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1. Introduction

This report summarizes the work of the “Assessing Organised Crime” project and presents as its core result, the outline of a “New European Common Approach for Assessing Organised Crime” (NECA).

The consortium of the “Assessing Organised Crime” project presents the “New European Common Approach” being fully aware that considerable effort is required in the further elaboration and fine-tuning of this methodology. However, the consortium is confident that the direction taken will eventually lead to a more meaningful assessment of the organisation of crime in Europe and more substantial grounds for decision-making on the policy and strategic law enforcement levels.

The project was originally funded for a 24 months period from September 2004 until August 2006. The project duration was later extended to December 2006. The consortium of the “Assessing Organised Crime” project has consisted of the following institutions: Tilburg University, The Netherlands, (coordinator), Gent University, Belgium, Freie Universität Berlin, Germany, Durham University, United Kingdom, (first project year), London School of Economics, United Kingdom, (second project year), and the University of Tartu, Estonia. The following individuals have participated in the project: Annelies Balcaen, Maarten van Dijk, Petrus C. van Duyne, Ulrich Eisenberg, Dick Hobbs, Rob Hornsby, Klaus von Lampe, Anna Markina, Tom Vander Beken, Karen Verpoest. The consortium is indebted to Anette Schade, research grant advisor at Freie Universität Berlin, for her crucial support in preparing the project proposal, to Petra Jaminon at the University of Tilburg’s Faculty of Law for shouldering a large burden of the organizational work the project required, and to Andrea Schmölzer and Ian Perry at the European Commission for their respective assistance provided throughout the proposal, contract negotiation and implementation phases of the project.

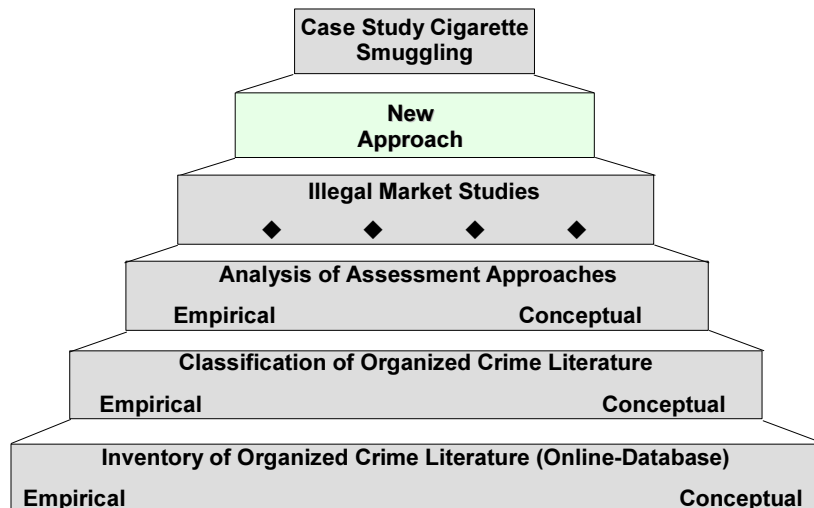
In early 2003 the European Commission invited proposals under the 6th Framework Programme for research projects that would contribute to an improved knowledge-base on organised crime. The expected outputs were to include a review of existing data sources on criminal organisations and an evaluation of the usefulness of these data sources, a review of the existing situation in specific economic sectors, and an examination of the feasibility of a common European approach and the proposal for a common methodology.

At that time the standard tool for assessing organised crime in the European Union was the annual “European Union Organised Crime Report” (OCR) (Europol, 2003) which had met with some criticism regarding its meaningfulness and has only recently been replaced by an alternative tool, the “EU Organised Crime Threat Assessment” (OCTA) (Europol, 2006), However, the OCTA also appears to be met with fundamental criticism (Van Duyne, forthcoming).¹

The “Assessing Organised Crime” project was designed not merely to amend or modify existing approaches, such as those represented by OCR and OCTA, with their respective shortcomings. Rather, the intention was to go back to a fundamental re-evaluation of the concept of ‘organised crime’ and the available empirical and theoretical knowledge of the phenomena commonly associated with the term ‘organised crime’. For the purpose of developing an adequate methodology the work of the ‘Assessing Organised Crime’ project was divided into three distinct phases:

1. a broad examination of the state of the art;
2. the development of a new common European approach, and, finally;
3. the testing of the feasibility of the new approach taking the cigarette black market as a case study.

Assessing Organised Crime project: Work Plan



¹ For previous discussions of European assessment approaches see Vander Beken et al. (2003; 2004), von Lampe (2004a, 2004b), Van Duyne and Van Dijck (2006).

The project schedule can be depicted as steps leading up to the development of the new approach and the subsequent testing of its feasibility. A stock-taking and review of the empirical and theoretical literature on organised crime (steps one and two) was followed by a review of the practice of the collection and analysis of ‘organised crime’ related data by law enforcement agencies. On the basis of these reviews particular approaches to the assessment of ‘organised crime’ were scrutinized taking standard scientific principles as a yardstick (step three). Finally, against the background of existing assessment approaches the situation in four sectors of crime (or crime-markets: drug trafficking; human smuggling; trafficking in humans; and cigarette smuggling) were analysed using open source data (step four).

These individual steps, going from the general debate on organised crime over the collection and analysis of data across academic and official fields to the specific question of how to assess ‘organised crime’, eventually led to the development of a “New European Common Approach for Assessing Organised Crime” (step five). However, for various scientific reasons the project did not arrive at a comprehensive conceptual framework of organised crime as foreseen in the project proposal. Rather a methodological framework for the systematic collection and analysis of relevant information was developed and some of its aspects tentatively tested in a pilot-study of the cigarette black market.

As such, the New Approach is designed not only to provide –in the medium and long term– the necessary empirical and theoretical basis for reports on ‘organised crime’, including threat assessments and scenario building which so far lack that very basis and are therefore criticised. The New Approach is also designed to eventually pave the way for authoritatively answering the question whether a comprehensive conceptual framework of ‘organised crime’ is feasible at all.

The New Approach marks a fundamental departure from the current framework of organised crime reports in various respects. Perhaps most fundamentally, in the New Approach the question “Is it organised crime?” is no longer raised on the level of data collection and data entry. This implies that the collection and processing of raw data no longer hinges on any definition of ‘organised crime’. The only initial delimitation that is suggested for practical purposes is to confine the assessment process to crimes for profit, possibly above a certain threshold level. Instead, data are collected and processed with a view to the final analysis and the answering of questions like: “To what extent is crime organised?” and “How do criminals cooperate?” In this sense, ‘organised crime’ is not treated as a coherent phenomenon but as a thematic frame of reference within which various issues are examined that are commonly addressed in the debate on ‘organised crime’. These issues

include the ways profit driven crimes are committed, what common and distinct individual characteristics the offenders involved display, to what extent and how they are connected to each other, what power structures exist among them, and what links exist between these individuals, activities and structures and the legal spheres of society (von Lampe, 1999; 2002).

According to this approach the emphasis is placed on methodological aspects which address the key challenges all attempts to assess 'organised crime' face. They begin with the elusive nature of the concept of 'organised crime'. There is neither a general agreement on the 'nature' of 'organised crime', nor on the interpretation and application of its definitions used for the compilation of OCR, OCTA and similar reports on the national and European levels. In fact, it seems that many Member States follow their own course, making it impossible for (Europol) analysts to make valid cross-European comparisons. The problem lies not only in the (nowadays mostly implicit) controversy over the concept of 'organised crime'. There is also a broader confusion over terminology referring to more concrete phenomena, most prominently offender collectivities (What makes a group a group?).

A second challenge, apart from the conceptual quagmire, is the need for valid, reliable and comparable data. This refers not only to the general difficulties of obtaining information on phenomena that to a large extent are clandestine. It also concerns the access to existing data and the conversion of these data into a database suitable for substantive and comparative analysis.

Finally, a major challenge lies in the validity of data interpretation and the conclusions to be drawn from the available data. Often enough it seems that interpretations are regarded as self evident against the background of commonly shared superficial notions of face-value plausibility and cliché imagery, but not on the basis of empirically grounded theories.

2. Examination of the state of the art

The first year of the project was devoted to a broad examination of the state of the art of assessing organised crime.

2.1. Inventory of conceptual and empirical literature

As a preliminary step an inventory was drawn up of the existing conceptual and empirical literature on ‘organised crime’, including academic, official, and private sector publications. The bibliographical information was organised in an online literature database specifically developed for the project. The database (“Online Bibliography on Organised Crime”) has been made available to the general public through the website of the project (www.assessingorganisedcrime.net).² The database software (Bibliograph), the development of which has been supported by the project, is also public domain.³

The collection of literature references relating to ‘organised crime’, not only shows a huge amount of publications somehow addressing the pertinent phenomenon, but also a wide diversity in topics and subtopics and in ways to study and analyse (aspects and manifestations of) organised crime.

2.2. Classification of existing material

From the vast literature on ‘organised crime’ small samples of conceptual and empirical literature, respectively, were analysed in depth.

