

STUDY

Requested by the LIBE committee



Organised Property Crime in the EU



Policy Department for Citizens' Rights and Constitutional Affairs
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Abstract

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), aims to provide information on Organised Property Crime in the EU, by offering a strategic discussion on the Union policies on this topic and highlighting key recommendations for future action. The study proposes a holistic approach to the problem, adding new elements to existing measures.

This document was requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs

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LIST OF ABBREVIATIONS

ATM	Automatic Teller Machine
COSI	Standing Committee on Operational Cooperation on Internal Security
CPTED	Crime Prevention Through Environmental Design
EMPACT	European Multidisciplinary Platform Against Criminal Threats
EJN	European Judicial Network
FD	Framework Decision
ISF	Internal Security Fund
JAD	Joint Action Day
MASP	Multi-Annual Action Plan
MOCG	Mobile organised criminal group
MS	Member States
NEP	National EMPACT Coordinator
OAP	Operational Action Plan
OC	Organised Crime
OCG	Organised criminal group
OCTA	Organised Crime Threat Assessment
OPC	Organised Property Crime
SCP	Situational Crime Prevention
SOCTA	Serious and Organised Crime Threat Assessment
SPECTRE	Struggling against and Pursuing Experienced Criminal Teams Roaming in Europe

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EXECUTIVE SUMMARY

The problem

Organised Property Crime is a complex criminal phenomenon that contributes to a feeling of insecurity amongst European citizens¹. Crimes included in this broad category are continuously changing in terms of organisation, targets, *modi operandi*, and perpetrators. This variety places Organised Property Crime in a *spectrum* ranging from the most serious forms of crime committed by established organised criminal groups to petty criminality. A legal definition does not exist. In 2011 Europol created the label of Mobile Organised Criminal Groups (MOCGs) for strategic purposes, in order to collect and organise information coming from MS. This is an ongoing yet promising process that clusters different variables under the same label. If further advanced, this process **could provide the 'input' of improved data collection and information organisation among MS. It could also provide the 'output' of higher quality data and information related to both the scale of Organised Property Crime in Europe, and how this phenomenon has changed and developed over time.** Long-term, this process could lead to the adoption of a shared legal definition of OPC among MS and facilitate international investigative and judicial cooperation in tackling this form of crime.

Characteristics

The OCTA (Organised Crime Threat Assessment) 2011 (Europol, 2011, p.8), made the issue of “Mobile Organised Crime Groups” a priority in EU Policy Cycle, establishing a common understanding of the phenomenon within the EU. The following are some of the characteristics of this common understanding.

High degree of mobility

For maximizing cross border opportunities and reducing the risks of investigation and prosecution in a given national justice system. The choice for a new location is usually influenced by the presence of stable contacts, friends or family.

Different group structures

At EU level 3 types of MOCGs were distinguished²:

1. The hierarchical structured MOCGs, characterised by internal systems of control and discipline, e.g. groups under control of the thieves in law
2. Familial or clan based MOCGs
3. Loose and fluid networks of individuals coming together around a criminal project.

Prevalence of offenders of Eastern European Origin

The Eastern European origins of these groups are usually underlined. This is commonly true, but many groups include a mix of nationalities. Generally, there is one dominant nationality, supported by members of other nationalities.

¹ As highlighted in the Europol webpage on Organised Property Crime: <https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/organised-property-crime>.

² These categories were identified by a Europol Expert during an interview on the 19th May 2020.

Activities

Among the many activities OPC is involved in, the following are the most relevant:

- Residential Burglary and Robbery
- Organised shoplifting
- Cargo Crime
- ATM Attacks

Covid-19 Implications

Europol (2020, p. 3) reports that, due to the recent explosion of the Covid-19 Pandemic, the following implications with reference to OPC can be observed:

- The level of criminal activities has diminished during the crisis because of the closure of borders and the restrictive measures imposed to the EU citizens. Now it is expected to further increase from the pre-crisis level because of the social and economic uncertainty.
- Various types of schemes. This includes the well-known 'nephew' or 'grandchild' trick, and scams involving the impersonation of representatives of public authorities.
- Commercial premises and medical facilities are expected to be increasingly targeted for organised burglaries.
- Many MS have reported an example of "faking and entering" strategy for theft: perpetrators access private houses impersonating medical staff providing information material, hygiene products, conducting fake tests for the virus.

Policies at EU level

Since the first EU Policy Cycle in 2010, the EU has actively reacted to OPC. In the same year, the Council of the European Union addressed the problem in its *Conclusions on the fight against crimes committed by mobile (itinerant) criminal groups* (Council of the European Union, 2010) which:

1. Encouraged the development of an administrative approach to tackle Organised Property Crime committed by mobile criminal groups as a complement to prevention, police and judicial work.
2. Encouraged police and judicial investigations with an international dimension.
3. Invited relevant stakeholders to make full use of the existing European instruments and tools for the exchange of information.
4. Encouraged international cooperation on a judicial level by implementing and using the existing EU legal framework, especially the Council Framework Decision 2006/783/JHA of 6 October 2006, on the application of the principle of mutual recognition to confiscation orders, and the Council Framework Decision 2008/909/JHA of 27 November 2008, on the application of the principle of mutual recognition to judgments in criminal matters, imposing custodial sentences or measures involving the deprivation of liberty for the purpose of their enforcement in the European Union (Council of the European Union, 2010a, p. 3).

In 2016, the Council adopted the *Conclusions on preventing Organised Domestic Burglary* (Council of the European Union, 2016, p. 4), stressing the need for:

- The further improvement of the strategic-political dialogue and operational coordination between the Member States and the bodies and relevant agencies of the European Union (in particular Europol and Eurojust).
- The optimal use of resources and respect for official channels used for exchanging information.
- The application a more multidisciplinary approach to tackle this threat, which not only includes measures to improve law enforcement but also ideas for strengthening burglary prevention, including taking administrative measures to supplement actions under criminal law.

OPC has been confirmed as an EU crime priority in the current 2nd EU Policy Cycle, launched in 2017.

Conclusions and Recommendations

In evaluating which of the policies addressed have been implemented, this paper draws some conclusions and points out some recommendations suggesting:

- To apply a more holistic approach to OPC
- To modify the legal framework
- To modify the policy framework
- To develop situational prevention measures in all MS

Key messages

- Organised Property Crime is a complex criminal phenomenon that contributes to a feeling of insecurity amongst European citizens. For this reason, since 2010, it has been a priority of the EU Policy Cycle.
- Crimes included in this broad category are continuously changing in terms of organisation, targets, *modi operandi*, and perpetrators. This variation places OPC in a *spectrum* ranging from the most serious forms of crime committed by established OC groups to petty crimes.
- A legal definition does not currently exist. In 2011 Europol created the label of Mobile Organised Criminal Groups (MOCGs) for strategic purposes, collecting and organising information coming from MS. It is an ongoing, promising process that clusters different variables under the same label. **If further advanced, this process could provide the 'input' of improved data collection and information organisation. It could also provide the 'output' of higher quality data and information related to both the scale of OPC in Europe.** Long-term, this process could lead to the adoption of a shared legal definition of OPC among MS and facilitate international investigative and judicial cooperation in tackling this form of crime.
- EU Action on the problem of OPC has developed continuously during recent years and at different levels, pointing out key directions for an effective action: administrative, investigative, judicial, and furthering international cooperation among MS. This paper explains which of these actions work, which do not work and which could work better under certain conditions.
- Due to the diversity of the perceptions of OPC and solutions taken to address it at MS level, this paper proposes to harmonise solutions by developing a holistic approach and suggesting innovative remedies such as situational prevention techniques at MS level.
- Only after systematizing the knowledge collected regarding OPC, it will be possible to create a harmonised legal definition of OPC at EU level and consequently collect better data, develop better investigations and prosecutions and reduce opportunities for these crimes.

1. POSITIONING ORGANISED PROPERTY CRIME

There is no shared definition of Organised Property Crime. The definition problem arises from the different social phenomena that Organised Property Crime includes or is thought to include, **depending on the context in which the term 'Organised Property Crime' is used. Due to the differences** in the use of this concept it is possible to say that OPC stays in a wide spectrum that goes from crimes against property **committed by "traditional" organised criminal groups** and petty crimes committed by gangs or other criminals. This spectrum is represented in the table below that shows how different MS deal with the problem.

Table 1: Organised Property Crime in MS

Source: Elaboration of Transcrime from EUCPN national reports (EUCPN, 2018).

Country	Definition of criminal organisation (source)	Legal definition OPC	Distinction OPC and property crimes	National strategy against OPC	National strategy against Property Crimes
Belgium	YES (Criminal Code-Section 324bis)	NO	NO	NO	YES
Cyprus	YES (Criminal Code-Section 63a)	NO	YES	YES	YES
Czech Republic	YES (Criminal Code-Section 129)	NO	NO	NO	YES
Denmark	NO	NO	NO	NO	YES
Estonia	YES (Criminal Code-Section 255)	NO	YES	NO	YES
Germany	YES (Criminal Code-Section 30)	NO	YES	YES	YES
Greece	YES (Criminal Code-Section 187)	NO	YES	YES	YES
Hungary	YES (Criminal Code-Section 459)	NO	NO	NO	YES
Latvia	YES (Criminal Code-Section 21)	NO	YES	YES	YES
Romania	YES (Criminal Code-Section 367)	NO	NO	NO	YES
Spain	YES (Criminal Code-Section 570bis)	NO	YES	YES	YES

1.1. Statistics

Due to the extreme variations of what OPC is, the operationalisation of the concept is almost impossible. Similarly, also the attempts to develop homogeneous indicators that could help quantifying the phenomenon and making a comparison between countries have failed. Eurostat statistics on crimes committed do not help because they count the number of crimes and not the typology of offenders. There is an operational definition given by Europol for strategic purposes linking OPC with Mobile Organized Criminal Groups (MOCGs). This definition does not help to point out the scale of the problem, because it is developed on the basis of investigations in the MS, that transmit data to Europol according to their own criteria. That means that what a country is counting as OPC is not the same in another country. Measures could be given coming from existing projects in the table that follows but they represent more the relevance of the problem than its scale. The lack of reliable statistics will be addressed in the final chapter of this report, concerning the policy recommendations.

