automatically serve as “soldiers of crime” of a mafia, and it is not because drug trafficking exists that we can infer a mafia exists. The popular image of Colombian individuals carrying small amounts of drugs inside their bodies (“known as “drug mules”) has certainly invaded the media, but in terms of the market it bears little relation to the large quantities of drugs transported through containers in boats, planes or trucks. It is shocking, but not so significant. Networks of commercial activities run by the diaspora as such are not more criminal than others, even if they are under more surveillance. Large firms, including national ones, stand a greater chance that a small part of their activities could be illicit (with or without their knowledge that these activities are illicit). This small part is nevertheless often more significant than the diaspora markets. In addition, even if these illicit practices in the shadow of licit ones are less obviously violent, they may have more destabilising effects in general, as shown by the real estate market of 2008 and the financial crisis.

1.4. Global, transnational or translocal groups of serious criminals?

Criminal network analysis reveals that criminal connections evolve into complex chains involving connections between various groups and actors, being ‘local at all points’. Successful criminal entrepreneurship requires intimate knowledge of the territories in which it is undertaken. To what extent can particular sets of actors, whether conceptualized as groups or networks, be said to extend themselves internationally? The answer that Hobbs gave to this question was that organised crime is ‘local at all points’. That is to say we “experience crime as a local phenomenon” and the empirical evidence suggests that the organisation of crime is that of “ever mutating interlocking networks of locally based serious criminality” (Hobbs, 1998, p. 419). Diagrams of ‘criminal networks’ where intermediaries are the central actors produced by police criminal intelligence analysts are often analytical fictions that leave out the density of the network at different points and which forget the discussion of the broader social-structural features that make organized crime possible. These social-structural features are essential for thinking about ways to change the circumstances that produce organized crime. Bruisma and Bernasco (2004) for example describe the nature of criminal networks in relation to three different kinds of criminal entrepreneurship: large-scale heroin smuggling, trafficking in women and trading in stolen vehicles. They try to lend some specificity to the theoretical notion of ‘crime
networks’ and show that the differences in the social networks they describe primarily have to do with the nature of the legal and financial risks that are particular to each form of criminal enterprise. Without labelling the specifics of social network analysis, suffice to say that “networks as such are not criminal” and that “both offenders and non-offenders maintain non-criminal relationships with other criminals and non-criminals” and that “if we only filter out the criminals and their mutual criminal collaborative relationships, then a ‘criminal network’ arises that does not do justice to the other relationships within larger social networks” (p. 92). In other words, the diagrams of ‘criminal networks’ produced by police criminal intelligence analysts are analytical fictions if they focus on routes and intermediaries presupposing a “global” environment, without demonstrating it exists and shapes the practices of the actors. More often their practices are shaped by local opportunities, but some of them depend effectively of global (de)regulation. What then tends to shape the order of the three types of criminal entrepreneurial collaboration is the regulatory environment within which the collaboration is enacted.

The evidence suggests that weak regulatory regimes allow criminal markets to flourish. A mixture of enforcement and regulatory strategies is necessary to reduce the opportunities for criminality to develop in the shadows of licit economy. Unregulated markets (as with illicit drugs) or poorly regulated economic activity enhances the criminal opportunity structures that professional crime depends upon. In James B. Jacobs et al’s influential book “Gotham Unbound: How New York City Was Liberated from the Grip of Organized Crime” (1999), it was shown that a mixture of enforcement and regulatory strategies was necessary to reduce the opportunities for organized criminality in that jurisdiction, where decades of purely enforcement-based tactics had previously failed. Lessons for Europe have to be learnt from this specific study.

1.5. **Defining the notion of serious crime at the European level**

Von Lampe (2008), in order to define the notion of (dis)organised crime and in order to avoid stereotyping, distinguishes five ideal type manifestations of criminality by differentiating them along three social strata: marginalized subcultures, mainstream society and political/economic elites. The five ideal types are as follows:

1. Criminal networks with no social support structure in the milieu of operation (e.g. predatory gangs engaged in ‘crime sprees’ of theft and robbery). This type exhibits the characteristics of a military-type hierarchy and division of labour. The lack of social support in the countries of operation corresponds to the predatory nature of the crimes committed and the associated unrestrained willingness to use violence against persons and property. One example was the Albanian “attacks” on Greece conducted as “razzia”.

2. Criminal networks rooted in marginalised subcultures (either with a class/territorial or ethnic basis – one illustrative example being family networks of Kurdish and Turkish drug smugglers);

3. Criminal networks rooted in mainstream society that are outwardly law-abiding (typically involved in organised business crimes such as investment or health insurance fraud). Such groups have a strategic advantage “including ‘natural’ interaction with office holders that may translate into crime opportunities or reduce risks of law enforcement interference”.

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4. Criminal networks in power elites (involving abuse or misuses of official competences for personal profit and power). Obvious examples are ‘scandals’ involving the “abuse or misuses of competencies for profit and power by networks of public officials, politicians and business leaders”. An example of this latter kind of activity shows that it can be truly transnational in scope. This is the so-called ‘Airbus Affair’ which involved the then (Conservative) Prime Minister of Canada, Brian Mulroney and several actors in Europe, among whom was Karlheinz Schreiber, a highly placed Canadian-German citizen, lobbyist, fundraiser, arms dealer and business man. This scandal involved complex relations between highly placed individuals in business and finance in both Europe and Canada. Other examples may be found in Italy, France, and the UK and often involve armament markets where secrecy of the reason of state sometimes implies strange relations with intermediaries of the underworld.

5. Criminal alliances between underworld and upper world or mafia-like organisations. Von Lampe observes that “where alliances between underworld and upper world exist, for example in Southern Italy or Russia, it is important to note that this appears to be less the result of criminals infiltrating business and government and more an outgrowth of elites in power being unchecked by moral and legal restraints, and operating beyond effective control by civil society, so that they are in a position to freely employ and co-opt criminals in pursuit of economic and political interest”.

He notes that there is a positive correlation between the social position of criminal actors and the quality of criminal opportunities. In other words, the higher the social position of the offenders in question, the more serious the impact of the criminal activity and the less likely the threat of apprehension or conviction.

