

COMBATING INTERNATIONAL CRIME

THE LONGER ARM OF THE LAW



Routledge·Cavendish
Taylor & Francis Group

EDITED BY STEVEN DAVID BROWN

Combating International Crime

The realities of international law enforcement are widely misunderstood and generally mystifying to the uninitiated. Combating cross-border crime is a dynamic aspect of criminal justice that is becoming increasingly complex and directly relevant to national and local level policing. Unfortunately, most practitioners and policy-makers are unaware of the challenges involved in investigating and prosecuting criminals across frontiers. Professional experience of combating international crime is still restricted to relatively few.

This book maps the practicalities and challenges in making cross-border law enforcement work. It provides a professional assessment of the tactics currently deployed against trans-national crime and identifies those elements regarded as essential for successful international law enforcement co-operation. It explores the need for a comprehensive strategy against international crime and, using case studies by way of illustration and example, discusses the consequences and implications of an ineffective response.

Steven David Brown qualified as a barrister, before serving as a police officer with the Metropolitan Police in London. Having worked with the National Criminal Intelligence Service and Europol, he now acts as an independent consultant.

Combating International Crime

The Longer Arm of the Law

Edited by
Steven David Brown

Published 2008
by Routledge-Cavendish
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Simultaneously published in the USA and Canada
by Routledge-Cavendish
270 Madison Ave, New York, NY 10016, USA

*Routledge-Cavendish is an imprint of the Taylor & Francis Group, an
informa business*

This edition published in the Taylor & Francis e-Library, 2008.

"To purchase your own copy of this or any of Taylor & Francis or Routledge's
collection of thousands of eBooks please go to www.eBookstore.tandf.co.uk."

© 2008 editorial matter and selection Steven David Brown,
individual chapters the contributors

All rights reserved. No part of this book may be reprinted or
reproduced or utilised in any form or by any electronic,
mechanical, or other means, now known or hereafter
invented, including photocopying and recording, or in any
information storage or retrieval system, without permission in
writing from the publishers.

The publisher makes no representation, express or implied, with
regard to the accuracy of the information contained in this book and
cannot accept any legal responsibility or liability for any efforts or
omissions that may be made.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging in Publication Data

Brown, Steven David

Combating international crime : the longer arm of the law /
Steven David Brown.

p. cm.

Includes index.

1. Transnational crime. 2. Law enforcement—International
cooperation. 3. Criminal justice, Administration of—International
cooperation. I. Title.

HV6252.B76 2008

364—dc22

2007051790

ISBN 0-203-89481-2 Master e-book ISBN

ISBN13: 978-0-415-45828-3 (hbk)

ISBN10: 0-415-45828-5 (hbk)

ISBN13: 978-0-203-89481-1 (ebk)

ISBN10: 0-203-89481-2 (ebk)

For Phyllis, David and Éva

Contents

<i>The authors</i>	xi
<i>Foreword</i>	xvi
RONALD K. NOBLE	
<i>Editor's note</i>	xviii
<i>Acknowledgements</i>	xix

PART I	
The context	I
 The longer arm of the law: an introduction	3
STEVEN DAVID BROWN	
 1 Tackling international crime: forward into the third era	8
ROGER GASPAR	
 2 Ready, willing and enable: a theory of enablers for international co-operation	29
STEVEN DAVID BROWN	
 PART II	
Co-operation	41
<i>International organisations</i>	
 3 Interpol: a global service provider	43
STUART CAMERON-WALLER	
 4 The EU solution: Europol and Eurojust	59
STEVEN DAVID BROWN	

5	OLAF: fighting fraud in the EU and beyond	77
	JOHAN VLOGAERT AND MICHAEL PESTA	

6	Balancing political and practical interests: the SECI Center	88
	MITJA MOČNIK	

Liaison office networks

7	Overseas Liaison Officers	96
	NEIL BAILEY	

8	Liaising in international organisations	103
	VLADIMIR GILCA	

9	Legal Attachés and liaison: the FBI	110
	SANDRA L. FOWLER	

Judicial cooperation

10	No hiding place: how justice need not be blinded by borders	123
	KIMBERLY PROST	

11	Extradition: Croatian experiences relating to war criminals	163
	JOSIP CULE	

PART III

The mechanics of communication 169

12	Getting the message across: information exchange as a communication chain	171
	STEVEN DAVID BROWN	

13	Keeping in context: meaning what you say	186
	KEVIN O'CONNELL	

PART IV**Major tools and techniques 197****14 Controlled deliveries 199**

STEVEN DAVID BROWN

**15 Analyse this (and that): a consideration of the international
role of analysis 205**

NICK RIDLEY

16 Applying the science 214

TIM WILSON

17 The cyber side of crime 232

STEVEN DAVID BROWN

PART V**In practice 241****18 Across two continents: a case study 243**

PHIL TUCKER

Afterword 257

STEVEN DAVID BROWN

APPENDICES**List of appendices 260****1 International co-operation networks 261**