Table 2: Operational results of the projects EMPACT OPC and SPECTRE

2018 and 2019	EMPACT OPC	SPECTRE (Results included in EMPACT OPC)
Investigations supported	163	85
Arrests	1865	659
MOCGs dismantled	90	61
Criminal assets seized	15.162.655€	12.123.073€
EMPACT OPC Strategic meetings Seminars, conferences, workshops, coordination meetings	76	
Trainings	24	
Action days (Joint action days and Empact OPC action days)	16	
Reports	14	
Operational meetings and joint arrest operations	149	73

Source: OCLDI (Office Central de Lutte contre la Délinquance Itinérante/National Office fighting against mobile organized crime) from the Gendarmerie Nationale. Data kindly provided by Elise Maillard

1.2. Following the Europol definition of MOCGs (Mobile organised crime groups)

At the origin of the strategic definition of MOCGs there is the phenomenon labelled as “itinerant crime” in Belgium and France, and as “mobile banditism” in the Netherlands.

These labels point out a common denominator: the mobility of these groups from one place to another. “Mobility” can be also seen in the nationality of perpetrators, in their *modus operandi*, and in many other characteristics. **All those “mobilities” were the effect of different factors:** the enlargement of EU and its new opportunities; the free circulation of people; the inequalities in income and the asymmetries in criminal legislation among MS.

Basing on the OCTA (Organised Crime Threat Assessment) 2011, the issue of “**Mobile Organised Crime Groups**” became a priority in EU Policy Cycle, establishing a common understanding of the phenomenon within the EU. The followings are some of the characteristics of this common understanding.

High degree of mobility

This feature is reflected in the terminology often used to identify such criminal groups; they being **frequently referred to as ‘Mobile Criminal Groups’ or under the umbrella term ‘Mobile Criminality’**. Research shows that they usually travel long distances to commit their crimes³, exploiting the criminal opportunities given by larger areas (Van Daele, 2010). The reasons for traveling around include evading repression, discrimination, and economic suffering. Varese (2010) remarks that criminals are often forced to move, in order to escape from the prosecution of a given national justice system. The choice for a new location is usually influenced by the presence of stable contacts, friends or family.

Different group structures

At EU level 3 types of MOCGs were distinguished⁴:

4. The hierarchical structured MOCGs, characterised by internal systems of control and discipline, e.g. groups under control of the thieves in law
5. Familial or clan based MOCGs
6. Loose and fluid networks of individuals coming together around a criminal project.

Prevalence of offenders of Eastern European Origin

The Eastern European origins of these groups are usually underlined. This is commonly true, but many groups contain a mix of nationalities. Generally, there is one dominant nationality, supported by members of other nationalities. The origins of these East European groups are usually recognised as a combined result of the fall of the USSR, the Balkan wars and the expansion into Eastern Europe by the European Union. They created significant social and political instability which when combined with the high level of corruption of the ruling class in Eastern Europe led to a rise in many forms of crime.

As regards the expansion of the EU, Siegel (2014, p. 47) underlines that three main issues which were as a result of this change to the Eastern European social and political landscape:

³ They travel on average longer distances, and show different distance decay patterns. They have a much larger operational range than other offenders. They use motorways.

⁴ These categories were identified by a Europol Expert during an interview on the 19th May 2020.

- Although many institutional changes had been implemented, there was a huge discrepancy between what was stated in law and what was put in practice.
- Despite Eastern European political systems being notorious for a high level of corruption, organised crime, and violence, there has not been an adequate evaluation of the crime rate in the Eastern countries.
- Despite clear evidence that Eastern European criminals were already operating in Western Europe and that the expansion of the EU would likely further facilitate these operations and cause this trend to increase, no preventive measures or international agreements were made to pre-empt this issue.

These factors should be considered as additional because, «criminals do not wait for permission to join the EU» (Siegel, 2014, p. 48), and even before the enlargement of the EU many foreign criminal groups were active in Western Europe where the problem of, Organised Property Crime was an already known phenomenon.

1.2.1. Targets and *Modi operandi*

a. Residential Burglary and Robbery

According to an international expert survey on Organised Domestic Burglary conducted by the Criminological Research Institute of Lower Saxony (Criminological Research Institute of Lower Saxony, 2018, pp. 37-40) and Dutelle (2016, pp. 227-236) it is possible to highlight that:

- Residential burglaries are mostly committed by lower-level perpetrators.
- Perpetrators concentrate on free-standing, single-family houses or villas, that have potential entry points that are difficult to see.
- They target mostly residential areas occupied by people with a higher standard of living.
- Motorway connections and border areas are a decisive factor in choosing targets. They allow burglars to escape rapidly from police authorities and to commit multiple crimes during a limited time frame.
- The perpetrators can be identified both from their methods and from the goods which were stolen.
- A Burglary going wrong can become a residential Robbery (e.g. occupants return home before than expected or burglars were wrong about their absence).
- **Some robbers gain entrance to people's houses by misrepresenting themselves as repair persons, city inspectors, or police officers.**

Some of the more common entry techniques include the following (Dutelle, 2016, p. 229):

- Doors and windows can be pried using a jimmi, and locks can be picked using burglars picks or commercially designed pick systems.
- Lock cylinders can be knocked out of the lock by using a slap hammer.
- Windows can be broken and doors kicked down.
- Hinge pins on a door can be removed, allowing the whole door to be removed.
- By cutting out a glass pane with a glass cutter, a burglar can reach through, unlock, and open the window or door.

- Credit cards or other thin, flexible devices can be slipped between the lock and the doorjamb to force the lock back.
- Explosives and heavy tools may be used to open safes.
- Bump keys may be used to jar loose the lock pins.

b. Organised shoplifting

Within the retail sector, one of the most frequent crime is Organised Shoplifting.

Siegel (2014, p. 59) and Crime & tech, (2019, p. 47) report one of the most common *modus operandi* adopted by the perpetrators:

- Perpetrators usually work in small groups of 2-4 individuals.
- They enter the shop together, or one after the other, and spread throughout the shop.
- Members of staff are first distracted, after which the goods are stolen by the co-perpetrators. One of the perpetrators argues, makes noises, asks the personnel questions or deliberately behaves suspiciously and in this way attracts the attention of the personnel.
- The co-perpetrators who enter the shop a little later subsequently attract less attention from the staff. These people put make-up, face creams, other cosmetics or toothpaste in prepared bags, trolleys, suitcases on wheels or clothing so that the alarm does not go off when they leave the shop.
- The products are gathered in a shopping basket by one of the perpetrators and placed somewhere in the shop where there is no camera surveillance. The contents of the basket can then be hidden in one of the prepared bags or clothing by another person within as little as thirty seconds.
- During the commission of the crime, the thieves may make phone calls, so that they are less likely to be addressed by shop personnel or kept under surveillance.
- Additionally, security tags may be removed, especially when the item(s) being stolen are clothes. A hole is drilled to open the security tags. The resources for doing this are homemade or – according to the shopkeepers – can be easily ordered from the Internet.
- Most stolen products include:
 - Jewellery and gold
 - Electronics
 - Cosmetics
 - Clothing and shoes

c. Cargo Crime

Cargo theft is defined as (Coughlin, 2012, p. 8):

The taking of any cargo including, but not limited to, goods, chattels, money, or baggage that constitutes, in whole or in part, a commercial shipment of freight moving in commerce, from any pipeline system, railroad car, motor truck, or other vehicle, or from any tank or storage facility, station house, platform, or depot, or from any vessel or wharf, or from any aircraft, air terminal, airport, aircraft terminal or air navigation facility, or from any intermodal container, intermodal chassis, trailer, container freight station, warehouse, freight distribution facility, or freight consolidation facility. For purposes of this definition, cargo

shall be deemed as moving in commerce at all points between the point of origin and the final destination, regardless of any temporary stop while awaiting trans-shipment or otherwise.