Applying a meta-theoretical classification scheme, the analysis of a sample of 66 pieces of conceptual literature exposed a lack of common theoretical understanding of ‘organised crime’. Far from demonstrating a consensus on the concept of ‘organised crime’, it seems that there is not even a general understanding of the differences that stand in the way of such an agreement. The concepts and notions used are rarely precisely formulated: authors appear to be satisfied with vague associative notions and assumptions. Even if most texts focus on criminal collectives and activities, only a minority does so specifically. Therefore the relation between concepts becomes confusing. For example, the majority of the texts that conceptualise ‘organised crime’ as collectives do so in terms of networks. At the same time this denotation is usually used together with concepts like ‘criminal group’ or ‘organisation’.

² Online Bibliography on Organised Crime: www.assessingorganisedcrime.net (“OC Bibliography”)

³ Bibliograph has been developed by Christian Boulanger, Berlin.

As the concepts are rarely precisely analysed there appears to be much latitude in the way they are used within the same text.

It proved to be an impossible task to derive some order from the literature, for example, to cluster publications according to specific dimensions which can be discerned in the organised crime studies. For example, concepts, like entrepreneurial crime and predatory crime, the juxtaposition of which requires at least some explanation, are put together in one context.

The literature analysis shows that this is not an incidental finding. Rather, it is related to another finding: the lack (notable on an international scale) of profound theoretical understanding. There is little evidence of accumulation and integration of existing knowledge. Nor are concepts valued for their explanatory power, and deleted if they prove to be deficient in this regard and therefore redundant (Van Duyne and Van Dijck, 2007).

Another international sample of 115 texts was analysed with a view to sources and quality of data referred to in the organised crime literature. While law enforcement sources were found to be predominant, it is obviously not impossible to obtain information independent from law enforcement agencies and to gain direct access even to active offenders. Therefore, it seems that it becomes increasingly difficult to claim that closer examination of ‘organised crime’ is not feasible because of insurmountable difficulties in data collection.⁴

2.3. Law enforcement data

In addition to published material the project examined the practice of data collection and data analysis within law enforcement agencies, focussing on the preparation of national assessments of ‘organised crime’. This interview-based study revealed rather fundamental cross-national differences regarding the use of quantitative and qualitative data, the institutional levels on which decisions about the use of certain information are made, and the criteria for

⁴ See: K. von Lampe, Critical Review of Conceptual Approaches, Assessing Organised Crime Project, Deliverable 4, 30 December 2004
<http://www.assessingorganisedcrime.net/publications/AOC-DLV04-vR1.pdf>
 K. von Lampe, Critical Review of Existing Data, Assessing Organised Crime Project, Deliverable 5, 30 December 2004
<http://www.assessingorganisedcrime.net/publications/AOC-DLV05-vR1.pdf>
 K. von Lampe, Critical Review of Existing Data: Annex 1 - Source Analysis, Assessing Organised Crime project, report, 30 December 2004
<http://www.assessingorganisedcrime.net/publications/AOC-DLV05-Annex-vR1.pdf>
 K. von Lampe et al., 2006.

these decisions. It became obvious that great obstacles exist for a harmonised European approach to assessing ‘organised crime’.⁵

2.4. State of the Art

After shedding light on the diversity and vagueness of conceptions of organised crime, the multiplicity of data sources and of data used, as well as the diversity in the procedural framework in which the data are processed for assessment purposes, the next step was to describe the state of the art in this field. In order to achieve some level of conciseness the analysis focussed on two key aspects, the organised crime definitions that determine the scope of organised crime assessments, and the methodological implications of the art of assessing organised crime.

The literature about defining ‘organised crime’ is voluminous, but the analytical sharpness is hard to find.⁶ Most definitions fail in what they are designed to do: delineating the intended phenomenon. In addition to that, many contain redundant or overlapping components, a violation of the parsimony principle (Van Duyne and Van Dijck, 2007). Of the analysed definitions, only one withstood the test of ‘cracking’ it (Weenink et al., 2004). Significantly, that definition –developed by a police unit– was discarded by the Dutch National Police Service and disregarded by the scientific community.

In whatever form the definitions have been worded, for the application in the context of an assessment or empirical study, none has been reformulated into an *operational* definition. This is related to the finding that theory building is seriously lagging behind. Indeed, how are we to weigh the explanatory power of concepts if there is no theory within which they can be connected to other concepts and to output observations?

The methodologically loose or casual way in which the definitions are coined and other concepts are used also reflects itself in the art of *assessing* ‘organised crime’. There are many national and supra-national assessments, including the European ones carried out by Europol, though there is no formal definition of what ‘assessment’ means. For our purposes we defined an organised crime assessment as *an empirical investigation aimed at providing a comprehensive quantitative and/or qualitative judgment of the whole purported phenomenon in a determined time span*. Analysing what could qual-

⁵ T. Vander Beken, K. Verpoest, Systematic Review of Internal Use of Law Enforcement Data, Assessing Organised Crime Project, Deliverable 6, 30 December 2004 (not published).

⁶ For more recent discussions of the definition problem see Van Duyne (2003), Finckenauer (2005).

ify as an assessment, we found assessments ranging from a quantitative summing up of ‘organised-crime’ police input (Bundeskriminalamt Organised Crime Situation Report, Germany) to highly interpretative vulnerability studies (Organised Crime Risk Analysis, Belgium). Most assessments are qualitative. A frequently found situation is that at times the same definitions or dimensions were used, more accurately the same words, while this does not imply that they were used with the same meaning. Except for the BKA-situation report the assessments lack a temporal dimension, which makes it impossible to determine the validity of statements about developments. Another defect is the thin or even absence of a ‘reasoning line’ between (assumed) data input and conclusions.

Because of the earlier mentioned lack of an unambiguous definition and operationalisation for the proper delineation of the data input, there is no unity in selection mechanisms or the application thereof. This results in basic data input uncertainty. In addition, there are no accounts of the calibration of the data input and the data sources. This implies that the methodological questions about the reliability of the data and the validity of the concluding statements cannot be addressed. Even if one assumes that the law enforcement sources provide reliable data, the methods of subsequently processing the data input are not accounted for.

Therefore, it proves impossible to determine to what extent the databases on which the assessments are based are representative of the whole ‘organised crime population’ and not biased in regard to certain subpopulations. At this point the assessments slip into a circular methodological caveat: when the basic concept is not properly defined there is a fundamental uncertainty about what the population really is. Hence, even if a bias is suspected or plausible, there is no way to relate it to a hypothetical total population. That population remains elusive as it remains uncertain what the referents of ‘organised crime’ assessments (and also other studies) are. Thus, the ABC of statistical analysis and statistical data validation seem to be neglected on a large scale.⁷

⁷ P.C. van Duyne, M. van Dijck, Description of the State of the Art, Assessing Organised Crime Project, Deliverable 7, 30 January 2005.

<http://www.assessingorganisedcrime.net/publications/AOC-DLV07-vR2.pdf>

K. Verpoest, T. Vander Beken, The European Union Methodology for Reporting on Organised Crime, Assessing Organised Crime project, report, 20 May 2005.

<http://www.assessingorganisedcrime.net/publications/AOC-DLV-EU-methodology-vF1.pdf>

P.C. van Duyne, M. van Dijck, Summary of Data Evaluation, Assessing Organised Crime project, Deliverable 8, 30 January 2005.

<http://www.assessingorganisedcrime.net/publications/AOC-DLV08-vR2.pdf>

P.C. van Duyne, M. van Dijck, The Assessment of Organised Crime: A Critical Review, Assessing Organised Crime project, Deliverable 21 (Intermediate Re-

2.5. Studies of crime-markets

The final step in the phase leading up to the development of a New Approach consisted of studies of four select areas of crime:

- drug trafficking;
- human smuggling;
- trafficking in humans and
- cigarette smuggling.

The case studies served different purposes. Most obviously the aim was to arrive at up-to-date cross-national situation reports involving the five participating countries on the basis of a systematic review of open sources. At the same time the studies of the crime-markets were intended to deepen the understanding of the options and limits provided by existing data sources and theoretical frameworks for assessing ‘organised crime’. Finally, an important purpose of the whole exercise with a view to a harmonised assessment methodology was to explore to what extent generic concepts and categories could meaningfully be applied to diverse crime markets.

The review of open source data led to fragmentary assessments of the situation in the four selected crime areas. Although for all key aspects that are commonly addressed in discussions of ‘organised crime’ (activities, individuals, group structures, underworld structures, and illegal-legal links) some information could be found, the knowledgebase on the whole proved to be too small to come to a comprehensive assessment. The most severe deficiencies in the available data appeared to be:

- a lack of concise data on offender characteristics and offender structures; and
- a lack of time series data and cross-nationally compatible data.

Given the interlinking deficiencies in the available data base and theoretical framework it was not possible to devise a methodologically rigorous approach simply by calling for more information where so far it has been lacking. The key question seems to be *what* information really matters for an assessment that, in line with the meaning of the term, goes beyond a mere description.

Ultimately, there was no empirical and theoretical basis to pass a judgment on the seriousness of the situation in each examined area of crime and

port), 8 March 2006. <http://www.assessingorganisedcrime.net/publications/AOC-DLV21-vR3.pdf>,
P.C. van Duyne and M. van Dijck (2007).

therefore no basis for comparing the relative seriousness of the situation in each sector.⁸

Against this background it could be argued that more empirical research and theorising is needed before it would make sense to start devising any new assessment methodologies. However, as will be described in more detail below, the New Approach takes a different path. It uses the systematic collection and analysis of law enforcement data for empirically grounded theory building. In addition, it incorporates (other) research into the overall process of ‘organised crime’ assessment. The idea is to provide methodological rigour as a process aiming to improve, step by step, the basis on which more meaningful assessments—using different methodologies—including threat assessment and scenario building— that can be made in the future.

