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Mobile banditry and criminal exploitation: developing intervention strategies

Report

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TABLE OF CONTENTS

1 INTRODUCTION[1]

1.1 BACKGROUND

Article 67(3) of the Treaty on the Functioning of the European Union (TFEU) declares the European Union's objective of ensuring a high level of security within an area of freedom, security and justice. To achieve this objective, enhanced actions at the 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, organised crime groups, especially those involved in property crime, tend to be highly mobile. This fact constitutes a challenge for law enforcement authorities which treat numerous cases as separate incidents, despite being interlinked, or related to one another. The challenge for law enforcement is to connect those individual incidents in order to reveal the organised nature of the criminal activity so as to tackle it efficiently. It is equally difficult to set efficient cross-border cooperation between various Member States such as property crime cases which are not considered generally as 'serious criminality'. It is therefore the high volume of individual incidents which impacts on business and society in countries where crimes are committed. Countries where itinerant gangs originate from are confronted with victims of criminal exploitation and money laundering.

Mobile banditry, committed by Mobile Organised Crime Groups (MOCGs) is a classical type of organised crime which increased again in Europe after the fall of the Iron Curtain in 1989, when groups originating from East and Southeast Europe started committing 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 travel to a country of destination, commit crimes and return immediately, whereas others temporarily reside for longer periods in the area where they commit crimes, for instance for several weeks, making use of a support infrastructure of relatives and accomplices who provide housing or help fence stolen goods, and often operate in countries' border areas to avoid detection.

Law enforcement agencies regularly observe that the perpetrators responsible for committing the riskiest crimes 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 and therefore run the biggest risks, are the

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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.

first – and often the only ones – who get caught, and it is often difficult to assess whether they are rational actors who chose to offend, or instead, that they are victims of human trafficking. Finally, many perpetrators come from closed, poorly 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 criminal networks. The ISF Police Regulation (EU) No. 513/2014 is aimed at crime prevention, combating cross-border, serious and organised crime including terrorism, and reinforcing coordination and cooperation between law enforcement authorities and other national authorities of Member States, including Europol or other relevant EU-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 proposed 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 the policies 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 promoting the community's inclusion.

1.2   THE IMOBEX-PROJECT

Combating mobile banditry is complicated because the criminal networks' specific modi operandi are difficult to detect due to barriers in cross-border investigations. Furthermore, those responsible for organising these illegal activities, who benefit the most in financial terms, usually remain in the background. Those who commit the actual stealing 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 aimed at reducing 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 activities 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 of itinerant groups; and uncover existing gaps in the legal and practical infrastructure so as 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 nationally and within the EU.

The objective of Work Package 4 is 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 implement good practices within their organisations.

1.3 DEVELOPMENT OF INTERVENTION STRATEGIES

The current report describes the results of Work Package 3 (WP3). Findings were gathered during a two-day workshop conducted in Utrecht on 6 and7 July 2022. The meeting was attended by 20 participants coming from a selection of member states and European third countries. These included representatives of law enforcement agencies and NGOs from Germany, Lithuania, Romania, the Netherlands and Serbia, as well as representatives of the IMOBEX-consortium. Participants discussed possible intervention strategies as well as actions to overcome gaps in the legal and practical infrastructure to combat mobile banditry at the intersection of criminal exploitation. This report presents an overview of intervention strategies

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[2] WP1 focused on project management and organisation. WP5 covered dissemination of the project's results.

discussed during the seminar. Strategies addressed here, build upon experiences and good practices presented during the seminar, which have been described in a second report which addresses challenges, interventions and policies from a broad perspective (Deliverable 3.2) and is also available on the project website.[3] The current report focuses more explicitly on practical intervention strategies which law enforcement agencies, in cooperation with other public and private partners could develop and apply, as well as the conditions, for example at the legislative level, which will be necessary to make these strategies work. The report gives specific attention to intervention strategies aimed at victims of criminal exploitation, in the context of mobile banditry.