The most common techniques include (Maple, 2017, p. 74):

- The *“Cutting the tarpaulin”* method, that constitutes more than 50% of the committed cargo thefts. The targets are transport vehicles, trucks and trailers, parked during the night hours at highway rest areas. The perpetrators search along highways for suitable targets and in many cases they commit several attempts during the same night even at the same parking place. Once they spot the right target, they cut the tarpaulin of the truck, unload the cargo and reload it to smaller transporter vans. The perpetrators may commit their criminal acts with or without the use of violence. Cases have been recorded where the crime was committed without being noticed by the cargo driver. In other cases, the perpetrators drugged the cargo driver with the use of spray or extinguished any resistance with the use of tear-gas, weapons or physical assault. (Europol expert interviewed on 24th June 2020).
- Hijacking: It consists in the taking of the vehicle using force or the threat of force. Criminals often utilise a signal jammer, which is designed to block or intercept wireless communications. Jammers emit signals on the GPS / GPRS frequency which prevent a tracking device in the vehicle from receiving and transmitting messages, thus temporarily silencing the vehicle. Their use is intended to create a temporary veil by preventing a monitored tracking system from sending alerts about route deviation, unscheduled stops or raising any suspicion. Jammers also provide the assailants with sufficient time in which to offload the vehicle without being located.
- Deception theft: Criminals impersonate Police or other officers. The impersonating officer is likely to motion for the driver to pull-over and stop their vehicle immediately. In incidents where criminals are impersonating officials, they can be of a more sinister nature and are classed as hijackings, where drivers are often subjected to physical danger.
- Fuel theft: The majority of incidents targeted lorries parked in rest areas and lay-bys, where thieves are believed to lie in wait in nearby farmland before accessing lorries on foot. Most thefts tend to involve the siphoning of fuel, as this method allows the thief to control the flow of fuel into a transporting vessel; rarely are the fuel tanks themselves punctured and, consequently, depending on the volume that is taken, a large number of incidents may not be detected by the driver.

d. ATM Attacks

The factors determining the success of a physical ATM Attack are identified by EUPCN (2019, pp. 5-6) as:

The vulnerability of ATMs

The most vulnerable are through the wall (TTW) ATMs which are situated outside or stand-alone ATMs.

The setting-up of the ATM attack

OCGs often perform extensive scouting to identify suitable targets; assess the time of day the ATM is filled, the surroundings of the ATM, the technical specifics of the ATM, the escape routes and the security measures that are in place, such as closed-circuit television (CCTV), alarm sensors and shutters. Some OCGs take a number of actions to frustrate law enforcement and security services before the attack. They tamper with alarm systems and public lighting, use diversion techniques, set up road

blocks or attempt to tamper with law enforcement vehicles. Most of the equipment for physical ATM attacks is readily and legally available in normal shops. This further lowers the threshold for stepping into this crime area. Tracing the origin of a tool is difficult for law enforcement so the risks for the perpetrators are limited.

Experience and know-how of the perpetrators.

The attackers show different levels of competence. On the one hand, highly organised and experienced groups can execute a successful physical ATM attack within minutes. They are in control of the process and they are able to limit the risk to themselves thus also limiting the collateral damage. On the other hand, less organised and opportunistic groups often fail in their attempts and can cause significant damage to the premises and buildings in the neighbourhood. Some of the less-organised OCGs are return to traditional organised property crime activities, discouraged by the preventive measures they are unable to overcome in attacking ATMs.

e. Covid-19 Implications

Europol (2020b, p. 3) reports that due to the recent explosion of the Covid-19 Pandemic, the following peculiarities with reference to OPC can be observed:

- Various types of schemes. This includes the well-known **'nephew' or 'grandchild' trick**, and scams involving the impersonation of representatives of public authorities.
- Despite the level of criminal activities has diminished during the crisis because of the closure of borders and the restrictive measures imposed to the European citizens, after the release of measures it is expected to further increase from the pre-crisis level because of the social and economic uncertainty caused by the outbreak.
- Commercial premises and medical facilities are expected to be increasingly targeted for organised burglaries.
- Many MS have reported an example of **"faking and entering"** strategy for theft: perpetrators access private houses impersonating medical staff providing information material, hygiene products, conducting fake tests for the virus.

2. POLICY ANALYSIS

2.1. Legal and policy framework regarding Organised Crime

2.1.1. The legal framework – definition of criminal organisation

The Council Framework Decision (2008/841/JHA) defined a “criminal organisation” as:

A structured association, established over a period of time, of more than two persons acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, to obtain, directly or indirectly, a financial or other material benefit (Council of the European Union, 2008, p. 2).

It also gave to MS the option to criminalise participation in criminal organisations or conspiracy to **participate in organised crime** (“agreement with one or more person that an activity should be pursued”).

The Commission, before the approval of the Framework Decision, made a statement declaring that (European Commission, 2016a, p. 2):

The Framework Decision failed to achieve the goals set by the Joint Action 98/733/JHA and by the United Nations Convention Against Transnational Organised Crime, since the Decision “does not achieve the minimum degree of approximation of acts of directing or participating in a criminal organisation on the basis of a single concept of such an organisation, as proposed by the Commission and as already adopted in Framework Decision 2002/475/JHA on the fight against terrorism. Furthermore, the Framework Decision enables Member States not to introduce the concept of criminal organisation but to continue to apply existing national criminal law by having recourse to general rules on participation in and preparation of specific offences”.

The European Parliament, in its Resolution on organised crime in the European Union (European Parliament, 2011, p. 8):

- Stated that the framework decision 2008/841/JHA has had an *extremely limited impact* on the legislative systems of the Ms, not making any significant improvement to national laws or to operational cooperation to counter organised crime.
- Required the Commission to draft a study on the abolition of the *current dual approach*, criminalizing both membership and conspiracy, and on the identification of typical offences inside Ms systems that could be *deemed to constitute such a criminal offence*”.

2.1.2. The Council framework decision in MS

With reference to the adoption of the Council framework by MS the following issues can be highlighted (European Commission, 2015, p. V):

- All MS (with the exclusion of Denmark and Sweden) have transposed the key elements of the Framework Decision and introduced a self-standing offence of participation in a criminal organisation and/or conspiracy to commit offences. However, the majority of MS only have the **offence of ‘participation in a criminal organisation’**. **A minority (two Member States) only have the offence of ‘conspiracy’**. **Four MS have both offences**.
- The Framework Decision shows deep differences compared to the original proposal by the Commission. The most important provisions are not mandatory. During the implementation of the Framework Decision, MS made the most important obligations optional (e.g. offences

in relation to participation in a criminal organisation – Article 2) or vague (e.g. definitions – Article 1).

- Motivations for creating organised crime legislation do not derive from the desire to be compliant with the European law but are mainly driven by national needs.
- Before the implementation of the Framework Decision, most MS were already compliant with the minimum standards it required. In some cases, MS national law exceeds the minimum standards set out in the Framework Decision.
- The Framework Decision should not be seen as an isolated tool but should be implemented inside a coherent national framework composed of many other measures against Organised Crime.
- The transposition of the Framework Decision may have been too broad in some cases, leading to an effect of overcriminalisation. Legislation aimed at serious Organised Crime could be turned to target activities that were not sufficiently serious or not of a cross-border nature.
- National legislation relating to participation in a criminal organisation may not be used in practice. This may be due to both legal and non-legal issues. Legal issues include difficulties to comply with the standard of proof and to prove all the necessary elements of the offence. Non-legal issues include the fact that practitioners prefer conspiracy over participation and would rather use participation in a criminal organisation as an aggravating factor on which to build a case.
- More than legislation, practical solutions such as the exchange of information and the establishment of coordinating agencies, would facilitate the cross-border tackling of Organised Crime.

2.1.3. The European action against Organised Crime – The policy framework

a. The European security strategy

In 2010, the Internal Security Strategy for the European Union (Council of the European Union, 2010b, p. 12):

1. Established the common threats and challenges for the security of the EU.
2. Defined a European security model, highlighting the following priorities:
 - A mutually reinforced relationship between security, freedom, privacy.
 - Cooperation and solidarity between MS.
 - **Involvement of all the EU's institutions within the security strategy.**
 - Focus on the roots, and not just the effects, of social insecurity.
 - Need for enhancing prevention and anticipation.
 - Awareness of the interdependence between internal and external security.

The European agenda on security adopted in 2016 (Council of the European Union, 2015, pp. 3-5) reinforced all these principles recalling in particular the following priorities:

1. Full compliance with fundamental rights.
2. The need for:

- More transparency, accountability and democratic control.
- A better application and implementation of existing EU legal instruments.
- A more joined-up inter-agency and a cross-sectorial approach.
- Bringing together all internal and external dimensions of security.

It also set the following policy needs:

- A better information exchange, through:
 - A better use of the existing information systems
 - The application of common risk indicators when conducting checks on persons,
 - Higher standards of border management.
 - An improved security in relation to the movement of goods.
- An increased operational cooperation, through:
 - The developing of the EU policy-cycle,
 - The strengthening of Joint Investigation Teams
 - The strengthening of the cooperation within the networks of existing national specialised units.
- The need for a support action in training, funding, research and innovation.

b. The EU policy cycle for organised and serious international crime

Shortly after the European security strategy in 2010, in its “Draft conclusions on the creation and implementation of an EU policy cycle” (Council of the European Union, 2010c) the EU inaugurated a new strategy in fighting serious and organised crime.

According to the terms of reference of the EU policy cycle for the period 2018-2021 (Council of the EU, 2017, p. 3) its aim is to:

Tackle the most important threats posed by organised and serious international crime to the EU in a coherent and methodological manner through improving and strengthening co-operation between the relevant services of the Member States, EU institutions and EU agencies as well as third countries and organisations, including the private sector where relevant.

EMPACT (European Multidisciplinary Platform Against Criminal Threats) is defined as:

An ad hoc management environment to develop activities in order to achieve pre-set goals. It is a structured multidisciplinary co-operation platform of the relevant Member States, EU institutions and agencies, as well as third countries, international organisations and other (public and private) partners to address prioritised threats of organised and serious international crime.

