101003531- IMOBEX- ISFP-2019-AG-OPC: Deliverable 3.2

Mobile banditry and criminal exploitation: challenges, interventions and policies

Report

Work Package 3
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 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   WORD PACKAGE 3 - INTERVENTIONS AND POLICIES

Work package 3 comprises of three activities, which we executed in a 2-day high intensity seminar, organized in the Netherlands (Utrecht). In this meeting participants from a selection of member states, which were invited based on the outcomes of WP2, shared their knowledge on criminal business processes, best practices and the problems that confront enforcement agencies in relation to tackling MOCGs. The seminar took place in Utrecht and was organized by Utrecht University. Based on the outcomes of WP2, the IMOBEX consortium determined which methods to collect and discuss ideas are best suited to ensure the intended outcomes of the seminar.

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

Activity 3.1 – Development of intervention strategies

The first objective of the seminar was to develop intervention strategies, based upon the outcomes of a gap analysis conducted in WP2. This activity brought together 15 experts in mobile banditry and human trafficking and enforcement practitioners from the countries included in this study. The IMOBEX team moderated the seminar.

Activity 3.2 – Development of legal and policy actions

Activity 3.2 represents the second part of the seminar and aims at developing actions to overcome gaps in the legal and practical infrastructure as identified in WP2, as well as further complications that may be identified in activity 3.1. The aim of activity 3.2 was to gather input for a road map that will enable the EU Member States and third countries, international agencies such as Europol, Eurojust and Interpol, as well as the European Commission to develop additional legislation as well as policies to better combat mobile banditry at the intersection of exploitation for criminal purposes.

Activity 3.3 – Reporting the results of WP3

Finally, this report discusses the findings of Work Package 3 which have been reported in two documents. Deliverable 3.1 discusses intervention strategies d in more detail (Deliverable 3.1).[3] The current report (Deliverable 3.2) addresses challenges, interventions and policies. The information on which both reports are based was gathered during a two-day workshop conducted in Utrecht on 6-7 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 expert presentations and discussions during the seminar, focusing on the challenges that confront different partners in their efforts to curb mobile banditry at the nexus of criminal exploitation, and possible interventions and policies that could be (further) developed.

List of participants in the workshop:

1. Aleksandras Dobryninas (Lithuania, Vilnius University).
2. Martijn Groenleer (Netherlands, Tilburg University).
3. Katerina Guseva (Netherlands, Utrecht University).
4. Warner ten Kate (Netherlands Public Prosecution Service).
5. Markus Körner (Germany, Police EMPACT OPC).

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[3] Spapens, T., Laskai, A. & Mouris, M. (2023). *Mobile banditry and criminal exploitation: developing intervention strategies.* Deliverable 3.1, Project IMOBEX.

6. Anna Laskai (Netherlands, Utrecht University).
7. Thris Leito (Netherlands, Centre against child trafficking and human trafficking (CKM)).
8. Eglė Matuizienė (Lithuania, Office of the Prosecutor General).
9. Serghei Melnic (Moldova Police, Superior Officer, Directorate for Organised Crime Investigations).
10. René Middag (Netherlands, National Police, EMPACT OPC).
11. Melina Mouris (Netherlands, Tilburg University).
12. Manuela Nitu (Romania, SELEC).
13. Ausra Pocienė (Lithuania, Vilnius University).
14. Jorn van Rij (Netherlands, National Police).
15. Conny Rijken (Netherlands, Tilburg University).
16. Virgil Serban (Romania, SELEC).
17. Dina Siegel (Netherlands, Utrecht University).
18. Toine Spapens (Netherlands, Tilburg University).
19. Ana Tomasevic Petrovic (Serbia, Criminal Inspector for Suppresion Trafficking of Human Beings Service for Combating Organized Crime, Ministry of Interior).
20. Joeri Vig (Netherlands Centre for Crime Prevention and Safety (CCV)).

1.4   OUTLINE OF THE REPORT

Section 2 presents current developments and issues with regard to the activities of so-called mobile organised crime groups (MOCGs) operating in, or originating from the EU and European third countries, as presented by Toine Spapens and co-written with Melina Mouris (Tilburg University). Section 3 gives an overview, presented by Rene Middag (Dutch National Police and EMPACT) of the practical and legal barriers that confront law enforcement in tackling mobile banditry. Section 4 focuses on the problem of victimisation of criminal exploitation, as presented by Thris Leito (Centre Against Child Trafficking and Human Trafficking). Section 5 addresses the legal dilemmas that confront enforcement agencies in prosecuting perpetrators who engage in recruiting and exploiting straw persons who facilitate MOCGs as human traffickers. This presentation was given by Conny Rijken (Dutch National Rapporteur of Human Trafficking and Tilburg University). In section 6, Martijn Groenleer (Tilburg University) and Warner ten Kate (Dutch public prosecution service) discuss the development of multi-agency approaches to tackle complex ('wicked') crime problems through application of organised crime field labs, and their experiences with applying the method to a case of mobile banditry at the intersection of criminal exploitation in the Netherlands. Finally, section 7 sums up the workshop's outcomes.

2   CURRENT ISSUES IN MOBILE BANDITRY

Presented by Toine Spapens and Melina Mouris

In WP2 the phenomenon of mobile banditry is discussed in details and the full text is available on the project website (Deliverable 2.2). In this section we summarize the most relevant findings, on the basis of which the selection of experts and their presentations during the seminar was made.

2.1   MOBILE BANDITRY AS A FORM OF ORGANIZED CRIME

Mobile banditry can in several ways be considered a classic type of what we nowadays define as organised crime. In the 17th and 18th Centuries, war torn Europe was confronted with so-called countryside gangs that were often based in remote rural areas from which they travelled to targets in other jurisdictions.

With the emergence of tourism at the beginning of the 20th Century, travelling thieves moved around seaside resorts across the Mediterranean, targeting wealthy guests in high-end hotels in countries such as Spain, Italy, France, Russia and Germany, while some travelled as far as the United States, South America and China to commit crimes of theft (Villiod, 1905). In the 1930s, the International Criminal Police Organization, known today as Interpol, tried to improve information exchange on crimes conducted across borders, for example, international jewellery thieves, fraudsters, burglars, pickpockets, and hotel thieves, stemming from countries such as Italy, Romania, Hungary, France, Germany, Switzerland and sometimes South-America (Kallenborn, 1953).

Although mobile banditry did not stop after the second World War, the topic mainly returned to the agenda after the fall of the Iron Curtain in 1989, when itinerant groups from Eastern and South-Eastern European countries started to travel to North-Western European countries to commit property crimes. However, globalisation and ease of travel also better enabled criminal groups from, for instance, South-America to operate in Europe.

2.2   MOBILE ORGANISED CRIME GROUPS

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).

Firstly, 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.

Second, MOCGs may be family or clan-based, in combination with members who come from the same communities or geographical areas. Such groups are for instance associated with Roma communities in South-eastern Europe, but also with Irish Travellers based in Ireland and the United Kingdom. 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).

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.

Although MOCGs are commonly associated with Eastern and South-Eastern European countries, the groups often include a mix of nationalities (Savona & Anastasio, 2020). The core group may stem from specific countries, but accomplices may be recruited elsewhere, including members who are permanently based in countries where the crimes are committed. Those members may for instance provide temporary lodging, or fence stolen goods. Furthermore, although MOCGs are usually assumed to operate across borders, and often at long distances from their regions of origin, their modi operandi may also be adopted by groups that (mainly) operate in their own country. Finally, countries of origin of specific MOCGs may simultaneously be countries of destination for others. One example is Lithuania, which may be viewed as a country of origin of crime groups specialising in theft of vehicles and car parts in Western European countries, whereas MOCGs originating from South-Eastern Europe commit crimes such as residential burglary and organised shoplifting in Lithuania.

The COVID-19 pandemic and subsequent travel restrictions in 2020 and 2021 did logically impact the levels of cross-border activities of MOCGs. However, now that such restrictions have been lifted, law enforcement professionals have observed an increase in MOCG-activity, perhaps even to a higher level than in pre-COVID years. This may be explained by the fact that such groups may seek to compensate for lost 'income' during the lockdown years.