1.4   OUTLINE OF THE REPORT

This report in section 2 first addresses interventions and policies to disrupt the criminal business processes of MOCGs, particularly by developing so-called barrier models to identify entry points for disrupting MOCG-activities, and which partners, both public and private, may be in a position to contribute to. Section 3 specifically addresses the challenges and potential interventions and strategies regarding MOCG-members who are victims of criminal exploitation. Finally, section 4 briefly sums up the main intervention strategies that were identified by the IMOBEX-project.

2   DISRUPTING THE CRIMINAL BUSINESS PROCESS

2.1   INTRODUCTION

Organised criminal activities can be viewed from different criminological perspectives. Important lenses in the context of MOCGs are economic, network, and subcultural theories, as well as concepts such as situational crime prevention theory and collective strain, which are to some extent intertwined. Economic theories view organised criminal activities as the result of business opportunities created by market imperfections, specifically the imbalance between supply and demand, which in turn may be caused by government regulation, prohibition, and taxation of goods and services. In a broader sense, economic inequalities may contribute to the extent of crime problems developing in specific geographical areas. Criminologists have also compared complex criminal activities to business processes that, comparable to legitimate business activities, require managing flows of goods, money and information, and personnel who have the skills and motivation to carry out these activities. Situational crime prevention theory aims at developing concrete measures to disrupt such criminal business processes. The network perspective refers to the fact that MOCGs may be organised as fluid networks of

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[3] The project website is: https://www.tilburguniversity.edu/research/impact/resilience/repression-and-prevention-subversive-crime/imobex.

perpetrators (meso networks) who offend in different compositions in small groups stemming from this network (micro networks). It may also refer to the act of 'networking', in other words the establishment and maintenance of criminal relations that allow business deals, for instance concerning the fencing of stolen goods, and the recruitment of personnel who commit theft and burglary. Subcultural theories, and collective strain, may help explain why certain societal groups may be vulnerable, for instance because of poverty, social exclusion and distance from mainstream society, and feelings of injustice and distrust in public institutions, such as the police. This section first discusses the main challenges that have been identified during the workshop. Next, paragraph 2.3 addresses the option to apply the barrier-model as an instrument to identify entry points for interventions and cooperation between different public and private partners. A barrier-model for mobile banditry has been developed in the Netherlands and could be expanded into a European barrier model which states may use as a template for tailoring to their national needs as well as their legal and organisational frameworks (paragraph 2.4).

2.2   MAIN CHALLENGES

During the workshop participants have identified several challenges when it comes to tackling the business process of MOCGs. To begin with, law enforcement staff who specialise in MOCGs and mobile banditry, have difficulty in convincing decision makers at the policy and management levels that sufficient personnel and 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. Increasing awareness therefore requires composing and maintaining a complete strategic information picture, for instance based on proper identification of suspects who operate in different locations and countries. EU member states should for instance establish national contact points where information on mobile banditry is collected and analysed. Europol should also play an important role in collecting information from the member states, performing further analyses and distributing data. At the tactical level, information should be focused and accurate, to allow swift preventative and repressive interventions on the ground. The latter could be promoted by appointing Europol status to police officers who work at the local levels, who are thus enabled to exchange information through the Sienna-system. Such action would fit with the ambition of promoting the principle of availability, which was originally introduced by the Council of the European Union in its The Hague programme.[4] This principle means that, throughout the European Union, a law enforcement officer in one Member State who needs information in order to perform his duties can obtain this from another Member State and that the law

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[4] Council of the European Union, *The Hague Programme: strengthening freedom, security and justice in the European Union*. Brussels, 13 December 2004.

enforcement agency in the other Member State which holds this information will make it available for the stated purpose, taking into account the requirement of ongoing investigations in that State.