⁸ R. Hornsby, Provisional Situation Report on Drug Trafficking, Assessing Organised Crime project, Deliverable 15, 30 August 2005.
K. Verpoest, Provisional Situation Report on Human Smuggling, Assessing Organised Crime project, Deliverable 16, 30 August 2005 (not published).
M. van Dijck, Trafficking in Human Beings: A Literature Survey, Assessing Organised Crime project, Deliverable 17, March 2006.
<http://www.assessingorganisedcrime.net/publications/AOC-DLV17-vR3.pdf>
K. von Lampe, Provisional Situation Report on Trafficking in Contraband Cigarettes, Assessing Organised Crime project, Deliverable 18, 26 October 2005.
<http://www.assessingorganisedcrime.net/publications/AOC-DLV18-vR3.pdf>
K. von Lampe, The cigarette black market in Germany and in the United Kingdom, *Journal of Financial Crime*, 13(2), 2006, 235-254.

3. Towards a New European Common Approach for assessing ‘organised crime’

3.1. Essentials and methodology of the New Approach

It is clear that the state of the assessment art is far from satisfying. Unless one discards the whole idea of assessing ‘organised crime’ on a national or European basis, one has to design provisions to improve this state of affairs. Such provisions can consist of piecemeal improvements or a complete overhaul. As a complete overhaul is very ambitious one can start with piecemeal improvements risking that going from one necessary improvement to the next –like redecorating an old house– one ends up with the postponed overhaul after all. The comprehensive examination of the state of the art lent further support to the notion underlying the project proposal that instead of patching up a number of defects (of which there are so many) a whole new approach was required.

Major steps towards developing a New Approach

In the course of the execution of the project doubts arose as to whether it is possible to devise an all-encompassing conceptual framework in the first place. Against the background of the four case studies it was argued, for instance, that there is no homogeneous ‘organised crime population’. A potential all-encompassing theory would have to deal with various ethnic minority crime-entrepreneurs in prohibited substances markets, indigenous illegal ‘protectors’/extortionists, business criminals or illegal service providers, to mention just a few broad categories which should be further subdivided. The differences between these and other observable sets of actors, it was argued, could not be overcome without violating the methodological principle: ‘Do not generalise over heterogeneous populations’. While the question remained to what extent human behaviour, despite differences across crime areas, follows similar basic patterns under conditions of illegality, a tentative agreement was reached that any theoretical approach should recognise that discernable, and different populations should be treated as different, and that this has a direct bearing on the possibility to design the intended comprehensive conceptual framework.

As far as the methodology is concerned, serious doubts arose as to the suitable application of methods and techniques of data gathering and processing. Even if there were a coherent theory consisting of testable (= falsifi-

able) hypotheses, applying the yardsticks of reliability and validity to the data gathering process results at best in the judgement ‘indeterminable’. Such a judgement implies that the findings are inconclusive.

Most basic is the commonly taken approach: against the background of an ill-defined concept of ‘organised crime’ research projects start with taking as proven which still has to be proved. There is no clear difference between independent and dependent variables. If the nature and extent of ‘organised crime’ is the conclusion of research (measurements on the dependent variable), it is remarkable that research projects, including assessments, start with that conclusion: ‘There *is* organised crime’ or ‘there *are* organised criminals’ (independent variable) while the basic concept is still debatable.

These considerations about the present state of affairs convinced the project team that the beaten tracks of assessing and researching ‘organised crime’ require more than patching up. Instead of modifying and amending existing approaches, a more fundamental reorientation was deemed necessary: redirect the attention to what the independent and dependent variables are supposed to be and start subsequently rebuilding the landscape of ‘organised crime’ research.

3.2. The New European Common Approach (NECA)

The four essential principles of the New European Common Approach (NECA)

If ‘organised crime’ is a construction and *not* an observation, then one has to go back to the observational elementary ‘roots’. What are these? Broken down into its observable components, the elusive concept of ‘organised crime’ refers basically to individuals who commit certain (profit oriented) acts in a context of collaboration, collusion, communication and social support. This implies a first important step:

- a shift in focus from ‘criminal groups’, which are also a construct, to criminal activities and to the individuals involved in those activities.

This basic angle entails that the *counting unit* at the observational level will be the conduct of the individual: *Who* does *what*? Naturally, the next variable will be: *With whom*?

Focussing on individuals and criminal activities implies that the assessment, at least initially, encompasses the totality of crime, which for practical purposes is unwieldy. The consortium partners agreed that the scope should be narrowed down to crime-for-profit. Consensus was also reached on the

point that crime for power in the sense of territorially based ‘quasi-governmental control’ by criminal groups (Anderson, 1979) should also be included, considering that historically it is essentially crime-for-profit that has been the basis of the control of those criminals involved.

Collecting data at this elementary level implies:

- a shift from lay-theory led ‘organised crime’ assessments to empirically grounded theory building.

This approach entails that one does not start with a theory of ‘organised crime’ – based on lay-intuitions and imprecise concepts – but strives to theory building from basic empirical observations. This approach also implies that one does not necessarily arrive at an ‘organised crime’ theory, though any theory building will per definition be about profit oriented criminal *conduct*. Within the discourse of ‘organised crime’ the focus will naturally be on the ways this conduct *is being organised*. And that is the dependent variable or rather, a cluster of dependent variables.

As this perspective is very close to law enforcement agencies and wider criminal justice practice (law enforcement officers observe *deeds* of *suspects*) we also propose a basic revision of the assessment methodology. At present, in many countries law enforcers are annually asked to fill in forms or send memos about ‘organised crime’ retrospectively. This is not only an imprecise method, but adds also a burden to the workload of agencies. Therefore the project consortium proposes

- a shift from *separate* to *integrated* raw data collection following the principle of one-time only data input for multiple use (criminal investigation, crime analysis and ‘organised crime’ assessment).

Basically this entails that observing and registering will virtually be the *same* act, which results in a (electronic) document that (if a criminal case is made) ‘travels’ with the case, like a bill of lading travels with the cargo. At every stage in the ‘journey’ through the judicial system data can be added, deleted and/or changed while the officer in charge is at close observational range. Data thus gathered are the backbone for assessing crime-for-profit, more accurately: criminal conduct for profit and profit-oriented offenders.

A fourth related principle concerns the question about the input bias. In the course of the project the ‘Columbus effect’ was discussed: discovering India because one is set to find India and therefore what is found is India populated by ‘Indians’. Countering this bias implies:

- a shift from the qualifying-as-organised-crime collection mode to ‘brand-free’ data gathering in order to avoid the mixing up of data input and interpretation.

This contributes to the separation of dependent and independent variables at the basic observational level. A practical objection could be that the input system will be swamped by all sorts of crime which are now kept out of the –intuitive– perimeter of ‘organised crime’. But we view this merely as a matter of pragmatically setting thresholds or adequate filtering at the first analytic step to avoid a system overload on a technical level. At the same time the chance that interpretative components slip into the act of deciding about the data input has to be reduced as much as possible.

These are the four basic principles of NECA. The first two principles represent the most fundamental theoretical changes compared to the present approaches to assessing ‘organised crime’. The third and fourth principles concern a change in methodology entailing new methods and techniques.

Methodology and techniques

The fundamental methodological change at the level of data collection and data entry is that the angle of observation is no longer: “Is this case a manifestation of organised crime?” This implies that the collection and processing of raw data no longer hinges upon a definition of ‘organised crime’. Rather, data are collected and processed with a view to the final analysis and the answering of questions like: “How and to what extent is this criminal conduct organised?” And: “How do offenders organise?” It is from this angle that the database structure for the raw data must be tailored.

A consequence of this perspective is that new attention must be paid to the technique of data gathering. The analysis of the current system of ‘organised crime’ reporting has revealed significant flaws in how the raw data are collected and processed in composing such assessments. There are essentially two reporting procedures in place: one requiring front line investigators and intelligence analysts to provide data input separately from their routine tasks. The other requires investigators and analysts to share their data with those who are charged with drawing up situation reports. The former procedure increases the workload of investigators and analysts and in addition, burdens them with making judgments on whether or not particular information is relevant for the assessment of ‘organised crime’. The latter process produces compliance problems, particularly within the culture of law enforcement agencies where information is jealously protected. The pro-

posed NECA overcomes this impediment, as described in the following phases.

Phase 1: Raw data gathering integration

NECA integrates the collection of raw data into routine (electronic) file keeping, and draws on this information only in an anonymised form. The underlying assumption is that in the future all information collected in the course of a criminal investigation will be stored in networked electronic databases and that these data are directly relevant for strategic analysis. Technically it implies:

- converting a set of data from each (electronic) case file in an electronic ‘fact sheet’, which functions (a) as the case summary (‘skeleton file’) of the information known at a given point in time, while (b) a copy of the skeleton file is the *input mode* for subsequent analysis on an aggregate level;
- the skeleton file remains with the (electronic) case file while it moves through the judicial system for later alterations or additions (‘bill of lading’ principle). This means (a) that there is always an up-to-date input and (b) previously inserted information does not need to be re-inserted;
- for a statistical analysis the skeleton file shall be anonymised by replacing all identifying information (names of individuals and legal persons, details on the place of residence, telephone numbers etc.) by codes, but such that the counting units (e.g. an individual) remain *unique*.