Organised Property Crime has been a European crime priority since 2011, after the release of the OCTA Report (which targeted Mobile OCGs), and from the setting up of the first EU Policy Cycle in 2013. It remains a priority in the current second policy cycle,

According to the same document, the key features of the EU Policy Cycle are:

- *The intelligence-led approach, which is based on a future-oriented and targeted approach, and focuses upon the identification, analysis and control of persisting and developing risks of crime.*

- *The integrated character, that takes advantage of all multi-disciplinary and multi-agency actors from Ms; EU institutions and agencies; third countries; public and private organisations in a partnership approach.*
- *The multidisciplinary and integral approach, which addresses the issue at all policy levels, using both preventive and repressive actions and developing both strategic and operational solutions, the former tackling the threat, the latter addressing the individual organised crime group or criminal.*

The EU policy cycle consists in four steps (Council of the EU, 2017, pp. 4-6):

Policy development

The basis for this step is the EU SOCTA (Serious and Organised Threat Assessment).

The policy cycle terms of reference state that in the course of 2019 Europol should prepare a mid-term review of changing and emerging threats, delivering an interim report to the Council.

Policy setting and decision-making

- Identification by the Council of a limited number of priorities on the basis of a Policy Advisory Document drafted by the Presidency and the Commission.
- COSI⁵ invites Ms to participate in the relevant crime priorities⁶, in cooperation with the relevant EU Institutions and Agencies.

The most important goal of this step is the developing of Multi-annual Strategic Plans (MASPs) for each crime priority.

MASPs are:

- Wider and more general.
- Set up long term goals to tackle a single priority.
- Drafted by ad hoc expert groups, that also establish the way of measuring the achievement of strategic goals.
- Adopted by COSI or by COSI Support Group.

Drafting, implementing and monitoring of annual Operational Action Plans on the basis of the MASPs.

On the basis of MASPs, each year Operational Action Plans (OAPs) are drafted⁷. They:

- Are drafted by representatives of the Ms and the EU Institutions and agencies, using a template developed by Europol and agreed by COSI.

⁵ The role and composition of the Standing Committee on Operational Cooperation on Internal Security (COSI) is explained in article 71 of the Treaty on the Functioning of the EU. COSI facilitates, promotes and strengthens coordination of EU member states' operational actions related to the EU's internal security. It ensures effective operational cooperation on EU internal security matters, including in law enforcement, border control and judicial cooperation in criminal matters; evaluates the general direction and efficiency of operational cooperation; assists the Council in reacting to terrorist attacks or natural or man-made disasters.

⁶ The relevant crime priorities relevant for each Ms are identified on the basis of the "Member States' profile" (Annex III of the EU SOCTA Executive summary, access restricted).

⁷ The Authors of this paper have requested to the Council on 25 March 2020 the OAS contained in the document 16729/13 REV2 DCL1 of 18 January 2019. With a letter of 22 June 2020 protocol Ref. 20/0664-rh/nb-ADD the access to the document was denied

- Are inclusive of the operational goals for each year.
- Contain actions that last longer than a year. In this case the choice must be necessary and justified.
- May address more than one strategic goal.
- Are validated by COSI or by COSI Support Group.

In order to properly manage the developing of each operational action plan, the terms of reference of the EU Policy Cycle (Council of the EU, 2017) point out some specific instructions for participants and for OAP Drivers (see 3.3.2). They should:

- Start with the state of play of the crime priority, with particular consideration to the various policy initiatives put in place for tackling it.
- Set tangible and measurable operational objectives or targets before starting the activities.
- Assign specific tasks and responsibilities to all participants.
- Ensure the establishment of contacts with relevant third countries, International Organisations and partners.

In order to implement OAPs:

- MS integrate the actions set in the OAPs into their national planning, and allocate appropriate resources to that end.
- Similarly, relevant EU agencies include the actions set by OAPs in their annual work programmes and make specific budgetary provisions.
- MS and relevant EU agencies implement the joint actions developed in OAPs, using the EMPACT framework.
- COSI monitors every 6 months the progress of the OAPs taking in consideration **Europol's** findings, reports by the drivers, national EMPACT Coordinators meetings. It also carries out a mid-term and a final assessment to evaluate the achievement of strategic goals.

Evaluation of the cycle

At the end of the Policy Cycle, an independent evaluation is carried out. It will serve as input for the next EU Policy Cycle. Its results are transmitted to the Council.

c. Other actors in the EU Policy-cycle

The Policy Cycle terms of reference (Council of the EU, 2017, p. 11) also identify the following relevant actors:

National EMPACT Coordinators (NECs)

- **Each MS nominates a "National EMPACT coordinator", who is a senior officer with strategic command.** His task is the implementation of the EU Policy Cycle within the single State.
- He has a horizontal coordination function at a national level, and he is responsible for the effective involvement of the MS in all the OAPs it has joined.
- He also promotes multi-disciplinary cooperation between law enforcement authorities and other partners.

- **He applies COSI's decisions at the national level.**
- During the implementations of OAPs he ensures that OAP Drivers, Co-Drivers and relevant actors have the time and resources required to carry out the OAPs.
- He joins the meetings organised every six months by the Presidency of the Council of the EU in order to monitor the progress of operational actions.

EMPACT Drivers

After COSI has nominated the EMPACT driver, the MS designates a representative to chair the EMPACT project as Driver. The Driver needs to be competent and must have strong leadership and communication skills. It is in his responsibility to:

- Draw up the OAP together with all relevant actors.
- Coordinate, manage and implement the OAP.
- Organise and chair the meetings of the OAP group.
- Establish cooperation with Drivers or Co-Drivers of other relevant OAPs.
- **Monitor the data collection process for Europol's evaluation of the implementation of OAPs.**

EMPACT Co-Driver

A MS or an EU agency taking part in an EMPACT project may decide to designate a representative as Co-Driver. The recommended number of Co-Drivers is from 1 to 3. At least one of them should be nominated by a MS. The Co-Driver replaces the Driver in case of his/her absence. Consequently, he must guarantee the same competences and take the same actions as the Driver.

EMPACT Support Team

The EMPACT support team is established by Europol and it is composed of Europol staff and at least one member seconded by the Presidency of the Council of the EU.

It has two main tasks:

- 1) It facilitates the implementation of OAPs by providing administrative, logistical and financial support.
- 2) It monitors the progress of OAPs.

d. EU Policy Cycle operational results

With reference to OPC, the 2019 Europol's factsheet of results (Europol, 2020 pp. 24-25) reports the following achievements:

- 1251 arrests.
- 23 MOCGs dismantled.
- 70 Serious Crime Investigations supported.
- 163 New cases initiated.
- 19 Joint Arrest Operations.
- 4.444.424 euros from seizures and assets seized from criminals.

Relevant operations:

- **Operation “Abbraccio”:** Targeting a MOCG operating in vehicle crime. The operation resulted in 1600 stolen cars seized.
- **Operation “Arrow-Surfer”:** Targeting a MOCG operating in cargo crime (estimated damage: 10 million euros). The operation resulted in 68 arrests.
- **Operation “Pandora IV”:** Tackling the trafficking of cultural goods. The operation resulted in 156.774 inspections, 64 arrests, 28.000 cultural goods seized.

e. SPECTRE Project under the ISF 2017 Program

SPECTRE (Struggling against and Pursuing Experienced Criminal Teams Roaming in Europe)⁸ is a two-year project co-funded by the European Union Internal Security Fund (ISF) which began in October 2017.

It aims to identify and dismantle the most active mobile organised criminal groups in Europe and internationally.

France through the Central Office for the Fight Against Itinerant Crime (OCLDI – *Office Central de Lutte contre la Délinquance Itinérante*) is piloting the project with the support of Europol and the cooperation of three countries: Germany, Romania and Lithuania. Nine other countries are also participating in the project.

One officer from French Gendarmerie currently dealing with the project (Ms Elise Maillard) has stated in an interview on 26th May 2020 that:

- The ISF SPECTRE is strongly connected to the EMPACT OPC priority. SPECTRE has been designed to be the sword arm or the operational pillar of EMPACT OPC, which covers many topics including training, analysis work and strategic initiatives.
- One added value of SPECTRE is the additional budget it has provided to address this form of crime. Unfortunately funding from Europol and EMPACT OPC is limited. The Europol budget only accepts the funding of one representative per country. As for EMPACT OPC, the grant of around 150000 euros must be shared between 25 countries and many actions.
- The 2-year duration of the project, with a possible extension, helps to foresee long-term actions.
- The decision process is faster and more flexible. The funds are adapted to the operations (they can cover the participation of all the police officers, experts, prosecutors and magistrates needed, even if they are more than one per country) and can be provided in a very short time.
- The ISF SPECTRE also high technology tools to be acquired by law enforcement, especially in **the field of special tactics. These instruments are necessary to face the criminals’ modus operandi**, which has become increasingly sophisticated.
- By focusing on operational actions, it has a strong impact on the dismantling criminal groups.
- It enables ambitious investigations to be conducted with high results.
- The operational dimension of the ISF SPECTRE has been translated into quantified targets. The project planned to arrest 50 criminal groups and seize 2 million euros.

⁸ The SPECTRE official website is: <http://www.civipol.fr/en/projects/spectre-struggling-against-and-pursuing-experienced-criminal-teams-roaming-europe>

2.2. National Reports

In 2018, EUPCN has collected national reports from MS concerning Organised Property Crime. From the analysis of these reports (see Table 1: Organised Property Crime in MS) we can highlight that:

- **There's a deep** lack of awareness concerning the phenomenon of OPC. Many countries do not state the difference between OPC and property crimes, and usually overlap the two categories.
- Statistics and data provided by MS refer to the property crimes in general and not specifically to OPC.
- Many countries do not have a legal definition of OPC.
- 4 countries have a national strategy against OPC.
- Each country has a national strategy against property crimes.