Furthermore, cooperation in the field of mobile banditry, as well as in other areas of crime, would benefit from further promoting the principle of convergence. This principle was introduced in 2009 and adopted into the Stockholm programme.[5] Convergence not only includes common training programmes and exchange networks, but also the pooling of equipment.[6] The convergence principle would apply to all areas where closer relations between Member States are possible: agents, institutions, practices, equipment and legal frameworks. Further developing this principle, particularly in terms of harmonising training standards for police officers and operating procedures, as well as through ensuring interchangeability of equipment, including for instance registration systems and analysis tools. For example, data gathered in one country, may not be suitable to be loaded into analysis tools used by the police in another member state. The principle of convergence is thereby comparable to NATO-standards, which allow the military to cooperate closely. Furthermore, convergence can be considered non-operational police cooperation, and therefore additional EU legislation can be introduced via the ordinary legislative procedure, which requires a qualified majority, instead of unanimity which is required for operational law enforcement cooperation (Spapens, 2017). Of course, such initiatives will still be time-consuming and require a long-term strategic perspective.

During the workshop, participants also emphasised the importance of multi-agency cooperation for disrupting MOCGs criminal activities. Private partners, for instance retailers, rental companies of vehicles, storage facilities, and temporary housing, could provide valuable information to law enforcement agencies, but may also increase barriers based on general information on modi operandi provided to them. For example, skimming of credit and debit cards almost disappeared when financial service providers introduced cards with computer chips instead of magnetic tape. Competent administrative authorities may set and enforce additional regulations to increase prevention and detection. One example is to limit the possibility of receiving payment in cash for individuals selling scrap metal to recycling companies, as well as enforcing obligations of identity verification and reporting unusual behaviour. For example, monitoring that only specific individuals be allowed to return daily to sell substantial amounts of scrap metal.

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[5] Council of the European Union, *The Stockholm Programme — An open and secure Europe serving and protecting the citizens, Brussels.* 2 December 2009.
[6] High Level Advisory Group on the Future of European Home Affairs, *Policy, Freedom, Security, Privacy: European Home Affairs in an Open World*. Brussels, 2008.

Cross-border multi-agency cooperation comes with specific challenges, because of GDPRrestrictions. Exchanging personal information directly between administrative enforcement agencies in most cases, with the exception of social and labour law regulations, lacks a legal basis at the EU-level. In addition, cross-border exchange of criminal law enforcement information with administrative agencies, who may use it for the purpose of screening and licensing, is mostly impossible for similar reasons. Creating a legal basis for these types of information exchanges would require action at the EU-level.

Next, we focus on interventions aimed at disrupting the business processes of MOCGs, by raising preventative barriers, as well as through the criminal justice system.

2.3   RAISING BARRIERS AGAINST MOBILE BANDITRY

The idea of mapping criminal business processes in order to identify points of entry for disrupting this process, originates from the early 1990s. Drawing up so-called crime scripts of complex criminal activities relates to situational crime prevention theory, but was also developed by the German Bundeskriminalamt (Sieber & Bögel, 1993; Clarke, 1997; Cornish & Clarke, 2020; Spapens, 2011). As such, the idea is quite straightforward and not attached to a particular founder. In the Netherlands, crime-scripting has led to the development of so-called 'barrier-models' which identify the steps criminals must take to successfully complete an illegal business process; opportunities they exploit to commit crimes; potential entry points for disrupting parts of the process; which public and private partners, including NGOs, may contribute; and the preconditions that must be fulfilled to enable them to do so. Barrier-models have over the years been developed for several types of crime, such as labour exploitation, cannabis cultivation, synthetic drug production and real estate fraud (CCV, n.d.). Such a barrier-model has also been developed for mobile banditry.

