This project was funded by the European Union's Internal Security Fund — Police.

Mobile banditry and criminal exploitation: mapping the current situation in Europe

Report

Work Package 2
101003531- IMOBEX- ISFP-2019-AG-OPC

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1 INTRODUCTION[1]

1.1 BACKGROUND

Article 67(3) of the Treaty on the Functioning of the European Union (TFEU) declares as the European Union's objective ensuring a high level of security within an area of freedom, security and justice. To achieve this objective, enhanced actions at European Union level should be taken to protect people and goods from increasingly transnational threats and to support the work carried out by Member States' competent authorities.

According to recent Europol data on organised crime groups, especially those involved in property crime, tend to be highly mobile. This fact constitutes a challenge for the law enforcement authorities that treat numerous cases as separate incidents. The challenge is to connect those individual incidents in order to reveal the organised nature of the phenomenon and tackle it efficiently. It is equally difficult to set efficient cross-border cooperation between various Member States in for instance property crime cases not considered generally as 'serious criminality'. In order to assess the real impact of this type of criminality, the negative impact on business and society of the high volume of individual incidents often linked to infrastructure and generating the sense of insecurity has to be considered.

Mobile banditry, committed by Mobile Organised Crime Groups (MOCGs) is a classic type of organised crime which in Europe increased again after the fall of the Iron Curtain in 1989, when groups originating from East and Southeast Europe started to commit crimes such as vehicle theft, burglaries, shoplifting, skimming of debit and credit cards, and fraud across the continent. Criminal groups in other countries rapidly copied their methods and developed their own similar strategies. Itinerant groups may or may not reside temporarily in the area where they commit crimes, making use of a support infrastructure of relatives and accomplices who provide housing or help to fence stolen goods, and often operate in countries' border areas to avoid detection.

Law enforcement agencies regularly observe that perpetrators responsible for committing the riskiest handwork are forced to do so. Financial debts often play a role, for instance in the context of human smuggling and gambling, but also to repay a dowry. Exploitation is also relevant when minors are involved, for instance in shoplifting and begging. Not surprisingly, perpetrators who commit the actual property crimes run the biggest risks and are the first – and often the only ones – who are caught. In addition, it is often difficult to assess whether they are rational actors who chose to offend, or instead victims of criminal exploitation. Finally, many

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[1] The content of this report represents the views of the authors only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

perpetrators stem from closed, badly integrated and often economically deprived communities, such as the Roma community. Mobile banditry at the intersection of exploitation poses complex challenges to law enforcement agencies in terms of detection and information exchange with foreign counterparts and relevant agencies at home.

Organised property crime at the nexus of human trafficking is thus relevant for different EU policy objectives in the context of the European Agenda on Security as well as the Inclusive Growth priority. To begin with, organised Property Crime is one of the priorities of the EU Policy Cycle on Serious and Organised Crime. For the period 2018-2021 it encourages Member States to focus on particular types of networks. The ISF Police Regulation (EU) No 513/2014 aims at crime prevention, combating cross-border, serious and organised crime. This includes reinforcing coordination and cooperation between law enforcement authorities and other national authorities of Member States, including with Europol or other relevant Union bodies, and with relevant third countries and international organisations.

Second, combating human trafficking and exploitation is an EU-priority. The EU has put in place a comprehensive, gender-specific and victim-centred legal and policy framework, in particular the Directive 2011/36/EU and the EU Strategy towards the eradication of trafficking in human beings for the period 2012-2016, and its successor, the 'Communication from the Commission to the European Parliament and the Council - Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions.'

Third, promoting inclusivity of socially and economically deprived groups is an important objective of EU policy. In the context of the current project, this is particularly relevant for the Roma community. Over the past ten years the EU has developed a framework of legislative, financial and policy coordination tools to support Roma inclusion, but more can be done to make them work more effectively. Although the matter is highly sensitive, it goes without saying that problems of mobile banditry and exploitation within the Roma community poses a barrier to efforts to promote the community's inclusion.

1.2 THE IMOBEX-PROJECT

Combating mobile banditry is complicated because of the criminal networks' specific modi operandi, whereas barriers regarding cross-border investigation makes them difficult to detect. Furthermore, those responsible for organising the illegal activities, who benefit the most in financial terms, usually remain in the background. Those who commit the actual criminal act may be victims of criminal exploitation. Specific provisions exist for victims of human trafficking, but it is difficult to apply these to individuals who, as in this case, do not fit the profile of 'ideal victims.' The aim of the IMOBEX project is therefore to develop more effective

and efficient intervention strategies to reduce mobile banditry at the intersection of exploitation for criminal purposes.

The IMOBEX-project was carried out by a consortium comprising the Southeast European Law Enforcement Centre (SELEC), Utrecht University, Tilburg University and Vilnius University. The project's main body consisted of three intertwined work packages (WP2 – 4).[2]

The objective of work package 2 was to identify countries of origin and destination of itinerant groups involved in organised property crimes as well as existing networks; to map out barriers that confront enforcement agencies in tackling the problem; to identify current modi operandi; and existing gaps in the legal and practical infrastructure to combat the problem. This work package provided state of the art knowledge about mobile banditry at the intersection of exploitation for criminal purposes in EU Member States and Southeast European third countries.

Work package 3 aimed to develop interventions and policies to combat mobile banditry at the intersection of exploitation for criminal purposes, feasible within the existing legal and practical infrastructure, as well as to develop a road map specifying actions at the legislative and policy levels, both national and within the EU.

The objective of work package 4 was to apply the methodology of an (organised) crime field lab in practice, to allow law enforcement organisations of the Member States and Southeast European third countries to: experiment with novel approaches to mobile banditry at the intersection of human trafficking; to train on the job; and to learn how to further disseminate knowledge gained and good practices within their organisations.

1.3   MAPPING THE CURRENT SITUATION

This report is based on several sources. To begin with, a brief questionnaire on different aspects of mobile banditry, such as the scope of the problem, the extent to which criminal exploitation is observed, and the legal and practical gaps and barriers that occur when tackling the problem, specifically in police investigations. The questionnaire was sent to the 27 EU Member States and 7 third countries which are member of the Southeast European Law Enforcement Center (SELEC). We received a response from 21 countries in total, including 16 EU Member States and 5 third countries.[3]

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[2] WP1 focused on project management and organisation. WP5 covered dissemination of the project's results.
[3] Responses were received from Albania, Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Lithuania, Moldova, the Netherlands, North Macedonia, Romania, Serbia, Slovakia, Spain, Sweden and Turkiye.

Second the consortium partners conducted interviews with law enforcement representatives in Lithuania, Moldova, the Netherlands, Romania and Serbia. In sum, 10 interviews have been conducted in person or online. The latter was partly due to travel restrictions because of the corona pandemic, but several interviews have also been carried out online for efficiency reasons. Interviews were based on an extensive topic list and involved respondents who held expertise in the field of MOCGs, whereas others were specialised more in human trafficking. In addition, these topics have been discussed during meetings in the context of work packages 3 and 4, and relevant outcomes have been included also in the current report.

Finally, this report is also based on scientific literature on mobile banditry and criminal exploitation, as well as public documents, such as government and police reports, in which the topic is addressed.

1.4   OUTLINE OF THE REPORT

Next, chapter 2 describes the results of the survey and provides a general overview of the current state of affairs in responding countries. Chapter 3 presents a detailed analysis of the phases in the criminal business process of mobile banditry. Chapter 4 addresses relevant issues regarding victims of criminal exploitation who may either be recruited to act as straw persons, or to be involved in committing criminal activities where the risk of apprehension is highest, such as stealing and pickpocketing. Chapter 5 describes the legal and practical gaps and barriers which confront law enforcement agencies when tackling MOCGs, focusing on cross-border cooperation. Finally, chapter 6 offers some final remarks and reflections.

2 MAPPING THE PROBLEM

2.1 INTRODUCTION

This chapter present the results of the survey and gives a general overview of the current situation regarding the problem of mobile banditry. Next, paragraph 2.2 addresses the results regarding the scope and impact of mobile banditry in the responding countries, including the problem of criminal exploitation of members of Mobile Organised Crime Groups (MOCGs). Paragraph 2.3 focuses on legal and practical questions that responding states experience when tackling mobile banditry.

2.2 SCOPE OF THE PROBLEM

Table 1 depicts the extent to which responding countries are affected by mobile banditry, as judged by the respondents. It must therefore be noted that these results do not represent an objective benchmark, but reflect the judgements of law enforcement staff, based on their professional experience with MOCGs.

Table 1   Extent to which countries are affected by mobile banditry (N = 21)

	Percentage
Very large/extremely large extent	(19%) 4
Large extent	(24%) 5
Moderate extent	(29%) 6
Small extent	(14%) 3
Very small/extremely small extent	(14%) 3
Total	**100%**

Mobile banditry affects European countries differently. More countries report to be affected to a large or very large extent, as opposed to countries that experience mobile banditry to a small or very small extent. All countries that report high levels of MOCG activity are located in (North) Western Europe, with the exception of Moldova. Southern European and Balkan countries more often experience moderate or small problems. Interestingly, Lithuania reported to be affected to an extremely small extent, whereas the country is often viewed as a country of origin of MOCGs specialising in theft of vehicles and car parts. This may indicate that countries of origin lack information on problems caused by MOCGs in countries of destination.