2.3   THE CRIMINAL BUSINESS PROCESS

MOCGs are distinguished in so-called 'hit and run' groups which comprise of only a small number of perpetrators that travel to Western Europe, commit the crimes and return to their country of origin within a day. Perpetrators are mainly young and come from Poland, Romania,

Bulgaria and the Baltic States (Van Geffen, 2009; Weenink & Huisman, 2003; Van Daele & Vander Beken, 2010). The second type is more organised and may comprise up to 75 persons. They operate in Western Europe for a couple of weeks in groups of 2 to 5 persons and then move to another country.

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. A first phase is preparation when still in the country of origin, for instance recruitment of suitable 'personnel' and acquisition of target information, tools and vehicles. In a second phase the MOCG must secure temporary lodging and sometimes commercial property to store stolen goods. Third, transport must be arranged from the country of origin to the country of destination and vice versa, which may include arrangement of (falsified) travel documents. Fourth, crimes must be executed, and this may include reconnoitring of targets, arranging tools such as burglary equipment, and moving stolen property. Finally, MOCGs must manage the proceeds of crime, such as fencing stolen goods, and moving money back to the country of origin, either physically in cash, or through other methods. Apart from flows of goods, the criminal business process also includes money and information flows, which must all be organised and sufficiently screened off to avoid detection and confiscation by authorities, as well as to prevent enforcement agencies from gathering evidence.

The criminal business process requires personnel who possess specific skills, and these persons must be 'recruited' into the criminal group, either voluntarily or by means of deception or coercion. Roles may vary from committing the actual crimes, to facilitating for example transport, temporary housing, communication, money laundering and fencing of stolen goods.

2.4 CRIMINAL EXPLOITATION

MOCGs are in several ways involved in criminal exploitation. Victims are either coerced to execute the most risky tasks, such as committing actual burglaries and theft, while the organisers of these crimes remain in the background. They may also be exploited to facilitate MOCGs activities as straw persons. MOCGs usually recruit victims from economically and socially deprived regions or societal groups, promising them a well-paying job in a Western-European country, advance travelling costs and thus create a situation of financial dependency. MOCGs purposively target prospective victims who are vulnerable because of cognitive, psychological, addiction, and financial problems. Once having had arrived in the country of destination, it is also difficult for victims to seek help, for instance because they do not speak languages besides their own, and because the MOCG may threaten to retaliate against relatives at home.

Although this is a particularly sensitive issue, we cannot ignore the fact that many cases of mobile banditry involve people from the Roma community, both as perpetrators and victims of what could be considered criminal exploitation. Economic deprivation, isolation, stigmatisation and low levels of education can be considered systemic risk factors. However, MOCGs stemming from the Roma community concentrate in specific regions in South-Eastern Europe, or even in specific villages and therefore we must also take into account how these criminal networks have evolved (see Siegel, 2014; Spapens & van de Mheen, 2021).

Specifically with regard to victims of criminal exploitation, it is important to involve the social domain in approaches to mobile banditry. This for example refers to supporting victims in the country where they have been apprehended, for instance juveniles for whom specific programmes could be developed involving regular social institutions, but perhaps also specialised NGOs. This also includes repatriation to the country of origin upon release and follow-up programs to prevent repeat victimisation.

References

Eurojust (2020). *Eurojust Annual Report 2019*.

Europol, (2011). *OCTA 2011: EU Organised Crime Threat Assessment*.

Geffen, van, R. (2009). *Itinerant groups target stores in European Union: an urgent cross-border problem*. Detailhandel Nederland.

Kallenborn, J. (1953). *Strijd tegen internationale misdadigers*. Uitgeverij Keesing.

Savona, U. & Anastasio, M. (2020). *Organised Property Crime in the EU*. European Union.

Siegel, D. (2014) *Mobile Banditry. East and Central European Itinerant Criminal Groups in the Netherlands*. Eleven International publishing.

Spapens, T., Peters, M., & Van Daele, D. (Eds.) (2015). *Administrative measures to prevent and tackle crime*. Eleven International Publishing.

Spapens, T. & van de Mheen, D. (2022). *Het vestigingsklimaat voor drugscriminaliteit in Nederland*. Tilburg University.

Van Daele, S. & T. Vander Beken (2010). Exploring itinerant crime groups. *European Journal on Criminal Policy and Research*, 16, 1-13.

Villiod, E. (1905). *Comment on nous vole. Comment on nous tue*. Maison d'édition.

Vig, J. & Lommers, M. (2019). *Vooronderzoek toekomstperspectief Roma*. Centrum voor Criminaliteitspreventie en Veiligheid.

Weenink, A. & S. Huisman (2003). Poolse bendes in Nederland. *Voorlopige bevindingen*, in: *Justitiële verkenningen,* 29, 81-91.

3   TACKLING MOBILE BANDITRY: LEGAL AND PRACTICAL BARRIERS

Presented by René Middag (Dutch National Police)

To address legal and practical barriers to tackling MOCGs a presentation was given by the Dutch National police where René Middag is the Dutch National coordinator on Mobile Organized Crime Groups and EMPACT representative. He discussed mobile organised crime groups (MOCGs) and their activities in the Netherlands, as well as the challenges faced by law enforcement relating to mobile banditry and exploitation of human beings. The information compiled in the presentation is based on personal experience, case studies, and existing research.

3.1   DEFINITION

The Dutch National police have adopted the definition of mobile banditry drawn up by the Council of the European Union, which defines it as "*A mobile (itinerant) group of perpetrators is an association of criminal who systematically enrich themselves by perpetrating crimes against property or fraud (in particular shoplifting and cargo theft, break-ins of homes and companies, fraud, skimming and pickpocketing), within a widespread area in which they carry out activities and are internationally active.*"

Within the Dutch context, such groups are distinguished as associations of criminals; who operate systematically, in other words commit multiple and targeted offenses; commit property crimes and fraud; and are active across borders.

Other definitions of actors and actions that fall into MOCGs include that of *Organized property crime* (OPC – which is broader than mobile crime groups as it includes local/national groups); the term *Mobile organized crime groups* (MOCGs) as introduced by Europol, and *Mobile banditry* as defined above. Although these definitions overlap, these are not synonyms.

3.2   MOBILE BANDITRY IN THE NETHERLANDS

In the Dutch context, the concept of mobile banditry includes a wide range of property crimes. To begin with, organised burglary remains important. This includes residential burglaries as well as break-ins at commercial properties and construction sites. Some of these can be considered high value burglaries, where perpetrators steal gold and metals that can be sold. A new type of MOCG activity is the stealing of catalytic converters. These converters are stolen for the precious metals contained inside. Initially it started off as being the focus of MOCGs

mostly composed of Bulgarian and Romanians, however more recently local Dutch groups have also started engaging in the stealing of catalytic converters and commit an estimated 50 percent of these crimes. Another recent development is theft of GPS-systems from agricultural vehicles which also contain expensive materials**.**

Organised shoplifting also remains a problem. According to a 2019 study, Dutch retailers lose about 1,8 million euros annually because of shoplifting. Both MOCGs and local criminal groups are involved in organised shoplifting. Local groups more often steal for their own direct personal pleasure and excitement, while MOCGs steal items of higher value and do not spend the revenues in the countries where they commit the crimes. Although shoplifting is considered a petty crime, the large number of offenses make it highly lucrative for criminals, and causing high financial costs for retailers.

Next, the Netherlands observed an increase in pickpocketing since the lifting of travel restrictions imposed during the COVID-19 pandemic. Pickpockets currently target people's mobile phones, and MOCGs involved for instance travel from one Western European city to another as soon as the local police becomes aware of an increase in victim reports and starts to increase patrols at hot spots. Groups of pickpockets also target large-scale events, such as music festivals. These crimes are carefully planned out, including well-planned travel itineraries. In one case from Belgium, pickpockets were seen following the concert tour in Europe of a certain rock band. When the concert started, reports started coming in about phones and valuables which had been stolen from people in the audience. Police officers were placed at the exit of the venue to monitor those who left the event before the concert ended, and arrested individuals in possession of some 250 phones. These were not the pickpockets themselves, but the persons who received the phones immediately after these had been stolen and were responsible for moving them to a safe place outside the venue.

Finally, MOCGs are involved in vehicle theft. Whereas local criminals usually target older and less-well protected cars, or steal objects laying in the car, such as a laptop bag, MOCGs apply more sophisticated and stealthier modi operandi, for instance intercepting the signal of a car key. Cars with keyless entry systems were in one case moved abroad in hired trucks. Less sophisticated MOCGs also try to find car keys when breaking into people's houses and steal easily moveable valuables, such as jewellery, cash money and portable electronic equipment.

