

# Crime and deviance in the EU

Key findings from EU funded  
social sciences and humanities  
research projects



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## Foreword

The Stockholm Programme adopted by the European Council in 2010 provides the framework for the EU action on subjects such as citizenship, justice, security, asylum and immigration during the next five years. It is driven by the new challenges emanating from the Treaty of Lisbon, which as of 1 December 2009 provides a new impetus to European integration in the area of justice, freedom and security. At the same time, four out of five Europeans want more action at EU level against organised crime and terrorism, whereas the latest statistics indicate that the total number of crimes recorded by the police in the European Union is decreasing, yet with important differences between countries.

Indeed, in a changing European political landscape, where borders have progressively dismantled and individual's mobility has become a reality, crime is now a fully-fledged European phenomenon, which has to be analysed from a European and interdisciplinary perspective, under the umbrella of Socio-economic and Humanities disciplines.

Therefore it is for this reason that the Directorate-General for Research and Innovation of the European Commission has funded several research projects on Crime and Deviance, through the Socio-economic Sciences and Humanities Programme of the 6th and 7th Framework Programmes for Research and Technological Development.

Projects have covered a wide range of topics, going from crime prevention, through to methods to evaluate and calculate cost and impact of crime, analysis of criminal behaviour and cultural components of economic crime and corruption and criminalisation patterns. A wide spectrum of Socio-economic and Humanities disciplines has contributed to shed additional light on these phenomena (criminology, legal studies, sociology, political sciences, economy, anthropology, history) and there has also been involvement of and collaboration between eminent scientists from different EU countries and further afield.

The key messages for researchers, policy makers and practitioners are that the availability of good statistics on crime must be the starting point of evidence based policy making in the field. Access to existing data needs to be improved for researchers and citizens alike and made available on platforms which facilitate appropriate substantive and comparative analysis. Comparative crime research at EU level has not achieved maturity yet. Data integration should be substantially improved so as to allow improved evaluation of measures aimed at meeting EU and national goals of protecting freedom, justice and security. New indicators will have to be developed and crime policies will need to be assessed against such criteria as public confidence in justice rather than primarily relative to crime control.

Finally, more research will be needed in order to foster the creation of the policy and research nexus and provide decision makers with scientific evidence as well as valuable tools for designing and implementing effective policies for crime control and prevention.



## Acknowledgements

This report was written by Wilfried de Wever, President of Effectius – an information platform aiming at improving the effectiveness of justice – and a lawyer and economist with experience in several projects for the European Commission and UNODC in areas of security and justice.

It was edited by Manuela Alfé, Scientific Officer at the European Commission, DG Research and Innovation, responsible for research projects in the areas of crime, justice and security.

Several colleagues in the European Commission, DG Research and Innovation, Unit 'Social Sciences and Humanities' deserve a special thanks for their contribution and support: Louisa Anastopoulou, Denis Besnainou, Philippe Keraudren, Joëlle Moraitis and Cornelia Smet.



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# 1. Policy making to fight and prevent crime in the EU

## 1.1. Introduction

Crime and deviance constitute a classic pathology within societies which has led to a variety of responses at political and societal level, in Europe and in the world.

Measures to prevent and fight against crime tend to be based on different inputs, but it is clear that policy makers benefit from specific research in the field of crime, which can assist them in making appropriate decisions and provide valuable insights on crime patterns as well as on the impact of the different measures.

In a changing European political landscape, where borders have progressively been erased and people's mobility has become a reality, crime has increasingly become a European phenomenon, needing analysis from a EU perspective. The European Commission has therefore funded several research projects in the field of crime and deviance, through the Socio-Economic Sciences and Humanities Programme, within the 6th and 7th Framework Programme for Research and Technological Development, whose results are presented in this **policy review**, with the aim of providing an overview of key findings and recommendations to policy makers at European, national and local level. The list of projects can be found in Annex.

