



APPROACHING & COUNTERACTING CONTEMPORARY ORGANIZED CRIME

Gert Vermeulen

Transnational organized crime is one of the greatest global threats to the security and development of open and democratic societies. It is imperative for states to develop counterstrategies against it. Prof. Dr. Gert Vermeulen, Director of the Institute for International Research on Criminal Policy, Ghent University, recently presented an introduction to research on organized crime and recent findings, as well as shortcomings in terms of data collection, definition issues and reporting problems. This is a summary of his lecture at ISDP on November 16, 2011.

Conceptual Flaws

Referring to organized crime as an offence may constitute a conceptual flaw. To be able to effectively combat this phenomenon, it is important to use the right definition. Organized crime as such is not an offence, rather a sociological, law enforcement definition. To find the most accurate definition of “organized crime” is therefore quite irrelevant for law enforcement agencies. A more relevant but also more flexible approach is to work with an operational definition.

Stereotyping the broad notion of organized crime gives room for many different pitfalls. The formulaic conception used often revolves around the phenomenon as big, harmful, of severe caliber and consisting of numerous, ferocious constellations. However, in reality organized crime can be quite unorganized and built on fairly loose relationships.

Organized crime within the EU has become a concern of policymakers. Over the years the EU has tried to combat organized crime through criminal law harmonization. Two strategies have been adopted; they are found in the Amsterdam Treaty and the Millennium Strategy. The latter being the one in use at the moment.

The Amsterdam Treaty focuses on domestic law within three domains, illegal drug trafficking, terrorism and organized crime. The first two are criminal offences while the third is not. Both the Treaty and the Strategy concern not only what the EU does to combat

organized crime matters but also transnational crime and criminal issues. But neither of them can be considered really helpful as everything hard to label has been labeled organized crime, something that can be considered a fairly fuzzy concept on high policy level.

Pitfalls

Organized crime is a construct and often described with words such as group criminality, and characterized as harmful, serious, organized, etc. The construct has no need for a single-angle approach; rather each of the descriptors needs their own prevention approach. Therefore several prevention strategies have been worked out. The notion “organized crime” is however needed for policy reasons. It serves as a vehicle for the cooperation between countries and institutions and serves to better combat the phenomena as such.

Organized crime must, for reasons of demarcation, be seen as having a cross-border and transnational character. According to Europol, as well as other global institutions and protocols, organized crime must impact on at least two countries in order to be termed “organized.” Also within the United Nations it is specified that organized crime has to be transnational to be a concern for authorities. However, organized crime does not have to be a cross-border phenomenon. With that view, the focus on local organized crime is lost. Countries who have signed the UN Treaty have to implement the organized crime



preventive measure domestically. It is important to understand that organized crime is not purely transnational but also a local phenomenon.

Challenges

More important for the organized crime concept is knowledge of what these groups are doing, when they are involved, if they are getting any smarter, and how serious they are. Policies must be evidence based and tested in real life in order to prove their relevance and sustainability. There are three approaches suitable for different focuses and strategies:

- 1a. Threats
(the actors, their actions, amounts, etc.)
- 1b. Vulnerability
(context, environment, sectors, weaknesses)
2. Impact/harm
(micro – the victim; macro – the society)

It is important to focus on readiness scenarios, rather than risk-based approaches, in order to be prepared for the future.

To implement prevention strategies that work, law enforcement, policymakers, NGOs and others have to cooperate, depending on what is to be investigated or prevented. In order to optimize productivity the specific competence of each actor should be fully utilized.

It is not for policymakers to prevent crime, since that is a task for law enforcement authorities, but in order to protect people from potential harm policymakers need to have a good grasp of future developments and be able to predict outcomes based on scenarios and level of harm.

The approaches used at present deal with the past, but using old information gives little room to understand what will happen in the future. Many EU member states focus on what they traditionally do against organized crime, which might lead to stimulation of stereotypes and neglecting new trends.

By assessing current technology we can estimate where we will be in ten years. If the same method would be applied to organized crime, it could open up many new opportunities within the prevention work. This kind of thinking might be a new and proactive approach

compared to the existing self-fulfilling reports, based on law enforcement activity and stereotyping.

It is important not to miss possible trends. Vulnerability assessments based on the past are less difficult and generate solid information and are, therefore, good methodology. However, to solely incorporate this into organized crime policy risks missing emerging trends evolutions.

Threat and Vulnerability-based Risk Approaches

It is logical for organized crime groups to attack society where they can get the best payback; as a result, it is common for them to change their strategies quite often. Trend identification and calculating the future might be risky concepts and not as useful as in business as there are more factors to take into consideration and more complexity. There is a risk of missing certain trends and many sectors to take into account.

Today, the *EU Organised Crime Threat Assessment (OCTA)* is more concerned with threats than vulnerability. It is however more natural to work within one's own field of expertise and, as OCTA is a police product, threat posed by known organized crime groups is prioritized. The organized crime calculations should be based more on similarities and probability, in order to make appropriate predictions and prioritization.