STUART CAMERON WALLER

2 Model information sharing protocol 273

STEVEN DAVID BROWN

3 Letter of Request briefing 278

STEVEN DAVID BROWN

4	An international liaison unit	279
	STEVEN DAVID BROWN	
5	An international organisation	281
	STEVEN DAVID BROWN	
6	Key international legal instruments	285
7	Glossary of acronyms	289
8	Further reading	291
	<i>Index</i>	297

The authors

Neil Bailey

Neil retired in 2006 as a Director at the National Criminal Intelligence Service (NCIS) after a long and varied career in international law enforcement. At NCIS he was Director, International Division (in charge of the overseas liaison network) and latterly, Director Intelligence Services Division. Before joining NCIS, Neil rose to be Assistant Chief Investigation Officer with HM Customs and Excise. During his career with Customs, Neil served on the project team setting up Europol, was Assistant Co-ordinator of the National Drugs Intelligence Unit (at New Scotland Yard) and became Head of Customs International Branch. He now works as a consultant and advisor to international organisations and law enforcement agencies.

Steven David Brown

Having qualified as a barrister and completing pupillage, Steven joined the Metropolitan Police in London serving as an operational police officer before joining the National Criminal Intelligence Service as a staff officer and later moving on to Europol where his responsibilities centred on co-operation with non-EU states. He speaks Italian, German and Mandarin and for his Master's studies in organised crime, terrorism and security, Steven was awarded a distinction. He is an experienced project manager. He is trained in analysis and has authored a number of articles and reports related to intelligence-led policing, operational performance and strategic management. Latterly, his work on international law enforcement has taken him to Asia as well as to Central and Eastern Europe.

Stuart Cameron-Waller

Now working widely as a consultant in international law enforcement, Stuart held several senior management positions at Interpol including Head of Regional Co-ordination, Director of Regional Co-ordination and Development and Director for Specialised Crimes. He also project managed the development

of Interpol's I-24/7 network, which today provides law enforcement agencies throughout the world with access to a global communication and information system. Stuart retired as a Detective Chief Superintendent with the Metropolitan Police.

Josip Cule

Josip has been Deputy Chief Public Prosecutor in Croatia since 2005. After passing the Bar Exam, he first became a Court Advisor in Split before being appointed judge for the criminal courts in 1991, in which capacity he worked on investigations, as a trial judge and on appeals. In 2006, Josip became President of the State Attorney Council. He has a special interest in transnational and cross-border co-operation and is the Croatian liaison judge for Eurojust. He has published and lectured on key issues, such as the suppression of corruption and the recovery of the proceeds of crime, and has also been a national delegate to UN and regional conferences (in particular with regard to the fight against corruption and the development of the judiciary).

Sandra L. Fowler

Sandra L. Fowler was a Federal Bureau of Investigation (FBI) Special Agent for 24 years. She served in five FBI field divisions (in a management capacity in two of these), did two management tours at FBI Headquarters in Washington, DC, and served six years overseas as the Legal Attaché in Brussels and as the FBI's first terrorism liaison to the Counter Terrorism Task Force at Europol. Following her return from her overseas assignments she was appointed to the position of Section Chief of the International Operations Section at FBI Headquarters. Sandra served in this capacity for almost two years. In addition to having responsibility for the growth and expansion of the Legat Program, Sandra also had oversight of its 300 employees stationed at FBI Headquarters and around the world.

Roger Gaspar

Roger Gaspar spent 36 years as a police officer and retired as Deputy Director General of the National Criminal Intelligence Service. He currently undertakes consultancy work and instructs on courses for senior (police) management and organised crime for international police leaders. He is an expert on anti-corruption (having led the Metropolitan Police Internal Investigations Branch) and on intelligence. He has been involved in many national and international policing projects including the Organised Crime Operations Group (as Chair), the Home Office Organised Crime Strategy Group, the Council of Europe's Group of Countries against Corruption (GRECO) and the EU Police Chiefs Task Force. In his spare time Roger is a keen yachtsman and has authored a forthcoming book on navigating the Thames Estuary.

Vladimir Gilca

As a colonel in the Moldovan National Police and the national representative at the Southeast European Cooperative Initiative (SECI) Regional Center for Combating Trans-Border Crime since 2004, Vladimir has extensive experience of cross-border law enforcement. He was Deputy Director of the Department for Combating Trans-Border Crime in Chisinau, has taught investigation techniques at the Moldovan National Police Academy, specialising in tax evasion and fiscal crime, and has been involved in the drafting of a number of national laws, in particular on combating corruption, the draft criminal code and the Government Decision on Wanted Persons. He has led and co-ordinated numerous international investigations and is currently researching his PhD thesis.