Statistical data on property crimes based on numbers of arrests in the Netherlands reveals that the overall number continuously declined between 2016 and 2021. However, in the same period the number of suspects who were not born in the Netherlands, did not hold Dutch citizenship, or did not have a permanent address in the country, increased substantially.

3.3   TACKLING MOBILE ORGANISED CRIME GROUPS

The Dutch authorities have developed a number of approaches to better tackle MOCGs. This section briefly describes these initiatives and existing challenges.

Adequate follow-up after apprehension of persons suspected to be members of an MOCG

The police occasionally apprehend MOCG-members when they are committing a crime, or shortly afterwards, for instance during regular patrols or due to having obtained witness reports. When the suspect is a possible member of a MOCG a special investigative guideline for public prosecutors and the police comes into effect. A case of petty crime, for instance shoplifting, would normally be handled within six hours, and suspects will be released from police custody after having been interrogated, pending further action by the public prosecutor. However, a member of an MOCG will for instance leave the country, and in practice will not appear in court. Therefore, a suspect who may be an MOCG member, will be provisionally kept in police custody for the maximum allowed period of three days, during which extra information is collected in interrogations, and information is requested from foreign authorities (for instance when the suspect is found in possession of flight tickets to multiple countries, or has parking tickets from another country) so as to verify their identity. All findings are placed in an MOCG special report. The specifics of the group in question will be provided to the investigative judge, to underpin that it concerns a case of mobile banditry and not common theft. The suspects will then be held in pre-trial detention until their case is handled in court. Keeping suspects of property crimes in custody for a prolonged period is justified based on the fact that they will probably flee the country upon release and thus avoid being tried and sentenced. In cases of mobile banditry, the public prosecutor will also demand a higher sentence. There may, however, sometimes be debate between the police and the public prosecutor, when the latter is not convinced about the organized nature of the crime, for instance. In most cases the investigative judge agrees, provided the police presents the necessary context and underpins that this is a case of cross-border organised crime and not just petty theft. Whether imposing higher sentences have an increased deterrent effect is difficult to establish, but the police find this approach to be helpful in general.

Better detection through pro-active police checks

Automatic number plate recognition (ANPR) is an important tool to detect MCOG-members' movements. The Netherlands maintains a database of license plates known to be associated with criminal groups. Police officers' mobile phones are connected to this system through an app that notifies them when a camera picks up a license plate number that matches with one included in the database. Essentially, this is an automated system of license plate verification and notification. Currently, approximately 1000 license plates are included in the database.

Across the Netherlands about 80 ANPR cameras have been installed on motorways, and a further 200 cameras that may be used for this purpose have been installed next to speed control cameras along country roads. The effectiveness of the ANPR system however depends on inclusion of license plates associated with MOCGs in the central database. Furthermore, MOCGs have responded with using rental cars hired by straw persons to avoid detection. Another drawback is the fact that a hit as such does not provide a legal basis to search the car. Police officers may of course stop the car and check the identity of the driver and passengers, and visually inspect the vehicle. Searching may become possible when the persons in the car cannot present proper identification, when papers appear to be falsified, and when tools used in shoplifting, robberies, burglaries or car thefts are visible. The driver may also give permission to search the car, although this may require communication with an interpreter. In such cases, the police are also required to inform the (suspected) individuals that should anything that would implicate them in a crime be found in the vehicle, they will be arrested. Understandably, not many people will voluntarily grant the police permission to search their car.

When the police find stolen goods, a main challenge is to link these to specific crimes. In the majority of cases, the police are unable to locate where the goods have been stolen from. In these cases, suspects must be released within 9 hours. As an example, in a case where some 30 catalyst converters were stolen in the span of one night, and only 10 of which were found in a vehicle, it is extremely difficult to ascertain which converters were stolen and from where they were stolen. The same problem occurs when the police find a batch of cosmetic products in a vehicle. Usually, the suspects will provide an explanation as to where they purchased the products. The police often do not have the time to connect the seized goods to a specific store or a report of a crime, before they are required to release the suspects and return the initially confiscated goods to them.

The problems of criminal investigation

The starting point of police investigations of MOCGs is usually a reactive response to a criminal act. Investigation may however also be started based on proactive intelligence led policing, for instance upon information received from abroad about modi operandi and travelling routes. Both options, however, are restricted by lack of resources. Investigating petty crimes is the responsibility of local police teams which are usually hard pressed and do not have the time and personnel available to investigate crimes that may involve MOCGs. Of course, the victims have a vested interest that the police investigate burglaries, their stolen phones, cars and other valuables, and this presents a dilemma.

The fact that such groups usually operate across the boundaries of the ten geographical units of the Dutch National police and across the Dutch borders, implies that investigation may quickly become the responsibility of the national criminal investigation department (*Landelijke*

Recherche), responsible for proactive or project-based investigations. Organised crime investigations predominantly focus on large-scale drug trafficking and production, and this almost entirely commits available resources. A problem is the fact that MOCGs commit crimes which add up to a serious problem, whereas crime groups may be considered small and individual offenses lack severity, which makes it difficult to prioritise investigation of mobile banditry. In sum, it continues to be challenging to place MOCGs higher on the investigative agenda.

Dealing with victims of criminal exploitation

Dealing with members of MOCGs who are victims of criminal exploitation is highly difficult. These groups increasingly use straw persons brought to the Netherlands to register houses, vehicles, mobile phone subscriptions and even register legal persons in their name, which are subsequently used to facilitate criminal activities. One case concerned Romanian nationals who were promised job opportunities in the Netherlands, despite being unable to read or write, and upon arrival were coerced to act as straw persons. Some were living in dire conditions, for instance sleeping on a mattress in a room of a house which the criminal group used as a temporary base of operation. Handlers move straw persons from one administrative agency to another. One MOCG member brought his musical instrument which he played in the streets to make some extra money while waiting for the straw person to complete registrations. Registering for example rental cars, houses and phones in one's name is not a crime as such, and criminal exploitation is extremely difficult to prove (see also section 5). Adding to this is the fact that victims may not see themselves as being exploited. For example, in a case of forced begging, in which the beggars themselves were not considered suspects, one woman denied any abuse or harm done. This makes it even harder to identify someone as a victim.

Multi-agency approaches

Given the fact that traditional criminal law enforcement regarding MOCGs is confronted with many practical and legal difficulties, and given the complexity of the criminal business process, it comes as no surprise that Dutch authorities have been looking for other 'capable guardians' to contribute to curbing the problem of mobile banditry. Different public and private actors may indeed take up a role in preventing and disrupting MOCGs' criminal activities. Here, we focus on the role of administrative enforcement agencies. For example, if a derelict house is known to be used by an MOCG as a place to stay, or from which to operate, the local mayor can close the house, or order to remove the individuals staying there. Administrative measures may thus be a powerful tool to deny MOCGs access to the legitimate infrastructure necessary for their criminal activities. Administrative measures may also include declaring the stay of MOCG-members in the Netherlands illegal, for example if they have been involved in a number of crimes on Dutch territory and declare them a danger to society.

The Centre for Crime Prevention and Safety drew up an extensive 'barrier model', based on situational crime prevention theory, that describes the crime script of mobile banditry, and possible interventions to prevent and disrupt MOCG activities in the Netherlands. The script first distinguishes interventions to reduce the ease of entry into a country where the group intends to commit crimes, for example, through the use of ANPR-systems and pro-active exchange of information via Europol. Second, authorities may take measures to increase the barriers for using temporary housing, such as not allowing cash payment and training personnel of holiday parks in detecting behaviour that may indicate MOCG-activity. Third, public and private partners may increase the difficulty of using other infrastructure, for instance by applying surveillance, conducting identity checks and applying predictive policing methods. Fourth, efforts may be directed at the crimes committed, for example by taking better prevention measures against burglary, and adequate judicial follow-up regarding perpetrators who have been arrested, for instance by transferring proceedings to their countries of origin. Measures may also be directed at temporary storage facilities that MOCGs may use, their means of transport and financial flows. Private parties, such as rental companies, may for instance be urged to perform identity checks and adequate registration of clients, as well as assisted in learning how to detect extraordinary behaviour and how to follow-up on this. Public parties, may invest in better detection, for example by applying technical surveillance methods. In practice, a wide range of potential interventions may be targeted at different elements of the criminal business process of MOCGs, either by a single party, through information exchange and 'working apart together' in coordinated fashion, or in joint interventions.