Harm-based Risk Approaches

Organized crime can be identified in many different ways, depending on actors and areas. Within Europe, there are different foci and approaches to dealing with it. In Southern Europe organized crime is the same as the mafia, which is considered both serious and harmful. Law enforcement authorities and policy pay attention to organized crime groups and their strategies. In Eastern Europe organized crime is deeply interwoven with both economical and political decision-making; hence, it is very harmful to the society as it affects the economic and political world enormously. The focus has been on law enforcement and policy work, in particular systematic and institutional harm. In Western Europe organized crime can be serious, since there is a multitude of groups active in the field. It is important to bring in a harm component into the discussion. What is, or will most likely be, harmful?



Focus should not only be on threat aspects but also on vulnerability and impact. There should be more focus on situation reporting, that is, a general policy, not concentrating on a specific organization but rather what harm can be done to society. A focus on harm means that the term “organized” will no longer be useful, and is better replaced with “serious crime, *including* organized.” A concentration on harm prevention of “organized crime” risks missing other types of crime, being harmful, although not organized.

Europol, for instance, has not focused on organized crime *per se*, but has since 2002 more looked at serious crime *including* organized crime. The Eurojust mandate looks at serious crime, in particular organized crime, while OCTA is more oriented towards organized crime. The Stockholm Programme focuses on a few major threats *plus* others, being quite impact driven.

Harm-based risk components might be quite difficult to distinguish. It can be direct harm such as physical, economical, psychological, societal, emotional harm, etc., or indirect harm such as decreased consumer trust due to fraud and a non-victim related harm, i.e. the reaction costs. Harm can also be seen differently; whether it is conducted on the micro level, by a group or a person, on the macro level, organized crime in general, or both.

Micro Models

Two micro models should be highlighted, the micro risk model and the micro harm model. The risk model is used for mapping and assessing the harm of organized crime groups in terms of physical damage to society, reputation, political capacity and on the cross-border, geographical and economic scale, combined with the probability score of criminal activities, i.e. the risk.

The harm model calculates the harm caused by organized crime based on offences potentially conducted, and proposes potential sanctions for those offences and/or the average sentences duration.

These models can serve as tools to clarify trends that can be hard to identify using other approaches. These models are more suitable for academia and policymakers in calculating the future and preventing crime, hence they are useful in helping law enforcement authorities to prioritize.

Macro Models

Four macro models should be mentioned. The Macro Cost Model looks at the financial harm caused by the crime. It is used for law enforcement agencies, rather than by them. The Macro Harm Model looks at harm, not vulnerability, and is a qualitative study based on questions to experts from law enforcement authorities, government, industries and academia. The Macro Risk Model composes a harm component and gives a combined analysis of vulnerability factors, crime phenomena and societal consequences. It is not a ranking model and therefore not fully comparable with the others. The General Macro Risk Model ranks a crime phenomenon based on a multiple criteria model relating to extent, perception and impact, i.e. organizational scale, complexity and consequences resulting in crimes against physical integrity, illicit production and trafficking of drugs, traffic accidents with casualties and illegal immigration and smuggling of migrants.

The Evolution of Macro Models

Can organized crime be extracted from other forms of crime, or is there overlapping situations with certain forms of identifiable “serious” crime? The question is of importance as there may be risks of missing trends if this issue is not properly handled. At present, organized crime is not directly targeted in law enforcement work, but is rather the focus of general policies and largely based on expert assessments. If we use the macro models, would it be possible to distinguish organized crime from other forms of crime? There is a need for a good definition of what harm is, and types: political, economical, societal, etc. Law enforcement actions should be threat-based and policy workers should work more inclusive and harm-based.

Scenario-based Processes

There is a need to be better prepared for what can happen in the future. Different approaches may be needed depending on different scenarios. There is a need for precautionary preparation for uncertain truths. The future cannot be predicted which means that the target may have been missed several times. Such cases were the 9/11 attacks and the financial crisis, when the world stood paralyzed.



In order to be able to amend this, the whole picture must be taken into account. A, B and C can be independent, but also linked. Criminal groups may possess highly advanced knowledge of technology in the future, or the situation may be the opposite. However, we need to be prepared for both scenarios and make priorities, in a never-ending process.

A five-step approach beneficial to take precautionary measures for the future scenarios can be seen to consist of:

1. Choosing future scenarios (in casu: (O)C)
2. Identifying relevant external uncertainty factors
3. Crossing of two relevant uncertainties
4. Assessing the implications of four scenarios and implement changes required
5. Following-up and repeating

A Need for New Approaches

There is a need for a useful model on how to handle serious crime issues for policymakers to more efficiently perform their tasks, as there is a difference in the organized crime work of law enforcement authorities and policymakers. There is also a need for a close dialogue between them so that advantage can be taken of the unique knowledge both possess. There is a growing attention to organized crime risk assessment based on harm using different models: the micro models which complement the traditional threat based, i.e. risk, approaches for/by law enforcement and the macro models which inform the general organized crime policies.

At present capacity is lacking for prioritizing attention to criminal phenomena. It would therefore be beneficial to develop a harm-based framework to be used as a common language between parties involved in com-

bating organized crime. This would be useful both for the development of serious crime prevention methods and for prioritizing operations targeting organized crime groups and projects.

In favor of organized crime, and other types of serious crime, one should maybe simply talk about “crime” or even “security” in order not to fall in any pitfalls and miss important national and international trends and currents.

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