Mitja Močnik

Mitja has been the Director of the Southeast European Cooperative Initiative (SECI) Regional Center for Combating Trans-Border Crime since the beginning of 2006. He is a member of the Advisory Board for the International Centre for Migration Policy Development and the US Agency for International Development 'Programme to Support the Development of Trans-national Referral Mechanisms for Trafficked Persons in South East Europe'. He is an experienced member of the Slovenian diplomatic corps and has extensive experience in Eastern Europe and Central Asia (including in Budapest and Kiev) and with the Organization for Security and Co-operation in Europe. His public service has included senior postings with the Ministry of Interior.

In his early career, Mitja held a number of posts related to national security including as adviser on international security issues and anti-terrorism, for national security to the President of Parliament and as Secretary of the Parliamentary Committee for National Security. Mitja currently holds the rank of Minister Plenipotentiary at the Ministry of Foreign Affairs of Slovenia.

Kevin O'Connell

During a long career with the Metropolitan Police, Kevin acquired experience at every operational level including as Detective Superintendent in charge of international terrorism at Special Branch and as Commander in charge of royalty and diplomatic protection. He recently completed an appointment as Deputy Director at Europol where he was not only Chief Information Officer, successfully procuring and implementing the European-wide Europol Information System, but also had responsibility for information security and special projects. Kevin is an expert in the design, implementation and management of information processing and has now created E-I-Design, an expert forum exploring knowledge management and organisational solutions for public safety and security. Kevin speaks fluent French and basic Russian.

Michał Pesta

Michał joined the European Anti-Fraud Office (OLAF) in 2005 and works as an investigator on cases of fraud related to external EU aid in Africa, Asia and Middle East. He holds an MA in Political Sciences, an MA in International Relations and a post-graduate Diploma in Decision-Making in the European Union.

Prior to joining OLAF, Michał worked at the EastWest Institute, where he specialised in research focusing on the Commonwealth of Independent States countries (especially Ukraine, Moldova, the Caucasus, and Central Asia) as well as in broader aspects of the EU's policies towards these regions. In addition to his native Polish, Michał is fluent in English and French. He also speaks Dutch, Russian, Bulgarian, Ukrainian and modern Greek.

Kimberly Prost

Having graduated in 1981 from the University of Manitoba (with a Gold Medal for Highest Standing in Law), Kimberly became a Federal Prosecutor with the Canadian Department of Justice. Since then she has served as Counsel for the Crimes against Humanity/War Crimes Section, Senior Counsel for the Criminal Law Branch (where she handled extradition requests and provided advice on mutual legal assistance to law enforcement agencies) and Director of the International Assistance Group (Central Authority of Canada) from 1994 to 2000. In July 2000 she became Head of the Criminal Law Section and Deputy Director of the Legal and Constitutional Affairs Division of the Commonwealth Secretariat. In 2005 she joined the United Nations Office on Drugs and Crime as Head of the Legal Advisory Section before being appointed Judge *ad litem* to the International Criminal Tribunal for the former Yugoslavia in July 2006. She is currently a member of the Law Society of Upper Canada and has calls to the Bars of Manitoba and the Yukon territory.

Nick Ridley

Dr Nick Ridley is a worldwide authority on the financing of terrorism and financial analysis. He was a senior intelligence analyst with the Metropolitan Police and the National Criminal Intelligence Service before joining Europol at its inception. He retired from Europol and took a short-term post as associate professor at Università Cattolica in Milan teaching courses in terrorism and intelligence analysis. He lectures widely and has taught in Bulgaria and Turkey, providing training in anti-money-laundering awareness and anti-terrorism. He is currently a senior lecturer for the John Grieve Centre in Policing Studies at London Metropolitan University.

Phil Tucker

Phil Tucker is a serving Detective Superintendent and is currently Director of Intelligence for Essex Police in the UK. He has more than 27 years' police service, the vast majority of which has been spent as a detective at all ranks, including secondments to the National Drugs Intelligence Unit, Force, Regional and National Crime Squads, National Criminal Intelligence Service and Europol. He has substantial experience as a Senior Investigating Officer in both proactive organised crime and reactive homicide investigations and is a specialist in international investigations. As Head of the UK Liaison Bureau at Europol during the UK's presidency of the EU in 2005, Phil was responsible for introducing National Intelligence Model principles to Europe.

Johan Vlogaert

Johan was a lawyer in private practice, a judge (including in the Appeal Court) and an investigating judge in Belgium before becoming an expert on organised crime with the General Secretariat of the EU Council of Ministers. Then, following a brief return to the Appeal Court in 2001, he was recruited to the European Anti-Fraud Office (OLAF) where he led investigations into bribery and corruption involving EU aid in Africa, Latin-America, the Middle East and South-East Asia. He has also been responsible for building co-operation on an operational level, not only with new and candidate members of the EU, but also with a number of other international agencies. He is currently the head of OLAF's External Aid Investigations Unit.