Von Lampe also argues that the first and second types unduly receive more attention from law enforcement bodies and the public than the third and fourth. The focus on mainstream society and powerful elites' illegalities is weaker than the one on foreigners and poor people. But the fifth category attracts attention because of the link between violence, crime and the corruption of elites. This attraction nevertheless does not mean results, and often the knowledge of these crimes surfaces when the structure permitting them has disappeared. Police then have a tendency to focus on those underworld activities and to a much lesser degree on the criminal actions of the upper world.

Von Lampe distinguishes a number of criminal practices that exhibit organisational features and are serious. He includes on the list predatory crimes such as fraud, theft and robbery, economic crimes such as tax fraud and insurance fraud, as well as a long list of entrepreneurial crimes (p. 8). He develops on economic crimes such as VAT fraud, investment fraud and subsidy fraud. Indigenous Europeans and newer immigrants alike can perpetrate these crimes. Ethnicity is not central. The limitations are the social and cultural capital (which is analytically distinct from ethnicity) that different groups possess. He notes further that the “crime landscape of Europe has a patchwork character” and that the nature of the patchwork is shaped by a variety of “historical-cultural factors” relating to demand and supply, differences in jurisdictional regulatory capacity and geography. The existence of the ‘Balkan route’, for example, has been shown to facilitate the movement of heroin going west and ecstasy going east (p. 10), but “illegal markets cannot be created at will. Supply does not automatically meet demand and vice versa. Rather, illegal markets are the product of a fairly complex interplay of diverse factors” (p. 9).
Like the authors of this report, von Lampe is critical of media and law enforcement depictions of organised criminality as monolithic, coherent or static. According to him, the empirical evidence lends itself to the view that some organised criminal activities are hierarchical in form, but they are the ‘exception rather than the rule’. His typology suggests finally that regulatory structures and governance strategies broadly conceived are important elements of counter-organized crime strategy since it is the quality of governance, and not merely the strength and capacity of criminal law enforcement, that fundamentally shapes the conditions allowing for the organization of crime.

To identify the practices to be targeted at the European level by specific organisations and agencies like Europol, it would be better to acknowledge that the notions of international organised crime or transnational organised crime are not the most useful ones, and that the terminology of serious crime at the European level may be more accurate. The ‘seriousness’ in question does not imply violence as such, but it does imply an analysis of the impact of such crimes on European societies. As we will see, environmental and financial crimes are often far more serious than some violent criminal acts committed by marginal groups. If resources are scarce, such considerations are important in order to define the right priorities.

2. EUROPEAN POLICING STRUCTURES: FIGHTING TRANSNATIONAL ORGANISED CRIME OR SERIOUS CRIMES

**KEY FINDINGS**

- European policing has been justified through a Europeanisation and globalisation of threats. It impacts on the reluctance to change the intellectual background.
- Europol’s OCTA emphasises the ‘usual suspect’ whereas other types of low profile crime have been left without discussion
- The OCTA methodology lacks the contribution of outsider expertise that would challenge the insider ‘group-thinking’ and guarantee a straightforward policy process
- The effectiveness of the strategy against organised crime is more dependent on the quality of governance than the power of criminal law enforcement

2.1. The development of European policing and its link with organised crime

The enhancement of European police co-operation has usually been articulated with ‘cross border crime’ and vaguely defined ‘organised crime’. Cross-border police co-operation is nothing new. In fact, operational cross-border policing has been documented going back at least to the 1960s (Sheptycki, 1997, 1998). But past lessons have been forgotten after the impact of US imperatives in the 1980s and even more after 2001. It has created a tendency for police to be obliged to focus on ‘headline issues’ and to follow what the national professionals of politics consider as the fear and insecurity feelings of their citizen. The result is a view of policing that exaggerates the exciting and unusual, while systematically downplaying the more mundane aspects of the job (Alain 2000, 2001; Sheptycki, 2001). Media attention on TOC and terrorism is higher than on other subjects, and it has the effect of putting police under pressure to communicate more and more instantaneously, sometimes to the detriment of effective research of evidence.
While it is undoubtedly the case that organised and serious forms of criminality are an important part of what police do, it is equally important to recognize that other functions – from helping recover lost and stolen property, to emergency and disaster response, and much else – are not less important. This is partly because police, at least in democratic societies, tend to be the emergency service of first resort when things go wrong and hence an important resource for the general public (Cumming and Edell, 1963; Kleinig, 1996; Punch an Naylor, 1973). The focus on “prevention” tends to mask what is still the central ground of policing. The European Union level is then in difficulties as its functioning is less operational and in contact with everyday citizen interest, and is under pressure to communicate on the most difficult crime, while being in danger to displease some professionals of politics, if the services insist to much on some cases in regard to others. Thus, instead of looking at the national participation in serious crime, especially financial crime, it is easier to look at cross border crime committed by foreigners and to exaggerate its importance, as if it corresponded to all organised crime. This is not a deliberate strategy on the part of police to shift emphasis onto these forms of crime, but rather a reaction to media and public pressure.”

*De facto* European policing highlights the ‘high end’. Thomas Mathiesen (2000) observed that “while governments and other authorities emphasise the struggle against traditional, serious, international crime […] all of the empirical and documentary material available clearly shows that the goal is to be found at the cross-point between the shutting out of aliens and the protection of vaguely defined public order and State security” (p. 175). Seeing this emphasis on serious and organised crime when writing in the mid-1990s, Malcolm Anderson et al. observed “a gradual transfer of internal and external security control […] from the nation state to international institutions”. Moreover, they suggested that as these themes came to dominate the European policing terrain “the more secretive and elitist ethos of the security services would gain ground and the ideal of a transparent, rule governed and politically neutral system would become no more than a remote possibility”. More than a decade ago it was already clear that intelligence services across Europe were “increasingly penetrating fields which used to belong to the realm of ‘ordinary policing’, such as organized crime and right-wing extremism, while the police services also started beginning to shift their priorities away from local crime and to the use of pro-active (i.e. clandestine and undercover) methods” (Anderson et al, 1995, p. 175 and 179).