The average number of criminal investigations of MOCGs in a 12-month period is mostly between 1 and 20 (57%). The remaining countries report over 20 criminal investigations. These investigations (also) involve law enforcement agencies at the national level and may therefore be considered relatively large-scale cases. However, small-scale investigations are carried out at the local and regional level and are not included in these figures. For instance, Belgium mentions at least 1250 cases which involve MOCG-members when local police investigations are included. Countries that report the largest number of investigations are Belgium, France, Germany, Sweden, the Czech Republic and Moldova. The same countries, as well as North Macedonia, also observe that MOCG-activities have increased in 2022. In 45% of responding countries mobile banditry remained stable, whereas four countries observe a declining trend. All responding countries noted a decline of MOCG activity during the period when travel restrictions applied because of the COVID-pandemic and cross-border movement was limited. Particularly in North-western EU member states, this trend reversed after these restrictions were lifted in 2022 (Siegel, 2022).

In terms of organisation of MOCGs, France, the Czech Republic and Serbia, mostly observe loose and fluid networks of perpetrators. Other responding countries report primarily groups with organised structures, whereas Austria and Sweden observe both types of MOCGs. Austria for instance mentions that levels of organisation differ with the types of crime: loosely organised groups are mostly involved in burglary and shoplifting, and well-organised MOCGs in vehicle theft, for example. These observations concern investigations at the national level, and we may assume that local and regional law enforcement are more often focusing on less-organised groups.

MOCGs mostly depend on people who have a common ethnical background (71%) or criminal background (57%), although family relations are also mentioned (43%) and to a lesser extent other factors, such as people who come from the same villages and towns (10%).

Respondents listed a number of case examples of MOCGs investigated in their respective countries, in order to illustrate the countries of origin of the groups and their countries of destination. These findings present only a small sample of cases, but show that MOCGs do not limit their activities to specific countries and the problem of mobile banditry therefore affects all member states, and in some cases also third countries closer to the country of origin of MOCGs.

Groups originating from south-eastern European countries, particularly from Romania, Albania and Moldova, and to a lesser extent Georgia, Serbia and Kosovo, have been observed for instance in Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Slovakia, Spain and Sweden. These groups may also operate closer to home. Albania for instance mentions a MOCG involved in theft of objects of cultural heritage

in other Balkan countries. Romania gives an example of the opposite in which a MOCG involved in skimming, operated in the United States, Mexico, Indonesia, India and Barbados. MOCGs originating from Eastern European countries mainly come from Lithuania, and to a lesser extent Poland, Estonia and Belarus. Respondents mention these MOCGs operate in countries such as Austria, the Czech Republic, Denmark, Finland, Germany, the Netherlands, and Sweden. A group from Belarus involved in shoplifting was investigated in Finland. A Ukrainian MOCG committed ATM-attacks in Hungary, Slovakia and Slovenia.

Table 2   Types of crime reported (N = 21)

	Percentage
Shoplifting	52% (11)
Pickpocketing	38% (8)
Residential burglaries or robberies	76% (16)
Vehicle theft	62% (13)
Theft from vehicles	52% (11)
Cargo theft	43% (9)
ATM attacks	71% (15)
Fraud/skimming	52% (11)
Other types of crime	33% (7)

Table 2 shows that most responding countries observe MOCG involvement in residential burglaries and robberies, as well as ATM-attacks and vehicle theft. This is partly explained by the fact that MOCGs do not limit such crimes to countries in (North) Western Europe, but also commit these in south-eastern European countries. Crimes such as shoplifting, pickpocketing and fraud are mostly committed in (North) Western European countries, with the exception of Moldova where law enforcement agencies observe a wide range of crimes, and North Macedonia which also reports cases of fraud in which MOCGs are involved. Other types of crimes for instance include metal theft and theft of GPS devices from agricultural equipment such as tractors. A majority of responding countries (57%) observe MOCG involvement in multiple types of crime, not necessarily limited to property crimes. Serbia, for instance also observes involvement in human trafficking and loan sharking.

Respondents find it difficult to assess the extent to which members of MOCGs have been criminally exploited. This is mentioned by Belgium, Denmark, Serbia, Spain and Sweden, but respondents from other countries have not experienced cases in which human trafficking was established. However, more responding countries did provide information on how members of MOCGs were recruited, which may also indicate victimisation of criminal exploitation.

Table 3   Victims of criminal exploitation: methods of recruitment (N = 21)

	Percentage
Deceit/false promises of work opportunities	43% (9)
Financial debts	29% (6)
Violence/threats toward the victim	19% (4)
Threats against the victims or family members	33% (7)
Other methods	14% (3)

Table 3 shows that deceit or false promises of work opportunities in countries of destination are most often applied to bring prospective victims in situations of dependency. Other methods to keep control over victims after their arrival in a country of destination, are personal threats or against their family members who live in their countries of origin. Financial debts also help to create situations of dependency. Recruitment through direct violence or threats is, however, less mentioned. In terms of victims' characteristics respondents note vulnerabilities regarding minors, both males and females, as well as young adult males aged around 20.

2.3   TACKLING MOBILE BANDITRY: MAIN LEGAL AND PRACTICAL BARRIERS

This section presents an overall view of legal and practical barriers experienced in tackling MOCG activity. Barriers have been distinguished in terms of the legal framework for law enforcement cooperation, specifically when targeting MOCGs, and practical barriers that occur when cooperating in cross-border criminal investigation.

Table 4   Main legal barriers (N = 16)[4]

	Percentage
Lack of legal framework for cooperation and information exchange	31% (5)
Differences in national criminal laws	56% (9)
Conflicting requirements in dealing with victims of criminal exploitation versus suspects of mobile banditry.	19% (3)
Other barriers	44% (7)

Table 4 shows that law enforcement agencies involved in investigation of mobile banditry mainly experience barriers because of differences between countries' national criminal laws. Such differences for instance regard national legislation on application of specific investigation methods, and information which may or may not be collected, stored and exchanged, such as ANPR-data. Although an extensive legal framework for information exchange on police and judicial matters exists within the EU, a relatively high percentage of responding countries still observe difficulties, which may also be related to differences in national criminal laws. One example is the fact that begging is illegal in some countries, but not in others. Another is different guidelines on what is to be considered police-police information exchange, and which information requires a judicial request for mutual legal assistance. Such differences may also follow from the role of the public prosecution service in criminal investigation. For example, in the Netherlands the public prosecutor is directly leading police investigations on a daily basis, and therefore decides which information may be exchanged, whereas in other countries the police decide upon this independently. With regard to third countries, specific legal barriers are mentioned, such as exchanging biometric data and passenger information.

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[4] Five countries did not provide information on this question.

Table 5   Main practical barriers (N = 18)[5]

	Percentage
Detecting mobile banditry	78% (14)
Practical exchange of information across borders	39% (7)
Mutual legal assistance within the EU and with third countries	22% (4)
National organisational structures for combating mobile banditry and criminal exploitation	33% (6)
Other barriers	22% (4)

Table 5 shows that practical barriers mainly prevent swift detection of mobile banditry, for instance because the process of information exchange is too slow, and real-time information on MOCG-activity is often lacking, whereas early warning information made available cannot be followed-up because of lack of resources and priority, or because the information cannot be used. Specific problems also occur with regard to criminal exploitation. Detecting victims who come from specific communities, such as the Roma communities, is mentioned as problematic, for instance because of a lack of knowledge amongst law enforcement staff about such communities, as well as on behavioural and cultural aspects. Furthermore, the problem of criminal exploitation is sometimes overlooked because law enforcement agencies tend to focus on the crimes committed, and may only become aware of exploitation when victims come forward for instance during interrogation.

Finally, thirteen countries responded to the question whether enforcement policies at the national, EU and international levels pose barriers to tackling MOCGs. Here, a majority of respondents (62%) mainly observe barriers at the international level, outside of the EU. At the national or EU-level about one-third experience problems with policies directed at tackling mobile banditry. At the national level, these problems for instance include a lack of personnel and resources, particularly to investigate criminal exploitation in the context of MOCGs, but policies on data-sharing are also mentioned several times.

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[5] Three countries did not provide information on this question.

3 ORGANISATION AND MODI OPERANDI

3.1 INTRODUCTION

This chapter first addresses on how criminal groups involved in mobile banditry are organised. It discusses the composition of the group, the roles identified, and their structure (paragraph 3.2). Next, we focus on different aspects of how MOCGs operate their 'business process' and how they organize their logistics, information, and money flows in their countries of origin and countries of destination (paragraph 3.3 – 3.8). The current and following chapters are on the one hand based on interviews with representatives of law enforcement agencies conducted in Lithuania, Moldova, the Netherlands, Romania, and Serbia. On the other hand, we included findings from the literature on MOCGs.

3.2 ORGANIZATION AND STRUCTURE OF MOCGS

Public authorities usually refer to groups involved in mobile banditry as mobile organised crime groups (MOCGs), a label which was first introduced in 2011 by Europol (Europol, 2011; Savona & Anastasio, 2020). However, their levels of organisation and structure may differ (see also: Van Daele & Vander Beken, 2010).