The following are some examples of best practices among MS:

Belgium

The strategy with reference to burglary aimed at limiting the individual and social impact of burglaries in buildings through:

- An effective approach at the local, national and international levels, by doing deterrence and by reducing the attractiveness of the country to burglary groups;
- The developing of a preventive approach in which citizens and the private sector play an active role.
- Investing in measures that disrupt the criminal process (group structure, mobility, handling, logistics, residences, etc.).
- Invest in an integrated approach via a national platform where the various actors involved in the security chain can consult each other.

Germany

Concerning burglary the following actions were taken:

- Anti-burglary campaign (2015). Its aim was to reduce the number of break-ins and to improve **people's awareness, encouraging them to install safeguards in their private homes. Within the framework of the campaign, a "security package" was published. It encompassed recommendations for effective anti-burglary safeguards which could be tailored to individual needs by installing special protection technology. In order to expand the scope of the awareness-raising campaign and to change the behaviour of the population, another campaign was launched in the autumn of 2016 ("Die Elster. Ein Profi-Einbrecher packt aus." - Confessions of a professional burglar). Another element of the German campaign is the annual "Day of anti-burglary protection", which has been organized since 2012 at the end of the summer time with the motto "One hour more for security". On that day, various events are organized at state level.**
- Financial incentives to install security technology: Within the framework of funding programmes of the Development Loan Corporation (KfW) aimed at encouraging building renovation to improve energy efficiency and accessibility of buildings, the KfW also provided funds for installing the necessary technical equipment for burglary protection.

- Intensified national and international cooperation, especially at European level (Kost RTE-network, anti-burglary coordinators, cooperation with countries of origin of offenders, cooperation with Europol, use of the liaison **officers' network**).
- In connection with the theft of medical devices (endoscopes), the BKA published information on its website, on the police intranet and through social media.

Greece

Some of the implementing actions for achieving prevention against OPC are the following:

- Mapping of criminal areas, description of the type of crime and focused police actions.
- Full implementation of technological means.
- Operation of the ad hoc group of the Hellenic Police-Greek federation of Bank Employee Unions and European Banking Committee in order to evaluate the effectiveness of the security measures taken in the sector credit institutions and the need to improve them.
- Cooperation with the persons in charge of the Credit Institutions and other targets of financial interest to make full use of the technical means for protection-prevention.
- Formation of joint inspection teams in chosen spots. Advice concerning the prevention against victimization and the reduction of vulnerability on the site of Hellenic Police Force and meetings with social groups representatives – Utilization of the Press.
- Development and upgrade of special plans for protection-prevention of escapes from Police Services buildings, transmission buildings, hospitals and prisons.
- Creation of a network to care for the compilation and utilization of informative material in order to prevent escapes and other criminal offenses within the prisons.

Latvia

In Latvia the strategy of the CPTED (Crime prevention through environmental design) has been adopted, through:

- The development of existing CPTED methods.
- The raising of the professional knowledge of participants on CPTED.
- The preparation of learning materials and specific manual for police officers.
- The creation of networks to improve cooperation and exchange of best practices.
- The promotion of active participation from police officers in spatial planning processes.
- The permanent inclusion of CPTED topic into teaching program of Academy of Security Sciences.

2.3. Council conclusions on the fight against crimes committed by mobile (itinerant) criminal groups

In December 2010, the Council of the European Union adopted its conclusions on fight against crimes committed by itinerant crime groups (Council of the European Union, 2010a, p. 3).

In particular it encouraged MS to:

- *Define the scope of the problem as follows:*
 - *A mobile (itinerant) criminal group is an association of offenders, who systematically acquire wealth through theft of property or fraud, having a wide-ranging area of operations and are internationally active.*
- *Participate actively in the High-Level Meetings on Property Crime, which are organised on a yearly basis by Europol.*
- *Develop an administrative approach in order to tackle crime, as a complement to prevention, police and judicial work, for example:*
 - *Developing administrative measures to close premises serving as meeting and fencing places, framed within a coherent action plan.*
 - ***Discouraging these mobile (itinerant) groups' criminal activities by considering national legislation imposing the registration of certain transactions (like for example, the recycling of used metals in order to prevent theft of metals).***
 - *Encouraging the registration and marking of precious objects which are being acquired or sold, and thus making it possible to return stolen goods to the official owner.*
- *Encourage the police and judicial investigations with an international dimension and give a special interest to cross border financial investigations, in particular regarding money laundering and the handling of stolen goods. These kinds of investigations should be possible even without a direct link to the underlying offence, in accordance with national law.*
- *Make full use of the existing European instruments and tools for the exchange of information on a strategic, tactical and operational level.*
- *Encourage international cooperation on judicial level by implementing and using the existing EU legal framework, especially the Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders and the Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.*
- ***Improve bilateral or multilateral cooperation with third States, inter alia by concluding MoU's or treaties where necessary, particularly in the domain of transfer of the sentence.***
- *Increase efforts in cooperation with the private sector (public private partnership), non-governmental organisations and local communities, aimed at heightening awareness and reporting of threats arising in their surroundings (Council of the European Union, 2010a).*

In 2016, the Council adopted the *Conclusions on preventing Organised Domestic Burglary* (Council of the European Union, 2016, p. 4), stressing the need for:

- *A Further improvement of the strategic-political dialogue and operational coordination between the Member States and the bodies and relevant agencies of the European Union (in particular Europol And Eurojust).*
- *Make optimal use of resources and respect official channels for information exchange.*
- *Apply a more multidisciplinary approach to tackle this threat, which includes not only measures to improve law enforcement but also ideas for strengthening burglary prevention and which also includes taking administrative measures to supplement actions under criminal law.*

These conclusions are now evaluated by this paper in the following sections.

2.3.1. Develop an administrative approach in order to tackle crime

The administrative approach to tackle OC consists in:

“Preventing the facilitation of illegal activities by denying criminals the use of the legal administrative infrastructure as well as coordinated interventions (‘working apart together’) to disrupt and repress serious and organized crime and public order problems” (Spapens et al., 2015, p. 4).

The Council of the EU calls for the development of an administrative approach to tackle Organised Property Crime. It is important to consider that:

- The concept of the administrative approach varies from a narrow interpretation to a wide one. Narrow means decisions (regulations) taken by administrative authorities. Wide means any kind of activity taken by Law Enforcement agencies dealing with administrative sanctions.
- The EU does not currently have the possibility of establishing an administrative approach at a European level. It can only encourage the development of an administrative approach within MS.

An administrative approach tends to be formed from a fragmented body of legislation, dealing with the specific characteristics of the given territory. Considering that this approach is promising for combatting organized crime and specifically OPC it is possible to list some key factors for a successful administrative approach (ENAA, 2020, pp. 7-8; EUCPN, 2014, pp. 17-19):

- **Awareness:** The administrative authorities themselves, both at national and local level, need to be aware of their ability to take measures which can prevent or tackle criminal activities.
- **Strong legal framework:** For the development of an effective administrative approach a strong legal framework is fundamental, especially regarding the exchange of information. **The flow of information is generally ‘one-way’; going from administrative bodies to judicial authorities, but not ‘back again’.** For example, as soon as the public prosecutor is authorized to deal with a criminal case, no (more) information is shared by the judicial authorities with the local administrative bodies due to the confidentiality of criminal procedures.
- **Attention to the local context.** **Given this ‘local aspect’ of crime, most experts agree that a general, abstract framework cannot just be imposed ‘top down’ and that the local context and circumstances need to be considered.**

- Collaboration, complementarity, multiagency: The administrative approach implies the inclusion of multiple actors that need to strongly cooperate with each other and have precise knowledge of their role within the general framework.
- Simultaneous implementation: One of the consequences of the variation in the implementation of the administrative approach – whether between cities or States – is that there may be a geographical displacement effect of certain illegal activities. Crime may move from areas where an administrative approach is set up to other areas where this is not the case. For example, since the Netherlands has a strongly developed regional and national framework for the administrative approach, displacement of certain individuals, activities or nuisance to the border regions of neighbouring countries, such as Belgium, has been observed. Therefore, it is strongly requested as a condition for its effectiveness that a common legal framework would facilitate a simultaneous implementation of this approach, preferably at the EU level.

2.3.2. Encourage the police and judicial investigations with an international dimension

a. General investigative techniques

According to a report by the European Commission (European Commission, 2015, p. 225) the most common investigative techniques in the tackling of cross-border crime are:

- Surveillance.
- Interception of communication.
- Covert investigations.
- Controlled deliveries.
- Informants.
- Hot pursuit.
- Witness protection.
- Joint investigation teams.

The same report (European Commission, 2015, p. 227) highlights the following key elements:

- Special investigative tools are rarely used on their own, but usually as part of a multifaceted approach to gathering evidence. A multi-pronged approach is often the most efficient choice in the evidence-gathering process.
- Judicial discretion and authorisation standards and procedures appear to play a decisive role in law enforcement agencies opting to employ a package of special investigative techniques. This is the case as no application for authorisation of a special investigative technique is guaranteed to be approved. Hence, investigators at times may choose to apply for several special investigative tools as an insurance strategy.
- Where the safety of law enforcement officers may be at risk, investigative tools that minimise those risks are applied. This results in the high prevalence of interception and surveillance in combination with informants, covert investigations and controlled delivery.
- Interception of communications, surveillance and informants were reported by Member State experts to be the most useful techniques and the ones that were used most often.