The Dutch barrier-model for mobile banditry focuses on MOCG activities on Dutch territory. The process therefore starts with describing how their members travel to and enter the Netherlands, which may include arranging (falsified) travel documents so as to acquire temporary lodging and, if necessary, commercial property to store stolen goods. Next, the script describes how they prepare for committing crimes, for instance by acquiring burglary equipment in the Netherlands, selecting suitable targets, as well as the buying or renting of vehicles and securing mobile phone contracts, which may help to screen off their activities by drawing less attention to themselves due to operating with Dutch licence plates and telephone numbers rather than foreign ones. The next step is the execution of the crime, which may include reconnoitring of targets, and assigning specific roles to members of the group. For instance, groups of pickpockets who focus on stealing mobile phones, may be divided into groups of individuals who do the stealing, individuals who they immediately transfer the stolen phones to, who in turn deliver these to a collector who is waiting in a vehicle to transport the

stolen items. Finally, stolen goods may be sold to fences in the Netherlands, or moved to another country, and the proceeds of crime must be returned to the country of origin, 'personnel' must be paid, et cetera.

Logically, crime scripts may quickly become very detailed and complicated. This may require starting from a simplified model and development of sub-scripts focusing on specific parts of the criminal process. Sub-scripts may for instance address financial flows, or the use of straw-persons with no criminal background who buy or rent vehicles or purchase mobile phone contracts in their names, and who are often victims of criminal exploitation (see section 3).

The main advantage of working with a barrier-model is the fact that it enables clarification of the nature and extent of how MOCGs operate, which may also help raise awareness and increase commitment at the management and policy levels. Furthermore, such models show that tackling the problem of, in this case mobile banditry, does not just require a traditional criminal law enforcement approach, but also identifies how other public and private partners may contribute to raising barriers. Finally, such models underline the need for coordinated responses, either in terms of exchanging information and 'working apart together', or in the shape of interdisciplinary teams in which the staff of different partners are included in a team.

The main drawbacks of raising barriers are displacement effects. We may expect that when offenders remain intrinsically motivated to commit crimes, for financial and other reasons, and such root-causes do not change, they will search for methods to circumvent specific barriers. Displacement may for instance occur in modi operandi, and the times when, and places where MOCGs choose to commit crimes. They may also choose different objects to target, or recruit 'personnel' with different nationalities and backgrounds, who may be less conspicuous or unaware of the risks of apprehension or exploitation. Therefore, crime-proofing should also be included when raising barriers, to predict how MOCGs may respond to specific measures and anticipate their next steps. This of course requires an understanding of their backgrounds, what their motivations are, and how their process of decision-making works. Such understandings may, in a more abstract sense, be increased by studying cultural and national dimensions which may influence motivations, but ideally, we should also gain more insight in social psychological and behavioural profiles of crime entrepreneurs within MOCGs. The latter is still mostly unexplored territory both for law enforcement and academia, especially within the context of organised crime. Here, further research and development of tools which allow law enforcement staff to generate such profiles based on specific indicators is necessary. In conclusion, fully disrupting complex criminal business processes is not realistic. Instead, it must be accepted that ambitions for practical interventions be limited to specific entry points, and be developed and executed by teams composed of a relatively small number of partners, to enable concrete action. It should also be made clear from the start that disrupting MOCG activities is a process of small-steps, in other words requires a multi-pronged approach.

2.4   DEVELOPMENT OF A EUROPEAN BARRIER-MODEL

As outlined in the previous paragraph the existing barrier-model for mobile banditry has been developed in the Netherlands, and therefore tailored to specific options available to potential partners. In the Netherlands, concepts relying on multi-agency cooperation, such as administrative approaches to (organised) crime, have been introduced since the beginning of the 1990s. Authorities have in this respect taken a range of initiatives to enhance the legal framework and practical organisation of information exchange and integrated interventions. The latter for instance refers to the creation of ten Regional Expertise and Information Centres, where administrative enforcement agencies, the police, the public prosecution service and the tax authorities exchange information and both initiate and helpexecute coordinated interventions. Other EU countries may however lack the legal and practical infrastructure, although earlier studies have shown that in all member states, administrative agencies have the responsibility to help maintain public order as well as for licensing business activities, and in some cases for first line enforcement of compliance with regulations regarding for instance safety, consumer protection and the environment (Spapens, Peters & Van Daele, 2015). In some member states, however, such powers may not yet be applied in the context of disrupting crime. The European Network on the Administrative Approach (ENAA) plays an important part in promoting administrative and multi-agency cooperation in the EU.