First, MOCGs may be highly professional, hierarchically structured and maintain internal systems of control and discipline. Such groups are, for instance, involved in theft of expensive vehicles, and may use sophisticated technological devices to circumvent theft protection measures installed in cars, as well as GPS-trackers installed to retrieve the vehicle when stolen. Lithuanian groups in particular are known for operating in a professional manner within a structured organization, and it is not uncommon that MOCG-members receive a substantial wage for their 'work'. Lithuanian groups are generally known for committing vehicle crimes and can be usually traced back to the Kaunas region (Siegel, 2021). Family connections between the members of these groups were not mentioned.[6] Instead, such groups appear to be organised based on their members' criminal experience.

Second, MOCGs may be family or clan-based, in combination with members who come from the same communities or geographical areas.[7] Such groups are mainly associated with Roma communities in south-eastern Europe. The members usually originate from the same country, often from the same region or village (Van Gestel & Kouwenberg, 2016, p. 9). The clans are usually hierarchically structured, and most of the crime money goes to the top of the clan, while

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[6] Interview, the Netherlands, Lithuania.
[7] Interview, the Netherlands, Serbia.

those at the bottom live in poverty.[8] These MOCGs are involved in a range of less sophisticated crimes, such as burglary, shoplifting, cargo crime by cutting the tarpaulin of trailers to access goods in transport or by incapacitating cargo drivers, pickpocketing and forced begging (Siegel, 2014).

Another example of clan-based MOCGs is groups stemming from communities of Irish Travellers based in Ireland and the United Kingdom (Dul & Kop, 2014). Such groups may be comprised of members of different families, and observations from the Netherlands indicate that whether they will appear is unpredictable: in some years there will be concentrated activity, mainly during the summer season, whereas in other years such groups will not show up in the country at all. The Dutch police has occasionally observed connections between Irish Travellers and MOCGs originating from south-eastern Europe.[9]

Third, MOCGs may originate from a broader network of perpetrators who cooperate in changing compositions centred around a specific criminal 'project.' Members of criminal groups in for instance the Netherlands met in reception centres for asylum seekers where they temporarily resided, worked together in different ad-hoc combinations, and were mainly involved in pickpocketing and theft around main train stations. When their request for asylum is denied, it is often impossible to repatriate them to their country of origin and subsequently they travel to another state and apply for asylum again. They do not send back the proceeds of crime to their country of origin but instead spend it on themselves, for instance on luxury items, smartphones or clothing.[10]

The average number of persons in a group who go out to commit crimes usually ranges between two to ten persons.[11] However, although burglars, shoplifters and pickpockets often operate in small groups, they may be part of a larger network of loosely connected perpetrators who may operate in different locations. MOCGs are mostly viewed as fluid organisations whose members regularly change and thereby as temporary criminal cooperatives (Van Gestel & Kouwenberg, 2016, p. 9). Consequently, perpetrators quickly cease to be visible for the police within one country. It remains unclear whether this also implies that they (temporarily) cease their criminal activity or instead move to another country. Most MOCGs appear to have a limited number of core members who oversee recruitment and criminal partnerships, as well as organisation of criminal activities. Within MOCGs, the roles of members are clearly divided. Those who control the groups' movements and collect the proceeds coordinate criminal activities. Others specialise in committing specific criminal acts; in reconnaissance of targets; or transferring

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[8] Interview, the Netherlands, Romania.
[9] Interview, the Netherlands.
[10] Interview, the Netherlands.
[11] Interview. Lithuania.

stolen goods back to the country of origin.[12] Straw persons may be used to facilitate the activities of actual perpetrators, for instance by renting property and vehicles in their name.[13]

Van Gestel and Kouwenberg examined 15 files of criminal investigations involving MOCGs that operated in the Netherlands. They identified 100 suspects in total, of which 79 were males and 21 females. About half of the groups only comprised male suspects, while the other half was composed of both male and female suspects (Van Gestel & Kouwenberg, 2016, p. 8). Generally, males commit crimes such as burglary, vehicle crimes, cargo theft and ATM-raids. Females are strongly represented among pickpockets and are also involved in shoplifting, for instance of clothing and perfumes.

The next part of this chapter addresses the modi operandi of MOCGs. Although the crimes may as such be rather simple, committing organised property crimes across borders involves a complex business process. Crime scripts distinguish several phases, which may overlap in time (Sieber & Bögel, 1993; Clarke, 1997; Cornish & Clarke, 2002). Next, we describe the recruitment of members who need to execute the riskiest tasks, such as committing the actual crimes; preparation of criminal activities for instance through acquiring target information, tools and vehicles; the journey to the country of destination; acquisition of temporary places of residence; the use of infrastructure and facilitators; how crimes are committed including storage, transportation and fencing of stolen goods; the movement of stolen goods or the proceeds of crime back to the countries of origin; and finally, how MOCGs manage their communication and money flows, including the spending or investment of the proceeds of crime (CCV, n.d.).

It must be noted that the description of modi operandi is necessarily general. In practice, MOCGs can organise activities in a multitude of ways, depending for instance on individual preferences of leading members, internal discipline or the lack thereof, the types of crime the MOCG is involved in, and whether it specialises in one criminal activity or combines different crimes, and whether the MOCG seeks temporary residence in a country of destination or operates in a hit and run fashion.[14] There may also be differences depending on the country of origin, leading for instance to different travel routes. How MOCGs operate may also depend on specific motives and cultural aspects (Siegel, 2014).

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[12] Interview, Romania.
[13] Interview, the Netherlands.
[14] Interviews, the Netherlands.

3.3   RECRUITMENT

Leading members of MOCGs need to find accomplices who are able to execute specific tasks. Depending on the type(s) of crime the criminal group focuses on, the operation requires certain skills (Kleemans & De Poot, 2008; Spapens & Van de Mheen, 2022). Most of these are criminal skills, such as experience with for instance shoplifting, pickpocketing, burglary, vehicle crime, and the robbing of ATMs. Such skills include knowing how to technically commit the crime, but also how to avoid detection and how to act when apprehended by the police. There is relatively little information available on how MOCG-members acquire the necessary skills, but it appears that 'learning by doing', also from members who are more experienced, is key. Minors may for instance be involved in pickpocketing, shoplifting, forced begging and sometimes even burglary of private homes. Criminal networks based on family ties for instance use children because they are less conspicuous (Van Gestel, 2014).[15] Investigations of Roma families in the Netherlands revealed that older family members sometimes took young children along when they went out shoplifting, on the one hand to attract less attention, but on the other hand this also introduced the children more or less organically into the handwork. A small physique may be an advantage, and for example allow children to enter a house by crawling through small fanlight windows that people regularly leave open when absent, after which they can open the door for their adult accomplices.

Others have acquired their skills independently through involvement in crime, before they became member of a specific MOCG. Professional thieves often have a specialization, such as stealing a car, a bicycle or a boat engine.[16] In some cases, there have been indications of training. For example, in the past there have been indications that MOCG-members were learned how to skim ATMs, which for instance required installing a skimming device without being noticed, and sometimes a small camera to read someone's pin code. Recently, a Dutch group involved in blowing up ATMs in Germany ordered several machines of different types to figure out vulnerabilities, as well as how much explosive force to apply and where to place these explosives. Although most MOCG-activities do not require specialised knowledge, there are some exceptions. For example, the latter group included a female specialist who developed small explosive devices that could be inserted into an ATM. Such groups also use fast cars to be able to escape when threatened to be apprehended which implies the need for drivers who are experienced at driving at very high speeds.

Underworld facilitators who work for different MOCGs may supply technical tools to circumvent theft protection measures on expensive vehicles, which may be modifications of commercial equipment but may sometimes be custom designed. In the past, Polish MOCGs for

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[15] Interview, Romania.
[16] Interview, Lithuania.

instance used a specifically developed key which enabled them to open the locks of expensive cars (KLPD, 2005). Such facilitators may also produce and provide falsified ID-cards. MOCGs appear to make little use of specialised 'upper world' facilitators such as financial experts who are able to set up complex money laundering schemes. However, legitimate operators do provide all sorts of services, such as renting cars, housing and commercial property, either knowingly or unknowingly (CCV, n.d.).

Organised crime literature shows that key members of criminal groups often stem from the same neighbourhoods or subcultures, and are often related by family ties or long-term friendships (Van Koppen, 2013). MOCG-members may also stem from the same villages and regions. Clan-based MOCGs are composed of members of extended families who know each other through direct contacts and social gatherings. Although there is a lack of detailed information, members of such extended families may approach leading criminals within their clan and volunteer to participate in illegal activities, for example because of the opportunity to earn substantial money when no legitimate alternatives exist. For crime entrepreneurs, working with family members ensures higher levels of loyalty. Whether in some cases key members of MOCGs actively approach and 'convince' their family members to participate is unknown.