Tim Wilson

Tim is a specialist in criminal justice, penal management and public infrastructure financing. Until 2005, as a senior member of the UK Civil Service, he was Head of the Forensic Science and Pathology Unit of the Home Office, a member of the National DNA Database Board and the Association of Chief Police Officers (ACPO) Forensic Portfolio Committee. He is currently Chairman of the Forensic Pathology Disciplinary Committee and, as a member of the Judd Place Partnership LLP, has also worked as a consultant to the Home Office, ACPO and the National Policing Improvement Agency (NPIA) on international forensic co-operation. He is a Visiting Fellow in the School of Geography, Politics and Sociology at Newcastle University and a lecturer in the MSc course on procurement management for sustainable development run jointly by Turin University and the International Labour Organization.

Foreword

Professional criminals are creatures of opportunity and exploit every possibility offered by the conveniences of modern living. The term 'globalisation' has become so commonplace that it risks becoming a cliché, but its reality represents ever greater challenges for the law enforcement community. Throughout the world, criminals and crime groups are increasingly familiar with the disparities and vulnerabilities in criminal justice systems which allow them to exploit gaps in the illicit marketplace. They have learned to spread the risk of detection and conviction across countries and even continents knowing full well that their competitive advantage improves with every border crossed.

Until recently, law enforcement generally paid insufficient attention to such multi-country challenges in any systematic way. There is always more than enough to do addressing national problems and locally recognised priorities. Unfortunately, this often means that the international aspects of an investigation are neglected or put into the 'too difficult' box and left on the shelf to gather dust. However, the threats from transnational crime can no longer be so easily ignored. Governments and national authorities are working to redress this past failure to engage properly against international criminality by backing a burgeoning array of international initiatives and frameworks.

The EU has formally declared its commitment to developing a region of freedom, security and justice. Citizens in every region of the world share these same aspirations and ambitions. In pursuit of these values, nation states have historically surrounded themselves with barriers to safeguard their sovereignty. These barriers may exacerbate national differences in language, culture, and laws, and the challenge for international law enforcement is to overcome these obstacles and negotiate a mutual understanding by which to achieve the universal purpose of law enforcement and criminal justice everywhere: bringing the crook to book.

But, the diversity of crimes, criminal justice systems, policing doctrines and operational structures means that it is impossible to find one solution to fit every set of circumstances. It also means that a solution found in one part of the world may not fit comfortably with that used in another. Where this is the case,

it is essential that any conflict, misunderstanding or divergence is resolved by bridging the gaps.

Interpol has been guided by the principle of enhancing ways in which member countries' police services can co-operate across borders irrespective of their national policing or criminal justice systems. As the only international policing organisation with a global network and reach, Interpol actively researches and provides practical facilities for improving operational co-operation and information exchange. We aim to be at the forefront of promoting best practice and the dissemination of new technologies that can make a real difference in detecting, prosecuting and preventing crime. The strength of such initiatives is their focus on practicality and application in the operational setting, but the starting point for their development must always be the review of past and existing experience and practice as well as the relevant legal frameworks.

In the past there have been a number of notable and worthy academic studies looking at the phenomena of international or transnational crime. There have been fewer books focusing on international law enforcement, and fewer still offering an insight into how co-operation actually functions from the practitioner's point of view.

This is why, as Secretary General of Interpol, I am pleased to introduce a book which explores, explains and discusses the practical issues confronting investigators working across borders and the structures they use. The writers express personal perceptions based on their own professional experience, and while their views will obviously not be shared by all, they provide an invaluable framework and set of insights that complement academic perspectives that tend to look from the outside inwards. This book's contribution to the literature in the field is long overdue.

Ronald K. Noble
October 2007

Editor's note

This book is more than a series of essays. It seeks to provide the reader with a thematic development exploring the key issues in international law enforcement from the point of view of the practitioner. Although a number of the examples are drawn from the European experience, this is more a factor of historical developments on that continent. Indeed, the book has not been written with any particular national or regional audience in mind and for this reason the contributors have been at pains to explain those terms and concepts which, whilst they may be already familiar to some readers, might not be universally understood. The objective was not to write a manual, but to sketch out a map showing the main roads, routes and (information) highways for the investigator, lawyer, judge or strategic thinker who rarely travels this particular landscape and who needs to be able to recognise the landmarks.

The contributions reflect the personal views of their authors and were prepared in the summer of 2007. Their opinions and remarks are individual to them and may not necessarily reflect the views of the organisations for which they now work or have worked in the past; nor, indeed, will they always coincide with those of the other contributors. Readers should also be aware that there has been a certain amount of moderation in the editing so that, where one contribution has covered a particular subject in depth, another will have had any similar detail omitted.

Some common working definitions have been used: *International law enforcement* is taken to mean any activity involving the prevention, detection, investigation or prosecution of crime or criminality implicating more than one country. *International crime* is any activity which is conducted in more than one country and that offends against the criminal law of at least one of those countries.