Cross-border law enforcement cooperation

Given the international activities of MOCGs, it is no surprise that cross-border information exchange and investigation is of paramount importance. Because the groups are highly mobile, speedy cooperation is essential, but sometimes information exchange lacks speed as MOCG-activities receive low priority because these are considered petty crimes. Combined, different EU Member States have much information available, because MOCGs operate in several countries. For example, information regarding a Romanian MOCG that targeted jewellery stores was available in Lithuania, Austria, and the Netherlands. It is therefore important to present a complete picture of MOCGs' activities to prevent these from being seen as single events. A couple of burglaries at commercial properties or theft at jewellery stores will generally not be considered top priority if no one is hurt. It is also worth mentioning that organised property crime is an EMPACT (European Multidisciplinary Platform Against Crime Threats) priority, and in this context several so-called TRIVIUM operations have been organised. Recently, the sixteenth TRIVIUM operation took place, coordinated by the Netherlands. Seventeen EU countries participated in it, and in total 180 suspects were arrested and 45 vehicles seized. Interventions focused on inspections of vehicles, confiscation and experimenting with real time exchange of information between participating countries

3.4   CONCLUSION AND DISCUSSION

The presentation addressed a number of challenges. One explanation for lack of priority in MOCG investigations is the fact that MOCGs commit large numbers of petty crimes, and determining the scope and size of the problem requires compiling data to visualise the problem. Such information must also be exchanged between countries. More research on MOCGs would also be welcomed. Suggestions for expanding concern on MOCGs included branding the problem of mobile banditry, for instance through campaigns to raise awareness in EU member states. In countries of origin social awareness campaigns could be organised to highlight the problem of mobile banditry and its consequences, including victimization and abuse.

Apart from multi-agency cooperation, classic criminal law enforcement remains a key pillar with regard to combating MOCGs. This for instance includes better detection through ANPR camera systems, which are now used by most member states. These and other technical surveillance methods now allow tracking MOCGs in real time when travelling from their country of origin to Western Europe. The main problem, however, remains to prioritise the problem of MOCGs and ensure that sufficient numbers of law enforcement personnel be made available. The police may have enough information to track a specific MOCG specialised in pickpocketing, whose members travel from one European city to another each year during the summer season, raiding each city for about a week, starting in Northern Europe and ending in Southern Europe. However, tackling this MOCG would require a joint investigation team, or at least cross-border coordinated and pre-emptive measures. Such operations are difficult to mount, because MOCGs mainly commit petty crimes and for police departments focusing on mobile banditry, making it clear that this is organized crime remains problematic. Classic methods may still prove valuable, such as the use of specially trained plain clothes police officers to spot pickpockets at locations where they prefer to operate. Technical measures may also include the application of software to automatically sift through large amounts of surveillance and CCTV-camera recordings, in order to identify persons committing property crimes at different locations. Providing the police with real-time information from surveillance cameras and ANPR-systems, may better allow for catching perpetrators in the act, or shortly afterwards, for instance by quickly setting up road blocks.

The participants considered the barrier model an interesting method to visualise the scope of the problem and to show how different public and private partners may contribute to tackling the problem. The approach may also be implemented in other countries. This may, however, be more difficult in countries of origin, who do not experience crimes within their own jurisdiction, but are instead confronted with other problems, such as money laundering and recruitment of victims of criminal exploitation. The European Network on the Administrative Approach (ENAA), which is part of the European Crime Prevention Network (EUCPN) could be a platform to bring together models or frameworks from different countries, and further develop and disseminate barrier models. The field lab which is to be organised as part of the IMOBEX-

project, may also help develop an international barrier model for mobile banditry. Whether multi-agency approaches that follow from working with barrier models may also be feasible in other member states, remains an open question. In the Netherlands, such cooperation is common practice, but this may be different in countries where emphasis is on a traditional criminal law enforcement approach.

4 VICTIMS OF CRIMINAL EXPLOITATION

Presented by Thris Leito (Centre Against Child Trafficking and Human Trafficking)

This presentation focused on the results of a study conducted by the Dutch Centre Against Child Trafficking and Human Trafficking (CKM) entitled 'Putting on Different Glasses.' In this research criminal exploitation was defined as *the grooming and exploitation of victims into committing crimes.*

4.1 INTRODUCTION

In the Netherlands insight into the nature and extent of criminal exploitation is limited. However, in recent years, concern for victims has increased, especially for those who are young and considered vulnerable. Previous research in the Netherlands revealed that 55% of secondary schools were concerned about students being coerced into committing drug related crimes. In addition, the media have reported cases of vulnerable youth who had been forced into committing such crimes. The Dutch National Rapporteur on Human Trafficking has repeatedly called for more focus on criminal exploitation. The National Coordination Centre of Human Trafficking identified 672 possible victims in the period of 2016 to 2020. This mainly concerned adult victims stemming from African countries. Official statistics hardly mention minors and victims from the Netherlands itself. Most reports of victims of criminal exploitation by MOCGs stem from the United Kingdom.

Victims may be exploited for facilitating and committing various crimes, during considerable lengths of time. Often, however, they do not fit the image of 'vulnerable persons' and their changing roles from perpetrator to victim are often not considered in scientific research or criminal investigations. If victims of criminal exploitation remain unidentified, they will often not receive the assistance, care or protection that they are entitled to by law.

4.2 THE NATURE AND EXTENT OF CRIMINAL EXPLOITATION

The aim of the CKM-study was to map out the extent and nature of criminal exploitation in the Netherlands. Results were based on survey conducted amongst 1637 frontline professionals working in 13 Dutch municipalities, including community police officers, teachers, social and youth workers, education welfare officers and debt consultants. The survey focused on their experiences with criminal exploitation in the period between 2019 and 2021. In addition, 20 follow-up interviews were conducted with respondents who completed the survey, to discuss the challenges they face in identifying victims, and dealing with criminal exploitation. The study produced the following five key findings.

First, 50% of frontline workers who completed the survey expressed their concern about criminal exploitation and had directly observed victimization, and a majority had spoken with victims of criminal exploitation. Most had observed multiple cases. Second, victims of criminal exploitation had been involved in drug related crimes (48%), financial crimes, by acting as straw persons (39%) or as money mules (39%), or had been involved in theft, burglary or pickpocketing (30%). Third, the victims had been approached predominantly on the street or in public hangouts (53%), but also online and on social media (32%), at school (29%), and in youth care institutions and homes (18%) where vulnerable persons are inherently present. Fourth, most victims who were coerced into criminality had cognitive problems (47%), were between 13 and 17 years old (47%), had experienced physical violence (38%) or had been victims of sextortion (30%), or of exploitation because of financial debts (29%). Most victims experienced multiple problems, for example because of their young age, addiction problems and debts, as well as living in unstable families. These vulnerabilities lead to high degrees of dependence, and a risk of being easily coerced into committing crimes. Many victims were coerced by violence, or threat of violence. Finally, 363 respondents mentioned that criminal and sexual exploitation often occurred simultaneously (44%). Most often this concerned female victims. One respondent shared the perspective of a criminal, who stated that when a victim can be exploited for one crime, they could certainly be exploited for another as well.

Overall, the report concluded that tackling criminal exploitation receives insufficient attention and resources. The main issue is lack of knowledge when faced with possible victims of criminal exploitation. There is also a need for early detection of possible victimization, and implementation of preventative measures.

4.3   CHALLENGES

The CKM-study identified five main challenges that confront frontline workers, when trying to tackle criminal exploitation, which are described in this section.

Elements of force and coercion

First, respondents considered determination and assessment of the coercive element to be complicated. They experience a lack of knowledge and perspective to be able to effectively assist victims. Professionals are unable to determine when levels of coercion pass the threshold of victimization and struggle with assessing to which extent victims may be held accountable for the crimes they committed. Victims often do not share stories of their victimization, and may not identify themselves as victims, nor are they identified as such by others. Consequently, victims rarely ask for help, and are often just prosecuted for the crimes they have committed. As mentioned above, victims often do not match preconceptions of victimized persons in society.

Establishing and maintaining sustainable contacts with (potential) victims

Professionals mention they have little or no time and means to proactively invest in a sustainable relationship with victims or persons at risk of becoming victims, from a preventative perspective. They expressed a need to be able to proactively collect information and to be present and involved in the lives of (potential) victims and to be present in their communities. Reaching out to (potential) victims is important because they do not actively come forward to share their stories, or do not see themselves as victims. The importance of proactive information gathering was expressed in a majority of interviews. Respondents favoured community initiatives which strengthen resilience, for instance by providing positive role models, and having police officers and youth workers available at schools.