European policing forums concentrate their efforts of coordination, informally and formally, around the tropes of drug trafficking, organised crime, terrorism, and illegal migration (Bigo, 2000). The convergence around these perceived threats and security risks was considered by many to be the main justification for innovations in policing structures and “special techniques” giving more leeway to the police regarding judiciary control than other domains. At the same moment, the special squads of each member state wanted to keep the operational powers and specific techniques for themselves and have blocked any form of real integration leading to a European FBI. In light of this uneasy situation, European “clubs” and organisations like Europol have to follow the same road as the central services of the UK struggling against the independence of local police. They have insisted that they did not want operational powers (or not many) but that these would be vital to address the central threat of interconnecting TOC, terrorism and illegal migration, a threat so complex that it was beyond the reach of local or national police, not least because these interconnected threats were not only European, they were global. Through this narrative, their future as organisations has then been dependent on convincing that the threats of TOC and terrorism were more and more dangerous, more and more global, more and more unpredictable (except for them, because they have the capacities in terms of technologies
and human competencies to do so).

The rise of the professional discourse of so-called ‘intelligence-led policing’ (for a definition see Section 2.2.) in tandem with the ‘new security threat agenda’, comes from this double move of analysing more and more the global interconnections while having no operational powers to display. In line with the idea of applying new public management to police forces, it has created a culture of statistics, of general categorisations and profiling, but which is rarely in touch with specific criminal individuals. It was nevertheless considered by the professionals of politics and the public as a substantial innovation (Innes and Sheptycki, 2004; Ratcliffe, 2008; 2009). In conclusion, it was the “rise to prominence of ‘transnational organised crime as an object of governance (globally, nationally and subnationally) that has changed policing architectures everywhere” (Sheptycki, 2007, p. 70). In fact, to be more precise, the two dynamics were reinforced simultaneously: on the one hand, the interest in the change of policing; and, on the other, the development of new techniques influencing the perception of threat (Bigo 2002).

2.2. Appraisal of OCTA reports

- Organised Crime Threat Assessment (OCTA) methodology and logic

From the mid-nineties, even before its official birth, police liaison officers stationed within Europol considered that one of their key missions and their value-added regarding the national police squads would be on tackling European and more global forms of crime. They have dedicated their energy to “connecting the dots” between the different national police specialised in terrorism and between those specialised in organised crime. The working files have been set up in order that a suspect in different criminal cases cannot escape surveillance by moving between countries in Europe and that the different cases where the individual was involved were also connected. In addition to the working files, Europol with its own analysts, not dealing directly with personal data, will develop a cognitive map of the know how and techniques of criminal networks transversing more than two countries, and will set up patterns to understand the “routes” they use, their “profiles”, their tendencies in order to anticipate their behaviour and to have a real time picture of organised crime at the European level, connecting the information inside the EU and with those Third Countries which form part of the routes of the networks. The model has been taken from the TREVI methodology on drug trafficking and imported into Europol with minor modifications, as the responsible were analysts, but the goal has been to develop on the European level what the Bundeskriminalamt (BKA) has done in Germany in relation to the Länder. It is not by coincidence that the two former directors of Europol came from the BKA. This idea of a strategic planning by analysts concurring to the effectiveness of police on the ground has been coined in a more Anglo-American terminology “intelligence led policing”, even if most of the Germans responsible consider that they are not doing what their British counterpart of the National Criminal Intelligence Service (NCIS) and then Serious and Organised Crime Agency (SOCA) were doing. Intelligence here means developing data gathering, including and integrating covert and open sources, personal and non-personal information, to rely on an expert system (software or group of experts) in order to discover patterns of behaviour of a special group, from whose past behaviour, future steps can be deduced. It pushes towards methods of intelligence policing more than detective and criminal justice policing. The model is oriented towards the present and the future actions committed by suspects more than the discovery of past events and the conviction of criminals. For the model to work, the patterns need to be stable in space and time, the groups need to be organised and stable in terms of persons involved and to be easily identified through one or two main
characteristics (for example nationality or ethnicity). If these conditions are not met, the accuracy of the prediction is diminished. But if the accuracy is diminished, because it does not reach the specificities useful for national police or because it is always repeating the same patterns, the relevance of the institution itself is at risk. Europol insists on the quality of its reports, their effectiveness in helping national police and leading to convictions which would not have been possible otherwise, insisting that they are always enlarging and deepening their knowledge and accuracy. The new director of Europol has developed means of communication in order to convince about the success of its reports. He has introduced new features in the Europol organisation (which replicate those in SOCA), placing greater emphasis on communication, advertisement, and what he considers as transparency because it is more diffused.

- **Scepticism concerning Organised Crime Threat Assessment (OCTA) methods**

Beyond the self assessment of Europol concerning its own work, and beyond an impact assessment done mainly in terms of proper management style and accountability, but not in terms of quality of knowledge production, it seems that scepticism exists in police circles who are the first users of this data; in policy making groups, which have the view that the reports are not innovative and look too much like copy and paste of previous reports (because they repeat the same patterns); and in academic circles, who are asking for openness and more transparency concerning the methodology used to reach the results. These are then visualised through maps whose accuracy is not much better than the ones used by journalists, and that are far from what geographers and sociologists would expect from a map (See annexes in section 5).

On the whole, academic criminologists in Europe and in the UN circles are highly critical of Europol Organised Crime Threat Assessment (OCTA) methods and findings. They consider that they assume more than they demonstrate the preconditions for their model to work. They assume that organisations exist, that they are permanent, that they have stable links between them and that they do not change in terms of space and time. In brief, their model may work for an old style mafia type form of crime, but is not relevant for most of what constitutes serious forms of crime.

Among many Van Duyne and Vander Beken say “current European organised crime (threat) assessments are not reliable and relevant instruments to make meaningful statements about organised crime” (2009, p. 261) because they do not map it properly. In addition others have discussed the inappropriateness of reports when it concerns volatile and disorganised forms of crime in financial, in cyber crime and in other forms of crime and they consider that it is one of the causes of the reduction of serious crimes to drug trafficking of mafia type in OCTA reasoning (see section 1).