With reference to general investigative techniques, the European Commission (2015, p. 228) underlines the following challenges:

General challenges

- **Differences in MS' legislation regarding when the use of investigative techniques is permitted. The regulatory landscape includes MS' legal frameworks and a large number of regional and national bilateral agreements and arrangements.** The advantage of having these many different options is that law enforcement officers can select an approach and regulatory framework which best suits the needs of the case. But variability in the approach hinders effective collaboration, since it means that each case is different and approaches are not standardised. Bilateral agreements are often more thoroughly regulated and have a much deeper scope and more comprehensive procedures than similar frameworks at the EU level.
- Differences in processes for authorisation.
- Different criminal justice processes and rules, for example, regarding admissibility of evidence and disclosure of material pre-trial.
- Differences in administrative and bureaucratic requirements.
- Lack of skills, recruitment and training of law enforcement professionals.
- Limited financial resources.

Challenges in the legal framework

- **Minimum punishable offence:** The minimum punishable offence for which a special investigative tool may be authorised can present jurisdictional challenges. It is unclear how an investigation should proceed when a MS with a lower authorisation threshold wishes to cooperate with authorities in a MS with a higher authorisation threshold for the same investigative tool.
- **Differences in approach:** National legislation may define and treat similar operational issues and subjects differently, thus exacerbating difficulties in cross-border cooperation.
- **Inadequate transpositions of EU:** the inadequate transposition of EU law onto national legal systems has been established as an obstacle to effective Joint Investigation Team operations.

Challenges from different judicial and administrative procedures

Because of their invasive nature, specialised investigative tools follow a strict authorisation regime. **In some countries' experts reported that as many as seven different levels of authorisation for interception of communications were needed, and such processes can be time- and resource-consuming and act as barrier to effective cross-border cooperation.**

Challenges arising from the use of different technologies

The lack of standardised technological solutions in some areas often presents a challenge in cross-border surveillance activities.

Challenges in mutual trust

Any cross-border utilisation of a special investigative tool by law enforcement may necessitate the exchange of sensitive intelligence, such as information about the source. It is vital that those sharing information trust each other. Some national experts have suggested that mutual trust between MS

may at times be lacking, especially in cases where the law enforcement priorities of the cooperating partners differed. This may further inhibit cross-border use of special investigative tools.

b. Joint investigation teams

A joint investigation team (JIT) is an international cooperation tool based on an agreement between competent authorities – both judicial (judges, prosecutors, investigative judges) and law enforcement – of two or more States, established for a limited duration and for a specific purpose, to carry out criminal investigations in one or more of the involved States.

The JIT evaluation report the following strengths and weaknesses (Eurojust, 2018, pp. 13-17):

The setting-up stage

Challenges:

- Different approaches to the level of detail to be included in the JIT agreement. Following the first approach the scope of the JIT should be defined widely, to facilitate the extension to other offences. The other approach calls for a more specific wording, to ensure a clear focus to the investigation.
- Differences in procedural law, particularly with regard to the admissibility of evidence, the disclosure of information, the powers of seconded members and the secrecy of proceedings.
- Uncertainty of domestic rules in relation to the appointment of JIT leaders or change in respective roles during the investigation, reflecting domestic procedural requirements (prosecutor/investigative judge).
- Difficulties with partners, particularly with:
 - The identification of relevant partners.
 - The feasibility/willingness of relevant partners participation as parties to the JIT.
 - The Integration of new JIT partners, which could trigger discussions about adjusting the operational strategy and/or a potential inability to bring in the expected added value.
- Length of internal procedures to obtain signatures.

From Eurojust's experience, several obstacles or impediments to the establishment of JITs were identified (Eurojust, 2018, pp. 13-17). These are:

- The 'Fear for the unknown': **even though JITs are no longer a new tool, Eurojust occasionally encounters reluctance on national level to set up JITs due to a feeling of uncertainty regarding what can be expected from a JIT.** Another assumption is that JITs are only suitable for high-profile cases, although JITs established in smaller cross-border cases have proved to be successful and useful.
- Challenges when dealing with Member States with diverging operational priorities (e.g. based on the nationality of suspects, or the type or geographical origin of drugs).
- A lack of ongoing investigations or different stages of the investigations (preliminary stage vs advanced stage) in the countries of relevance; in such situations, Eurojust assists national authorities in identifying the most relevant partners for a JIT, while at the same time encouraging the use of other judicial cooperation tools.

- Risk of duplication, when the objectives of domestic investigations partially overlap. In such a situation, Eurojust facilitates discussions and agreements on the focus of the respective investigations.
- Involvement of several authorities at national level (parallel investigations pending at several judicial authorities in one Member State), resulting in the need to coordinate the different **investigations at national level; from Eurojust's experience, different approaches may be taken** in such cases.
- Formal requirements in relation to JIT agreements could negatively influence the length of the setting-up process. A requisite domestic authorisation process by central authorities sometimes may lead to a slowing down of the process of setting up a JIT. However, in some Member States, the advisory role of central authorities and/or JIT experts may contribute to streamlining the setting-up process of JITs.

Best practices:

- Use of previous experience between States/national authorities to be involved in the JIT to help formulate and sustain the agreement.
- Use of liaison officers posted in third States to establish early contacts between national authorities involved in the JIT.
- Use of the spontaneous exchange of information during coordination meetings, which may constitute a valuable alternative to the participation of a specific State in the JIT.

The operational stage (Eurojust, 2018, pp. 17-24)

Challenges:

- Limited use of OAPs. A relatively limited use of the OAP to coordinate JITs activities has been documented (only half of the JITs with an OAP confirmed its use for coordination purposes). A clear preference for informal relations regarding the exchange of information and evidence has been noted, since a large number of JITs rely on e-mail and other telecommunication tools or **meetings. In this respect, the limited use of secure channels (SIENA or Eurojust's dedicated equipment and secure e-mail) may raise some concerns in terms of data security and call for an additional awareness-raising effort.** Due to the limited size of mailboxes and technical difficulties, some members of the JIT were at times difficult to reach (failure notices were received). Another problem was the lack of secure encrypted lines (outside SIENA) between the JIT partners. The suggestion was made that JIT members are guaranteed access to a secure network through the equipment lent to them by Eurojust. Another option is to make available **a "secure cloud" in which the different JIT partners can post documents, which would make the consultation of large files easier.**
- Difficulties in the centralisation of prosecutions. The centralisation of prosecutions in some jurisdictions, facilitated by the JIT, may enable the stakeholders to develop a better **understanding of the scope of OCG's activities, and to streamline the prosecution of OCG** members. However, such centralisation is not always possible for practical reasons, for instance, the resources required by the state for engaging in this form of prosecutions may outweigh the perceived problem of OCGs.
- Deadlines for national proceedings. Several JITs reported specific difficulties linked to the different deadlines for national proceedings.

Best practices:

- Use of common/shared investigative methods between law enforcement of States involved.
- Ability to swiftly adjust operational plans (e.g. unexpected change of route during a controlled delivery). Decision made in real time, having the overall interest of the investigation in mind.
- Coordination methods in a multilateral case: investigative needs listed and tasks distributed between JIT partners during bi-weekly conference calls.
- Cooperation with private sector.
- Clarification of respective requirements related to access to evidence by private parties (victims).
- Cooperation during the prosecution phase, particularly to ensure that the victims are compensated.

2.3.3. [Make full use of the existing European instruments and tools for the exchange of information](#)

In April 2016, the Commission sent to the Parliament and Council a communication addressing the lack of application or use of the current European Information System (European Commission, 2016b, pp. 3-7).

The Commission highlighted the following issues:

- Shortcomings in the functionalities of existing systems, since:
 - The various European information systems are currently governed by different rules.
 - Not all MS are connected to all existing systems.
- Fragmentation of the current EU architecture of data management, since it shows various gaps.
- Lack of quality in the inserted data. Member States do not respect minimum quality requirements. This leads to a high risk of mismatches and non-hits, and undermines the value of the entire system.

The Commission stresses the need for the interoperability of information systems based on four dimensions:

1. A single search interface to query the information systems simultaneously and to produce combined results on a single screen.
2. Interconnectivity of information systems. Data registered in one system must be automatically accessible in the other systems.
3. A shared biometric matching service in support of all the information systems.
4. A common repository of data for different information systems.

The commission started a consultation process involving multiple actors, and set the following objectives:

- Complementarity: Information systems should be complementary. Overlaps should be avoided. Where overlaps exist, they should be eliminated.

- Versatility: a modular approach based on the needs of the stakeholder(s) looking for the data should be developed, thus making full use of existing technologies.
- Respect for the fundamental rights of the citizens of both European and third countries.
- Interconnection of all Information Systems in Europe.

2.3.4. Encourage international cooperation on a judicial level by implementing and using the current legal framework

a. Mutual recognition of confiscation orders

Under the legal framework valid until December 2020 (i.e. the Council Framework Decision 2003/577/JHA on the execution in the EU of orders freezing property and evidence and the Council Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders) the Commission has highlighted two general problems in the context of the mutual recognition of freezing and confiscation orders within the EU (European Commission, 2016c, p. 3):

1. The insufficient recovery of criminal assets in cross-border cases.
2. The insufficient protection of victims' rights to restitution and compensation in cross-border cases.