Strictly speaking, this is not a real innovation. Every research based on criminal file analysis is carried out on the same basis. But these are retrospective investigations. The innovation will be that the case officers contribute the relevant information to the electronic summary (skeleton) file while handling the case and that the collected data are available for multiple applications. This complies with the management principle: *one-time only input for multiple uses*.

Special attention must be devoted to designing the list of features, or, in research terms, variables. Designing a list of variables (and a connected code book) is quite a precise task and craft. As indicated, the data input has to fit in with the existing routine of data collection practices. However, these should be more rigorously standardised.

Data gathering on individual characteristics and financial management (money-laundering) provide a valuable added value. However, these kinds of data are not always collected in investigations. Individual characteristics, including social background, personality profile and personal skills, are potentially relevant from a “know your offender”-perspective. Such personal

characteristics of ‘organised criminals’ are increasingly acknowledged as important explanatory factors (Europol, 2006). However, it is probably one of the most under-researched aspects in the study of organised crime (Bovenkerk, 2000; van Duyne, 2000; von Lampe, 1999; Levi, 1998) which requires some pioneering. Another aspect requiring more information gathering effort is the ‘criminal money management’ (money-laundering) as it can provide a key to understanding the organisation of crime-for-profit (see Van Duyne et al., 2001).

The list of variables for data input will include the following conventional categories:

- general information about the investigation (e.g. date of first law enforcement activity);
- information on the individual (e.g. age, gender);
- information on the offence (e.g. type, location);
- information on legal entities (e.g. legal form, ownership);
- information on assets (e.g. type, value).

These variables will be integrated in the data input, because the information is entered in relation to particular individuals, and individuals, in turn, are connected through a shared case-number in the event of (suspected) co-offending. In addition, certain variables will be included to document interpersonal relations, for example:

- family ties;
- membership in criminal association (e.g. outlaw motorcycle gang).

Not all variables can be turned into a numerical mode: there will always be variables which will consist of open text fields. These variables may add nuance, but are very laborious to process as long as computer science does not make significant progress in translating unstructured information into structured data.

It is still a matter of debate what level of reliability data should have that are entered into the system in phase 1. According to one view, only ‘hard data’ should be included. According to another view, the reliability of every piece of information should be evaluated, implying that soft data should also be permitted for inclusion. What is of essential importance is that *every* level of data insertion –from ‘soft’ intelligence gathering to the Supreme Court– will be identified as such, thereby allowing vertical comparison between the judicial phases of case processing.

Phase 2: Computer generated statistical analysis

The (anonymised) raw data input is automatically available for statistical processing and analysis. The raw data may serve various purposes. Apart from rough overviews (like the ones provided by the BKA in its annual situation reports), quite detailed analyses can be produced, depending on the variables involved. Variables can also be used for defining sub-populations, like;

- (the composition of) specific illegal markets (e.g. drug markets; counterfeit market);
- kinds of perpetrators (nationality/ethnic backgrounds; criminal history; income level);
- modus operandi (e.g. means of transport; use of front firms);
- co-offending, which may serve as the basis for deducing offender collectives;
- upperworld connections (ranging from neutral interactions to high level (political) corruption).

These sub-populations can subsequently be cross-analysed against other variables to test the degree of difference or similarity.

The statistical analysis does not halt at the numerical variables. The non-numerical variables have to be inspected as well, in order to find out whether the contents allow a categorisation, which can subsequently be turned into a numerical variable.

In general, the statistical analysis is suited to highlighting hotspots, together with their characteristics and, eventually, trends over time. This, in turn, will aid the decision making about the extent and focus of policing efforts. Three types of categories appear to be particularly suitable as frames of references for identifying hotspots: *crime types* defined by material criminal law; *crime regions* defined by the geography of crime commission (by crime type or crime-for-profit in general); and *criminal networks* defined by (suspected) co-offending.

Phase 3: In-depth (strategic) analysis and additional data collection

In the sections above the denotation ‘skeleton’ is used intentionally: there is little flesh on the data bones as regards content at this stage of the overall process. This must be done in the third phase in which the statistical findings can be projected against other data to be collected. Additional data may be derived, for example, from:

- in-depth file analysis;
- interviews with investigators;

- questionnaire surveys of investigators;
- data from non-law enforcement agencies like administrative supervisors;
- informants from trade and industry;
- data from NGOs.

While the statistical input of phase 2 may be considered the substrate for this phase, the emphasis will shift to other, quantitative and qualitative data. This raises the question of comparability between new data gathered from new information sources and the statistical findings.

In order to ensure that the collection, processing and organisation of data is done along the same lines by all officers involved, a fairly rigid conceptual framework needs to be applied and adhered to. The description of the crime phenomena should be made in accordance with a classification scheme that distinguishes for analytical purposes:

- activities;
- individuals;
- interpersonal structures;
- underworld structures;
- illegal/legal nexus.

Within these broad categories, further differentiations may be required. For example, the category ‘criminal activities’ covers various phases: preparation, execution, the handling of proceeds, and protective measures. The latter category, for example, can again be subdivided into categories of ‘criminal mimicry’ (imitation and camouflage), confrontation, and cooperation/accommodation within the legal business environment.

To take another example, criminal structures should be described with regard to dyadic (bipolar) ties and with regard to action sets, i.e. sets of relations that are activated for a particular endeavour. A number of useful concepts from organisation theory and network analysis can be adopted here. For instance, the distinction between markets, networks and hierarchies could be employed to characterise these cooperative structures (see Smith, 1994; Thompson, 2003).

In phase 3 the analysis goes beyond a stock-taking or a description of offenders, offences or structures. It will also include environmental variables concerning legal, social, economic and cultural conditions, which interact with the criminal players. This does not necessarily entail a society-broad approach, as the selection of such variables depends on the particular research questions which will be addressed.

Phase 4: Formulation of research questions and subsequent investigation

The descriptive observations made in the previous phases have to be evaluated against the background of assumptions on cause-effect and inter-relational links that need to be continuously formulated, tested and reformulated where necessary. For this purpose and in order to produce the insights essential for a meaningful data interpretation in the long run, empirically grounded theory building is required. It should be noted that empirically based theory building does not necessarily lead to a ‘comprehensive organised crime theory’. If the hypothesis of differences between categories of organising criminals is more plausibly supported by the empirical finding, than –in place of the holistic notion of *the* phenomenon of organised crime– different theories will have to be elaborated. Such theoretical insights would examine descriptions and predictions of patterns and trends within contemporary crime for profit. This will not only broaden our understanding of the relevant criminal activities, but will assist in the designing of related policies and law enforcement responses. This should have a bearing on subsequent assessment activities, which will then deal with various fields (or markets) rather than with *the* ‘organised crime situation’.

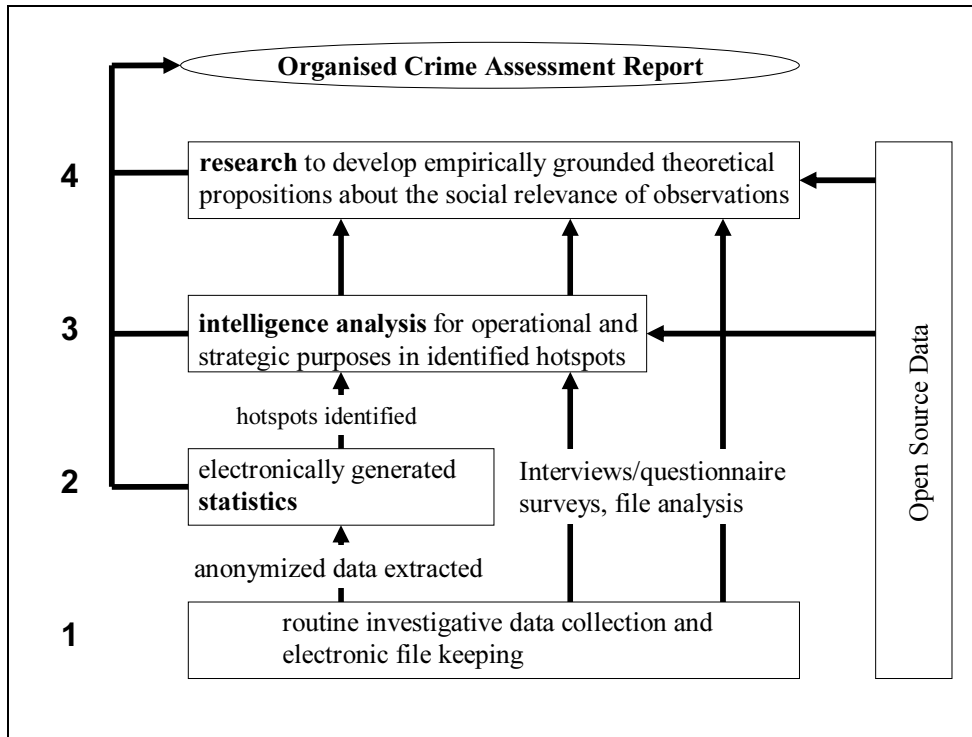
A broad range of data sources, including those used in phases 2 and 3, will have to be utilised in order to implement these improvements. One key aspect will be the availability of data obtained from each of the preceding three phases, which can be used for secondary analysis. Researchers involved in phase 4 may additionally apply a mixture of the following methods:

- file analysis;
- interviews (investigators, offenders, experts);
- questionnaire surveys;
- statistical analysis of crime and socio-economic data.