Klerks (2007) remarks on the Dutch system of organised crime threat assessment also apply to OCTAs reports: it should be conceded that the final synthesis remains to some extent a matter of interactive subjectivity and professional debate among the researchers involved, rather than a formal, explicit and ridged evaluative methodological process. The task of synthesizing so many reports on a wide range of issues and with varying levels of detail still appears to be very hard to capture in a feasible methodological approach. Added to this comes the challenge of having to weigh the seriousness of organized crime’s societal consequences on a number of aspects and on a strategic level (p. 97). Remarking on Europol’s contributions to organised crime threat assessment – “supposedly the apex of organized crime analysis in Europe” (p. 98) – Klerks, goes on to say that “the rather
superficial character of OCTA’s public version withholds most of the analytical meat ... avoids all analytical depth and lacks any reference to sources“ (p. 98). In our annex we have a less stern judgement on OCTA, but it follows nevertheless the judgement of Kleks that, at least, the methodology, sources, and precise methods of visualisation for mapping need to be explained in more details. While acknowledging the sensitivity of the data used to make these threat assessments, Klerks suggests that: “Europol should be challenged to make better use of the wealth of information available to its analysts, when producing public strategic assessments” (p. 98). The origins of the data content may be confidential. However, the lack of transparency about the used statistical methods and analysis shouldn’t be. Similar attempts to gather information on the methodology used have been undertaken in another note on internal security strategy, and the involved researchers did not succeed either to have proper answers about the process.\(^3\)

Commenting on the history of EU Organised Crime Situation Reports (ORCS) – produced from 1994 until they were replaced by the Organised Crime Threat Assessments (OCTA) in 2006 – Edwards and Levi remark that it “provides an insightful archive on development in the official conceptualization of organised crime” (2008, p. 370), but they are sceptical that such documents provide the necessary insights as to practical policy responses to reduce the phenomena. Citing Van Duyne and van der Beken, they argue that these documents confuse elements of threat assessment, impact and vulnerability in the analysis and point to contradictions. They go on to argue that the “central point remains, it is the actor-centred framing of the problem in terms of OC groups’ that produces such contradictory outcomes for both analysis and policy development“ (p. 373). The framing of the issue matters and the exclusion of other kinds of expertise and experience that can enhance the analytical rigour for studying the problem of organised crime systematically distorts the policy process.

This overdependence on insider knowledge and police sector data is a problem. It confirms Ericson’s and Haggerty’s (1997) general observation about police communications formats, that they set police up to “claim to broker consciousness and social existence, defining what should be taken as objective reality with respect to risks“ (p. 430).

These critiques are everything but new. Nevertheless they are always dismissed, even if they have been developed as soon as 1993 at the first international conference of its kind in the United Kingdom, hosted by the then relatively new (and now defunct) UK National Criminal Intelligence Service (NCIS) (OICJ, 1993). Among the participants, Shepticky and Gregory warned about the methodology and its limits. We have to ask why the group thinking of the network of multiple national polices is so strong? Maybe it is because of their diversity of nationalities. They think they are open, even if they all share the same professional views of the world and form a “guild” of professionals (Bigo 2010). In addition, when they make an effort of openness, it seems that the different police services only choose as analysts the ones who already accept their own methods and logics. Moreover, the different police services are ready to receive critiques about results, but not methods and ways to frame the problems.

2.3. Alternative methodological thinking about organised crime threat assessment techniques

Criminologists have not simply criticised OCTA reports, they have also proposed alternatives. In 2000, a group of academic criminologists based in Belgium attempted to develop a risk-based methodology for measuring the phenomenon of serious crime that, in many respects, has not been improved (De Ruyver, et al, 2000). One of the virtues of the approach put forward by this team was the willingness to go beyond strict law enforcement-based data sources. The model propounded attempted to combine cognisance of a variety of factors. In addition to the traditional preoccupation with identifying and counting OC ‘groups’ and the nature and scope of ‘illicit markets’, the approach adopted in this scheme also attempted to bring into focus an emphasis on different economic systems (the grey, the black, and the legitimate economy), as well as an understanding of the complex effects of their interaction in geographical terms. The analysis showed the potential to move OCTAs away from the entrenched paradigm. Had such new thinking been extended within the professional grouping undertaking large-scale threat assessments (and had that professional group be extended beyond the narrow world of law enforcement to include other well-informed experts in academia and elsewhere), it is even possible that this methodology could have been extended to the entire range of organised criminality identified in von Lampe’s typology.

If this approach seems too innovative, it is at least possible for the EU to learn from the Royal Canadian Mounted Police’s Sleipnir methods, which have taken a first step in this direction. The RCMP’s Sleipnir method, widely acknowledged in professional policing circles, has been considered as a highly innovative attempt at organised crime threat assessment, even if it is not exempt from criticism either (Sheptycki, 2003).

For example OCTAs work on the basis of the circulation of (more or less) standardized questionnaires among strategically placed individuals within the police sector (crime analysts, counter-organised crime tactical team leaders, and other specialists) who return completed forms to a central point for strategic evaluation and analysis (Klerks, 2007). Such questionnaires are designed to elicit and develop individual responses to the problems posed and reflect an elaborately organized, mediated, but nevertheless collective ‘group thinking’ process.

But close up scrutiny of this method showed that it tended to focus on the already high profile and spectacular kinds of organised criminality, particularly when it involved criminal gangs and an element of violence. White-collar crimes, crimes against the environment and other crimes that may be ‘organized’ but which do not conform to this picture of organised crime are less likely to be captured as a result by this methodology. Despite being well known in police circles, they nevertheless follow the old patterns of information gathering and do not discuss their biases. If the notion of “social harm” of each kind of serious crime has to become a central feature for evaluation, then it is important to take into account all the different forms of serious crime and not only the ones generating spectacular violence or the ones who have more stable patterns and are then easier to describe. The limitations of the methodology chosen cannot be an excuse to redefine the seriousness of crime along these limitations. In terms of social harm, serious crimes are primarily environmental crime and financial crime. This also seems to be the case of some forms of cyber crime – at least potentially (CEPOL discussions).