## 1.2. The EU policy context

The Treaty of Lisbon <sup>1</sup>, in force since December 2009, has made innovative changes to the legal framework governing the European Union. Among others, it aims at offering its citizens an area of freedom, security and justice without internal borders, with the ambition then of further increasing international cooperation in this area as well as increasing democratic accountability, judicial control and efficient decision-making processes.

The Stockholm Programme – An open and secure Europe serving and protecting citizens – sets out the EU priorities for the development of an area of justice, freedom and security (AFSJ) for the period 2010-14. With the aim of constructing 'a Europe that protects', the Programme called for the development of an 'Internal Security Strategy' (ISS) offering a set of common policies, legislation and practical cooperation to deal with phenomena considered to be 'common transnational threats' in the EU such as 'serious and organized crime'.

The EU's ISS, formally adopted by the Council in February 2010 under the auspices of the Spanish Presidency, provides the overall EU security agenda for the next years. According to the ISS 'serious and organized crime is of increasing importance' and represents one of the main challenges for the internal security of the EU. In November 2010 with a Communication titled 'The EU Internal Security Strategy in Action: Five steps towards a more secure Europe' the Commission proposed a set of specific actions for the ISS implementation.

<sup>1</sup> Treaty of Lisbon, Official Journal of the European Union, 2007/C306/volume 50 (From here on referred to as Treaty of Lisbon).



The concept of security, however, includes the consideration of diverse societal phenomena which might affect the wellbeing of citizens. Drugs abuse and trafficking has therefore deserved a specific strategy, endorsed by the Council in December 2004, the European Council (EU Drugs Strategy) for the period 2005-2012<sup>2</sup>, which aims to achieve a high level of protection, wellbeing and social cohesion by preventing and reducing drug use.

It has been then implemented by the **EU Drugs Action Plan (2009-12)**<sup>3</sup>, which includes wide-ranging measures to strengthen European cooperation to curb the adverse consequences of drug use and reduce drug-related crime. It is conceived around five priorities: reducing the demand for drugs; mobilising European citizens; reducing supply; improving international cooperation and improving the understanding of the drugs phenomenon.

However, one of the main challenges for the EU in this field remains the high diversity among Member States in terms of both national crime trends and national crime policies. For instance, a recent survey shows that, the prison population rate (per head of population) remains generally higher in the eastern part of the European Union than in the west. But it's gradually decreasing in that region, while prison populations have grown in some western Member States such as Spain and the United Kingdom<sup>4</sup>. Another survey shows instead that the total number of crimes recorded by the police in the European Union has been decreasing<sup>5</sup>, but still, almost 15% of the population of the 18 EU countries analysed in the same sample<sup>6</sup> has been a victim of a crime in 2004<sup>7</sup>.

Sound decision-making is therefore of the utmost importance in order to effectively contrast the crime phenomenon and it needs to be close to citizens' needs and based on scientific evidence.

### BOX 1:

#### Public confidence in justice matters and statistics on crime trends

An effective justice system must assess itself not only against narrow criteria of crime control, but against broader criteria relating to people's trust in justice and their sense of security. The EURO-JUSTIS<sup>8</sup> project has revealed that common-sense indicators based on readily available statistics – such as crime trends – have been used extensively, whereas much less attention has been paid to crucial but hard-to-measure indicators about public confidence in justice. Without such indicators, there is a risk that crime policies may become over-focussed on short-term objectives of crime control, at the expense of equally important longer-term objectives relating to justice. The latest pilot survey, conducted in Italy, Lithuania and Bulgaria, has shown that police and criminal courts generate greater public trust and legitimacy in Italy than in Bulgaria and Lithuania. Moreover, in all three countries moral alignment with the criminal courts is low, based on the belief that the courts protect the interest of ordinary people and no discrimination is made. These elements are proven to contribute to a greater compliance<sup>9</sup>.

<sup>2</sup> EU Drugs Strategy for 2005-2012 (15074/04).