The need for multi-agency approaches

In interviews, professionals expressed a desire for a more coordinated multi-agency approach in which partners define common goals and responsibilities. The results showed that in particular professionals often miss problems at an early stage, because they fail to bring all indicative signals together. As a result, interventions often come too late. Respondents also indicated that even if signals are picked up, it takes a long time to bring together the professionals who can tackle these issues. During case consultations in which professional collaborate, criminal exploitation is often not considered even if indications of the problem exist.

Social media

The importance of social media for grooming and criminal exploitation is increasing. Criminals use social media to identify and target potential victims. Victims may also be pressured and blackmailed via social media channels. Both victims and perpetrators know much more about how social media operates than frontline workers and for the latter it is difficult to identify online signals of exploitation.

Dealing with criminal exploitation

Whether or not a victim receives support and protection, and to which extent, greatly depends on the perspective of the first responder involved on the case. How case workers view victims determines the responses. If the victim is mainly perceived as criminal, this may result in not providing adequate support. Individual cases require tailored responses, which must be agreed upon in the early stages by different partners involved, including law enforcement.

4.4   CONCLUSION AND DISCUSSION

The study underlines that criminal exploitation is a substantial problem in the Netherlands. Perpetrators particularly target vulnerable persons. Frontline workers who are in contact with victims of criminal exploitation have difficulty in picking up signals that a person who is involved in criminal activities, may be exploited. This is on the one hand explained by the fact that victims are reluctant to spontaneously report this, or do not see themselves as victims, and on the other hand because indications of criminal exploitation are insufficiently addressed in multi-agency settings, and information, which may be considered vague, is not exchanged at an early stage.

It is also important how frontline workers view the persons who they are in contact with. When they predominantly perceive them as criminals, there is a risk that victims of criminal exploitation will not receive adequate support. This problem may be addressed by involving different disciplines: a police officer will perhaps take a stricter law enforcement approach, whereas a social worker may perhaps be more responsive to needs for support. It is important that partners discuss this at an early stage and agree on which approach should be taken.

During the discussion, the importance of cultural aspects was highlighted, particularly cultural differences between Western and South-Eastern European countries and specific ethnic communities. Stigmatization may be a problem in that victim and perpetrator roles may follow ethnic and cultural stereotyping, and result in inaccurate responses to criminal exploitation. This may lead to punitive measures against victims of criminal exploitation instead of providing assistance and social support, resulting in secondary victimization. Although knowledge of and responsiveness to the cultural background of victims and perpetrators is important in interactions with MOCG members, the risk of labelling must be addressed as well. Mobile banditry is not to be viewed as a problem caused by specific societal groups, but instead as promoted by macro societal drivers, such as poverty, inequalities, and lack of education.

Once a victim of criminal exploitation has been identified, the problem arises as to how to provide adequate support. This is a complex topic. Discussants noted that MOCG members sometimes come from closed communities who have little trust in public parties, and it may be highly difficult to, for instance, empower victims without them coming into conflict with their social group. In each case, providing support to victims must be tailored to their needs and capabilities.

5   LEGAL DILEMMAS IN CASES OF CRIMINAL EXPLOITATION

Presented by Conny Rijken (National Rapporteur Human Trafficking & Tilburg University)

This presentation addressed the legal question of whether persons who had been coerced to act as straw persons for an MOCG and thereby facilitated criminal activities in the Netherlands, qualify as victims of human trafficking. In the case discussed in the presentation, the Dutch court ruled that human trafficking was not proven.[4]

5.1   INTRODUCTION

The police launched an investigation in 2019, in which a suspect was accused of recruiting dozens of straw persons from Romania, who were promised work in the Netherlands, but were instead forced to use their ID-cards to register with the local municipality as a resident and thereby obtain a so-called Citizen Service Number (BSN number in Dutch). The BSN-number was then used to apply for a Dutch driver's license, which in the Netherlands is accepted as a valid identity document and may be used to open bank accounts, acquire subscriptions for mobile phones, to register a business at the Dutch Chamber of Commerce, and to register vehicles in one's name, or to rent these. The straw persons were sent back to Romania and the accused then took control of all their bank accounts, businesses, phone subscriptions and vehicles registered in their name. A main problem addressed in this presentation is the fact that the concept of criminal exploitation lacks clear definition at the international level, because definitions vary between legal jurisdictions. The public prosecutor eventually dropped the accusation of human trafficking, and instead focused on the problem that mobile phone providers suffered damage because of unpaid bills.

5.2   STRAW PERSONS AS VICTIMS OF CRIMINAL EXPLOITATION

According to the EU Directive (2011), human trafficking is defined as *the recruitment, transportation, transfer, harbouring, or reception of persons, including the exchange of transfer of control over these persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control of another person, for the purpose of exploitation*."

Based on this definition, three elements must be present to qualify behaviour as exploitation. First, recruitment, which refers to an act of recruitment, harbouring, and/or transportation.

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[4] The case is available in Dutch at rechtspraak.nl as ECLI:NL:RBROT:2022:1705.

Second, a means, in other words an act of violence or the threat of violence, abuse of power, deception, abuse of position of vulnerability must be present. Third, the element of purpose, which refers to the purpose of exploitation, although intent is also sufficient.

Exploitation however is defined at the national level instead of the international level. It usually encompasses the concept of 'taking unfair advantage of persons.' This, however, may refer *inter alia* to taking advantage of psychological or physical qualities, abuse of power relations, having control over another person, giving or receiving payment or benefits to achieve the consent of a person, all for the purpose of criminal exploitation. In practice, what exactly comprises an unfair advantage is not defined.

In the EU Directive Art 2 (2011) defines the minimum requirements of exploitation for the purpose of criminal activities as follows. *Exploitation shall include at a minimum, the exploitation for prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs*.

Although in the case at hand elements of exploitation were visible, it remains difficult to define the position of vulnerability, particularly when victims also benefit from the criminal acts to a certain degree. This feeds into the difficult element of proving exploitation in criminal procedures.

In this case the public prosecutor argued that the victims were forced to sign, amongst other things, a subscription for a telephone. *[The] Victim is persuaded to sign a subscription for buying a telephone, without any consequences. In practice the expensive telephone is [then] sold to another person and the victim who subscribed is left with high bills for the use of the telephone by third parties*. Although this describes the modus operandi of the MOCG, the definition of human trafficking however requires that the work or service of the victim must be exploited. According to Art. 4 of the service directive this implies *any self-employed economic activity, normally provided for renumeration*. In this case the judge deemed that obtaining a subscription for a mobile phone did not qualify as forced labour or a service. However, the consequence is that the victim is confronted with high telephone bills, and may very well end up with substantial financial debts, which may even force a person to engage in illegal activities to repay these.

The question may also be raised whether 'being persuaded' to sign up for a subscription of a mobile phone qualifies as forced criminality. However, although the fact that a MOCG intends to use the phone to help it commit criminal activities, obtaining a subscription is as such not a crime.

Next, the person involved may be considered vulnerable, but this too does not automatically imply human trafficking. The first element that needs to be proven is exploitation or the intent to exploit, whereas vulnerability is only a second element. The intent to exploit is difficult to prove when no actual exploitation has taken place, which is a general problem related to human trafficking. The Dutch national legislation is rather vague on this point, and therefore it falls to judges to interpret and define what exploitation is in each separate case.

Similar questions arose in a British case regarding cannabis cultivation by Vietnamese nationals. Migrants who came to the UK were forced to grow cannabis to settle financial debts. Initially this would require a single harvest, but the criminals then coerced growers to continue cultivation, for instance by claiming poor quality and profits that fell below expectations. The crime groups also blackmailed growers to prevent them from going to the police. One case was brought before the European Court of Human Rights in 2009, where it took until 2021 before the court reached a verdict. The case included minors, who were not treated as victims of human trafficking and offered protection, but instead prosecuted for cannabis cultivation. The court ruled that the UK had violated article 4 of the European Convention on Human Rights. The implications of this verdict are far reaching because the fact that the perpetrator may be a potential victim must be taken into account. In the Netherlands, this is in many cases disregarded and victims may not be taken seriously, or do not report crime or exploitation to the police, assuming that such a report will not be followed-up.