If the suggestion to analyse serious crime through social harm is taken into consideration, is it only possible to measure harm by quantifying the various phenomena in terms of
financial indicators? UN and Canadian methods have tried that. Based on these monetary quantifications of ‘impact’ these documents categorised OC activities in terms of three levels. At the high end were such things as drug trafficking, various forms of fraud (including benefit fraud), and intellectual property theft. In the middle range were illegal immigration, art and antiques theft, vehicle and plant theft and paedophilia. At the low end was a long list of items including armed robbery, arms trafficking, hooliganism, kidnapping and extortion. But close critical examination of this ranking scheme reveals the difficulty of quantified expected social harm (Sheptycki, 2008). Social science cannot be reduced to accountancy and economics. Ericson has considered social harm as a social distribution of bad in a society; as such, finding a definition is a highly politicised process. It cannot be a financial exercise. The discussions at the European Parliament may help to frame the problem and to limit group thinking by insisting on a democratic control of the objectives, definitions and methodologies at work, which will not undermine the data confidentiality of the organisation.

A detailed analysis of the 2009 and 2011 Europol OCTAs is available in section 5 and may be read in relation to this discussion about the merits and limits of the methodology used.

2.4. Civil Liberties and Policy Implications

- Situational crime prevention, structural prevention and civil liberties.

Situational crime prevention advice has been recently adopted as part of the lexicon of counter organised crime (Ekblom, 2003; Felson, 2006). It may appear as an effort to deal with the measurement of social harm, but it is quite different. Situational crime prevention posits a ‘crime triangle’ of relationships between motivated offenders, targets and (in)capable guardians. For example, the UK Serious and Organised Crime Agency (SOCA) was “badged overly as a harm reduction rather than (just) a law enforcement body” (Edwards and Levi, p. 381). This gave rise to “a whole set of cradle-to-grave monitoring powers such as financial monitoring orders, which can require released offenders to make annual reports of their income, lying about which can itself trigger sanctions. Under the Serious Crime Act 2007, SOCA can apply to the court for Serious Crime Prevention Order to stop suspects from owning more than one mobile phone, going to particular places or running particular businesses.”

“These are”, Edwards and Levi remark dryly, “fairly severe restrictions on freedom” (p. 381), but they are reflective of the situational crime prevention logic as it is applied to organised crime. They are also in line with the evolution of the European policing sector over the last twenty years. As policing has become more focused on organised and serious crime (together with other ‘high end’ security concerns, e.g. terrorism), generalist policing has been eroded (Sheptycki, 2007). The logic of ‘intense supervision’ is central to the incorporation of ‘crime prevention thinking’ into this policy area and this runs in tandem with other forms of surveillance practiced under the rubric of intelligence-led policing. As Felson puts it in his advice on adapting crime prevention logic to the menu of counter-organised crime tactics: “In general, a crime is unlikely if a handler is supervising the likely offender, a guardian is watching the target, and a manager keeps track of the place” (2006, p. 81). The negative implications for civil liberties of the drift towards more intensive policing are justified on the grounds of the kinds of knowledge produced in OCTAs and other similar strategic threat assessments coming from the police sector, but if crime prevention means something, it is when crime prevention is not related only with the individual, but also with the social structures that permit the development of crime.
 ➢ **OCTAs reports indicate a lack of concern for the socio-structural features that facilitate the development of crimes**

The focus in OCTAs on organized crime groups or networks, with traditional law enforcement or even with intelligence led policing and situational prevention ends and means as the guiding principles, leads to a lack of concern for the social-structural features that facilitate the development of other forms of serious crimes (environmental, financial, corruption), and even to such phenomena like drug trafficking and human trafficking.

All serious crimes are dependent on macro socio-structural features.

The requirement that OCTAs seek to provide a more thorough understanding of social-structural conditions that enable organized crime has the objective of providing an informed understanding of how such crimes are constituted.

 ➢ **The need for general governance capacity building in areas as diverse as education, health and welfare**

The policy implications of such observations indicate the need for general governance capacity building in areas as diverse as education, health and welfare. Policing policy within this frame would shift attention away from an exclusive concern with ‘high end’ policing and back towards the capacity for ‘full spectrum policing’ implying better communication between specialised squads and local policemen. But it will also imply connections with local cities, regions and other administrations than ministries of interior. In drug policy for instance the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) has managed to include a wider perspective than a purely police one, even when the main question is the fight against drugs related crime. Relations of EMCDDA exist with Europol and Eurojust, but they have not been invited as far as we know to OCTAs. It is certainly complicated to link local activities and European activities, as it always takes another dimension in Europe, where the European organisations themselves are not directly connected with their local counterpart organisations and often pass through national hubs to join them, as is the case in policing. But it is not impossible at all. For example, if some reports like the new SOCTA associate a larger group of participants, in a deeper analysis, and maybe with a different timing, it will help Europol and OCTAs report in general to gain legitimacy and efficiency. As far as models are concerned, Europol should be given more time to produce its reports, possibly one every four years. The reports would comprise expert opinions beyond the police forces, including doctors, sociologists or ethnologists, to avoid the tropism that characterises the work of specialised police units.

Without general governance, policing alone, may occasionally be counter-productive. For example, a growing body of research indicates that law enforcement activity targeted at the retail and end user of the illicit drugs market has substantial potential to produce harmful health and social impacts, including disrupting the provision of health care to injection drug users (IDU), increasing risk behaviour associated with infectious disease transmission and overdose, and exposing previously unaffected communities to the harms associated with illicit drug use (Kerr et al, 2005). Other negative outcomes include the increased frequency of associated fraud (because of destabilization of trust within the market) and therefore violence. Such outcomes should be read as outweighing supposed positive impacts of law enforcement deterrence based prevention, which in any case are achieved at significant public expense. Public health provides an alternative paradigm to this police-centric model for managing heroin problems and detailed evaluation studies have shown it to be very effective. The dominance of the law enforcement paradigm with
respect to the governance of domestic heroin issues was radically undermined by the Swiss heroin maintenance experiments in the 1990s (National Families in Action, 1999; Ribeaud, 2004). There are many examples from around the world where public health perspectives, harm reduction thinking, crime prevention, and regulatory strategies have been reconfigured to provide an alternative to the dominant law enforcement paradigm (e.g. Bouloukos, et al. 2003). Many of these have been the focus of the EMCDDA work in the last years. These innovative ways of thinking extend beyond drug markets and, theoretically, could be adapted to thinking about organised crime prevention as well.