Researchers operating in this phase should maintain their institutional independence while interacting with various agencies. This implies a continuous cooperation between law-enforcement agencies and academic institutions.

The four phases are summarised in the following figure.

Figure 1. The New European Common Approach for Assessing the organisation of crime



3.3. Intended Outcome: Regular Reports

The intended outcome of the assessment process is a report produced at regular intervals. The statistical analysis could be produced in relatively short intervals, accompanied by a brief description of the main trends. For example every four or six months, standard tables can be produced. Reports that combine the findings of phases 2 and 3 should be issued on an annual basis in accordance with the current practice. Research results from phase 4 might take more than one year to produce, but in the long run it could be possible to have an annual assessment report, which combines findings from phases 2, 3 and 4. Such a report could have the following structure:

Statistics Section

- Administrative statistics (law enforcement resources, duration of investigations etc.);
- General crime statistics:
 - (co-) offenders
 - offences

- Statistics on areas of interest:
 - areas of crime (offence category, illegal market)
 - crime regions
 - co-offending networks

In-depth analysis

- Offences:
 - modus operandi
 - geography
 - facilitating factors
 - impacts
- Offenders
 - individual characteristics
 - cooperative structures
 - underlying links
 - financial and economic features.

Research

- Fundamental research;
- Comparative research (cross-national, cross-sector);
- Case studies.

Areas of recommendations

- criminal policy;
- socio-economic policy;
- law enforcement strategy.

3.4. Overview of advantages of the New European Common Approach (NECA)

NECA is seen to have a number of advantages compared to current approaches to assess ‘organised crime’, including the following:

- reduction of workload for front-line officers through one-time-only data input;
- reduction of compliance problems through automatic anonymisation of data used for the assessment;
- cross-nationally standardised data collection;
- Assessment more independent from the specialisations, investigative preferences and politically induced bias of organised crime units;

- analysis of crime patterns independent from national boundaries;
- reduction of intervals between data collection and assessment, especially with regard to the statistical analyses conducted in phase 2 which allows real time use of data;
- continuous monitoring of trends regarding crime areas, crime regions and co-offending networks;
- integration of data collection, crime analysis and research to arrive at more meaningful interpretations;
- compatible with (in fact: providing the prerequisites for) assessment approaches such as threat assessments and scenario building.⁹

⁹ K. von Lampe, Proposal for a Common European Approach to Assess Organised Crime, Assessing Organised Crime project, Deliverable 22, 30 November 2005
<http://www.assessingorganisedcrime.net/publications/AOC-DLV22-vD1.pdf>.

4. The cigarette black market study and its implications for NECA

4.1. Introduction

The original purpose of the third project phase, an empirical study of the cigarette black market in the Baltic States, Central Europe and the UK, was twofold: to test the technical feasibility of NECA and to find out whether the new approach could contribute to an in-depth cross-national assessment of a crime-market, in this case the cigarette black market. This implied that the project had to face ‘reality’ in the form of collecting and processing real data according to the lines envisioned within the proposed new methodology.

It appeared that for several reasons the originally planned course of action could not be pursued to the full extent. One major reason was that the project consortium encountered substantial obstacles in conducting the empirical study of the cigarette black market.

The first obstacle was the delay in the access to the prime data source, case files on cigarette related criminal investigations, which the project partners experienced to various degrees. In the course of a six months period, the four consortium partners with a full-time researcher position funded by the project were intended to collect and analyse data on the cigarette black market in their respective countries (Germany, Belgium, The Netherlands, the United Kingdom) from various sources. The findings of the analysis of the criminal case files would lay the foundation for the collection of additional data from expert and offender interviews. However, despite a long preparation period in part extending to the time *prior* to the official start of the project in September 2004 and despite assurances by the competent authorities that access would be granted, only one of the four partners obtained access to relevant files by November 2005 when the data collection was scheduled to begin. While two more partners were able to start with the file analysis in January 2006, one, the British partner, was effectively denied access to any files throughout the duration of the empirical study.

As this concerned an *instrument* pilot study, the case selection was not based on random sampling to guarantee perfect representativeness of the ‘smugglers’ population. Even if random sampling would have been contemplated, the information management of the customs services would have defied such an undertaking. The case files were mostly pre-selected, either by the designated law enforcement entity who kept records of the case files on the basis of a specific request (Belgium) or simply because of the organisational structure of the law enforcement agency (Netherlands). Because the

Dutch sample contained more than the 43 studied files, further selection was made partly at random and on the basis of expected 'value'. This implied that the files containing mere requests for international cooperation and no further meaningful contents were put aside. The German case selection was based on the (large) volume of the seized cigarettes, the presence of at least three suspects or a connection to the UK, which also implied a bias.

The 'paper reality' of the criminal files in which the researchers had to work, imposed a heavy burden on the time management of the project. Working through dozens of files, some of which consisted of many boxes proved to be unwieldy and laborious. It underlined the realism of the project's recommendation concerning an electronic (skeleton) file.

A second obstacle the project consortium had to face was that some agencies permitted access to the files of *ongoing* investigations while others restricted access to *finalised* cases. As a result, the historical periods covered by the project partners differed. In the end the historical period of 1996 until 2005 was covered by the project to some degree, but with little chronological overlap or tuning. This limits the comparability of data. Where different patterns appear in the cross-national analysis it remains uncertain whether they have to be attributed to country-specific features or rather to independent circumstances which have nothing to do with the cigarette market.

Still, the analysis produced some interesting findings, both with regard to the feasibility of NECA, and with regard to the study of cigarette smuggling. For practical reasons the results of the empirical study will for the most part be presented in publications other than this final report. Here, only some of the findings can be presented which have some bearing on the further elaboration of the New Approach.

4.2. Some results from the file analysis: aspects of the black cigarette market in Belgium, Germany and the Netherlands

Using the previous studies of von Lampe (2003; 2005) and Van Duyne (2003), which were also mainly based on the analysis of criminal files from the Dutch and German customs service, the consortium set out to develop a proper data-entry instrument: 'CaseGrid'.¹⁰ This instrument converted the variables about offenders, offences modus operandi and police observations by means of an interface programme into a database. This interface programme enabled the convergence of the three separate databases (containing

¹⁰ The CaseGrid software was developed by project participant Maarten van Dijck.

the Dutch, German and Belgian data) into one database. It made it possible to calculate basic common statistics and to carry out some basic cross-country comparisons. Working with CaseGrid also provided insight into the comparative accessibility of the criminal files and databases of the three customs services: data available in one country could be absent in another, resulting in different ‘missing values’ per country. Therefore, the aspects highlighted in the next sections should be taken as examples of what a fully methodologically implemented NECA could reveal about a crime-market. The outcomes illustrate the approach, though some of the findings give meaningful impressions of aspects of this market. Also then we present them with caution.

The file analysis was complemented by interviews with law enforcement officers, representatives from the tobacco and transport industry, and offenders (only in Germany and the UK). In addition, open sources about the black cigarette markets were studied. Altogether this study represents the phases 1 through 3 of NECA. However, in the following sections we will provide some selections to primarily illustrate the various phases of NECA as a ‘finger exercise’, leaving the more comprehensive analysis of data and presentations of findings to other (collective and individual) publications.¹¹

Sample size

Table 1 represents the structure of the CaseGrid database, ordered according to the number of cases and the (legal) persons involved.

Table 1. Number of case files per consortium country

	Belgium		Germany		Netherlands		Total	
	N	%	N	%	N	%	N	%
Cases	44	38	27	24	43	38	114	100
Persons*	262	33	251	32	272	35	785	100
Legal entities**	152	83	1	1	29	16	182	100
Seizures	15	19	35	43	31	38	81	100

* The data in the ‘persons’ cluster refers to suspects. Whereas the formal notion of suspect differs per country, the research consortium decided to include also data on persons who are knowingly ‘involved’ in the cigarette related criminal activities, but who are, for whatever reason, not included in the file as formal suspects.

** The legal entities were not inserted initially but in a later phase of data collection and integrated in the database. The legal persons in the German sample (n=55) could not be retrieved in time for insertion into the database.

¹¹ M. van Dijck and P.C. van Duyne, Trafficking cigarettes in the European Union. Deliverable 31. 15 February 2007.

The table also provides some scale of differences of the underlying databases. These differences may be attributable to variations in the ‘reality of crime’, in law enforcement practices or –last but not least– the way the smuggling cases have been sampled. Therefore, one cannot make conclusions about the ‘real’ black cigarette market. For example, the average number of suspects per case in Germany is 9,3 compared to 6 for Belgium and 6,3 for the Netherlands. But this may be an artefact of the German sample, containing a small number of cases with a large number of suspects which skews the central index. However, the differences may also be attributable to a lack of harmonization of input categories, due to differences in the legal system. For example, the concept of ‘suspect’ proved difficult to operationalise. As a result, in the pilot study two categories of offenders were used to obtain cross-country comparability: ‘suspects’ and ‘involved individuals’. As far as legal persons are concerned, they are predominant in the Belgian (n=152) and German (n=55) samples compared to a much lower prevalence in the Dutch sample (n=29).

Such findings provide meaningful indications for subsequent steps in our NECA methodology. At a higher level of analysis researchers should find out whether these differences are attributable to country specific market characteristics, law enforcements practices and preferences, or to differences in the data collection procedures, or a combination of these.