Second, although the Netherlands also 'exports' local MOCGs to neighbouring countries, for instance groups that focus on blowing up and robbing ATMs in the German border area, the barrier-model was predominantly developed from the perspective of being a destination country for MOCGs originating from Eastern and South-eastern Europe. For instance, the model does not include elements of the criminal business process executed in the country of origin. This for example refers to the methods of recruitment of MOCG members, how they are 'trained' in committing offenses such as pickpocketing or begging, how vulnerable persons may be targeted for the purpose of criminal exploitation, and how and where the proceeds of crime may be spent, or laundered and invested.

Participants in the workshop agreed that expanding the existing barrier-model for use throughout the EU and third countries, would be a promising way forward. In general terms, such a European barrier-model for mobile banditry could be developed within the context of the IMOBEX-project, during the organised crime field lab which is part of Work Package 4. Based on this, individual countries could then move on with tailoring the model to the possibilities and obstructions that may exist in their national legislation as well as their views on how to approach the problem of MOCGs. Even when countries emphasise a traditional criminal law enforcement approach instead of multi-agency cooperation, the barrier-model may provide useful insight for development of interventions and strategies. Finally, in the context of the IMOBEX-project, the European barrier-model will be drawn up in English. This implies

that translation into other languages must be organised at the national level, or in the context of the ENAA.

3   CRIMINAL EXPLOITATION AND MOBILE BANDITRY

3.1   INTRODUCTION

The IMOBEX-project particularly focuses on mobile banditry at the nexus of criminal exploitation. Some members of MOCGs may be lured to a country of destination with promises of a well-paying job, and advance their travel costs. Once arrived this job does not exist, and to repay their debt, the victims may be coerced to commit crimes, or to act as straw-persons. Adult victims are often vulnerable because they do not speak any foreign language, do not have any formal education or work experience related to the job offered, and have low cognitive abilities. Minors may be particularly vulnerable because it may be their own family members and even their parents who exploit and threaten them with physical violence. MOCGs may also threaten to retaliate against the victims' family members who still reside in the country of origin, usually in the same geographical areas as the perpetrators.

3.2   MAIN CHALLENGES

The participants in the workshop have identified several challenges regarding how to respond to victims of criminal exploitation in the context of mobile banditry. To begin with, it is difficult for police officers to detect whether a suspect who has been arrested for petty crimes such as pickpocketing or shoplifting, is a victim of criminal exploitation. Victims usually do not actively speak out, because of fear, mistrust in the police, or they may not view themselves as being exploited. Second, petty crimes are usually handled by the local police and not considered incidents that require in-depth investigation, particularly not when perpetrators are caught in the act. Police officers may be unable to detect indications of criminal exploitation, or are unwilling to consider these, for instance because this would increase their work-load or because they view suspects mainly as criminals. The latter may be amplified by the suspects' behaviour or appearance. Even when a suspect speaks out about being coerced, this may be dismissed as just a story to avoid prosecution. Victims often do not show typical or expected signs of distress as is expected in the event of coercion.