Contrary to the prominent view that organized crime is an enemy external to society, recent research has shown that it emerges in conditions of unstable, poorly regulated or underground market economies, where there is a lack of legal structure that can reliably protect property rights or settle business disputes and where there is a supply of people trained in violence who are otherwise unemployed in socially useful activities. The habits and beliefs enculturated within social structures go from top to bottom. Policy makers concerned to reduce the effects of organized crime within the European Union and on its periphery need to look back into European history for lessons in the civilizing process (Elias, 1969) and then look for ways to generalize such processes more globally.

3. RECOMMENDATIONS

- In view of these conclusions, it appears that Europol, with the publication of its OCTA reports, has a serious problem of positioning.

By trying to live up to political and media expectations in order to gain recognition while being aware of the limits of its activities, Europol is losing in local credibility, in a way similar to what SOCA is currently experiencing in Great Britain. In both cases, what is being questioned is the pertinence of an intelligence-led policing model. Such a model can only function with strong information returns from the field, which in turn allow for a sophisticated analysis of accurate and real data. If this model is degraded, it loses its pertinence, especially if the bottom-up logic is replaced by a top-down logic.

The note recommends drawing inspiration from other typologies and other models to solve these difficulties. Full spectrum policing combining the three levels of struggle against serious crime is one of them. One of the most prominent alternatives is that developed by Commander Sleipnir of the Royal Canadian Mounted Police, which emphasises the difference between types of serious crimes and insists on the importance of fighting white-collar crime as well as environment crime. These criminal modalities are not easily detected through current serious crime indicators, despite the fact that they are the costliest to society as a whole and that they are also the most difficult to fight only through policing. Nevertheless, considering their central importance, it can be done by a coordinated approach to police action, integrating these crimes in their agenda, if it is combined with local public policies and European recommendations and actions.

Here the European Union would clearly have an advantage, because of its structure in which agencies in charge do not rely on a single national political system. Europol could account for these activities without increasing its overall level of intervention.
International organised crime in the European Union

As far as models are concerned, Europol should be given more time to produce its reports, possibly one every four years. Such a report would however be extremely detailed, in order to avoid the amalgams and biases we have identified.

Yearly reports should focus on a specific domain in order to bring added value. They should start with serious forms of crime that have been marginalised until then (environmental crime, white-collar criminality). In order for these reports to be consistent, the scope of the information and of the expert opinions gathered should be widened to avoid the development of routines and the shaping of a path dependency over time.

Such reports should not focus exclusively on those police services that are specialised in the fight against organised crime or drugs. Participation should be widened to include the police services of major cities and key financial centres. Local credibility would thus be enhanced through detailed examples. The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), located in Portugal, has used such a methodology. The reports would comprise expert opinions beyond the police forces, whether from doctors, sociologists or ethnologists, to avoid the tropism that characterises the work of specialised police units. The contribution of political and economic personalities in the analysis panels organised for the report would also be central, in order to provide a general overview of international financial mechanisms within which organised crime is inserted, and consider alternative responses beyond law-enforcement.

This could possibly be envisaged in the framework of the “Harmony” project discussed within the Standing Committee on Operational Cooperation on Internal Security (COSI) – the condition being that this committee would be open to a larger number of participants in order to reinforce its general coherence and in-depth expertise. For the time being, the Harmony project is indeed too managerial and somewhat limited to interactions among a reduced number of groups sharing the same views.

The European Parliament is co-legislator and shares the budgetary authority in this domain. However, it never appears in the consultation process foreseen by Harmony. Why is that? It could, as a matter of fact, provide an alternative view in these areas by contributing to the quality of Europol reports, for example. The participation of representatives appointed by the LIBE Committee could be envisaged for this purpose. Such a representative would be tasked with providing a broader view, taking into account the level of general legislation and its effects, which specialised agencies and bodies are maybe unable to incorporate fully. In addition, the chair of COSI should be asked to present and explain to the Parliament his views on relations between the different agencies and their progress in that area, as well as on the specific responsibility of COSI in the follow-up to the Harmony project.

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4 This point is partly consistent with the research conducted by Madalina Busuioc and Deirdre Curtin for the European Parliament (Busuioc and Curtin, 2011) and the research undertaken by Amandine Scherrer, Julien Jeandesboz and Emmanuel-Pierre Guittet and (forthcoming note on Internal Security Strategy), which, through in-depth interviews, is more critical on the “common” methodology which is a top-down and preventive methodology that excludes some actors to consult. This note is also complementary to the research undertaken by Valsamis Mitsilegas which details “The Council Framework Decision on the Fight against Organised Crime and what can be done to strengthen EU legislation in this field”, note commissioned by the European Parliament (PE453.195).
4. REFERENCES


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5. ANNEXES

5.1. Analysis of the 2009 and 2011 Europol OCTAs

Under the heading of Europol OCTA, European and third countries’ agencies are contributing to the threat assessment\(^5\). Of importance is the introduction in 2010 of the Organised Crime-Scanning Analysis and Notification (OC-SCAN) Threat notices within the OCTA process. Located at Europol, the Scan Team –which through these notices contributes to the OCTA as well – bases its findings on reports provided by a variety of actors\(^6\) about future emerging threats resulting from environmental scanning\(^7\).

This has an impact on the understanding of organised crime as a ‘global’ phenomenon. Every agency has its particular reading of criminal activities according to its logic, classificatory schemes, and proper perspective in terms of forecasting future phenomenon. Similarly, every agency has an interest to define more or less broadly the boundaries of the organised crime network.