Next, MOCG-members are recruited amongst individuals with a criminal past, who already possess the expertise and experience to commit crimes. Criminal groups involved in property crime usually stem from loosely-knit networks of persons who have already developed a criminal career, and know each other because they visit the same meeting places, such as shady bars and gyms. New connections may also be established during prison terms. From such networks, smaller groups emerge around criminal 'projects', which may be limited to a single activity, such as robbing a bank or going out to steal a number of expensive cars. When the 'project' has been completed, the group may dissolve or, when successful, decide to continue to cooperate. However, such groups tend to be unstable and their composition regularly changes. Here, leading criminals in such larger networks may also be approached by others, or may actively contact persons with specific skills who may be interested in engaging in a specific criminal activity. Criminal asylum seekers from safe countries usually come into contact in reception centres and decide ad hoc upon cooperation with others.[17] Here too, composition of groups regularly changes, also because in the Netherlands asylum seekers are regularly transferred from one reception centre to another. Furthermore, they usually move to another country when their request for asylum is rejected.

Finally, criminal groups include 'disposables' who perform the tasks where the risk of apprehension is highest (Sergi, 2021; Spapens & Van de Mheen, 2022). Such persons are usually socially and economically vulnerable, for instance because they struggle with financial

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[17] Interview, the Netherlands.

difficulties, psychological and addiction problems, or low cognitive abilities.[18] Disposables may also be attracted by the opportunity to make money, may have little insight in risks of apprehension and present themselves voluntarily. They may however also be actively recruited, usually by lower-ranking members of crime groups who already know them or establish some friendly connection. Chain recruitment can also be observed. For instance, friends of people who successfully made money may hear their stories and be tempted to do the same. Disposables may also be actively sought at public meeting places or contacted via social media. Not surprisingly, MOCG-members who perform such roles are highly vulnerable to deception and criminal exploitation, which is discussed in more detail in chapter 4.

It must be noted that MOCGs also find new members in Western-Europe. Generally, these are people from their country of origin who have been residing there for a longer period. Connections are formed at places where people who share the same cultural background gather and the same language is spoken. Research shows that people may also be coerced to commit or facilitate criminal activities, for instance by threatening to retaliate against family members who still live in the country of origin (Van Gestel, 2014).

3.4   PREPARATION

The second phase in the crime-script is preparation of illegal activities to be carried out in countries of destination. This phase includes arranging vehicles or making travel arrangements, acquisition of specific tools to commit crimes, temporary housing and other facilities, and selection of targets, which may include reconnaissance. The extent to which criminal activities must be prepared much depends on the type of crime. In addition, preparation for a MOCG which operates in a hit and run style and directly moves back and forth from their country of origin to countries of destination, differs from a group aiming to stay for a longer time in a country of destination and moves between several countries before returning home.

Hit and run MOCGs require vehicles in order to travel quickly to countries of destination. Some groups travel to Western Europe and back to the country of origin within a day (Van Geffen, 2009). As was mentioned above some groups prefer expensive fast cars which are stolen, rented, or bought. This may also require other preparatory activities, such as finding straw persons who rent or buy the cars in their name. Other groups may prefer vehicles that attract less attention, such as vans which are also suitable for transporting stolen goods. There may also be combinations needed of private cars and commercial vehicles. Hit and run MOCGs usually operate within the EU and no specific travel documents other than a (falsified) ID-card need to be arranged. When needed, such groups must bring with them the tools to commit the crimes, which therefore need to be arranged in the country of origin. Although, theoretically

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[18] Interview, Lithuania, Romania.

some tools can also be bought on the spot by MOCG-members who are sent ahead to a country of destination and then be handed over to members who arrive to commit the actual crimes. Particularly for professional MOCGs who for instance target expensive vehicles, reconnaissance is important. Such reconnaissance may be carried out online, for instance by searching for wealthy villages and neighbourhoods or by using google street view to see where cars of certain brands and types are parked. Law enforcement agencies have also been worried about the hacking of the addresses of owners of certain types of vehicles. Classic reconnaissance by scouts who travel ahead to countries of destination is also an option. Such preparation may also include scanning locations on how to best enter and exit, and to explore possible escape routes.

MOCGs intending to stay for longer terms in countries of destination may also need to acquire private cars or mini-vans. However, their members also travel with international bus-lines such as Flixbus, companies that operate mini-vans, and sometimes with a low-cost airline (Van Gestel & Kouwenberg, 2016; CCV n.d.). The latter may require leading members of MOCGs to advance the money to buy a ticket. Members of criminal groups operating from third countries may need to arrange a passport and visa to enter the EU. Such MOCGs often work with contact persons within their criminal network or members who are already present in the country of destination.[19] These may help to arrange temporary housing, vehicles which can be used to commit the crimes, mobile phones, and tools for instance for committing burglaries. Such MOCGs usually commit less sophisticated crimes which do not require special technical tools. Reconnaissance may also be partly conducted online, for instance by looking for events that may be attractive targets for pickpocketing, or for finding stores that sell goods such as perfumes. Because the MOCGs stay in a destination country for some period, reconnaissance of locations can be conducted on the spot. MOCGs tend to be thorough. According to information from Romania, preparation may take up several months and risks are limited to the extent possible. Whenever risks are spotted, operations may be discontinued or modi operandi changed.[20]

3.5 LEGITIMATE INFRASTRUCTURE

Complex criminal activities often require legitimate infrastructure, such as private homes, commercial property, vehicles, communication devices, and financial services. Here we focus on the use of legitimate infrastructure in countries of destination and MOCGs whose members stay there for shorter or longer periods.

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[19] Interview, Romania.
[20] Interview, Romania.

To begin with, such groups need temporary residence which may be rented via real estate agents or informal contacts with slum landlords. Such dwellings are usually found in larger cities where people with all sorts of backgrounds and nationalities live, including substantial numbers of migrant workers from Eastern and South-eastern Europe, and MOCG-members thus do not attract special attention. Members of Romanian MOCGs often share rented apartments.[21] MOCGs may use straw persons who rent the property in their name. Instead of renting their own property MOCG-members may also stay with family or clan members who have been residing in the country for some time. The persons offering accommodation may be part of the MOCG or merely act as facilitators (Van Gestel, 2014). In some cases, unused residences are illegally occupied, and there have also been examples in which MOCG-members, especially victims of criminal exploitation, were forced to stay in obsolete camper vans parked in industrial areas.[22]

Instead of renting an apartment or a house, MOCGs may also seek residence at a recreational park (CCV, n.d.). In the Netherlands, degraded holiday parks which have become less attractive for normal tourists often house migrant workers and people who are unable to find or pay a regular house or apartment, and live there for longer periods of time. Sometimes ten or more members of family based MOCGs originating from South-eastern Europe stay in one cottage or caravan. However, MOCGs stemming from Lithuania have also been observed to stay at such parks for short periods.[23] Apart from serving as a place of residence, cottages at holiday parks may be used to temporarily store stolen goods and as a place to meet with accomplices to form new partnerships as well as with buyers of stolen goods (CCV, n.d.). For MOCGs, holiday parks have several advantages, such as anonymity because only one person, who is not necessarily staying at the park, is required to register, and because some parks allow residents to drive directly to a cottage and park their cars there. Recently, the authorities have launched programs to increase awareness amongst holiday park operators and personnel, for instance through 'signal cards' listing indications that an MOCG is staying at the park, and by raising other barriers such as limiting the number of people who are allowed to stay in one cottage and not allowing permanent parking of vehicles there (Wolsink, Ferwerda & Vig, 2021). Such barriers of course depend on park operators being bona fide and willing to report signals and enforce house rules (Van Gestel & Kouwenberg, 2016). MOCG-members occasionally spend the night at various hotels or pensions while travelling, where one room is usually shared by several persons (CCV, n.d.). Members of hit and run groups may also choose to spend the night in their car, commit the crime the next day and then return home immediately. Finally, MOCGs have been observed to rent commercial property as a temporary storage place of stolen goods. Several years ago, a Lithuanian MOCG rented a storage facility where its members stripped

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[21] Interview, the Netherlands.
[22] Interview, Romania.
[23] Interview, the Netherlands.

stolen cars after which valuable parts were transported back by truck. The remains of the stolen cars were simply abandoned (Spapens & Fijnaut, 2005).

MOCGs may rent cars or vans in the country of destination to move from temporary places of residence to the places where the crimes are committed. The advantage is that rental cars have domestic license plates and may for instance be used for only a short period, handed in and replaced by another rental vehicle. Rental cars are more difficult for the police to trace, particularly when these are hired by straw persons (Van Gestel, 2014). Using rental cars for only short periods also makes it more difficult to detect suspicious vehicles by Automatic Number Plate Recognition systems (ANPR) and road cameras. MOCGs involved in residential burglary may be able to also steal cars when they find the car keys and use the stolen vehicle themselves for some time, although this is risky in countries with extensive ANPR-surveillance even when they replace the license plates. Finally, MOCG-members may use public transport to move to places where they commit crimes, for instance pickpockets who operate at train stations.

MOCGs may obtain mobile phone subscriptions in the country of destination, again through straw persons. This has the advantage that domestic phone numbers are less conspicuous, for instance when the police investigate which telephone numbers have been used in the vicinity of crime scenes, whereas the bills can be left unpaid. MOCGs' use of financial services appears to be limited, although the use of money transfers has been observed.

3.6 EXECUTION OF THE CRIMINAL ACTIVITY

MOCGs are involved in a wide variety of property crimes and apply many different modi operandi (Van Gestel, 2014).[24] As explained above, their methods may range from highly sophisticated to relatively crude and simple. In this paragraph we present a non-exhaustive number of examples drawn mostly from the Netherlands. Modi operandi are however similar in other countries of destination.