Third, it remains challenging to provide victims of criminal exploitation with adequate support, both from a practical perspective, such as repatriation to their country of origin, as in the long term with giving adequate follow-up, for example by providing protection and support to prevent repeat victimisation. Fourth, a main challenge is bringing suspects of criminal exploitation to justice. Although criminal exploitation is viewed as a type of human trafficking,

the term is not well-defined within EU legislation and it remains difficult to prove criminal exploitation, particularly when the case involves adults who have not been physically threatened or abused, or did not commit actual crimes. Begging, for instance may not be criminalised, nor may it be illegal to buy a car and have it registered in your name, unless you are forced to do so. Ideally, the concept of criminal exploitation should be clarified in EU legislation. In addition, best practices in underpinning criminal exploitation in cases that do not involve 'ideal' victims should be made available to law enforcement agencies in the EU. Because of the ambiguities of having contributed to illegal activities when coerced to do so, victims of criminal exploitation may be even more vulnerable to secondary victimisation. Furthermore, distinctions between labour exploitation and criminal exploitation should be reconsidered. They may endure a lengthy criminal justice process, during which they may need to tell personal stories of victimization several times, whereas at the end of the proceedings the exploiters may be acquitted.

3.3   IDENTIFYING AND SUPPORTING VICTIMS OF CRIMINAL EXPLOITATION

EU member states have an obligation to assess victim vulnerability as required by the Victims' Directive (2012/29/EU). [7] Although the Directive does not explicitly mention victims of criminal exploitation, it does point to victims with disabilities and to child victims, and stresses that 'particular care should be taken when assessing whether such victims are at risk of such victimisation, intimidation and of retaliation and there should be a strong presumption that those victims will benefit from special protection measures' (paragraph 57). The Directive also emphasises the importance of preventing secondary victimisation, especially for victims with specific protection needs, which in several member states includes victims of human trafficking by default, although in assessment protocols this is often related to sexual exploitation (Raaijmakers, forthcoming 2023).

In most EU member states the police are tasked with assessing such vulnerabilities. Better identification of potential victims of criminal exploitation would therefore require training of local police officers in assessing whether suspects of petty crimes committed by MOCGs may indeed be coerced. Training would also increase their awareness of cultural aspects regarding the suspects' behaviour as well as their understanding of potential biases in their own judgements. For instance, police officers will generally consider young Asian females to be possible victims of human trafficking, but not youth coming from South-Eastern European countries. It may also be considered to train a number of officers at local police teams on intercultural issues and interrogation of suspects who may be members of MOCGs, comparable

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[7] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Official Journal of the European Union, L315/57.

to specialised training of police officers in interviewing minors and vulnerable victims. Yet another option is to involve experts from the social domain in the process of interviewing witnesses or interrogation of suspects, who generally have a better understanding of how to determine vulnerabilities.

Importantly, authorities in countries where victims of criminal exploitation have reported to the police, should also coordinate with countries of origin to ensure proper and safe repatriation. Public institutions operating in the social domain and victim support agencies have a role in this, but cooperation with specialised NGOs is also an option. Follow-up should also be organised once victims have returned to their homes, to monitor for instance whether they receive threats from MOCG-members or their relatives. This may be particularly challenging, because the victims are often recruited from the same communities, and reallocation may not be possible or desirable. Efforts to prevent repeat victimisation may be coupled with programs to promote education and guidance to work, although prospects may be limited by the abilities of the victim and lack of jobs in impoverished areas where they originate from. Nevertheless, as participants in the workshop explained, such programs have been implemented in for instance Romania, involving NGOs, and seem to produce positive effects in preventing recidivism.

3.4   PREVENTION OF CRIMINAL EXPLOITATION

During the workshop, participants considered the topic of how to prevent criminal exploitation in the context of mobile banditry. One potential approach could be to promote awareness-raising campaigns in countries of origin, in which partners from the social domain, NGOs and the church might be involved, or in cases of minors, schools. Campaigns could also be aimed specifically at the same types of persons who are targeted by MOCGs. When criminals are able to spot the persons they may exploit, public and private partners too should be able to identify vulnerable individuals. At the same time, participants acknowledged that as long as the root-causes that allow MOCGs to recruit vulnerable persons remain, such campaigns will have limited effect. These root-causes are generally understood as economic inequalities between different parts of the EU.