Organised Crime Groups (OCG) are tagged according to nationality/ethnicity-based features and their geographical location. For instance, if hubs are depicted mainly through a rhetoric based on a geographical language, it is combined with another discourse focused on the limitless of their effects. The North West criminal hub’s impact is European based but it is influenced by a Middle East feeder as well. It is simultaneously a localised and wider phenomenon. OCGs understood as having an impact on local societies are nonetheless labelled as ‘European’ threats, despite any indications as to their operation sites.

Even though OCGs seem to be categorised, the several typologies are easily merged.

- The common assumption that follows is a global crime threat, but created with the juxtaposition of threats that are not necessarily global. As a result, there is continuity between street level, local, regional, European, international, and global criminal activities. Terminologies play a central role indeed, in that they are used successively. Drug trafficking is both a ‘transnational crime’ and an ‘international’ threat whereas fraud is a ‘worldwide problem’.

Most of criminal activities are understood as bound to one another, notably due to the “bridging groups”, be they European or not; or to the interchange between the criminal hubs.

- The 2011 report emphasises the ‘cooperation’ among groups that challenges the national and ethnic boundaries, the ‘diversification’ of criminal activities, the ‘transnational trafficking routes’, and the ‘transnational criminal networks’.

That creates a ‘scale effect’, further strengthened with the association of several features: for instance, western criminal hubs are linked with non EU-based OGCs and with groups

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\(^5\) Apart from Europol, European agencies encompasses Eurojust, Frontex, Olaf, the European Central Bank, the European Monitoring Centre for Drugs and Drug Addiction and the Southeast European Cooperative Initiative Regional Centre for Combating Trans-Border Crime. On the international level, Interpol and law enforcement agencies from third countries ranging from the United States to Canada, Colombia and Norway are participating as well.

\(^6\) Namely liaison officers based at Europol and the agency’s staff, national authorities, ‘experts’ from the public and private sector and eventually the agency’s worldwide network.

diverting law enforcement attention. Equally, groups involved in activities ranging from money laundering to drug trafficking are participating in environmental crime too. This effect is also sustained by a double discourse: if one threat decreases, another one is automatically increasing. The ‘real’ OCG are a trampling for the virtual OCG and vice versa.

Moreover, the strategy consists in combining criminal activities with targeted ethnic groups and communities. Again, this is supported by a diversified terminology.

- Throughout the OCTAs, the main focus is on ‘ethnic Albanian criminals’. The emphasis is still there in the 2011 report but under a new label, ‘Albanian speaking’ groups, portrayed as the most dangerous of criminals’ categories: they are ‘poly-drug’ and ‘poly-criminal’, using ‘extreme violence’.

Another rapprochement is made with diaspora, immigrant or minority communities: for instance, the North West Criminal hub plays a centre role in terms of heroin trafficking because of the Turkish diaspora community whereas there is an assumption that Roma communities are the source of organised crime groups.

- Surprisingly, criminal groups are unidentified in that any of their names is provided. The tendency to associate un-named organised crime groups with the geographical location of minorities groups brings about the danger to stigmatise minority groups – namely the first victims of criminal activities.

In general, there is a game on the boundaries between origin, nationality, and ethnicity; and on the geographical frontiers too. ‘Criminals of west African origin’ is used alternatively with ‘west African groups of EU nationals’. In the context of cannabis trafficking in the North West hub, some groups are made of ‘mixed Dutch and local nationalities’. Equally, the EU OCGs are considered as ‘Europeans’ because of their geographical location (EU western regions) but they are constituted by individuals of Moroccan origin. What does Europol determine as of “Moroccan origin”? What’s the difference with ‘indigenous criminal groups’?

- Drawing findings on ethno-geographical categories demonstrates a clear contradiction with the anti-discrimination directives defended and adopted since. Great caution should be attached as to the typology of crime, since amalgams and undue stigmatisation may lead to friction in diplomatic relations.

In parallel to ethnic-based organised crime groups, there are ‘multi-national’ groups operating in several countries, in which EU citizens are taking part in non-EU groups. EU citizen embody a category of ‘potential’ criminals but which remains on the frontier between criminals/non criminals. This blurred boundary applies equally to ‘elderly citizens’ or ‘vulnerable’ individuals whose domestic harvest of cannabis make them more close to criminal groups. A strong emphasis on the ‘victims’ of criminal groups – as would-be criminals - is equally underlined. Other criminogenic individuals are ‘alienated people’ from ‘mainstream society’ caught up with criminal groups or ‘non-integrated’ immigrants in the EU exploited by these same groups.

- Who is considered as criminal and as organised crime group then?

This question is more than relevant since it is applied to the last correlation with terrorism. If the 2009 OCTA doesn’t associate criminal activities with terrorism - the introduction states that the report “does not cover terrorism or terrorist networks” despite one tiny
occurrence tough – there is clearly a shift in the 2011 report. Criminal activities are understood as a source of financing for terrorist groups: for instance, the connection is made between cocaine trafficking in the Sahel region and Al Qaeda in the Islamic Maghreb (AQIM). The second focus is on illegal immigration, under two perspectives: the routes for illegal immigration are a means for terrorist activities to reach the EU; immigrant’s countries are linked with the related ‘Islamist’ terrorist groups such as those in Somalia, Iraq or Pakistan. Furthermore, ‘terrorist’ groups are put together with ‘rebel’ groups or ‘national liberation forces’, with an emphasis not only on AQIM but on Hezbollah or the Somali Al-Shabaad movement as well.

- A very broad and all-encompassing picture about the threats is depicted, and is later justified with arguments that serve to sustain the credibility of the Europol discourse, notably the weakness of immigration laws, the inconsistencies of the Schengen visa policy or the freedom of movement.

All in all, there is an alarmist discourse with an asymmetry – and paucity – of figures provided according to the category of crime discussed. Indeed, if drug trafficking, fraud and smuggling are the exclusive categories sustained with data8, only one figure in relation to illegal immigration is published: the increase by over 500% from 2009 to 2010 of illicit entries of migrants to Greece from Turkey. In general, almost every criminal group is considered as playing a ‘key role’ in a given activity. However, are they all as threatening as they are claimed to be, especially in the quasi absence of statistics?