Shoplifting
Shoplifters focus on goods in demand with fences. MOCG-members hence stay in close contact with buyers of stolen goods (Van Gestel & Kouwenberg, 2016). The Dutch police have observed that such contacts sometimes even occur when the perpetrator is in the store and asks the fence which specific brands of goods or which package size to steal. MOCG-members sometimes forget to delete messages, enabling the police to read their WhatsApp history after

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[24] Interviews, Serbia, Romania, the Netherlands, Moldova.

unlocking their phones.[25] Selected targets constantly change, for instance with the popularity of particular brands (Siegel, 2014).

Organised shoplifting is usually committed by groups of several persons, with a clear division of roles. Shoplifters use booster bags or other devices to avoid triggering detection gates, or may use special equipment to remove tags for instance from clothing. In one case example from the Netherlands, a group of three persons committed multiple thefts of clothes at Zara stores. A first person would carry an empty bag into the store. A second perpetrator, usually a woman, filled the bag with clothes and handed it over to the first person, who left the store using a device that deactivated the alarm system. A third person was in charge of the operation and observed the staff and surroundings. After about five to ten minutes, the first person would re-enter the store to repeat the same course of action.[26] Groups may of course use slightly different methods, also depending on the types of goods they aim to steal.

Pickpocketing
Pickpockets used to mainly target people's wallets and jewellery, but recently started to focus more on mobile phones. This development may partly be explained by the fact that smartphones have become more valuable whereas in many EU-countries the use of cashless payment methods has increased; a development that has been accelerated by the COVID-pandemic.

Pickpockets prefer crowded places such as train stations, busy streets and squares, markets, shopping malls, tourist hotspots, food and beverage establishments, as well as events such as concerts. Pickpockets also take advantage of situations where persons tend to be less alert, for instance when they have used alcohol or drugs, but also when people are distracted, for example tourists at train stations and airports (CCV, n.d.).

Pickpockets too operate in groups in which perpetrators fulfil different roles. Several members may for instance be tasked with the actual stealing, and immediately hand over the goods to collectors who take these to another person who is waiting nearby in for instance a van. In some cases, one MOCG-member may create a distraction, for example by asking the intended victim questions. Others may be looking out for suitable victims which are then indicated to other MOCG-members or scan the environment for police presence and prevent that gang members get caught. The Dutch police used to have specially trained spotters of pickpockets who operated at hotspots in plain clothes. Although groups of pickpockets decide beforehand who

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[25] Interview, the Netherlands.
[26] Rb. Amsterdam 24 January 2020, ECLI:NL:RBAMS:2020:410.

will perform which role, these may be interchanged as well. A member who on one day is responsible for stealing people's valuables, may act as a collector the next day.[27]

Burglary

Burglars targeting private homes prefer small towns and villages in rural areas and affluent city neighbourhoods, at some distance from their temporary place of residence (Van Gestel, 2014; CCV, n.d.). Burglars who target commercial property and farms also prefer rural areas. This is explained mainly by the lower risk of being caught, on the one hand because the police and other guardians are less present in the countryside, and on the other because it is easier to enter and exit the crime scene. MOCGs involved in burglaries focus on goods in demand with criminal buyers, but also on jewellery, gold, money, car keys and (small) electronic equipment such as laptops, tablets and smartphones. The Dutch police has observed a shift towards valuable smaller items which are easy to carry, instead of the stealing of larger items such as flat screen televisions. Burglars of commercial property tend to focus on metal theft and stores that sell valuable goods. Metal theft is mentioned as a serious problem throughout the EU, and involves MOCGs originating from south-eastern Europe, but also domestic crime groups are involved. Recently, the Netherlands was for instance confronted with several burglaries at farms that produce and sell cheese. The goods are allegedly smuggled to Russia because regular imports have ceased due to sanctions imposed after the invasion of Ukraine (Bas, 2023).

MOCGs usually burglar several houses in one village in the same night. Members who commit the burglary may be dropped off at some distance and walk to their targets. They will then take the stolen goods to a collector who is waiting in a small van and move on to the next target. They will later be picked-up and returned to their place of temporary residence. Sometimes the van containing the stolen goods is left parked in an inconspicuous place and retrieved later, to avoid apprehension should the police be able to quickly set up checkpoints. Again, this is but one example of a range of modi operandi MOCGs may use.

Vehicle crimes

Vehicle crimes associated with MOCGs include the stealing of entire cars and to a lesser extent commercial vehicles; valuable parts of vehicles such as airbags and catalytic converters; equipment such as GPS-systems; and theft of cargo from lorries. MOCGs involved in vehicle crimes mainly focus their activities on villages and towns in rural areas, although car thieves may also target vehicles in affluent city neighbourhoods. The working methods of MOCGs involved in vehicle crime are comparable to those of burglars. In some cases, however, the groups are highly professional.

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[27] Rb. Amsterdam 8 July 2020, ECLI:NL:RBAMS:2020:3391; ECLI:NL:RBAMS:2020:3392; ECLI:NL:RBAMS:2020:3393; ECLI:NL:RBAMS:2020:3394; ECLI:NL:RBAMS:2020:3395; ECLI:NL:RBAMS:2020:3396.

One example is a case from the Netherlands in which five persons originating from Lithuania were arrested who stole cars equipped with keyless entry systems. The group temporarily resided at holiday parks and stole several cars per week which were temporarily stored at a certain place, to be subsequently transported to Eastern Europe at a later convenient time (Ministry of Justice & Safety, 2021). A second example is theft of GPS-equipment from agricultural vehicles. Agricultural GPS-equipment has a value of 25.000-30.000 euro and enables farmers to carry out their work in an easy and efficient manner (NOS Nieuws, 2021). The MOCGs involved in this type of crime allegedly stem from Eastern Europe and operate highly professionally, sometimes including the use of drones for reconnaissance (Ministry of Justice & Safety, 2021). Third, MOCGs mostly originating from Bulgaria and Romania target catalytic converters. These can be removed rather easily by cutting off the parked car's exhaust. Catalytic converters contain various precious metals, such as platinum, palladium and rhodium (CCV, 2020).

MOCGs involved in cargo theft almost always originate from South-eastern Europe. They randomly cut the tarpaulin of parked trailers and look for valuable goods, which are then offloaded into a car or a van. In the Netherlands, such groups have been observed to drive from one motorway parking to another several times at night, to look out for suitable targets.

ATM-crimes
MOCGs commit several types of ATM-related crimes. Here we address raids of ATMs and crimes aimed at acquiring victims' bank cards and pin-codes. In the past, skimming of bank cards was also an activity in which MOCGs were involved, but the introduction of new bank cards that use a computer chip instead of magnetic tape greatly reduced criminal opportunities. MOCGs, however, still may try to 'look over people's shoulders' when they type their pin-code when withdrawing money from an ATM, and subsequently pickpocket their bank cards and extract the maximum limit of cash money from the account before the victim is able to call the bank and have it blocked. The crime groups often target elderly people and tourists.

As such, ATMs remain attractive targets because of the cash money stored in these machines. However, robbing ATMs requires substantial violence. The machines may be blown up with improvised explosives or pulled out of the wall, for instance with a shovel, causing major damage to buildings and occasionally even resulting in their total destruction. MOCGs involved in ATM-robberies usually operate in a hit and run fashion, and use fast (stolen) vehicles to enter and exit the crime scene. Dutch MOCGs for instance specialise in ATM-attacks with explosives and moved their activities for a larger part to the German border area after Dutch financial service providers increased protection of ATMs, and also removed substantial numbers of machines, particularly in rural areas.

Fraud

Finally, MOCGs are involved in fraud schemes. To begin with, groups of Irish travellers go from door to door to offer their services as handymen, for instance to do small repairs, to clean roofs, or to work on pavements. These services are offered at attractive prices, but residents eventually end up with poorly done jobs and huge bills. One trick is for instance to claim that the original price for working on pavements was a price per square meter instead of the total cost. When full payment is refused, the MOCG-members threaten and intimidate their clients. These groups often target elderly residents, and operate in cities as well as rural areas (Dul & Kop, 2014; Vugts, 2021).

A second type of fraud associated with MOCGs is the selling of fake gold jewellery. This type of crime is mainly committed by groups of Roma. The modus operandi is for instance to approach prospective victims at rest areas and service stations along motorways, but they also operate in cities. The perpetrators for example come up with stories of setbacks forcing them to sell the jewellery because they immediately need money but may also become intimidating when the potential buyer is not interested (Noord-Hollands Dagblad, 2010; Bremmer & Visscher, 2011).

3.7 HANDLING OF STOLEN GOODS

The next phase in the criminal business process is the handling of stolen goods. Here, we distinguish several sub-steps: the handling of stolen goods immediately after the crime has been committed; sending back goods to the country of origin or another destination; and fencing the goods in the country where these are stolen.