This book is specific to combating international crime and for this reason does not explore the role or function of peacekeeping operations. Although those involved are sometimes described as 'international police officers', their activity is not 'international' in terms of the above definition, but 'local' even if conducted by an international workforce.

Steven David Brown
November 2007

Acknowledgements

The Editor would like to thank Miss Fiona Kinnear and Miss Kate Murphy of Routledge-Cavendish Publishers for their kind help and guidance in the production of this book; John Abbott's advice and ideas were, as ever, invaluable, as were the suggestions of Brian Taylor. The Editor would also like to thank Stanley Morris, Alan Wilson, James Heslop, Jim Busby and Mark Shaw, all of them experts in their respective fields, for their encouragement along the way and, especially, thanks to Ronald K. Noble, who, despite leading Interpol, the most important agency in global law enforcement, found time to contribute a foreword.

Part I

The context

The longer arm of the law

An introduction

Steven David Brown

Criminals have since time immemorial been cautioned and chastised to beware the ‘long arm of the law’. This is a well-known English expression reflecting the popular view that the reach of law enforcement and justice exceeds its grasp, but more recently felons have come to learn that the reach of criminal justice all too often extends only as far as the nearest national border.

Our world has experienced enormous and unprecedented technological progress in recent years the rate of which shows little sign of slowing down. Unfortunately, along with the undoubted benefits, we are also confronted by a new complexity. Technology has influenced every aspect of our socio-economic existence and threatened the cultural balance established by centuries of development. In terms of the rule of law it has, as in so many other areas of life, presented both new challenges and new opportunities. It has created new crimes (such as phishing, internet child pornography, software piracy and credit-card cloning) and changed the way old crimes are committed (such as the advance fee frauds that now come courtesy of email), but at the same time law enforcement can also call upon new tools, techniques and methodologies that would have been inconceivable before now. Forensic science, for example, has with renewed vigour proved again and again the truth of Locard’s principle of exchange:¹ it has allowed the origins of murder victims to be identified through trace contaminants in their bones, and brought murderers and rapists to justice by their DNA decades after their offences were committed. Communications technology has also come a long way since Crippen² received the unwelcome honour of being the first to be arrested as the result of a radio telegram in 1910. And then there is the development of professional skills to consider. For instance, the role of the card-index collator, once the mainstay of local police knowledge, has evolved out of all recognition into the hi-tech crime analyst

1 Where two objects come into contact with each other, they leave behind some trace of that contact.

2 Crippen murdered his wife then tried to flee the country with his mistress dressed as a young man. He was hanged.

(with organisations such as Europol and Interpol concentrating a hefty proportion of staff resources in this area). Unfortunately, improved communications, new technologies and international mobility have also provided criminals with an additional dimension and facility to their activity, helping them to mask their identities, avoid detection and escape justice as well as to hide their proceeds.

National law enforcement has been relatively slow to recognise the need to adjust to this phenomenon. National governments have been even slower. International police co-operation is expensive; it needs to accommodate differences in national policing, strategy and legislation, and depends on some level of surrender of control. In 1998 the G8 group of countries described the situation with some eloquence:

Globalization has been accompanied by a dramatic increase in transnational crime. This takes many forms, including trafficking in drugs and weapons; smuggling of human beings; the abuse of new technologies to steal, defraud and evade the law; and the laundering of the proceeds of crime.

Such crimes pose a threat not only to our own citizens and their communities, through lives blighted by drugs and societies living in fear of organised crime; but also a global threat which can undermine the democratic and economic basis of societies through the investment of illegal money by international cartels, corruption, a weakening of institutions and a loss of confidence in the rule of law.

To fight this threat, international co-operation is indispensable . . . There must be no safe havens either for criminals or for their money.³

Political choices have to be made at the national level on how best to deal with international crime, but the menu of options is limited:

- reinforce national borders;
- reduce demand for contraband based crime;
- send personnel to foreign jurisdictions to liaise locally (or advise) on matters of national law enforcement interest;
- negotiate and support common international standards;
- provide aid to source and transit countries in order to enhance their law enforcement capacities (either directly or through an international proxy);
- influence governments in source and transit countries to commit their own resources to interdict crime locally;

3 G8 Communiqué 17 May 1998 Birmingham UK, www.g8.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1097587800968, accessed 10 May 2007.

- participate in international organisations which can then act as a central co-ordinating authority;
- build a non-centralised co-operative network with other countries to pool resources and manage information.

There is a further, controversial, option which has been judiciously avoided: the creation of a supranational investigative body with executive powers (i.e. a true international police force). Given the loss of political control (and accountability) represented by accepting a 'higher level' police authority, it is hardly surprising that a supranational police force has, to date, not found favour. Certain international groupings have attempted to approximate this concept: the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC) have set up investigative departments with powers based on treaty and dedicated to offences with a specific significance; the European Union has the Office Lutte Anti-fraud (OLAF – the anti-fraud office)⁴ for investigating irregularities involving the EU budget; and the UN has the Office of Internal Oversight Services (OIOS)⁵ which travels the world investigating contraventions against its charter involving UN personnel. However, when it comes to the use of coercive powers and criminal prosecution, each of these agencies must have recourse to the local authorities.