However, such general explanations do not suffice to explain the origin of MOCGs. Indeed, the core members of such groups or networks appear to come from specific regions and even villages, as well as from specific communities. Instead of referring to countries of origin, it seems therefore more appropriate to focus on networks and hot spots. Criminal networks may develop and mature when circumstances and opportunities are favourable (Spapens & van de Mheen, 2022). Classic itinerant gangs for instance made sure that local authorities were corrupted by paying bribes and through other methods that helped to avoid repressive action

(Spapens, 2016). Once criminal networks have matured in a particular area, these are increasingly difficult to suppress. Such networks often depend on extended criminal family networks, or perhaps clan-based networks within which intergenerational continuity of criminal behaviour is also a major problem. Addressing the root-causes of mobile banditry therefore requires thorough study to understand historical, sociological, cultural and criminal developments in the areas where MOCG-kingpins and core members seem to concentrate.

Finally, we cannot ignore the fact that particularly in South-eastern Europe, MOCGs often originate from Roma communities. This may also be considered the 'elephant in the room' when discussing mobile banditry and how to tackle the problem. On the one hand, issues such as poverty, social exclusion and poor education must be addressed and improvements in these fields will certainly have a preventative effect on vulnerabilities and add to relieve collective strain. This is what the EU is currently focussing on. On the other hand, these policies fail to address current crime problems within the community directly. For instance, in EU Roma Strategic Framework, the issue is not mentioned at all.[8] Ignoring crime problems, however, does not help to reduce stigmatisation of Roma communities. Instead, facing these problems would help to make clear that serious criminal behaviour concerns individuals and not entire communities. This is all the more important because criminological research shows that key criminal elements in such communities may want to maintain the status quo because promoting equality, inclusion and participation would reduce their criminal opportunities and possibly also their status within local communities. Crime entrepreneurs may therefore attempt to, and be successful at derailing such programmes, as has been observed in attempts to improve socially and economically deprived neighbourhoods in for instance the Netherlands.

4 INTERVENTION STRATEGIES: AN OVERVIEW

4.1 INTRODUCTION

This section briefly summarises the main intervention strategies discussed in the IMOBEX-seminar. This concerns the roles of public partners, private partners, the need for multi-agency cooperation, issues in cross-border cooperation and the need for interventions at the systemic level.

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[8] European Commission. *Communication from the Commission to the European Parliament and the Council A Union of Equality: EU Roma strategic framework for equality, inclusion and participation*. Brussels, 7 October 2020, COM (2020) 620 final.

4.2   THE ROLES OF PUBLIC PARTNERS

Strategies to tackle mobile banditry at the nexus of criminal exploitation from a traditional criminal justice perspective, require raising awareness with the police and public prosecution service, and particularly at the management levels, as well as with policy makers, that OMCGs inflict substantial damage in both countries of origin and destination, and therefore adequate resources should be allocated to disrupt OMCGs criminal business processes. Law enforcement agencies should be supported in order to better detect MOCG activities by promoting information exchange via Europol. Timely exchange of targeted information should be promoted, particularly in cases where speed is of the essence. Experiences gained in the context of EMPACT and TRIVIUM operations regarding opportunities and impossibilities should lead to improvements, both at the legislative and operational levels. Public partners should also promote administrative approaches, in which administrative authorities increase barriers for MOCGs to misuse legitimate infrastructures, for instance to obtain temporary housing, cars and mobile phones. The existing platform ENAA could further promote targeted strategies regarding mobile banditry. Finally, particularly in detecting and supporting victims of criminal exploitation, public partners in the social domain, such as social workers, could enhance cooperation with law enforcement.