In the previous section we already described some of the methods with which goods that are stolen through pickpocketing and burglary, as well as stolen vehicles may be handled. Goods which are stolen from private homes and off cars are often temporarily stored close to where the crime has been committed. Apart from being kept in a car or a van which is parked and picked-up later, goods may also be buried and retrieved during the next day to avoid interception by the police. Vehicles may also be fitted out with hidden compartments. MOCGs usually take the stolen goods to their temporary place of residence and keep them there until a fence collects the items (CCV, n.d.). MOCGs sometimes rent a storage unit or a warehouse for larger items, such as stolen vehicles (Van Gestel, 2014). In addition, legal but shady businesses in the automotive branch sometimes offer storage space for stolen cars (CCV, n.d.). Earlier research has shown that car thieves originating from Romania cooperate with local criminal groups. The first steal the cars and the latter take care of their processing (Spapens & Fijnaut, 2005). Fences who buy stolen goods may also temporarily store these on behalf of MOCGs, for instance in their own house, in commercial property and rented storage boxes (CCV, n.d.).

Stolen items are sometimes sold and exchanged amongst MOCG-members, kept for personal use or sent to family members in the countries of origin. This includes smartphones and other electronics, tools and cars. Relatives of MOCG-members residing in countries of origin are often actively involved in the handling of stolen goods upon arrival, for instance by collecting shipments of stolen goods that have been sent back (Van Gestel, 2014). MOCGs frequently send small goods in postal packages, but they may also be able to find a truck driver who is willing to take these along. MOCG-members themselves may take home stolen items when they return to their country of origin by car or shuttle bus (CCV, n.d.; Siegel, 2014; Van Gestel, 2014). Legitimate service providers thereby facilitate such shipments, albeit usually unwillingly or without their knowledge (Van Gestel, 2014). Larger goods, particularly stolen vehicles are often transported to former Soviet republics or to Asia, whereas Lithuania, Poland, Bulgaria and sometimes Romania are used as transit countries (Siegel, 2014). In countries of origin, stolen goods are sold to criminal buyers at a percentage of the catalogue price.[28] Items may also be offered online, for instance on Facebook or Ebay (CCV, n.d.). Especially jewellery, clothing, shoes and electronics and sometimes bicycles and garden tools are transported to and eventually resold in Eastern and Central Europe on local markets or in shops (Siegel, 2014). Apart from moving stolen goods back to countries of origin, these may also end up in other Western European countries. Smartphones that were for instance stolen in the Netherlands can often be traced to back to large cities, such as Antwerp, Paris, and Barcelona, where these are resold on black markets. In a specific case, stolen phones were collected in The Hague, after which they were transported to Germany by train. There is however still insufficient insight into how these networks are composed and how they operate.[29]

Finally, MOCGs may resell the goods to criminal buyers in the country where these have been stolen. This requires connections with local fences. MOCGs have been observed to have contacts with for instance dealers in leftover batches, phone shops and operators in the automotive branch. In the Netherlands, the first have been involved in buying and reselling stolen goods which are difficult to trace back to specific crime scenes, such as items originating from shoplifting. As mentioned above, shoplifters sometimes seem to work on demand when deciding which items to steal, such as specific brands of cosmetics and clothing (CCV, n.d.). Small businesses in the automotive branch sometimes operate closely with MOCGs and may offer storage space for stolen cars, make alterations, and resell the vehicles, whereas scrap yards may sell stolen car parts (CCV, n.d.).

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[28] Interview, Romania.
[29] Interview, the Netherlands.

3.8   COMMUNICATION AND MONEY FLOWS

Besides flows of goods, a criminal business process also requires flows of information and money (Spapens, 2006). The latter also refers to the handling of the proceeds of crime. This paragraph presents several general observations on how MOCGs operate.

MOCG-members mostly communicate through mobile communication applications installed on smartphones, such as WhatsApp or Facebook Messenger.[30] MOCGs do generally not use more sophisticated mobile phones fitted out with encryption software, such as the now cracked Encrochat and Sky ECC.[31] Mobile devices and SIM cards are constantly replaced. In the past, MOCGs also used other tools to avoid wiretapping such as Skype and walkie-talkies, but it is unknown whether these are currently still applied (Van Gestel, 2014). Professional MOCGs for instance instruct their members not to take their smartphones when going to a crime scene, but to leave the device at their place of temporary residence.[32] Communication with MOCG-members in countries of origin is also carried out by smartphone, as well as via social media (CCV, n.d.).

Money flows concern the handling of proceeds of crime, but also payment of MOCG-members who perform executive tasks. There is however very little information on how payment takes place and how much low-ranking MOCG-members are paid. The obvious assumption is that payment takes place in cash, but they may also be renumerated partly or wholly in kind, for instance in the shape of stolen goods which they can keep for personal use or may try to sell in their country of origin. We may assume that minors who are part of family-based MOCGs do not receive payment, at least not in cash. The money is sent to the country of origin to support family members (CCV, n.d). Roma groups in particular, often use money-transfer organizations such as MoneyGram, Western Union and Ria.[33] When arrested, perpetrators are regularly found in possession of receipts of such transfers, but sums over 400 euro are hardly encountered.[34]

MOCG-members who perform leading roles appear to personally move the proceeds of crime back to their country of origin. Although EU-countries such as Romania and third countries in South-eastern Europe do not have the euro, there is no need to convert cash money to domestic currencies, because euros are accepted everywhere.[35] Sometimes MOCGs buy gold in the countries of destination, which is then moved back to their countries of origin. There are no indications that MOCGs convert cash into cryptocurrencies in countries of destination, but they

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[30] Interviews, the Netherlands, Lithuania and Romania.
[31] Interview, the Netherlands.
[32] Interview, the Netherlands.
[33] Interviews, Serbia, the Netherlands.
[34] Interview, the Netherlands.
[35] Interviews, Romania, Serbia.

have been observed to invest in for instance bitcoins upon return to their countries of origin (CCV, n.d.). Leading MOCG-members who come from Roma-communities spend most of the proceeds of crime on luxury goods, such as expensive cars, to gain status within the community.[36] These MOCG-members tend to be very open on their social media accounts, where they show off their possessions and whereabouts.[37] They also spend money at casinos and brothels (CCV, n.d.). Crime money is also invested in new criminal activities, including the recruitment and training of new members, but also in other markets, such as trade in narcotic drugs (Siegel, 2014; CCV, n.d.). Only occasionally the proceeds of crime appear to be invested, for instance in real estate such as land or houses. It has been observed that although newly built private homes may look luxurious from the outside, the owners have little interest in furnishing their homes and do not actually live there. The main purpose is to show the community that they are doing well financially and thus enhance their status. Roma groups have also been observed to invest in the gold trade and scrap-gold business. Nevertheless, law enforcement agencies still consider the money flow of MOCGs as a major blind spot.[38]

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[36] Interview, Romania.
[37] Interview, the Netherlands.
[38] Interviews, the Netherlands, Lithuania.

4 VICTIMS OF CRIMINAL EXPLOITATION

4.1 INTRODUCTION

This chapter addresses the backgrounds and roles of victims of criminal exploitation who take part in MOCG-activities. We distinguish two types of victims. First, persons who are coerced to facilitate criminal activities by acting as straw persons (paragraph 4.2). Second, adults and particularly minors who are forced to commit actual crimes (paragraph 4.3). Finally, paragraph 4.4 describes the methods of coercion applied upon arrival in countries of destination.

4.2 STRAW PERSONS

MOCGs use straw persons mainly to facilitate and screen off their activities in countries of destination. The use of straw persons is mostly observed with MOCGs originating from Romania and other south-eastern European countries. The victims are approached for instance through personal contacts, amongst (extended) families or acquaintances, and often stem from the same city or village as the MOCG-members.[39] Social media are also mentioned as a method to establish contacts with prospective victims. Straw persons are vulnerable because of their precarious financial situation, for instance because they are out of a job, but also because they have little formal education and do not speak English or another foreign language. Prospective victims are commonly approached with an offer for a well-paid job from their perspective, in a Western European country. The 'recruiter' will also offer to advance costs of travel and residence, and thereby creates a situation of financial dependence. Another method is to pay off an existing debt, which prospective victims can then repay with the income they will earn abroad.[40] The job offer is a deception and upon arrival in the country of destination the victim is informed that no work is available.[41] The financial debt, however, must be repaid by means of activities useful to the MOCG. The person has little choice but to accept, also because they rely on the housing provided by the MOCG. For victims, seeking help is difficult, for instance because of language problems and low trust in authorities in general.