A limited number of freezing and confiscation orders have been issued and executed in other Member States, in relation to the amount of criminal assets moved abroad by the offenders.

Members of Eurojust, Europol, judges and prosecutors have repeatedly pointed out during expert meetings and bilateral engagements that confiscation can be very effective, especially in cases related to the fight against organised crime, such as those dealing with drug trafficking offences. Many have noted that confiscation procedures at a cross-border level are underused and that there is an increased need for effective cross-border cooperation on asset recovery.

On December 3rd, 2019, this has been pointed out by the presentation of the author of this paper at the **European Parliament Hearing of the Libe Committee on "Towards a common EU Strategy to fight corruption and organised crime - strengthening instruments and enhancing cooperation between relevant actors"**.

The European Commission (2016c, p. 5) has also highlighted the following specific problems:

The limited scope of the current mutual recognition legal framework

- Existing EU legislation has not kept up with recent developments in national legislation in some MS, and with recent EU legislation on minimum rules, notably the Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the EU. The current mutual recognition instruments do not cover all the types of freezing and confiscation orders that can be adopted at national level. As a result, mutual recognition is generally limited to traditional conviction-based confiscation orders.
- Member States that have established new forms of confiscation not based on a criminal conviction, in particular criminal, civil and administrative forms of non-conviction-based confiscation, to fight crime more efficiently, are not able to ensure that those orders are recognised and executed in other Member States that don't have the same regimes.

- The execution of confiscation and freezing orders depends on the domestic legal system of the **executing Member State**. In some Member state's orders may not be subject to deadlines or may not be mandatory. Even if some Member States with criminal confiscation regimes execute such orders, other Member States may refuse to carry them out.

Non-alignment of current mutual recognition instruments with Directive 2014/42/EU

- While Article 5 of Directive 2014/42/EU requires all Member States to enable extended confiscation, the current mutual recognition Framework Decisions leave broad possibilities to refuse the execution of orders based on extended confiscation, limiting the obligation to recognise such orders. Thus, the receiving Member State may choose whether or not to enforce freezing or confiscation orders issued, with a view to confiscating proceeds that are not connected to the specific crime for which the person is being prosecuted.

No coverage of more modern forms of non-criminal-based confiscation, including notably civil and administrative non-criminal-based confiscations

- Although a number of Member States confiscate assets outside of criminal proceedings, existing EU legislation does not require that confiscation orders issued in relation to these proceedings should be recognised.

The current procedures and certificates are too complex and inefficient

- Practitioners including judges, prosecutors, and representatives from Member States, repeatedly reported that the mutual recognition certificates provided for in the Framework Decisions 2003/577/JHA on the execution of freezing orders and 2006/783/JHA on the mutual recognition of confiscation orders are too complicated and lengthy, thereby increasing the administrative burden on the authorities and the length of the procedure by which they are executed.
- As a result, there is a reluctance amongst practitioners to use mutual recognition instruments. They often prefer use mutual legal assistance measures that they are more familiar with, which they can continue to apply alongside the Framework Decisions on mutual recognition, provided that the Member States concerned are both parties to the relevant Conventions. Practitioners may also prefer MLA because the administrative forms required for the carrying out of MLA are less prescriptive than those required by mutual recognition instruments.

Inconsistent implementation of existing mutual recognition instruments into national law

- Another barrier to the effectiveness of the EU legal framework on mutual recognition arises from the inconsistent transposition of the existing relevant rules into national law. The legal instruments adopted in this field are not directly applicable in Member States and have to be transposed into national law before they can take effect at national level. These reports show that:
 - A number of Member States had not transposed these instruments by the deadline for transposition set by the framework.
 - The transposition by many Member States has not complied with all of the requirements of the EU instruments. This further hampers the possibilities of judicial cooperation and reduces mutual trust.

In December 2020, the Regulation 2018/1805 on the mutual recognition of freezing orders and confiscation orders will come into force. In this regard, we can highlight that (Mirandola, 2020, p. 409):

- It has a very broad scope of application. The scope of the Regulation is not limited to the type of offence for which an order is issued. Following its Art. 1, the Regulation is applicable to *'freezing and confiscation orders issued by another Member State within the framework of proceedings in criminal matters', to the sole exclusion of orders issued 'within the framework of proceedings in civil or administrative matters'*.
- It extends to previous instruments, covering any type of freezing or confiscation order existing under the law of the issuing State, insofar as it is adopted *'within the framework of proceedings in criminal matters'*.
- It allows not only for the recognition and execution of freezing and confiscation measures regulated under the Directive 2014/42/EU, but also for other types of orders that have not yet been harmonized at EU level, including non-conviction-based confiscation, even if such measures do not exist under the law of the executing State.
- The only condition to which the scope of the Regulation is subject — that the freezing or confiscation order is issued *'in the framework of proceedings in criminal matters' to the exclusion of those adopted in 'proceedings in civil or administrative matters'* — is ambiguous and does not lend itself to an outright interpretation. This issue is crucial in particular for non-conviction-based confiscations. Such measures, indeed, lie at the border between criminal and civil law. Though differences exist among the various regimes of non-conviction-based confiscation, these measures are generally adopted in autonomous sets of proceedings, separate from the criminal ones, and often irrespective of the existence of criminal proceedings. Furthermore, in certain Member States, these measures are not considered as criminal sanctions but merely as preventive measures. They are nevertheless strictly linked to a criminal offence, in that they aim at recovering the economic benefits of crime.

b. The Council Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving the deprivation of liberty (2008/909/JHA)

In the implementation of the Council Framework Decision 2008/909/JHA the following shortcomings have been highlighted (Klimek, 2017, p. 123):

- The Framework Decision provides that the judgment, or a certified copy of it, together with the certificate, shall be forwarded by the competent authority of the issuing State to the competent authority of the executing State. Within a judicial European area, based on mutual trust, the authenticity of a judgment should be acknowledged when the sender of the judgment can be established without any doubt as the competent authority of the issuing State.
- The time limits set by the Framework Decision are rarely respected.
- Practical information is limited because of the low number of prisoners that are transferred between states.
- There should be more advice and information regarding the transfer decision process made available to practitioners and relevant stakeholders.
- **The adoption of (binding) detention standards could improve prisoners' fundamental rights** and, as a result, have a positive impact on the functioning of the Framework Decision. In particular, issues in relation to prison conditions may be raised by prisoners as to reasons why a transfer should not proceed.

- More information should be provided to prisoners to guarantee the right to an informed opinion. In particular, information on the enforcement of the sentence in the executing State should be made available.
- Because of differences in national legislation and judicial systems, as well as differing standards on the sentencing and treatment of offenders with mental disorders, the practical application of the Framework Decision for this category of offenders could prove problematic and should be given more attention.
- **The determination of the 'living place' of a sentenced person varies widely and** is dependent on the interpretation of the Member State concerned.
- Differences in the national implementation of legislation (for example, on the grounds for refusal) could give rise to problems when combining the Framework Decision with other legal instruments such as the Framework Decision 2002/584/ JHA on the European arrest warrant or the Framework Decision 2008/947/ JHA on mutual recognition of probation measures and alternative sanctions.

2.3.5. Improve bilateral or multilateral cooperation with third States

Judicial cooperation in criminal matters between EU Member States and non-EU countries has developed continuously. Aware that this cooperation will reduce some of the asymmetries exploited by mobile criminals that move from one country to another.

At present, the following countries are not included in any form of cooperation with the European Judicial Network: Afghanistan; Belarus; Bhutan; Cambodia; Chad; Congo; Equatorial Guinea; Eritrea; Ethiopia; Gabon; Haiti; Indonesia; Iraq; Laos; Lybia; Mongolia; Myanmar; Nepal; North Korea; Oman; Philippines; Qatar; Saudi Arabia; Somalia; Suriname; Syria; Thailand; United Arab Emirates; Vietnam; Yemen; Zimbabwe⁹.

2.3.6. Increase efforts in cooperation with the private sector (public private partnership), non-governmental organisations and local communities

There are plenty of agreements or MOUs at EU level for increasing the cooperation with private sector, non-governmental organisations and local communities for combatting crime in different areas (human trafficking, financial crime, cybercrime, etc.). Europol is playing an essential role in this direction setting up Centres such as the European Cybercrime Centre EC3 established in 2013; and working groups where the cooperation between public and private is continuously developing. In the page <https://www.europol.europa.eu/partners-agreements> it is possible to note all the operational agreements, strategic agreements and working arrangements Europol has in different sectors and with different countries and partners. These agreements and working arrangements are the best indicators of the increasing efforts in cooperation EU has done up today.

With specific reference to OPC activities and targets, it is important to point out how the adoption of situational prevention measures (section 3.4. of this study) and the use of the 25 situational prevention techniques, requires cooperation between public and private.

⁹ Elaboration on the basis of the Network Atlas by the EJN, available at: <https://www.ejnforum.eu/cp/network-atlas>. Last consulted on 24th June 2020.

3. RECOMMENDATIONS

3.1. Holistic approach to OPC

The diversity of OPC from country to country in Europe requires a **'multiple-instrument approach'** or a **'holistic' one, capable of reducing criminal opportunities** and preventing and controlling crime. Such an approach would require the development of specific investigation techniques to better understand the actors and mechanisms involved in OPC, developing a wide set of sanctions that include the effective confiscation of the proceeds of crime, especially when committed abroad. This approach will be comprehensive and will include the administrative approach and traditional prevention and control approaches, as well as the development of **'situational crime prevention'** techniques at MS level.