IS CROSS-BORDER LAW ENFORCEMENT NEEDED?

The extent to which the international dimension affects the national crime picture has been disputed:

The shallow nature of the arguments for further improvements in the quality of police co-operation . . . creating fantasies and fears about potential threats to internal security concerning a flood of illegal immigrants bringing with them drugs, arms dealing, organised crime and racketeers, may have a certain populist appeal, but it is not an adequate substitute for ethical arguments on which to base new obligations.⁶

4 OLAF has wide powers related to any issues related to threats to the financial and economic interests of the EU, www.ec.europa.eu/anti_fraud/index_en.html

5 UN OIOS conducts 'administrative investigations' based on the UN Constitution and with powers enforced through terms of employment.

6 M. Anderson 'The Agenda for Police Co-Operation', in M. Anderson and M. Den Boer (eds), *Policing Across National Boundaries* (London: Pinter, 1994), p. 9.

However, such arguments inadequately appreciate the interactivity of the global criminal economy:⁷

- heroin sold on the streets of western Europe is cultivated in Afghanistan;
- cocaine snorted in Milan is grown in Colombia;
- seven per cent of world trade is in counterfeit products, two-thirds of which are manufactured in China;⁸
- dirty money is laundered through the world's financial markets in New York, London, Frankfurt, Hong Kong and Tokyo;
- pills popped in the night clubs of Sydney were probably made in the Netherlands;
- a credit card scanned surreptitiously behind a bar in Cape Town can be cloned within 24 hours and used to purchase luxury items in Manhattan;
- the mobile phone slipped from the coat pocket on the Metro in Paris may be reprogrammed and sold on a market stall in East Africa;
- a luxury car may be stolen from the streets of Spain and sold in the Balkans;
- paedophiles travel to the developing world on sex tours or sit at home and log on to websites with servers located in distant lands.

Each of these offences would normally be viewed in terms of a national crime statistic, but they all have an international dimension, and, increasingly, the serious crime business model involves setting up in one jurisdiction, but operating in another. Without the close and constructive collaboration of national law enforcement bodies both investigations and prosecutions in such cases would be forlorn and impotent gestures.

There is an argument to say that international crime should not be viewed as a separate category. After all, the actual illegal acts committed by criminals across borders are generally the same as those committed nationally (except, of course, where importation is a key element of the offence). However, anecdotal evidence of an increase in cross-border criminal activity supports the view that the phenomenon of international crime deserves closer scrutiny.

International crime may be characterised differently not so much because of the type of act involved (acquisitive, violent, sexual, etc.), but because of the environment in which it is committed and the additional challenges entailed in its prevention, detection and prosecution. For example, it would have been

7 Roger Gaspar cites the work of Dr Ben Bowling in Chapter 1. In addition statistics show that in the first half of 2007, 20 per cent of crime in London was committed by foreign nationals: T. Harper and B. Leapman, 'Foreigners "commit fifth of crime in London"', Sunday Telegraph, 23 September 2007.

8 D. M. Hopkins, L. T. Kontnik and M. T. Turnage, *Counterfeiting Exposed: Protecting Your Brand and Customers* (Hoboken: Wiley, 2003), pp. 3, 58, and T. Phillips, *Knockoff: The Deadly Trade in Counterfeit Goods* (London: Kogan Page, 2005), p. 4.

impossible for investigators dealing with the gangland execution of six Italians in August 2007 in Duisburg, Germany, to do so without close reference to the authorities in Calabria. And, at the same time, law enforcement in Italy needed to pay due regard to the local consequences of those distant killings. Calabrian crime groups (the 'Ndrangheta) are reported to have been buying into Germany for 20 years, to have property on five continents and investments in the Frankfurt stock exchange.⁹ Clearly this phenomenon cannot be seriously viewed as a purely national threat.

International trade differs from national trade only because of the economic complexities involved in labour markets, raw material costs, international freight, the movement of funds between international financial markets and by its regulation. By analogy international crime has a similar relationship to national crime. The interactions exhibit the same complexity and, in the same way that international trade influences the costs on the high street, much internationally committed crime can be said to influence the quality of life in the local neighbourhood. For example, the virulent attentions of narco-conglomerates from Latin America threaten to overwhelm the legitimate community in tiny Guinea-Bissau in West Africa which finds itself on the front line of international drug trafficking, but without the wherewithal to fight back. Clearly Guinea-Bissau is not the destination for the drugs, just a bridgehead and vantage point for onward delivery.¹⁰

If the existence of international crime as a separate phenomenon can be accepted, then, of course, it follows that there is also a need for some degree of international response. Whether this can be accomplished solely at the national level has yet to be evidenced. So far, existing strategies have failed to stem the rise and impact of international crime. Countries with a federal structure have tussled with the challenge of crime operating across internal administrative borders and have found advantages in establishing some form of federal agency to confront it. However, on the international level, agencies have been defined chiefly as message-switching centres and depositories for information handling without the executive functions which give national law enforcement its bite. The G8 called international co-operation 'indispensable', but is co-operation by itself enough?