MOCGs use straw persons to register in their name (rented) vehicles, property, mobile phone subscriptions, bank accounts and sometimes legal persons. In the Netherlands, their ID-card is used to register at the municipality to obtain a social service number. This allows the straw person to apply for a Dutch driver's license, provided of course that they hold a license in their country of origin. In the Netherlands, a domestic driver's license is considered a valid identity document that can be used for the purposes listed above (Nationale politie, 2019). Upon

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[39] Interviews, Romania, Serbia.
[40] Interview, Serbia.
[41] Interviews, the Netherlands, Serbia.

completion of different registrations, the straw persons are sent back to the country of origin, and MOCG-members then use their identity to facilitate criminal activities. One MOCG may use the identity of several different straw persons. In one case example, the police identified some 15 victims of a family-based group. Some members resided in the Netherlands and another member recruited the straw persons in Romania. The 'recruiter' approached several victims on the street, whereas others had approached him on their own initiative after having heard through the grapevine that he could arrange jobs in the Netherlands. Most victims stated they had been unaware of the misuse of their identities, although some told that they had suspicions that their identity would be used for illegal activities. The Romanian police had already been involved in an ongoing investigation concerning the same suspect, who had previously been criminally active in Germany.[42]

4.3 VICTIMS INVOLVED IN ILLEGAL ACTIVITIES

4.3.1 ADULTS

Instead of being used as a straw person, MOCGs may also recruit adults who are exploited to commit actual crimes. These victims engage in activities where risk of apprehension is highest, usually the stealing of goods. MOCGs approach such victims in similar ways as straw persons. Here too, it is essential to create positions of dependency, either financially or otherwise.[43] In the past, an MOCG based in Belgium with connections to human smugglers for instance forced Albanian speaking victims to commit burglaries to pay for the next stage of their journey to the United Kingdom (Spapens & Fijnaut, 2005). Another example concerned three persons from Estonia who had built a substantial gambling debt during a prison term and were forced to pay off the debt by robbing jewellery stores in several Western European countries, including Switzerland, Spain, Belgium and the Netherlands (Spapens, 2008).

4.3.2 MINORS

Family-based MOCGs, particularly those stemming from the Roma community, have been observed to engage minors in criminal activities. Young children, both girls and boys, may be involved in shoplifting, pickpocketing, begging and burglary.[44] Minors may commit crimes together with their parents, but they may also be accompanied by other members of their extended family. In one case example, an MOCG composed of multiple connected families originating from Bosnia used their children to commit property crimes throughout Europe, mainly at train stations. Although children who are involved in MOCG-activities are considered

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[42] Interview, the Netherlands.
[43] Interview, the Netherlands.
[44] Interview, the Netherlands.

victims of criminal exploitation, because they depend on adults and are less able to resist their instructions, they often do not consider themselves to be coerced. In the Roma community, girls usually marry and become mothers well before reaching the age of 18. Their husbands' families are obliged to pay a dowry and may force the women to repay it, although in Roma culture this is as such considered not acceptable. According to the Dutch police, dowries may be considerable, ranging between 50.000 and 100.000 euro (De Jong, 2016).

The Roma community is vulnerable for several reasons. To begin with, the European Roma can be considered marginalized and many face discrimination, intolerance and social exclusion (European Commission, 2020). Second, Roma may be formally stateless and do not hold documentation which is required for instance for working and participating in society (Voorend et al., 2010). Third, children often lack proper birth registration and may thus be invisible for authorities and easy to exploit. For instance, it may be difficult to determine whether they have been victimised before.[45] The European Commission (2020) strives towards enhancing socio-economic inclusion of the Roma population, and in this policy criminal exploitation affecting Roma children in the EU is included. Individual member states, such as the Netherlands, have also launched a program to tackle exploitation of (Roma) children, as well as the project 13Oceans in which the police and the public prosecution service developed methods for helping children who had been apprehended. The latter proved to be difficult. The children for instance denied being forced into criminal activities and their identity was difficult to assess because they had no valid identification documents and no permanent place of residence, or were unable to indicate the address where their parents or guardians stayed. When placed in temporary foster homes or juvenile facilities the children, including underaged girls who were pregnant, usually ran away (De Jong, 2016). Especially girls who had been married off were vulnerable to human trafficking. Before their marriages they were sometimes forced to learn how to steal to increase their value, and to show their abilities to their future in-laws. As mentioned above, indications exist that girls must continue earning money through criminal activities after their marriage (National Rapporteur, 2016).

4.4   METHODS OF CONTROL

MOCGs apply different methods to control victims of criminal exploitation. Actual violence is almost never applied, but threats are common.[46] As has been described earlier, creating a situation of dependency in their country of origin may suffice to assure victims' cooperation. Victims may also be forced to continue when they have already committed one crime.[47]

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[45] Interview, the Netherlands.
[46] Interview, the Netherlands.
[47] Interview, Lithuania.

An obvious method of control is to threaten victims that MOCG-members will retaliate against relatives or friends who remain in their country of origin. As was mentioned above, victims of criminal exploitation are often recruited from the same communities as MOCG-members, and therefore they often know where to find the victims' loved ones. Victims may still perceive the threat as credible when MOCGs are in fact unable to take action against their relatives. Victims may also be personally threatened with retaliation upon their return to their countries of origin, for example when having talked to the police in a country of destination.

A second method of control is to prevent that victims of criminal exploitation seek support from people and authorities in the countries where they are involved in illegal activities. MOCGs for instance frequently move victims from one location to another in one country, or between different countries, to prevent them from building trust relations and confiding with people they come into contact with. Victims may thus be left in the dark about where they are. In addition, MOCG-members may convince victims that authorities cannot be trusted and will not provide help. Another classic method is to claim that the crime group has infiltrated the police and will immediately be informed once the victim decides to cooperate with the authorities. Generally, MOCGs will attempt as much as possible to keep victims detached from contacts in the countries in which they operate. Such methods will be more effective when victims are less resilient, for instance because they do not speak a foreign language and have little education. Mobile phones are commonly used as a method of control. Victims, but also regular members of the crime group must constantly share their location and may also be physically observed by their handlers.[48] In one case example, several victims were housed in a derelict camper van parked at an abandoned factory, which was kept locked from the outside.[49] Such methods, however, appear to be rather uncommon and in this particular case the victims would certainly have been able to escape when they had made the effort.

Finally, children are controlled in more informal ways. Minors depend on their parents, show great loyalty, and therefore have less options to stand up against being involved in criminal activities against their will. Seeking help would probably imply severing ties with their families, which is a huge step to take. This is even more difficult for Roma children because their communities may seriously attempt to bring them back.

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[48] Interviews, Romania.
[49] Discussed during the IMOBEX Field Lab.

5 LEGAL AND PRACTICAL GAPS

5.1 INTRODUCTION

Our survey amongst EU member states and third countries identified several legal and practical gaps which pose barriers to tackling MOCGs effectively and efficiently. Such barriers may to some extent be intertwined. For example, when legal provisions are lacking, this also poses practical problems. However, when adequate legal provisions do exist practical barriers may still be present, caused for instance by how different agencies operate, or because of a lack of staff and resources. This chapter discusses the main issues. Paragraph 5.2 addresses information exchange at the national and international level. Then paragraph 5.3 discusses the availability of resources and lack of investigative priority for mobile banditry. Differences in national legislation and organisation structures for combating mobile banditry and criminal exploitation will be described in paragraph 5.4. Finally, paragraph 5.5 addresses the challenges of dealing with victims of criminal exploitation.

5.2 INFORMATION EXCHANGE

Information is the crucial resource on which interventions by law enforcement and other partners depend. MOCGs usually move rapidly from one location to another, both within countries and across borders. Furthermore, individual crimes such as shoplifting and burglary will usually be handled by local police units, making it more difficult to assess whether the crimes involve a MOCG or local perpetrators. In addition, apart from law enforcement agencies, other public and private partners may possess valuable information, including partners abroad. In order to detect and possibly predict the activities of a MOCG, such information must be brought together pro-actively. In other words: data should be shared spontaneously between partners at the national and international levels. Here, several challenges can be identified. From a legal perspective, information exchange between law enforcement agencies is usually possible at the national level (Spapens et al., 2022). However, such exchange may be more problematic with other public and private partners. Privacy laws may for instance prevent exchange of CCTV images recorded by cameras that have been installed by administrative agencies for different purposes than crime prevention. Private partners can provide information to the police when reporting a crime, but this may take time whereas speed is of the essence for timely detection of MOCG-activities. Another main practical problem is quickly bringing together information from different sources for analysis. Because MOCGs operate across the geographical areas for which different agencies are responsible, this requires an adequate infrastructure for intelligence sharing that is often lacking.

Similar challenges occur at the international level. Within the EU a legal framework has been established for the exchange of information and intelligence in the so-called Swedish Framework Directive, which also includes provisions for spontaneous exchange of information through several channels including Europol. Information exchange with third countries may be based on bilateral treaties and arrangements with Europol, but otherwise relies on traditional channels such as Interpol and police liaisons. Most European third countries which may be considered countries of origin of MOCGs have stationed liaisons at Europol. Yet, in practice information on suspects is mostly not shared automatically across national borders. Although Europol is the preferred mechanism for information exchange within the EU, local police forces may also use other channels resulting in a lack of overview (Van Gestel & Kouwenberg, 2016). Partners in different countries who work in the field of mobile banditry and know each other, for instance share information informally and directly through e-mail or WhatsApp. Although this may be extremely effective and efficient, the downsides are that such information may not be registered anywhere and cannot be used in court cases.[50] In addition, although the speed with which police information can be exchanged officially across borders has improved over the years, the goal of sharing data in real time will not be reached in the foreseeable future, although experiments in joint operations have shown that this is technically feasible.

Cross-border information exchange between administrative enforcement agencies who may play a role in disrupting criminal business processes associated with MOCGs, is currently problematic when it concerns personal data. This also regards cross-border exchange of personal data between criminal law enforcement and administrative enforcement agencies, or so-called 'diagonal' exchange. The EU General Data Protection Regulation (GDPR) requires a legal basis for both direct and diagonal exchange involving public partners other than law enforcement. However, no legal infrastructure currently exists. One exception is the updated trilateral convention on police cooperation in the Benelux, which contains a provision for making police information available to administrative enforcement agencies. The convention, however, has not yet come into effect.