5.3   CULPABILITY OF VICTIMS

This section presents an overview of the aspects which are important to consider in cases of human trafficking, when determining culpability of victims.

First the non-punishment provision should be taken into account. This provision posits that if a person (involved in human trafficking) is forced or compelled to commit crimes, they cannot be punished or prosecuted. Second, the defence principle stipulates that if a person is being forced to commit a crime, or to engage in any conduct against their will, then according to the criminal law an excuse or a justification for these actions needs to be presented. The principle also applies when an individual suffers from mental illness or is forced to choose between two evils and chooses the lesser one. The principle of duress, in other words being pushed or forced to commit crimes, also fits these cases, although the individual's own role must always be considered. Third, the aspect of resistance must be taken into account. This also pertains to the question whether or not a victim could have resisted against committing the crime. In the absence of resistance, the person in question may still have known that compulsion or force would have been used if they had done so. The defence of compulsion therefore depends on what the victim could have known to expect. Adults may be expected to know which behaviour is prohibited and accept responsibility for their own deeds. In cases involving a minor, the

element of means, or which tactics were used to force the victim, is not relevant in a legal context. In these cases, only the act and aim of exploitation need to be proven. Fourth, victim-offender overlap must be taken into account, implying that questions of resistance and awareness of the victim must be examined to the extent of what can reasonably be expected from a perpetrator or from a victim regarding knowledge of, expectation of duress or of the criminal nature of certain behaviours. Finally, stigmatization and stereotyping may create additional problems for victims, such as not being taken seriously by law enforcement staff. Stigma also leads to secondary victimization, as a consequence of characterizations of victims or criminals, but also stemming from issues of language and preconceptions of how criminals and or victims behave.

5.4   CONCLUSION AND DISCUSSION

One of the problems is the fact that the distinction between different types of human trafficking does not always fit with what happens in practice. How should we for example distinguish between labour exploitation and criminal exploitation? There is often overlap, as was for instance shown in the case of cannabis cultivation in the UK, but there are other examples, such as the illicit tobacco market which employs Eastern European and Latin American nationals, as well as the exploitation of workers in the fashion industry. Public prosecutors could include different types of exploitation and forced criminal activities in their indictments. It may also be a problem to collect the necessary information to prove exploitation, because the local police focus on apprehending criminals in the act rather than on in-depth investigation, which affects the options public prosecutors have.

There is also a risk of secondary victimisation when it is impossible to prove criminal exploitation. The term refers to actions of the state or the criminal justice system which may be experienced harmful to victims, for instance when they need to tell their stories multiple times during the process, for instance to the police, an investigative judge, before the court, et cetera. Institutions may for instance not believe their stories and unintentionally blame or stigmatise the victim. The media may also portray victims and/or perpetrators in a specific, even stereotypical way, which may even lead to 'trial by media.' Although the media may be helpful in creating social urgency, it is not always easy to keep the balance between freedom of the media to report, and respecting the victims' rights and the protection of their identities.

6   EXPERIMENTING, LEARNING AND INNOVATING IN FIELD LABS

Presented by Martijn Groenleer (Tilburg University) and Warner ten Kate (Dutch Public prosecutor's office)

6.1   INTRODUCTION

Mobile banditry at the intersection of criminal exploitation is a complex and multifaceted problem. In social sciences, such problems are usually referred to as 'wicked problems.' Unfortunately, simple solutions do not exist. Tackling such problems requires long term efforts by a range of societal actors who combine repression, prevention and efforts to increase societal resilience (see also Moors & Spapens, 2023). In organised crime field labs (OCFL) teams composed of representatives from different public institutions, and private actors, address complex crime problems, and experiment with innovative interventions which may be executed in the short-term as well as medium-term, depending on the goals set. OCFLs are tailored to the problem at hand, and may run for several months or several years. Important is the fact that the field lab is also a learning environment, in which participants are trained to enable application of the method to future problems and dissemination within their organisations.

6.2   ORGANISED CRIME FIELD LAB: THE METHOD

Tilburg University and the Harvard Kennedy School of Government developed the OCFL-method in 2014 specifically to design approaches to 'wicked problems' in the shape of multi-agency interventions and to train law enforcement personnel in applying these. Training comprises knowledge and skills, cooperation, leadership and monitoring progress. Solutions comprise of development of problem oriented and innovative interventions, particularly in cooperation with other agencies, but also going beyond these, tailored to the existing working methods and capabilities of the agencies involved. Finally, the field lab approach aims at exchanging relevant practical knowledge about 'what works' to allow dissemination of lessons learned to other participants in the lab and their respective organisations.

The concept is widely applied in the Netherlands and so far, over 50 teams and approximately 350 professionals have been trained to develop innovative and creative interventions to tackle problems of serious and organised crime. Over the years, the methodology has evolved into an approach in which participants "learn by doing". A key element of the methodology is to learn how to better cooperate: with law enforcement colleagues from other departments as well as with less usual partners and, when appropriate, with colleagues from other countries. Multi-agency cooperation may for instance involve the customs and administrative enforcement agencies, but also public and private parties operating in the social domain, who provide support

to victims or aim to prevent juveniles from taking up a life of crime, including for instance intergenerational transmission within criminal families. All may be relevant partners to tackle specific problems. Learning how to better cooperate is not limited to the level of practical operations, but also refers to strategic cooperation by involving higher management and policy makers to obtain their support. The main goal of the OCFL is to canalise the different competencies of the team in effective and if possible innovative interventions. The field lab offers an environment in which participants are allowed to experiment, to find out what works and what does not, and thus to gather new knowledge.

OCFLs revolve around several key aspects. First, an essential part is to formulate which societal goals should be achieved when tackling a complex crime problem, and to define the intended effects. In practice, the crime scripts of such problems include many different steps, which are often intertwined, and stopping or at least disrupting complex criminal activities may involve all types of public, private and/or societal partners, depending on which concrete interventions the participants in the OCFL deem feasible or desirable. Setting precise goals is an iterative process. Often practitioners start with goals defined in general terms, such as raising awareness or acquiring better insight in crime groups' modi operandi. Operationalising such goals and identifying entry points for interventions, is a process which may be repeated several times during the field lab. Ideas formulated at the start may be further finetuned and developed, or even redefined.

Second, in order to experiment with innovations, the OCFL-participants must secure support within their own organisations. Out-of-the-box approaches to wicked problems, particularly in cooperation with other partners, may be out of touch with organisations' regular working methods. It is therefore important to ensure the backing of those responsible at the higher management levels, or with the local, regional or even national government, depending on the types of action. Their backing is essential to overcome potential barriers raised by middle managers, and also to ensure that the OCFL-members feel free to experiment, and it must also be acknowledged that these may fail to achieve results.

Third, the OCFL-team may develop a small-scale intervention which it can execute itself. One example is a team that focused on the problem that general aviation and small airports are difficult to monitor, because the border police is not permanently present. This implies a risk that small airplanes could be used to traffic narcotic drugs, and other goods, or people who do not have proper travel documents. Furthermore, enforcement agencies had also noted that small aircraft sometimes diverted to another airport when the border police was present at the intended destination. The intervention aimed at establishing whether 'mystery guests' who behaved quite suspiciously – for instance by dressing in the colours of an outlaw motorcycle gang, and carrying large sports bags when boarding or exiting a small aircraft – were noted and reported by 'guardians' present at the airport, for instance personnel working there, other aviators, or

spectators. The experiment revealed that a risk indeed exists, because no reports were received. Such small-scale interventions may help to increase political pressure, and allow development of follow-up measures. Although the results of the action were not made public, and it remained unclear whether criminals were indeed trafficking illegal goods and persons in private aircraft, the Dutch authorities initiated a range of measures to improve security at general aviation airports.

Finally, in most cases interventions will require active involvement of partner organisations, and require organising their support and commitment of resources. For example, a small Dutch municipality initiated an OCFL-team that focused on problems in the automotive sector, and particularly on gathering more insight into the scope and scale of crime problems related to such companies. However, because small municipalities have limited authority to gather such information on the one hand, and have few staff available on the other, this objective required support from the police and the Tax authority to begin with, and of other partners in due cause, for instance private partners. OCFL-teams may be expanded with representatives of additional partner organisations, or decide to 'work apart together', in other words to support the OCFL-team without becoming a member. The question of how to generate capacity, as well as organising support, is an important element of the OCFL-method.