In the next sections we will demonstrate the working of NECA according to a few selected variables.

Market and market players

Within the framework of NECA, markets and criminal ‘market players’ occupy a central position. Though at this level of statistical stock-taking (NECA phases 1 and 2) the information will be skeleton-like, it can show the road for further analysis.

Table 2 illustrates cross-country differences in the number and volume of cigarette seizures, which may be attributable to sampling differences, contents of the files or the underlying ‘market reality’. In the first place we see that the Belgian database shows a large number of missing values. This requires closer inspection of the database. If we leave that question aside for further investigation, we can compare Germany and the Netherlands. As can be observed, 21 of the 37 German seizures concerned less than 500.000 cigarettes, while in 21 of the 34 Dutch seizures the amount of seized cigarettes was about one million cigarettes.

Table 2. Amounts of cigarettes per seizure. Intervals.

Amount of cigarettes*	Belgium	Germany	Netherlands	Total	
	N	N	N	N	%
0 - 1.000	8	0	0	8	8
1.000 - 10.000	2	2	0	4	4
10.000 - 100.000	2	14	5	21	22
100.000 - 500.000	0	5	5	10	11
500.000 - 1.000.000	1	3	3	7	7
1.000.000 - 5.000.000	6	10	15	31	33
5.000.000 - 10.000.000	1	3	3	7	7
10.000.000 - 20.000.000	3	0	2	5	5
>20.000.000	1	0	1	2	2
Total = 100 %	24	37	34	95	100
Missing values	107	9	9	125	

* All the figures are in European continental annotation.

At this point it is helpful to know that 500.000 cigarettes roughly make up a van-load, whereas shipments above 500.000 cigarettes can be expected to be transported on a truck or in a container.

Is this a statistical coincidence? If a fully implemented NECA database would be in place, one would address this question by looking, for example, at the ‘who’ question: the offender population within the NECA database. Potentially important variables are nationality and age, which are to be compared cross-country. Despite the absence of such a full database, we follow this track, but with due caution.

Table 3 provides an overview of the nationalities involved per country. The comparison of the three databases yields some interesting differences, though the large number of missing values must again serve as a warning against too firm conclusions. While in Belgium and the Netherlands the majority of the persons involved are respectively Belgian or Dutch, in the German database the ‘indigenous’ German individuals constitute only a minority. Instead, 63 % of the suspects are of Polish or Vietnamese origin.

It should also be noted, that although the Baltic countries, particularly Lithuania, are usually mentioned as source countries, less than one percent

of the suspect population stems from this region.¹² This could be an indication of sampling errors.

Table 3. Nationality of the offenders per region

	Belgium	Germany	Netherlands	Total	
	N	N	N	N	%
Dutch	12	0	78	203	37
Belgian	62	2	1	102	19
Polish	10	37	6	84	15
German	4	20	1	40	7
Vietnamese	0	26	0	40	7
British / Irish	12	1	3	29	5
Middle Eastern	0	3	8	24	4
Central or East European	0	9	3	20	4
Baltic	0	1	1	4	1
Other	0	1	1	6	1
Totals* = 100%	156	152	236	544	100
Missing values	106	99	36	241	

* total percentage is not always exactly 100% due to rounding and due to the possibility of double nationality.

Subsequently one can look at the variable ‘age’ to compare the suspects from the three samples in relation to their nationality. In addition to suspects born in the respective countries under investigation the two most prevalent non-indigenous nationalities, Polish and Vietnamese, are included.

The comparison by country of birth and age shows that the age of the Vietnamese and Polish suspects in this database are mainly in the range below 40 years (average 30 years), while the majority of the Dutch and Belgian suspects are older than 40 years (average 42 and 43 years respectively; age categories marked in table). The small number of Germans of whom the age is known (12) hardly allows a conclusive statement.

¹² See also Bundeskriminalamt (2006: 16).

Table 4. Age of offenders related to country of birth (absolute figures)

Age intervals	15 – 20	21 – 30	31 – 40	41 – 50	51 – 65	65+	Total	Mean
Country of birth								
Vietnam	4	11	17	1	0	0	33	30
Poland	9	32	20	9	1	0	71	30
Belgium	9	11	20	36	14	2	92	43
Netherlands	7	18	27	32	34	2	120	42
Germany	3	4	3	0	2	0	12	37
Totals	23	65	67	42	37	2	341	

Further correlation analysis in NECA phases 2 and 3 could determine the relation between the age and nationality of suspects and the volume of cigarettes handled, which could be compared with what is otherwise known about the place of the individual suspects in the market.

Given the generally observed inverse relation between age and crime, the offenders in the Belgian and Dutch samples seem to constitute a different offender population, more comparable to the profile of economic offenders (Van Duyne et al., 1990).

When tables 3 and 4 are jointly examined, the contraband market in the Netherlands and Belgium –as far as represented in the respective samples– appears to be largely determined by somewhat older indigenous Dutchmen and Belgians (including a few truly senior suspects older than 65). In Germany the situation may be more complex. That is a matter of further investigation. In the German sample, young Polish smugglers and Vietnamese local traders, handling smaller volumes of contraband, keep the average age of suspects at a lower level.

Although in earlier publications these countries have been grouped together as the ‘Northern trade belt’, closer comparative inspection suggests different populations. Further analysis reveals hardly any link between these populations, e.g. in the Dutch files not one single mention was made of any Vietnamese supplier. Other data, such as about the cigarette smuggling geography reiterate the notion of Northern trade belt, but the German-Vietnamese population, which strictly serves the local domestic market, seems to be no part of this trade belt.

Modus operandi

As the NECA assessment of the organisation of the black cigarette market concerns also the *how* of the trade, CaseGrid also contained various variables concerning the modus operandi. Here we focus on two variables:

- means of transport;
- the use of legal entities.

Both variables can provide us with a comparative profile of the organisation of the trade in the three countries, although only in a rough statistical outline.

Table 5. Means of transport

Transport mode	Belgium		Germany		Netherlands		Total	
	N	%	N	%	N	%	N	%
Truck / trailer	34	52	4	13	23	56	61	45
persons car	6	9	12	39	7	17	25	18
Container	11	17	1	3	6	15	18	13
Ship	10	15	0		5	12	15	11
Van			10	32			10	7
Tractor	2	3	0				2	1
Bicycle			1	3			1	0,7
Courier			1	3			1	0,7
Multiple	1	2	0				1	0,7
Rubber boat			1	3			1	0,7
Taxi			1	3			1	0,7
Train	1	2	0				1	0,7
Total observa- tions = 100%*	65		31		41		137	100
no value	5		1		13		19	

* More or less than one transport observation per case is possible because cases can involve multiple shipments.

Table 5 shows different national patterns in moving contraband cigarettes, though the absolute numbers are small. In the two ‘transit countries’ (Belgium and the Netherlands) with much of the contraband destined for the UK, the database shows mainly means of transport for large shipments, while in the German database person cars and vans for smaller cargos are the most frequent forms of transporting the contraband. This corresponds with the classification of operations provided in table 6 and the finding that a large share of the German sample covers bootlegging and domestic retail distribution.

Table 6 is not directly derived from the data contained in CaseGrid but is a classification combining a number of factors that in the NECA framework would initially be done by analysts in phase 3 or researchers in phase 4 of the assessment process, but may be automated later. Underlying the table is a classification of three broad types of operations:

- procurement abroad;
- domestic procurement;
- distribution only (without procurement at the source).

The category ‘procurement abroad’ encompasses all forms of smuggling and can be further subdivided into two categories of trans-border movement:

- large-scale smuggling;
- bootlegging.

Overall, table 6 shows that 69 % of the cases concern large scale smuggling, mainly in the Dutch and Belgian samples; 15 % involve bootlegging while the remaining 16 % consist of the domestic procurement of cigarettes through theft and of illegal mid- and lower level distribution of cigarettes where the original sources of the contraband has remained obscure. In the German sample of 26 cases, however, only 27 % involve large scale smuggling while 42 % of the cases involve bootlegging and 31 % domestic distribution.

Table 6. Smuggling operation types

	Belgium	Germany	Netherlands	Total	
Smuggling operation type	N	N	N	N	%
Large-scale shipments from abroad	40	7	31	78	69
Bootlegging (by car / van / truck)	2	11	3	16	15
Bootlegging by import company	0	0	2	2	2
Domestic cargo theft	0	0	2	2	2
Distribution by internet trade	0	0	2	2	2
Distribution (mid- and upper level)	0	8	2	10	9
Distribution (retail)	0	0	2	2	2
Total observations	42	26	44	112	100
Missing values	2	1	1	4	

This small number of observations raises the question why there are so few large-scale shipments in the German sample, given that Germany is considered an important link in the chain of the ‘Northern trade belt’ from the Baltic States to the UK. One explanation may be that this is an artefact of the sampling method: the selection criteria of *at least three* suspects used for the

German sample leave out the arrested individual truck drivers transporting large cargos, but with no demonstrable links to background figures.

From the perspective of cross-national comparative analysis this would imply that the populations of the national samples differ in the sense that they have different trading characteristics (transit smuggling vs. domestic retail distribution). This will have to be cleared in subsequent analyses.