5.3 PRIORITIES AND RESOURCES

Law enforcement staff who specialise in MOCGs and mobile banditry, have difficulty in convincing decision makers at the policy and management levels that sufficient resources should be allocated to tackle the problem. MOCGs usually commit petty crimes each of which do not cause substantial harm and damage. Instead, the number of offenses committed, the organised way in which these are committed, the cross-border dimension, and the fact that some members of MOCGs may be the victim of criminal exploitation, illustrate the seriousness of mobile banditry. Organised property crime has been identified as a priority at the EU-level, and

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[50] Interviews, the Netherlands.

is for instance included in the European Multidisciplinary Platform Against Crime Threats (EMPACT). In this context joint actions are organised such as TRIVIUM operations which aim at increasing insight in the scope of the problem and to promote cooperation and swift information exchange.

However, at the national levels it remains problematic to maintain a sense of urgency, and particularly to prioritise large-scale investigations based on intelligence led policing. Police responses to mobile banditry are more often reactive than proactive. In one example the police in several member states had acquired information on an MOCG stemming from South-eastern Europe involved in pickpocketing. During each summer season the group conducted more or less the same tour across cities in for example Germany, the Netherlands, Belgium and Spain. Although the police were able to effectively predict when and where the MOCG would appear, no priority was given to a coordinated large-scale criminal investigation. Instead, it was left to local police forces to surveillance hot spots where the MOCG operated. For police officers who specialise in mobile banditry, this is of course frustrating. One respondent for instance pointed at the fact that crimes such as vehicle theft, burglary or pickpocketing may have serious impact on victims, who expect the government to act.[51] Furthermore, the Dutch police observe that recidivism rates are extremely high amongst MOCG-members.[52] Therefore, giving higher priority to investigating MOCGs could also save local police forces in different countries much time.

Generally, there will always be more crimes committed than the police are able to investigate thoroughly. At the local level, police teams are usually overburdened and at higher levels resources to investigate organised crime will also be limited, although differences between countries may of course exist. Most local police teams do not have the time and capabilities to investigate in depth whether a single suspect who is apprehended, for example for shoplifting or stealing a vehicle, may be part of an MOCG. They may be less motivated to establish whether the perpetrator might be a victim of criminal exploitation, for instance because this is more complicated and time-consuming than handling petty crimes.

5.4   DIFFERENCES IN NATIONAL LEGISLATION AND ORGANISATION

A problem often mentioned in the survey is differences in national legislation regarding criminal procedure. In addition, differences in how the police is organised may also present practical barriers with regard to cross-border cooperation. Here, we present only a number of examples.

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[51]Interview, the Netherlands.
[52] Interview, the Netherlands.

To begin with, all member states have implemented EU legislation on law enforcement cooperation and mutual legal assistance. Differences in implementation do however remain. For example, the Dutch public prosecution service sets restrictions to exchanging police information gathered during covert investigations when these are still ongoing, whereas other member states may have different policies. In the Netherlands, the public prosecutor is leading police investigations on a daily basis whereas in other countries the police make tactical decisions independently. For formal reasons, this may imply that in the latter countries, the police may need to involve a public prosecutor in discussions about how to approach a coordinated investigation and may be reluctant to do so. A next important difference is whether a country applies the principle of opportunity or the principle of legality. In the first, the public prosecution service is allowed to decide whether investigating a crime is opportune, and priorities may be set. In the latter, the public prosecution service is required to investigate every crime that comes to its knowledge. Differences may also occur in regulations regarding pre-trial detention. In one country magistrates may allow pre-trial detention for substantial periods while a police investigation is still running, whereas other countries may be far more restrictive.

Apart from such legal principles, all sorts of differences exist regarding the application of methods to gather evidence. For instance, in one country thresholds for conducting house searches may be low, whereas in others the searching of private homes requires substantial underpinning. Thresholds for stopping and searching vehicles may also differ. In the Netherlands, for instance the police can only search a car when there is a legal ground to do so. Such a ground only exists when a perpetrator is caught in the act of committing an offence or in case of a suspicion of specific offenses defined in the Code of Criminal Procedure. Moreover, when certain goods are found during a search, the police are required to link these to a crime. For example, when the police find and confiscate goods because these appear to have been stolen, detectives must establish within three days – the maximum period that suspects can be held in police custody – where the crime took place. In practice it is often difficult to quickly link the goods to a police report and if not, suspected perpetrators must be sent on their way.[53] All sorts of factors, including historical and cultural, may influence investigative decisions. For instance, one country may prefer technical surveillance methods such as wiretapping, whereas others prefer different tactics and investigation methods. In practice, in international cooperation such differences may cause debates and it is not always easy to explain why for instance a specific action requested by one country cannot be executed in another. This requires an open mind and understanding of each other's ways of working, for instance to find mutually acceptable alternatives.

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[53] Discussed during the IMOBEX Seminar, 7 July 2022.

5.5 DEALING WITH VICTIMS OF CRIMINAL EXPLOITATION

Dealing with victims of criminal exploitation proves to be a complex issue. First, when perpetrators have committed an offense, it is often difficult to determine whether they are part of an organised group or working alone. Second, victims of criminal exploitation are reluctant to talk to the police, also because they may be pressured to keep silent. Especially victims stemming from the Roma community show an extreme form of loyalty to their kin and clan and generally mistrust authorities.[54] Furthermore, those involved often do not perceive themselves as a victim of exploitation. Their perspective of what is right and wrong differs from Western European societal perspectives. For example, being physically abused is sometimes not perceived as being mistreated, as it is regarded as normal, also by children. Therefore, when no police report is filed and there is no strong indication of exploitation, it is difficult to establish the victim-offender overlap.[55] In addition, there is a risk that offenders may falsely claim to be victims and thereby try to avoid conviction.

Police officers experience several difficulties in detecting victims of criminal exploitation. They may for instance be reluctant to perceive someone as a victim when it is clear that the person has committed a crime.[56] Cultural differences may also come into play, for instance when the victim does not show the behaviour that Western Europeans would expect. Particularly at the local level, police officers may choose to take the simplest route of handling the case as a crime, for instance when evidence is available. Furthermore, when suspicions of human trafficking arise, the investigation becomes a lot more complex. For instance, such a case may require additional interviews. Suspected victims are also granted more rights and specialists will usually need to be involved in carrying out further investigation. All this is not a prospect a local police officer may look forward to, for instance because of the additional workload.

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[54] Interviews, the Netherlands, Romania, Serbia.
[55] Interview, the Netherlands.
[56] Interviews, the Netherlands, Romania, Lithuania.

6   FINAL REMARKS

Mobile banditry is in many ways a classic type of organised crime that occurred in Europe as long ago as the 17th and 18th Centuries when large and well-organised gangs, usually composed of members of marginalised and impoverished social groups, operated across the borders of existing jurisdictions. Such gangs were often based in remote rural areas and travelled to other jurisdictions to commit crimes such as burglary and extortion in the countryside. Their members also operated in cities, for instance during annual fairs, where they were involved in pickpocketing and conning the locals with games such as cups and balls. In many ways the methods of family-based MOCGs in particular, have not changed fundamentally. Neither have the problems that confronted law enforcement agencies of the day, such as lack of resources and the fact that cooperation between independent jurisdictions where the rural gangs resided and those where they committed the crimes, was difficult (Moors & Spapens, 2017). Yet, in the Netherlands authorities proved to be able to end the problem of mobile rural gangs in a relatively short period after 1800, when the country was annexed by France. The French introduced their single Code Penal and put an end to the different criminal policies that until then had been pursued by over 200 independent jurisdictions. In addition, Gendarmerie units were established to police the countryside. Moreover, the authorities applied harsh measures with little consideration of the suspects' (meagre) rights. No longer able to use the borders between jurisdictions to their advantage and being confronted with the Gendarmerie, the mobile rural gangs quickly dissolved (Moors & Spapens, 2017). In other European countries, the development of nation states and the modernisation of public agencies, including law enforcement, also resulted in declining opportunities and there the gangs also largely disappeared. Exceptions were some regions where the government remained weak. An example is Sicily, where rural gangs gradually transformed into the Mafia (Dickie, 2013).

Although this brief historical reflection of course does not imply that we recommend similar approaches now. History, however, does show the continued and essential importance of good governance, social inclusion of marginalised groups, and reducing poverty gaps between states. In the context of law enforcement, experiences from the past underline the essential importance of swift information exchange, coordinated cooperation and committing sufficient resources to the problem, supported by effective legal and practical frameworks. The current report has shown that mobile banditry is a complex, so-called 'wicked' problem, because of its systemic drivers and the many ways in which MOCGs can organise their activities, including their methods of exploiting vulnerable persons who facilitate and commit crimes. Tackling mobile banditry therefore requires continuous attention and interventions. Given the complexity of the problem, criminal law enforcement agencies alone are unable to disrupt or halt criminal business processes: this requires involvement of a range of other public and private partners.

These issues have been explored further in other work packages of the IMOBEX-project and described in subsequent reports.

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