9 'More than 30 mafia suspects arrested over Germany killings' AFP 30 August 2007, www.afp.google.com/article/ALeqM5iFAT99yWz6TFEypv2Bn3F76C3x5w, accessed 3 September 2007. The 'Ndrangheta are Calabrian organised crime.

10 R. Callimachi, 'Africa a New Conduit for Europe's Drugs', Associated Press Report, 29 July 2007.

Tackling international crime

Forward into the third era

Roger Gaspar

Bowling¹ argues that there is no part of policing that does not have an international dimension. He has observed that:

- local law enforcement has constructed co-operation and assistance arrangements with their counterparts in other countries;
- national policing structures regularly engage with neighbours on common problems;
- international² crimes have led to national law enforcement agencies working in other countries;
- transnational³ crimes have demanded regional security arrangements; and,
- globally, Interpol provides worldwide operational assistance.

There may be some over simplification in this précis, but it is clear that globalisation has introduced international issues for law enforcement which were created within national boundaries and limited by sovereignty. It also follows that the need for internationalism within policing does not just lie with a response to organised crime.

To understand the scope of arrangements necessary to facilitate successful prevention and detection of crime with an international component, it will benefit us to broadly unpick the current nature of crime, reflect on our current investigative methodology and how it needs to be developed or mirrored, and to consider what international constructs are required.

1 B. Bowling, 'Sovereignty vs. Security: Transnational Policing in the Contemporary Caribbean' in *Caribbean Journal of Criminology and Social Psychology*, 10(1–2) (2005).

2 Between countries.

3 Activities which flow over national boundaries.

SOME TYPOLOGIES OF CRIME

To provide us with a broad picture of the nature of the problem created by the growth in internationalism, let us take a practical view of crime. There are, perhaps, four broad categories:

- spontaneous, unplanned crime committed by the opportunist;
- recidivist⁴ crime committed by repeat offenders where the opportunity is sought rather than spontaneous; where plans and preferences are used;
- crimes that are organised and committed by determined individuals working alone, or with particular criminal associates, where an investment is made in research and planning or where victims are 'prepared' by grooming;
- organised crime where there is the notion of networks or infrastructure; connectivity between individuals in illicit markets or supply chains; an investment in control through corruption, violence or infiltration; substantial profits and elements of continuity.

The spontaneous crime may be committed by or on an international visitor. The recidivist may have chosen to cross borders to commit crime. The 'crimes that are organised' may involve international partnerships. Organised crime may transcend several borders and involve partnerships with people from several different countries.

Should we therefore add 'international' crime to these categories? I would argue no, for, as important as the international component is in the construction of a response to crime, it does not appear to be a separate typology.

A burglar, for example, who decides to travel from their home in Ghent, Belgium, to Paris, France, to commit burglary is using the same methodology as one who decides to travel from Ghent to Antwerp (which is also in Belgium) to commit the same offence. Both are seeking to increase their anonymity where they commit their crime. Where one sees it as sufficient to rely on poor exchanges of information between local policing commands within one country, the other seeks the greater protection of a national border that restricts the policing response, but not the offender's travel. The same principle applies whichever typology is used. All may have an international component but the methodology of the offender is consistent irrespective of the international component.

But whilst internationalism may not bring about a new typology, it certainly does present the most striking challenges in providing an effective response whether it be with our prevention strategies or our investigative response. Take the example of our burglar from Ghent. The traditional law enforcement

4 'person who habitually relapses into crime; one who apparently cannot be cured of criminal tendencies; persistent offender' Oxford English Dictionary.

response to burglary is a reactive investigation: a search for witnesses, a search for physical evidence, the use of crime-solving information and victim support. The Paris police can do this of course and will be experienced, competent and well resourced. However, assume there is a witness who provides a description. How is that converted into an identification? National systems exist for this but international ones do not. Of course Interpol exists with its notice system but this is not going to be the answer before the suspect is identified. Progressing through the investigation, what if DNA or fingerprints are found? Again Interpol could be used but, and this is no criticism of Interpol, their services are never going to be able to mirror the effectiveness of national systems when dealing with what is frankly an 'ordinary' crime.

Difficulties continue in this sample investigation. Some countries are making increasing use of criminal information to find patterns and similarities that assist the identification of suspects. But, again, these arrangements are drawn up on either a local or national basis.

So some fundamental problems exist in this routine investigation that are going to reduce efficiency. This is, though, but one example.