- The quasi-absence of data may be the indicator of a stronger tendency to rely on a forecasting logic that the Scanning notices support.

### 5.2. Critical assessment of organised crime cartographies

Visual representations of criminal activities are often attached to official reports dealing with organised crime. This section provides a critical assessment of five selected maps, drawn from Europol’s Organised Crime Threat Assessments (2011 and 2008), EMCDDA-Europol Joint Publications on Methamphetamine (2009), an UNODC report on transnational organised crime in the West African region (2005) and eventually a map on the flow of transnational crime published in Wired magazine (2011).9

Generally, maps depicting organised crime suffer from an inaccuracy in terms of scale and of methodology. In this respect, the map drawn from Wired Magazine is an interesting instance. As we can see, despite distinct colours to differentiate ‘female trafficking’ from ‘piracy’, the scale of transnational crime activities is one and the same (arrows have the same thickness) and the simplicity of the depiction, namely the absence of details (data, caption) and of a rigorous account that would otherwise open to a critical reading naturalise criminal activities and suggest that criminal activities are organised and speaking for themselves.

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8 Only thirteen entries (percentage or figure) are published throughout the 2009 and 2011 OCTA reports.

The maps produced in this way have multiplied over time, and, given their “simplicity”, have been used as evidence of criminal activities by some journalists and political actors, who demanded from police services that they find the roots and “routes” of organised crime. To a certain extent, police forces have been compelled to follow the logic of journalists, and have become the followers instead of the leaders in the knowledge of OC.

Reflecting this, OCTA’s maps that draw the ‘routes’ of organised crime were attached for the first time in 2008. According to the 2011 document, hubs are said to be ‘concentrations of criminal logistics’, fed with the flows from various sources and whose effects spread over the continent. They are identified according to several criterions – for instance whether they are close to destination markets, the presence of criminal groups and other factors – put together, in a jumble fashion, and represented with circles accordingly. Also known as ‘centres of gravity’ hubs are located arbitrarily on the map, in the absence of geographical accuracy, detailed content and related caption.

As we can see, the note that is attached to the map states that the radii are “approximate” and do not indicate precise cities/regions of criminal activity (p.38).
In the absence of details as to the units of measurement and criteria about the colours, how can we explain the changing circumferences and different colour types of the circles?

The issue of the visual representation of organised crime is equally observable in maps attached in the 2008 OCTA report. The main impression that emerges is a world subjected to globalised routes of crime in a scaled down frame. It is not a classical representation of the world; it is devoid of its countries, frontiers and oceans and crossed by extended arrows – some of them are even outside the frame. Explanations as to what the arrows precisely represent are not provided: are they indicating the provenance, the substance of the flows or both? They have the same colour and thickness, regardless of the hubs being considered and the time frame. The lack of proportionality is equally observable in the EMCDDA-Europol map on methamphetamine: circles depicting the seizure are the same; there is no relation between the amount seized and the related circle size.

- As a result, the key point here is an issue of scale and the likelihood that so-called depiction of organised crime is random and unreliable.

In the same vein, maps lack methodological accuracy. Consider the terminology used in the notes attached to them: for instance, the 2008 OCTA map do not designate “precise” routes but instead “factors” giving birth to the criminal hubs (p.43). In other words, the

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1 Please note, centres of gravity as identified by the radii on the map are approximate and do not designate cities or regions of prolific criminal activity.
arrows could also be understood as the combination of factors ranging from drugs trafficking, to tax fraud, and illegal immigration. Similarly, the EMCDDA-Europol map on methamphetamine attempts to indicate both the drug seizures and the trafficking flow. As the note says, arrows representing the flows are “indicative”, and not a precise account of the described phenomenon (p.20).

The lack of accuracy in the maps caption calls into question the methodology that is being used. For instance, the UNODC map showing selected routes of transnational organised crime in the West African region underlines that it provides ‘some indication’ of the phenomenon being presented. Even though there are different colours for every pattern, explanations are nonetheless approximate. Therefore, on which basis are the ‘selected’ routes being selected?

- Crime is overrepresented in these depictions, which induce reactions akin to those involved in confronting a quasi-military threat. Despite these representations in terms of strategic coordination and invasion plan, criminal actors are far from having the capacities attributed to foreign armies. The lack of scientific consistency and precision raises the question of the necessity of these maps.

The instance of the OCTA reports’ maps is telling. From one year to the other, there is no typological continuity in the maps presented: as we can see with the map below, every OCTA report brings a new and distinct map –or no map at all in some cases.

![Map of OCTA reports](image)

Source: EU Organised Crime Threat Assessment OCTA 2008, European Police Office, p. 43

How can we evaluate their viability, and therefore their credibility to depict faithfully organised crime?

- Serious organised crime in Europe is more disorganised than organised, which explains that experts cannot agree on a precise definition of organised crime, or on the added value of a traditional mapping of such activities, which is incapable of showing the extent to which they are unstable and temporary, despite it being serious.

Eventually, the reader doesn’t have a precise visual idea about what organised crime is. Indeed, maps do not apply the basic rules used by geographers – the utility of incomplete
caption is highly questionable - and the absence of rigorous methodology leads to confusion.

Identifying routes of organised crime, ‘nodes of attraction’, or ‘centre of gravity’ doesn’t make any sense since criminal transactions are rather local than international, disorganised than organised, and enjoy the support of legal enterprises.

Such maps have more to do with a mobilisation campaign against drugs or the mafias than with a detailed and nuanced overview of criminal activities.

Additional maps:

![Seized methamphetamine production facilities in 2008 and main trafficking flows](image)

*Note: Trafficking flows represented on the map are an attempt to synthesise the analysis of data reported to Europol by Member States of the European Union. Such analyses are based mainly on information related to drug seizures along the trafficking routes, but also on other information mostly from law enforcement. The trafficking routes represented on the map should be considered as indicative rather than accurate descriptions of the main flows.*

*Source: EMCDDA-Europol Joint Publications – Methamphetamine A European Union perspective in the global context; Office for official publications of the European Communities (Luxembourg) 2009; p.20*
Role
Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

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- Constitutional Affairs
- Justice, Freedom and Security
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