As large-scale transport operations tend to be embedded in the legal cross-border transport of goods, they require upperworld relationships for various administrative aspects, like transport licences or clearance with customs. Because of the larger share of large-scale smuggling operations it could be expected to find more legal entities in the Belgian and Dutch samples than in the German one. While the overall number of legal entities does not support this notion, a closer inspection reveals that the knowing (n=55) and unknowing (n=49) involvement of legal entities is only characteristic of the few cases of large-scale smuggling in the German sample.

Given that confirmation, it is of interest to know how these legal persons were used or abused as this provides more content to the variable ‘legal and illegal nexus’. Table 7 shows the level of this involvement. This classification is not directly derived from the raw data contained in CaseGrid. Instead it is based on an interpretation of the relevant data in a particular case file. As such, in the framework of NECA, the classification would initially be done by analysts in phase 3 or researchers in phase 4 of an assessment procedure.

Table 7. Observed involvement of legal persons

Involvement of legal persons	Belgium	Germany	Netherlands	Total	
	N	N	N	N	%
No (known) use of legal persons	19	18	20	57	43
Set up for illegal purposes	10	3	14	27	20
Originally set up for legal purposes	19	2	9	30	23
Unknowingly abused	1	7	3	11	8
Name abused (identity theft)	4	1	2	7	5
Totals observations	53	31	49	133	100

Inspection of the database revealed a mixed pattern of upperworld–underworld interaction, particularly in the Belgian and Dutch samples. About 40 % of the corporations were either established for smuggling or – though originally a licit firm– ‘slipped’ into crime. In about 13 % of the cases firms were only unknowingly abused, particularly in Germany. As mentioned above, these outcomes are to some degree interpretative. For ex-

ample, ‘abuse without knowing’ can range from renting a truck from a rental company, to a shipment agent who does the clearance with customs.

Within the framework of NECA these data would be a valuable indication for subsequent in-depth research, which could, in addition, result in a more precise categorization for data input on this variable.

The feasibility of NECA

What does this application of CaseGrid as a pilot investigation (or finger exercise) of NECA tell us about the feasibility of the new approach? The findings (which should be taken as tentative and illustrative) point at two directions. On the one hand, the approach demonstrates the potential of a cross-country comparison by applying a common data-input tool. It highlights the variation between countries against the background of a common crime-market. On the other hand, it also makes us aware of the importance of tightening the methodology: a next (real life) round should be preceded by the design of a precise code-book and the training of the officers who would be tasked to handle CaseGrid (or a similar instrument). As a pilot study the case file analysis and the use of CaseGrid did what it was intended for: in addition to a reconnaissance of the black cigarette market, it revealed potential weaknesses in data collection and provided guidelines for the improvement thereof. Some of these aspects are addressed in more detail below.

An Ethnographic study of cigarette smuggling in the UK

As a consequence of the delay experienced and ultimately the failure to gain access to criminal files on cigarette smuggling in the UK, a qualitative methodological approach was taken to explore the situation. As has been noted elsewhere in some detail (WP 26), the UK contingent of this European study experienced on-going obstacles in accessing the expected 50 case files, and investigating officers related to them, from Her Majesty’s Revenue and Customs (HMRC-formerly named HMCE) throughout the duration of the project. As those obstacles relating to access developed, the UK researchers, with wide experience in qualitative research methods, set about constructing a contingency plan in order to supplement the potential that access to the case files would not occur (although at no stage in the duration of the project was this potential outcome suggested by HMCE/HMRC - however it appears that throughout the length of the project key members of that agency placed a protracted emphasis upon the researchers gaining access to the files aiming

to make sure the research ‘got lost in the long grass’ of the agency’s priorities).

However, and despite that on-going saga, in following the contractual agreement in Annex I of the full AOC project description, the UK researchers began (during late 2004) to probe the feasibility of conducting a qualitative method of contingency via the access of ‘free-agent’ participants who were/had recently been active in the smuggling of contraband cigarettes and Hand-Rolling Tobacco (HRT) from mainland Europe in to the UK.

Qualitative research strategies of this kind obviously take time to implement and conduct, due largely to the constitution of a somewhat hidden population of deviant actors involved with such criminal activities being suspicious of intrusive researchers with interests in their illicit actions. Through a range of social network interactions the researchers were able to access a number of ‘gatekeepers’ with contacts to actors involved with the smuggling of contraband. Over a period of 18 months, the researchers made progress in securing the participation of seven active (or recently active) cigarette smugglers. During that period of time a further four active smugglers who were initially contacted refused their consent to participate with the research. Of those who agreed to participate, all were interviewed (in a semi-structured interview format) with a number of these allowing the researchers, to some degree, to conduct the study from a ‘participant observational’ methodological approach in obtaining data for this additional aspect of the research project.

The findings of one facet of this additional aspect of the project have been published elsewhere (Hornsby and Hobbs, 2006¹³). Other areas of it are on-going, due largely, to time constraints experienced in obtaining and analysing the data obtained from those interviews through obligations to the delivery of a range of other work packages committed to the AOC project throughout the timescale of the project.

4.3. Implications of the pilot study for NECA

NECA foresees the continuous collection and electronic storage of raw data as a particular method of research and analysis which ideally progresses and passes through the various criminal procedural phases. In the short time-span available for the feasibility study it was not possible to re-enact these procedural phases. However, with the use of the CaseGrid, which has some simi-

¹³ In this article acknowledgements are made to the EU 6th Framework Project and the Assessing Organised Project.

larities with existing law enforcement databases, certain aspects of NECA could be simulated. CaseGrid, which was designed for this feasibility study, follows the basic principles for data input, as well as the organisation and analysis to be found in other data processing instruments. An example is the system EASy used by the Bavarian police and (partly under different designations) in a number of other agencies in Germany and neighbouring countries (Eder, 2005).

In the criminal-file based study of the cigarette black market in Belgium, Germany and the Netherlands CaseGrid functioned as an analysis tool and at the same time allowed to explore some of the challenges connected with translating raw data generated during criminal investigations into electronic data.

At this stage of the try-out of the instrument we could observe that the outcomes reflect partly the ways the police or customs investigate cases, record and store data. This is not a surprising finding, but in the light of this feasibility study it underlines that any data-instrument building on a cross-national level must include the formatting of the very first stage of the information gathering.

The processing and analysis of the data extracted from the criminal files showed the need to agree to a common code-book, defining and specifying the values of each variable. This implies a rigorous operationalisation to which every country participating in NECA has to comply. This applies of course to all the *common* variables, to which country specific variables may be added. It may also be the case that due to specific national investigative routines or prosecutorial requirements certain variables or perpetrator and offence characteristics will not be recorded in the case files. In that case it is a matter of debate to what extent also investigative or prosecutorial routines should be harmonised. For example, social background data were quite consistently collected from offenders by one agency which has respective items included in the questionnaire its agents use for initial suspect interrogations, while in the files kept by other agencies no information about the social background of offenders was contained whatsoever.

The phases 3 and 4 of NECA consist, inter alia, of taking stock of open sources and interviews with informants. Due to time constraints it was not always possible in the feasibility pilot phase of the project to conduct extensive interviews and to integrate the data from these into an overall analytical framework.

The feasibility testing phase of the project showed that the application of NECA has to cope with many contingencies of the reality of the law enforcement landscape. This is true despite the fact that the case study chosen for testing the feasibility of the New Approach, the cigarette black market,

mainly falls in the jurisdiction of Customs which, at least in theory, operate in a cross-nationally more harmonized legal context than any other branch of law enforcement in the European Union. This is not a refutation of NECA, rather, an indication that making NECA work, the information management of law enforcement practice will have to be adapted.

Specifically, the pilot study of the cigarette black market produced the following insights relevant for determining the feasibility of NECA:

Cross-national differences in data collection:

There are various national differences in collecting and recoding data which are not self-evident and which may be harmonised, like:

- individual offender characteristics, which are not routinely grasped and documented in investigations (cross-national differences in availability of data), can nevertheless be stored in a unified way;
- cross-national differences in assessing damage/harm: in the feasibility study this concerned the fiscal damage from cigarette smuggling. Damage figures can be harmonised, for example, by taking account of whether the intercepted contraband was destined for another country.

Different populations:

- offenders in this crime-market, in many cases, do not often have previous convictions which compared to other crime-markets underlines the notion of different ‘populations’. Suspects in the analysed cases also differed from average offenders on other variables, including age and occupation;
- systematically grasping offender structures underscores the notion that the ‘criminal group’ is not necessarily the appropriate unit of analysis, especially in the light of specialization rather than diversification (no group, and only a small minority of the individual suspects, was found to have been involved in other crime areas outside cigarette smuggling). This lends support for the ‘population heterogeneity’ thesis across crime-markets.

The practice of electronic file keeping:

- electronic data management requires a strict discipline of consistently filling variable fields. If this discipline is not maintained, the databases will soon become polluted, which seriously reduces their usefulness. To achieve a reliable database the data entry method must be geared in a proper ergonomic way to the daily user. This implies in the first place a careful adaptation of the tools for inserting data: ergonomic convenience, no ambiguity about the variables (no freedom of interpretation)

and the requested data must be useful in law enforcement practice. One can say that the data entry system must be driven by 'egoistic' motives.

The one-time-only data input

- NECA heeds the principle of inserting data one-time-only, which is incorporated in the ‘bill of lading’ metaphor. The electronic ‘skeleton file’ travels with the case through the consecutive penal processing phases, during which new information, changes or improvements may be inserted. This saves labour while reducing the chances of making data-entry mistakes.