4.3   THE ROLES OF PRIVATE PARTNERS

Private partners, particularly in economic sectors which MOCGs target, such as retailers and providers of communication services, should be enabled to rapidly exchange information with law enforcement, for instance CCTV-footage. The police may for instance integrate such material with images collected through its own surveillance camera data, and apply facial-recognition software to identify perpetrators who have been active in different locations and countries. Private partners also have a role in raising barriers for MOCGs, not in the least by taking more effective prevention measure, or by training personnel to better detect unusual behaviour by their customers, which may relate to mobile banditry and criminal exploitation. Law enforcement should promote this through regularly updating private partners, for instance about changes in modi operandi. Finally, private partners such as NGOs could be engaged in repatriation of victims of criminal exploitation to their countries of origin, and in providing further support upon their return.

4.4   MULTI-AGENCY COOPERATION

Participants in the workshop acknowledged that the criminal business processes of MOCGs are complex, and coordinated interventions by different partners – law enforcement, administrative enforcement agencies, and private partners – would be more efficient and effective.

Development of a European barrier-model would promote insight in both entry points for intervention and the role of different partners. Multi-agency cooperation may be organised in different settings, for instance public-public and public-private exchange of information and cooperation. The latter could result in partners applying interventions based on their own mandates, in other words, 'working apart together', but may also be conducted in joint teams. At the national level, authorities should promote legislation that allows multi-agency cooperation and exchange of (personal) information to the extent possible. Partners may also focus on developing specific interventions, for instance to raise awareness, and experiment with these in small-scale pilot-projects. Such activities may for instance be developed in organised crime field labs, or through comparable methods. The IMOBEX-project has taken the first steps in developing an European barrier-model on mobile banditry, and this model will be made available at the closing of the project, for further development and dissemination.

4.5 CROSS-BORDER COOPERATION

Although over the past two decades, the legal and practical framework for police and judicial cooperation has been well-developed in the context of the EU, legal differences remain at the national levels. One example is differences in regulations on storing historical ANPR-data, which may be allowed in one member state but not in another, depending on how strictly legislators interpret GDPR requirements. The GDPR Directive also limits direct information exchange between administrative enforcement authorities, when exchange of personal information is necessary. Diagonal exchange of information between law enforcement agencies in one member state, and administrative enforcement agencies in another, is also confronted with legal barriers. The main obstacle is the fact that such information exchange requires a legal basis, which is currently lacking. The EU should therefore in the short term take action to create such a legal basis. Finally, information exchange regarding mobile banditry via Europol should be promoted, for instance by expanding access to the SIENNA system to local police departments which are mostly responsible for handling petty crimes in which MOCGs are involved.

4.6 SYSTEMIC INTERVENTIONS

Participants in the seminar noted that from a long-term perspective, the root-causes of mobile banditry should be addressed. On the one hand, this concerns the persistent large economic inequalities within the EU, that contributes to opportunity structures for MOCGs and targeting of vulnerable victims, and on the other hand the existence of isolated and impoverished communities, Roma in particular, which present risk factors. It is beyond the scope of the IMOBEX-project to address interventions and policies aimed at the systemic level. We do however recommend to not just focus policies aimed at improving the situation of Roma

communities at indirect risk factors for criminal behaviour, or protective factors that could be promoted, which are related to criminogenic risks and their reduction, but to also address criminality in these programs.

4.7 CONCLUDING REMARKS

To conclude with, we emphasise that mobile banditry at the nexus of criminal exploitation is a multi-faceted 'wicked' problem, which can not be substantially reduced without long-term and realistic perspectives. Tackling the problem requires interventions not only at the level of disrupting criminal business processes, but in the long-term also at the systemic level, and in better understanding of the motivations and behavioural choices at the individual level. Interventions are most likely to be small-scale which in combination add up to making an impact. Finally, the importance of implementing the principles of availability and convergence respectively, and tackling organised crime not just with the use of traditional criminal justice approaches, but also through administrative measures, public-private partnerships and multi-agency cooperation, is not new. Instead of creating new pathways, we should therefore proceed on those that have already been mapped out in the recent past.

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