6.3 THE 13 OCEANS CASE: APPLYING THE FIELD LAB METHOD TO FORCED BEGGING

The 13 Oceans case was presented as an example in which the OCFL-method was applied to children who were begging at the Amsterdam central train station (Cels, de Jong & Groenleer, 2017).[5] Each morning, the children were brought to the train station in small vans. They were picked up at the end of the afternoon in possession of at least some 100 euros they earned with begging. The police investigated one group that exploited six children, and made arrests. Some of the children were put under the custody of the juvenile judges. In practice, however, the children quickly left temporary foster homes or youth care facilities where they were housed, to appear again at the train station. As one frustrated police officer noted: 'we always see the same faces.' Therefore, the team was established to develop a more comprehensive approach. One goal was to increase safety at Amsterdam central station in general. The team concluded that a program should be developed for children who were begging there. Should it be considered normal that children aged 14-16 were present at the train station, instead of being in school, for example? The question as to who should take responsibility for these children also arose. This for instance included the problem of parents or family members who showed up at the police station to collect the children, while it was difficult to assess their identity or family

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[5] The acronym has no specific meaning. Generally, the Dutch police appoint random acronyms to organised crime investigations.

relations. In some cases, mothers are known to be forced to hand over the children to another family or clan-members. Most children have also been taught to run away from youth care centres or from temporary foster homes, making it difficult to work with them and to provide effective support. Development of a program therefore required cooperation with partners operating in the social domain. The MOCG originated from Bosnia and it was important to work together with this country, as well as with Austria where the group had also been active. The team also developed guidelines for the local police on how to handle cases in which children were involved in forced begging.

The example illustrates the fact that in order to better tackle the root causes of problems such as these, cooperation with other countries and organisations is essential. Of course, few people will disagree with this notion, but the problem is usually how to translate this into feasible action. The team provided the platform to help achieve this aim. Finally, it is important to accept that an OCFL in general will probably not solve a complex problem entirely, but contributes small steps.

6.4   CONCLUSION: TOWARDS AN **IMOBEX** FIELD LAB

The next step in the IMOBEX-project will be the field lab on mobile banditry at the intersection of criminal exploitation. The field lab will include criminal law enforcement partners from different countries. The first step will be to decide upon the objective of the OCFL. This objective will be determined during the first 1,5-day meeting. Depending on which problem to be addressed, the team will be expanded with other partners who have a stake in the problem, or may be able to contribute to interventions. During a second 2-day meeting, participants will discuss concrete innovations which they may either try out in ongoing investigations, to bring forward to be included in future interventions, or to reflect on past operations and learn. Ideally, the team may come up with a small-scale action aimed at a specific part of the criminal business process, to increase awareness, to support victims of criminal exploitation, or another shape or form. The main aim is that potential interventions, both practical and small-scale which render results in the short-term, as well as interventions which instead may take more time to produce changes, is to rethink the usual ways of tackling the problem.

The intentions of the field lab are to facilitate discussion on the issue of mobile banditry from a broader perspective than just legal definitions, and to evaluate what intervention strategies there are other than a classic law enforcement approach may be feasible, including how to build both skills and knowledge on tackling the issue of MOCGs involved in exploitation of individuals who commit property crimes or act as straw persons.

References

Cels, S., de Jong, J. & Groenleer, M. (2017). *Gezocht pioniers. Strategische samenwerking in de strijd tegen ondermijnende criminaliteit.* Boom bestuurskunde.

Moors, H. & Spapens, T. (2023). Tackling criminal family networks in the Netherlands. In H. Nelen & D. Siegel (Eds.) *Organized Crime in the 21ˢᵗ Century* (pp. 207-225). Springer.

7   CONCLUSIONS OF THE SEMINAR

This final chapter sums up the outcomes of the seminar. Section 7.1 lists the main challenges that were discussed. Section 7.2 presents a broad overview of the different levels at which interventions and policies could be developed and executed.

7.1   CHALLENGES

During the seminar, a session was organised to discuss what participants consider to be the key challenge when it comes to making progress on the (crime) problem(s) of mobile banditry at the nexus of criminal exploitation. The question was discussed in groups of 3, followed by a detailed elaboration of the points in a plenary session.

To begin with, the participants noted that there exists an overall lack of understanding of how MOCGs operate and what motivates them. In Western Europe we tend to project our own expectations of how criminals operate and make behavioural choices onto these groups, which is often not accurate. For instance, when operating in countries of destination, MOCG-members keep a low profile, stay in low budget hotels or houses, try not to cause nuisance at the places where they temporarily stay, spend as little money as possible, and drive low budget cars. All of this is done with the aim of avoiding detection. When arrested, the perpetrators will be cooperative, albeit without giving much information during interrogation, if any at all, knowing that when the local police focus only on a single petty crime, they will usually be released quickly. Extensive use of false identities further complicates connecting the dots between individual perpetrators and crimes committed in different municipalities and countries. Instead, MOCG members spend their criminal money on luxury goods in the country of origin, and for example invest it in real estate. Remarkably, some MOCG-members have less constraints with showing off their wealth on social media. Collecting targeted information swiftly and analysing it, however, remains a challenge for law enforcement.

A second important challenge is the fact that criminal exploitation remains very difficult to prove, and is often not a black and white situation in which there are clear perpetrators and victims. The definition of what constitutes coercion exactly, is also not clear-cut. Usually, coercion is presumed to be exerted through physical violence and threats, whereas in practice coercion is more often psychological, or the result of social pressure imposed by families or clans. Therefore, victims may not see themselves as victim of criminal exploitation but instead view a financial debt as their own fault, or in cases where a dowry is supposed to be repaid, as an obligation to the family. As such it is difficult to encourage victims to speak out, for instance because they see, what in Western European countries is considered coercion, as normal behaviour. MOCG members often come from economically and socially deprived backgrounds

and are commonly from isolated and stigmatised societal groups, and in their countries of origin, usually do not have positive experiences with authorities and the police in particular. When arrested in countries of destination they may view the police as an enemy not to be trusted. Providing support to victims of criminal exploitation, is therefore complicated.

In addition, experiences in the Netherlands show that law enforcement struggles with perpetrators who can also be considered victims. It may also be difficult to establish whether perpetrators who claim to have been coerced were indeed victims, or deliberately state that this was the case to avoid prosecution. An example is a case involving a group of minors originating from Romania who stole mobile phones and were arrested, one of the arrested minors stating that the entire group had been threatened and forced to steal. The person who had brought the juveniles to the Netherlands was also arrested and claimed that no coercion had taken place. Victims often do not show typical or expected signs of distress as is expected in the event of coercion. Establishing objectively who is telling the truth, and proving criminal exploitation will be difficult. Additionally, in several cases the persons who exploit minors are family members, which further complicates matters. Police officers may easily become sceptical in such situations, or even become cynical. The cultural distance and language problems may result in police dismissing the complicated issue of possible human trafficking and instead choosing to take the easy path of treating arrestees as criminals. Ideally, local police officers should be trained on how the issue of itinerant gangs fits into an international context, how to deal with MOCGs, and to better learn how to assess whether they may be dealing with victims of criminal exploitation. At the very least, local police teams should have a number of officers who have received special training in intercultural issues. A third option is to work together with a social worker, when interrogating a suspect who may be a victim.

Cross-border cooperation is essential, but in some cases suffers from lack of speed. These groups are highly mobile, moving from country to country, within the EU, but sometimes even across continents. It remains challenging to have MOCGs declared as a high investigative priority and subsequently allocate personnel and resources to the problem. There is a need for information to be exchanged so as to underline the total costs of combined criminal activities of MOCGs in different countries. At the operational level participants noted a lack of information that is shared or accessible centrally. Not many law enforcement agencies are connected to Europol's Sienna-system for example. This complicates generating a comprehensive intelligence picture of mobile banditry at the international level, and complicates effective enforcement, collection of evidence and prosecution. National contact points should cooperate more extensively and facilitate spontaneous pro-active information exchange instead of focusing mainly on handling active requests. The problem is not necessarily the amount of information available – although strategically this would be important – but rather the accuracy and specificity of the information. Law enforcement agencies should be enabled to use EU-platforms for information exchange more extensively to make information available

to other member states, and access relevant information themselves. Individual member states often have much knowledge, and the main priority is to increase sharing and accessibility, and not necessarily to generate more information. Finally, although the modi operandi of MOCGs generally remain stable, publicly available (academic) studies often do not include the latest developments. However, academia may be better placed to expand theoretical understanding of how MOCG-networks develop and sustain their activities, rather than focus on the latest developments in how MOCGs operate on the ground. Criminological researchers employed as strategic analysts with law enforcement agencies have access to police information which in most countries is not available for academics working at universities or academic research institutions. Is would however be imperative to allow 'police criminologists' to publish in academic journals, present results at conferences, and participate in the academic debate to promote exchange of knowledge.