3.2. Legal framework

- Develop a more accurate definition of criminal organisation and participation in a criminal activity that could easily and rapidly be implemented by MS.
- Develop a more coherent European legal framework concerning:
 - The use of investigative techniques (given the great number of regional and national bilateral agreements).
 - The EU data management architecture.
- Monitor the implementation of new regulations on the mutual recognition of confiscation orders.

3.3. Policy framework

3.3.1. The administrative approach

Encourage MS to develop an administrative approach to tackle Organised Property Crime, by:

- Making full use of the already existing legal instruments to build a coherent general framework.
- Developing specific policies on the administrative approach at a national level.
- Raising local **authorities'** awareness of their power and competences to tackle forms of Organised Property Crime.
- Identifying all relevant actors and clearly specifying their competences, in order to avoid investigative overlaps.
- Building a national database containing relevant information and making it accessible to all national authorities.
- Encouraging judicial authorities to share their information with administrative bodies.
- Exploring forms of cooperation with the private sector.
- Developing EU guidelines that could facilitate the development of an administrative approach across MS, while avoiding displacement effects.
- Taking into consideration the Barrier model developed within the EMPACT framework, which lists facilitators and opportunities for MOCGs in the access to a country in terms of housing, the use of infrastructure and communication tools, committing crimes, transport and trading, and the use of gains (ENAA, 2020, pp. 40-45).

3.3.2. Judicial investigations with an international dimension

Increase the use of these cooperative tools by:

- Reconciling the existing differences amongst MS regarding:
 - The processes for authorisation.
 - The admissibility of evidence.
 - The disclosure of material pre-trial.
 - The different administrative and bureaucratic requirements among MS.
- Evaluating the transposition of EU law into national legal systems to avoid legal gaps.
- Encouraging the use of common technological standards.
- Ensuring increased financial resources for investigations with an international dimension.
- Strengthening the link between OAPs and JITs.
- Elaborating strategies to further encourage the implementation of JITs.
- Incentivising mutual trust between police authorities from different MS.

3.3.3. European instruments and tools for the exchange of information

Improve the exchange of information among law-enforcement authorities by:

- Ensuring the connection of all existing systems to all MS and relevant law enforcement authorities.
- Encourage EU MS LEAs to share information with Europol when dealing with investigations involving cross-border crimes and/or international criminal actors.
- Making MS respect the minimum quality requirements concerning data.
- Adopting the following practical solutions:
 - A single search interface to query information systems simultaneously and to produce combined results on a single screen.
 - A shared biometric matching service in support of all information systems.
 - A common repository of data for different information systems.
- Being compliant with the principles of:
 - Complementarity: information systems should be complementary. Overlaps should be avoided. Where existing, they should be eliminated.
 - Versatility: a modular approach based on the needs of who is looking for the data should be developed, making full use of existing technologies.
 - Respect of all fundamental rights of both European and third countries citizens.
 - Interconnectivity of all Information Systems. Data registered in one system must be automatically accessible in the other systems.

3.4. Developing situational prevention measures

Situational crime prevention or SCP has many directions, all oriented to increasing the costs and reducing the benefits associated with crime. It has been applied widely to products that could be a target of OPC, and its effective application may reduce the need for traditional crime prevention and control policies. The development of technology capable of tracing stolen products and reducing their operability adds value to this approach (Leclerc and Savona, 2016).

A crucial element of SCP is that it focuses on opportunities for crime and not on its causes of crime, which are more difficult to analyze and to curb.

SCP has several features:

- Situational measures must be tailored to highly specific categories of crime, which means that distinctions must be made, not among broad categories, such as burglary and robbery, but rather among different kinds of offenses falling under each of these categories.
- SCP recognizes that all people have some probability of committing crime depending on the circumstances in which they find themselves. Thus, situational prevention does not draw hard distinctions between criminals and others.
- Changing the environment is designed to affect assessments made by potential offenders about the costs and benefits associated with committing particular crimes. These judgments are dependent on specific features of the objective situation and determine the likelihood of the offense occurring. This implies some rationality and a considerable degree of adaptability on the part of offenders.
- The judgments made by potential offenders include some evaluation of the moral costs of offending. We may all be prepared to steal small items from our employers, but few of us would be willing to mug old ladies in the street. Not all offenses are equally reprehensible, even in the eyes of the most hardened offenders. This means that making it harder to find excuses for criminal actions may be sometimes an effective opportunity-reduction technique.

A holistic strategy against OPC should consider the development of this approach, which until now has been neglected at EU level with the exception of those countries that have used the CPTED approach, Crime Prevention Through Environmental Design, that is in some way part of SCP.

There are key implications of this approach that could facilitate the reduction of crimes committed by MOCGs:

- Considering that crimes should be specific it is important during investigations to collect data on all the situations that surround the crimes committed. Rather than considering a burglary simply by its crime category, it must be considered as a burglary committed in a given area with a specific modus operandi, where specific assets have been stolen. This will allow investigators to draw specific typologies of crimes that could be comparable among countries and facilitate the identification of offenders. A useful guide for investigators could be Clarke and Eck (2003) which has been translated in 13 languages.
- The need to tailor measures to particular offenses assumes that the commission of specific kinds of crime depends crucially on a constellation of particular environmental opportunities and that these opportunities may need to be blocked in highly specific ways.

- The specificity of crimes requires setting up typologies or clusters similar to those Europol uses for collecting information from MS. The approach to these typologies or clusters should be flexible enough to allow the best understanding of the problem in spatial and time analysis, but also homogeneous in order to allow cross border analyses.
- Only after systematizing the knowledge produced, it will be possible to create a legal definition of OPC and consequently collect better data, develop better investigations, reduce the amount of opportunities for these crimes.

Table 3: Twenty-five Techniques of Situational Prevention

Source: (POP Centre Learning Centre at <https://popcenter.asu.edu/content/25-techniques>).

Increase the Effort	Increase the Risks	Reduce the Rewards	Reduce Provocations	Remove Excuses
<p>1. Target harden</p> <ul style="list-style-type: none"> Steering column locks and immobilisers Anti-robbery screens Tamper-proof packaging. 	<p>6. Extend guardianship</p> <ul style="list-style-type: none"> Take routine precautions: go out in group at night, leave signs of occupancy, carry phone “Cocoon” neighborhood watch 	<p>11. Conceal targets</p> <ul style="list-style-type: none"> Off-street parking Gender-neutral phone directories Unmarked bullion trucks 	<p>16. Reduce frustrations and stress</p> <ul style="list-style-type: none"> Efficient queues and polite service Expanded seating Soothing music/muted lights 	<p>21. Set rules</p> <ul style="list-style-type: none"> Rental agreements Harassment codes Hotel registration
<p>2. Control access to facilities</p> <ul style="list-style-type: none"> Entry phones Electronic card access Baggage screening 	<p>7. Assist natural surveillance</p> <ul style="list-style-type: none"> Improved street lighting Defensible space design Support whistle-blowers 	<p>12. Remove targets</p> <ul style="list-style-type: none"> Removable car radio Women’s refuges Pre-paid cards for pay phones 	<p>17. Avoid disputes</p> <ul style="list-style-type: none"> Separate enclosures for rival soccer fans Reduce crowding in pubs Fixed cab fares 	<p>22. Post instructions</p> <ul style="list-style-type: none"> “No Parking” “Private Property” “Extinguish camp fires”
<p>3. Screen exits</p> <ul style="list-style-type: none"> Ticket needed for exit Export documents Electronic merchandise tags 	<p>8. Reduce anonymity</p> <ul style="list-style-type: none"> Taxi driver IDs “How’s my driving?” decals School uniforms 	<p>13. Identify property</p> <ul style="list-style-type: none"> Property marking Vehicle licensing and parts marking Cattle branding 	<p>18. Reduce emotional arousal</p> <ul style="list-style-type: none"> Controls on violent pornography Enforce good behavior on soccer field Prohibit racial slurs 	<p>23. Alert conscience</p> <ul style="list-style-type: none"> Roadside speed display boards Signatures for customs declarations “Shoplifting is stealing”
<p>4. Deflect offenders</p> <ul style="list-style-type: none"> Street closures Separate bathrooms for women Disperse pubs 	<p>9. Utilize place managers</p> <ul style="list-style-type: none"> CCTV for double-deck buses Two clerks for convenience stores Reward vigilance 	<p>14. Disrupt markets</p> <ul style="list-style-type: none"> Monitor pawn shops Controls on classified ads License street vendors 	<p>19. Neutralize peer pressure</p> <ul style="list-style-type: none"> “Idiots drink and drive” “It’s OK to say No” Disperse troublemakers at school 	<p>24. Assist compliance</p> <ul style="list-style-type: none"> Easy library checkout Public lavatories Litter bins
<p>5. Control tools/ weapons</p> <ul style="list-style-type: none"> “Smart” guns Disabling stolen cell phones Restrict spray paint sales to juveniles 	<p>10. Strengthen formal surveillance</p> <ul style="list-style-type: none"> Red light cameras Burglar alarms Security guards 	<p>15. Deny benefits</p> <ul style="list-style-type: none"> Ink merchandise tags Graffiti cleaning Speed humps 	<p>20. Discourage imitation</p> <ul style="list-style-type: none"> Rapid repair of vandalism V-chips in TVs Censor details of modus operandi 	<p>25. Control drugs and alcohol</p> <ul style="list-style-type: none"> Breathalyzers in pubs Server intervention Alcohol-free events

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