The CaseGrid tool in this feasibility study has demonstrated that if these principles are not fully observed, deficiencies and ambiguity occur in the data management: the tool was applicable in principle but showed some inconsistency in its application. Therefore, it is recommended that its format is strengthened with a more sharply honed definition of categorisations.

At this point it must be stressed again that this study was a pilot study and as such its purpose could only have been to test a set of instruments with a view to developing a more elaborate and more robust methodological toolkit later. Seen in this light, the feasibility study suggests that despite many points for improvement, an electronic file keeping system can be used to collect and process case-specific data and at the same time produce cross-nationally comparable and compatible data for strategic analysis of the organisation of crime.

5. Outlook

As argued in this report, NECA is an *approach* to take stock of a multifaceted criminal conduct –the organisation of crime for profit– and to move beyond that stock-taking by widening the circle of information for strategic analysis to account for the findings and to develop grounded theories. Although designing a proper IT-data tool is essential to meet the demands of reliability and validity, NECA should not be identified with one particular tool. The development of data entry tools in Germany, like EASy, may result in a tool which is compatible with the NECA philosophy. However, NECA can only come out fully in a properly developed IT *and* analytical environment. Concerning these conditions existing and envisioned difficulties and shortcomings must be recognised:

- low standard of electronic equipment across EU: though most police forces by now are well equipped with computers, the data entry systems and analytic software required by NECA are few and far between. This also applies to the Public Prosecution Offices and the Courts, which are essential in the chain of criminal data handling;
- the standards of data management usually do not meet the requirements of NECA. Most forms of law enforcement information management are satisfied with handling case by case, and supplying some crude frequencies for annual reports. Carrying out regular controls to prevent database pollution is not considered a routine task. As long as the everyday core tasks are fulfilled little attention is paid to other aspects of information management;
- incompatible data systems are also at odds with NECA: in many jurisdictions the data system(s) of the police are not attuned to one another, let alone to the Public Prosecution Office or the Courts. This makes comparisons, even if it concerns the same counting units like suspects, difficult if not impossible;
- cultural differences between the different communities (organisations) involved in using/developing and supporting such an integrated system of data collection will have to be taken into account. Historically and culturally, many organisations have often used standalone ‘stovepipe’ systems with restrictions on wider integration of intelligence/data storage. This often results in data ‘silos’, where huge amounts of data are stored within organisations, yet those organisations have failed to integrate them into wider resources for a more detailed analysis of key areas, like the crime-for-profit phenomenon;

- historical experience with failed attempts to harmonise law enforcement in Europe is not encouraging either as NECA requires a basic database *format* harmonisation. And this format harmonisation requires itself a harmonisation of data to be inserted: the counting units with their commonly defined variables.

Signs for hope

These caveats notwithstanding, there is reason to be optimistic about the implementation of NECA.

- EASy can serve as an example for an electronic file keeping system with apparently high acceptance by practitioners and wide and increasing implementation (in Germany despite federal/state and state/state animosities, and, interestingly, not following a central decision but more in a grassroots movement);
- Historically, one might want to draw an analogy to the introduction of computers in police work: what was a PC with MS Word for every officer 15 years ago is a computer network of compatible electronic file keeping software today, a utopian vision, but one with a good chance of becoming reality in a not too distant future.

What needs to be done/major challenges

- introduction of electronic file keeping which stretches from basic detective work to the courts: the electronic file goes along with all the procedural phases like the bill of lading travels with the cargo;
- improvement in data processing (from unstructured to structured data for statistical analysis, from unstructured to facilitated use of unstructured data by technical means for more effective qualitative analysis).

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References

- Anderson, A.G., *The Business of Organized Crime: A Cosa Nostra Family*. Stanford, CA: Hoover Institution Press, 1979.
- Beken, T. Vander and B. De Ruyver, L. Cuyvers, J. Hansens and C. Black, *Het meten van de kwetsbaarheid van economische sectoren voor georganiseerde criminaliteit: een methodologie*, OSTC, Antwerpen, Maklu, 2003
- Beken, T. Vander; E.U. Savona; L.E. Korsell; M. Defruytier; A. Di Nicola; A. Heber; A. Bucquoye; A. Dormaels; F. Curtol; S. Fumarulo; S. Gibson; P. Zoffi, *Measuring Organised Crime in Europe: A feasibility study of a risk-based methodology across the European Union*, Antwerp-Apeldoorn, Maklu, 2004
- Bovenkerk, F., “Wanted Mafia boss” – Essay on the personology of organized crime. *Crime, Law and Social Change*, 2000, vol. 33, no. 3, 225-242
- Bundeskriminalamt, Bundeslagebild Organisierte Kriminalität 2005, Wiesbaden, GER: Bundeskriminalamt, 2006
- Duyne, P.C. van, Mobsters are human too: Behavioural science and organized crime investigation. *Crime, Law and Social Change*, 2000, vol. 34, 369-390
- Duyne, P.C. van, Organizing cigarette smuggling and policy making, ending up in smoke. *Crime, Law and Social change*, 2003, no. 3, 263-283
- Duyne, P.C. van, OCTA 2006: the unfulfilled promise. *Trends in Organized Crime*, forthcoming
- Duyne, P.C. van, R. Kouwenberg and G. Romeijn, *Misdaadondernemingen. Ondernemende misdadigers in Nederland*. Arnhem, Gouda-Quint, 1990
- Duyne, P.C. van; M. Pheijffer; H.G. Kuijl; A.Th. van Dijk; G. Bakker, *Financial investigation of crime: A tool of the integral law enforcement approach*, The Hague: Koninklijke Vermande, 2001
- Duyne, P.C. van and M. van Dijk, All in the Dutch construction family: cartel building and organised crime. In: L. Holmes (ed.), *Terrorism, organised crime and corruption: networks and linkages*. Cheltenham, Edward Elgar, 2006
- Duyne, P.C. van and M. van Dijk (2007). Assessing Organised Crime: The Sad State of an Impossible Art, in: Frank Bovenkerk, Michael Levi (eds.), *The Organized Crime Community: Essays in Honor of Alan A. Block*, New York: Springer, 2007, 101-124
- Eder, G., EASy - zukunftsweisende Lösung zur Fallbearbeitung, Polizei, *Verkehr + Technik* 50(3), 2005, 116-118

- Europol, 2003 European Union organised crime report, Luxembourg: Office for Official Publications of the European Communities, 2003
- Europol, OCTA: EU Organised Crime Threat Assessment 2006, The Hague: Europol, 2006
- Finckenauer, J., Problems of Definition: What is Organized Crime?, 2005, *Trends in Organized Crime*, 2005, Vol.8, No. 3, pp. 63
- Hornsby, R. and D. Hobbs, A Zone of Ambiguity: The Political Economy of Cigarette Bootlegging. *British Journal of Criminology*, Advance Access published online, November 29, 2006 doi:10.1093/bjc/azl089
- Lampe, K. von, *Organised Crime: Begriff und Theorie organisierter Kriminalität in den USA*, Frankfurt/Main, Lang, 1999
- Lampe, K. von, Afterword: organised crime research in perspective, In: P.C. van Duyne, K. von Lampe, and N. Passas (eds.), *Upperworld and underworld in cross-border crime*, Nijmegen, Wolf Legal Publishers, 2002
- Lampe, K. von, Measuring organised crime; a critique of current approaches. In: P.C. van Duyne, M. Jager K. von Lampe and J.L. Newell (eds.), *Threats and phantoms of organised crime, corruption and terrorism*. Nijmegen, Wolf Legal Publishers, 2004a
- Lampe, K. von, Making the second step before the first: Assessing organized crime. The case of Germany, *Crime, Law & Social Change*, 2004b, No. 42, pp. 227-259
- Lampe, K. von, Explaining the emergence of the cigarette black market in Germany. In: P.C. van Duyne, K. von Lampe, M. van Dijck and J.L. Newell (eds.), *The organized crime economy. Managing crime markets in Europe*. Nijmegen, Wolf Legal Publishers, 2005
- Lampe, K. von, M. van Dijck, R. Hornsby, A. Markina, K. Verpoest, 'Organised Crime is...: Findings from a cross-national review of literature. In: P.C. van Duyne, A. Maljevic, M. van Dijck, K. von Lampe, J.L. Newell (eds.), *The Organisation of Crime for Profit*, Nijmegen: Wolf Legal Publishers, 2006, 17-42
- Levi, Michael, Organising Plastic Fraud: Enterprise Criminals and the Side-Stepping of Fraud Prevention, *The Howard Journal*, 37(4), 1998, 423-438
- Smith, D.C., Illicit Enterprise: An organized crime paradigm for the nineties. In: R.J. Kelly, K-L. Chin und R. Schatzberg (eds.), *Handbook of organized crime in the United States*, Westport, Connecticut/London 1994,
- Thompson, G.F., *Between hierarchies and markets: the logic and limits of network forms of organization*. Oxford University Press, 2003
- Weenink, A. S. Huisman and F.J. van der Laan, KLPD/DNR Noord- en Oost-Nederland, Afdeling Oost-Europa/Informatie, *Crime without fron-*

tiers: crime pattern analysis Eastern Europe 2002-2003, 2nd edition,
Driebergen: Korps Landelijke Politiediensten, 2004