If we return to the four broad categories described above, how many distinct pathologies⁵ can we find? Using this approach it is possible to see two primary pathologies. The first is a collective of the first three categories (the spontaneous, the recidivist and the 'crimes that are organised'). The impact of these crimes is very much local and the response starts locally. That response is largely reactive. The second is organised crime. Whilst there is always a local impact from organised crime and certain organised criminal activity will, when discovered, be investigated locally, action against the criminals' infrastructure, networks and markets is very much an activity for national law enforcement using a response that is primarily proactive.

The lines between these pathologies are not clear and solid; for example we do see a national response to some elements of the 'collective' of crimes. By and large, however, the crimes within the 'collective' are reported to or discovered by local police and we are locked into a reactive response which is both expected by the community and also the most appropriate for the majority of crimes in this category. However, the local reactive investigation of certain crimes in this pathology has not been considered sufficient and this has led either to the introduction of the local use of proactive techniques or to the construction of specialist investigatory arrangements. This latter activity may be either at a national level or a sub-national level and is, in the main, for low volume but more serious crime such as kidnapping, armed robbery, paedophilia and similar.

So, waiting to tackle the impact of internationalism within crime, we have

5 By 'pathologies' I mean distinct criminal methodologies that force investigators to respond with different techniques, structures or activities.

local policing structures and national structures, depending upon the nature of the problem. We will return to the pathologies and the consequences of international components in them shortly, but let us look at an investigatory doctrine.

AN INVESTIGATORY DOCTRINE

Whilst there are many ways in which law enforcement arrangements are constructed and managed and differences in their interaction with other national legal systems, there is only one basic model of investigation which any country can pursue. That model comprises three components, prevention, reactivity and proactivity, and can be summarised thus.

Prevention

Some crime is prevented (or immediately detected) by the presence of uniformed police patrols. This was the original concept of policing and remains present in all countries.

Reactivity

Where crime has been committed, a reactive response is provided by an investigator conducting an investigation. This is a scene-based process comprising a search for witnesses, a search for physical evidence, a search for crime-solving information and victim support. All reactive activity falls into these four processes and no others exist.

The search for witnesses looks first for eyewitnesses to the event but includes witnesses to prior and subsequent events, constructive, technical or expert witnesses. Depending upon the seriousness of the crime, a range of techniques are used such as the standard 'house to house' enquiry, reconstruction of the crime, the appeal for witnesses on anniversaries and the use of press conferences to maintain the case in the public eye. Interview skills have been advanced with the use of conversation management and cognitive interview. Supplementary aids to the process of moving from a description to possible identification of a suspect have also been developed, improving upon artists' impressions with photo-fit and e-fit equipment.

The search for physical evidence is to do with the finding of any latent material at the crime scene or on a suspect, or the tracing of any property or other tangible evidence that might trace or connect a suspect to the event. So this includes the search for DNA, fingerprints, blood or other secretions, handwriting, blood distribution or firearms residues and marks such as tool, tyre

or foot. The tracing of tangible property includes the circulation of stolen property details, the maintenance of stolen property indices and specialist stolen arts and antiques registers.

The 'first' two processes are a direct hunt for evidence. The third process, *the search for crime-solving information*, is not directly evidential. It may become evidence but it is the use of information to add a third way of identifying a potential suspect. This can include, for example, the use of previous records to identify unusual methodologies or the use of an informant.

Victim support is first an acknowledgement that policing is a service to the public as much as a function to the state and, second, an essential process in obtaining and maintaining support for a prosecution or for countering repeat victimisation. This can range from the relatively simple provision of crime prevention advice to prevent a repetition of a crime, to prolonged support for a victim of a serious sexual offence or the family of a murder victim or the provision of a new identity or relocation where a serious risk to the life of a victim or witness exists.

The object of these four processes is to provide a service to the victim and for the identification and tracing of a suspect for interview. Of course, these processes can occur in any order and may be compressed in time or even simultaneous when a crime is discovered during its commission.

Depending upon the type of jurisdiction, law enforcement activity in these processes may be directed by judicial process, subject to special authorisation or merely established practice, but the point is that a reactive investigation will not alter from country to country. There may be differences in the resources applied to different parts of the process or in the support services available (such as specialist forensic scene examiners, forensic laboratories, databases or IT). There may also be differences in the resources applied to the process according to the seriousness of the crime but these three components are all that are possible in any reactive investigation.

Proactivity

It is also possible to be finite about the proactive opportunities that exist. There are only four. Within those, there are a range of techniques, but they all conform to one of these four activities: crime reduction; offender targeting; hotspot initiatives; and location targeting.

The crime reduction technique engages in partnership, for example, with government, the civil service, private businesses, industry, NGOs and the public. Police alone cannot prevent all crime: the numbers of police that would be required to impact crime on a large scale by random patrol would be huge. Of