Finally, participants identified a range of challenges which relate to issues of awareness and trust. To begin with, mobile banditry should be approached as a problem that affects both countries of origin and destination, and that curbing MOCGs requires coordinated efforts. Joint actions require building trust between different partners both at the national and the international levels. Due to the fact that criminal exploitation is a significant risk related to MOCGs, awareness of the problem should be promoted with public and private partners who may be able to pick up signals or provide support to victims, but also within societies and amongst potential targets for criminal exploitation. A person who is offered a well-paying job in a North-Western European country, where expenses for travel and housing will be advanced, should be aware that this is too good to be true, particularly when one does not speak any foreign languages and has no specific skills or education. Current problems in terms of legal definitions of criminal exploitation, and subsequently successful prosecution of MOCG members who coerce victims to facilitate or commit property crimes, should be addressed at the EU-level. To conclude with, cross-European training programs should be developed to allow the sharing of experiences and technical knowledge, as well as to promote understanding of mobile banditry within law enforcement as well as with other public and private partners.

7.2 INTERVENTIONS AND POLICIES

Clearly, the problem of mobile banditry as such is complex and multi-faceted, and adding to complexity is the fact that at least some MOCG member may be considered victims of criminal exploitation. Interventions and policies to reduce mobile banditry must take a broad perspective and focus on small steps, while maintaining a long-term perspective. Tackling the problem requires interventions at the micro, meso and macro levels.

The micro-level refers to understanding MOCG members' individual choices and motivations, also in the context of sociological and (sub)cultural factors. It is for instance too simple to

assume that criminals are motivated only by financial goals. Dutch organised crime research has for instance shown that acquiring and maintaining status and reputation may be equally important drivers, particularly to explain why leaders of criminal organisations mostly do not retire, and also why they donate money to societal beneficial activities, such as the local amateur football team. Another factor may be the excitement of pulling off for instance a large drug deal, or more generally, to live an independent life, in which one needs not to answer to any 'bosses', or to take responsibility for 'personnel', with the exception of close friends and family members. In addition, those involved in organised crime 'Dutch style' often come from specific subcultures where success is mainly defined in materialistic terms and education is not as important as making money. This for instance affects school careers, and choice of partners and friends, who are mainly found within their own societal group (Spapens & Moors, 2019). Of course, criminal networks include people who have different skills and perform specific roles, and whose backgrounds and motivations may differ substantially. The key factor here is that we have little systemic insight in which micro-level factors help to explain the behaviour of MOCG members, and how their individual qualities may be turned towards positive directions.

The meso-level relates to the criminal business process and how it is executed, as well as to efforts to disrupt this process at the organisational level. In organised crime research, this refers to an approach in which criminal activities are compared with normal legitimate businesses, albeit delivering goods and services which are illegal. The process, however, does require organising flows of goods, money and information, and ensuring that qualified 'personnel' is available to execute specific parts of the criminal activity. Although committing property crimes is not per definition about providing illegal goods and services to a consumer market, unless one wants to see persons who are willing to buy stolen goods as such. The activities of MOCGs can however be 'scripted' in a similar way, as has been addressed in several chapters in this report. In the Netherlands, crime-scripts of different illegal activities, including mobile banditry, have been translated into barrier-models. These models identify what is needed to successfully complete a criminal activity, and focus on how to make executing the different elements more difficult for perpetrators. The model identifies both public and private actors which may contribute to this, either independently or through multi-agency cooperation. Although barrier-models often focus on flows of goods, specific sub-models may also zoom in on financial flows and information flows, or combine different flows into a more comprehensive, albeit also more complicated model. At the meso-level, it is also important to take into consideration the aspect of recruitment and 'management' of co-offenders, because complex criminal activities always require more than one person to be carried out. A crime entrepreneur of course cannot openly advertise for personnel, and therefore contacts in the criminal underworld, or access to vulnerable persons who execute the riskiest parts of the illegal activity, will be necessary. Availability of network contacts also refers to business partners, in the case of mobile banditry particularly the buyers of substantial numbers of stolen goods. Finally, crime entrepreneurs must be able to manage a criminal organisation without being able

to rely on contracts and legal protection. Crime entrepreneurs may need to rely on their violent reputation, and on imposing actual violence when deemed necessary, but networking skills are equally important, because violence will attract law enforcement's attention. Crime entrepreneurs who are able to operate their criminal groups based on – at least some level of – mutual trust may be far better able to stay under the radar. This for instance explains why trusted family ties often play an important role in organised crime. Just as in legitimate corporations, members of the crime group may operate as 'personnel' who are paid for their contributions. Crime entrepreneurs may also choose to operate as brokers, who bring together risk-sharing specialists who execute specific parts of an illegal activity independently, based on a business transaction. Criminal managers, however, may also manage activities through force and coercion, which is less evident for directors of legitimate corporations, although some may argue otherwise.

Complex criminal activities present law enforcement and other public actors, as well as private partners, with multiple entry points for interventions, as described in this report. These may either be executed by separate public and private entities, or in a coordinated manner. Apart from being focused on disrupting the criminal process, interventions may also aim at the policy level, for instance by raising awareness, or at legislators, for instance when legal gaps occur. Development of more effective interventions may require additional legislation at the local, national and EU-levels. Examples are specific requirements for private actors who may contribute, or be misused to facilitate MOCGs activities; regulations on information exchange between actors who may be involved in multi-agency cooperation; and at the EU-level, creating a legal basis for information exchange between administrative enforcement agencies, and for diagonal exchange of information across borders between, for example the police and competent authorities for licensing, screening of applicants, and administrative enforcement. It must, however, be accepted that such interventions will not bring mobile banditry at the nexus of criminal exploitation to a halt. Indeed, interventions at the meso-level are particularly vulnerable to displacement effects as motivated offenders will seek ways to adapt their modi operandi and circumvent higher barriers. One example is the use of straw persons to enable the use of vehicles which do not stand out because of a foreign license plate, and will probably not occur in ANPR-databases.

Finally, the macro-level concerns systemic factors that cause a persistent crime problem, in other words: its root causes. In a recent study on the 'business climate' for large-scale drug crimes in the Netherlands, systemic factors were analysed such as a historically tolerant attitude towards drug use; economic factors which may facilitate drug crimes, such as the transport, trade and financial infrastructure; and the role of the government in terms of drug policies and enforcement strategies (Spapens & van de Mheen, 2022). In the context of mobile banditry, participants discussed for instance the fact that a specific root cause is the situation of social and economical deprivation, and sometimes societal exclusion of offenders in countries of

origin. However, it would also be necessary to increase our understanding of why MOCGs, or at least their core members, seem to come from specific geographical areas within East and Southeast European countries, and which historical, social and cultural aspects might explain this. However, when such factors cannot be considered different in other areas of the same country, or in other countries, the situation may perhaps be explained from a network perspective. For example, entrepreneurial criminals may occur in a specific place, use local circumstances to their advantage. When governments and law enforcement are unable to respond to such developments quickly and efficiently, local or regional criminal networks may mature to the extent that it becomes extremely difficult to disrupt their activities in a sustainable way. Addressing the root causes of mobile banditry is therefore a long-term process, or at least takes several decades. Particularly economic inequalities between EU countries, at which the participants in the seminar pointed at as an important systemic factor, will not be levelled in the short-term. Even then, the problem of mobile banditry is not confined to the EU and MOCGs stemming from third countries in Europe, South America and Asia, have also been present in the EU.

Finally, micro, meso, and macro-level factors are to some extent intertwined and interventions and policies at one level may interact with efforts at another, and may lead to both intended and unintended, or unexpected outcomes. Interventions to curb crime may also need to be balanced with other interests, such as economic interests. Crime proofing, a method developed to better foresee such effects, may therefore be a useful tool.

References

Spapens, T., & Moors, H. (2019). Intergenerational transmission and organised crime: A study of seven families in the south of the Netherlands. *Trends in Organized Crime*, 23 (3), 227-241.

Spapens, T. & van de Mheen, D. (2022). *Het vestigingsklimaat voor drugscriminaliteit in Nederland.* Tilburg University.