<sup>3</sup> EU Drugs Action Plan for 2009-2012 (2008/C 326/09).

<sup>4</sup> TAVARES, C and THOMAS, G., Population and Social Conditions, Eurostat, Statistics in Focus, 58/2010.

<sup>5</sup> Changing demographics is one of the causes of the decrease in crime across the Western world since most common crimes are committed by young males. Within the EU (15 countries) the proportion of the population aged 15 to 24 years decreased from 14.1 in 1993 to 12.2 in 2004 (the period examined by the EU ICS study).

<sup>6</sup> EUICS: Conducting an ICS-based European Survey of Crime and Safety in the Member States of the European Union.

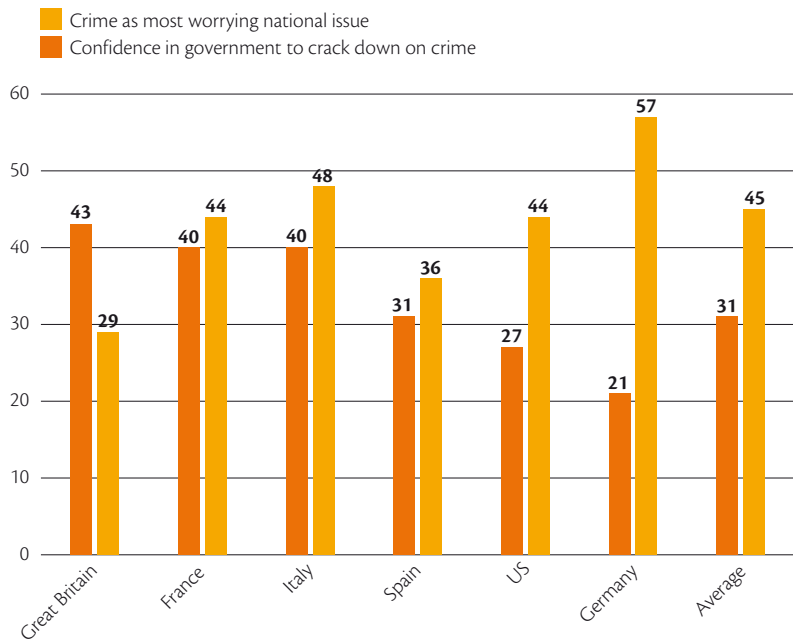
<sup>7</sup> P. 15 EUICS report: VAN DIJK, J., MANCHIN, R., VAN KESTEREN, J., NEVALA, S., HIDEĞ, G., The Burden of Crime in the EU: Research Report: A comparative analysis of the European Crime and Safety Survey (EU ICS) 2005.

<sup>8</sup> EURO-JUSTIS: Scientific Indicators of Confidence in Justice: Tools for Policy Assessment.

<sup>9</sup> For additional information, see European Social Survey (ESS) fifth round: collected data are planned to be released end of October 2011 (<http://www.europeansocialsurvey.org/>).



Results of an Ipsos Mori International Social Trends monitor<sup>10</sup> of the US and five countries in the European Union, namely Great Britain, France, Italy, Spain and Germany have provided additional insights into public perceptions of insecurity and confidence in government. The survey, conducted in September 2006, revealed that when asked to identify the three most worrying national issues from a list of eleven topics, over two-fifths of British people said crime and violence was one of the most worrying issues (43%), double the level in Germany (21%). Moreover, whilst British people appeared the most concerned about crime, they also had the lowest confidence in their government to tackle the crime problem (with only 29%). Conversely, whilst German respondents were least concerned about crime as a national issue, they were the most confident (57%) in their government's capacity to manage the crime problem. The figure below shows the national differences in public perceptions of crime and confidence in government.



<sup>10</sup>

Approximately 1,000 telephone interviews were conducted with representative samples of adults in each country.

## 2. Thematic areas – highlights

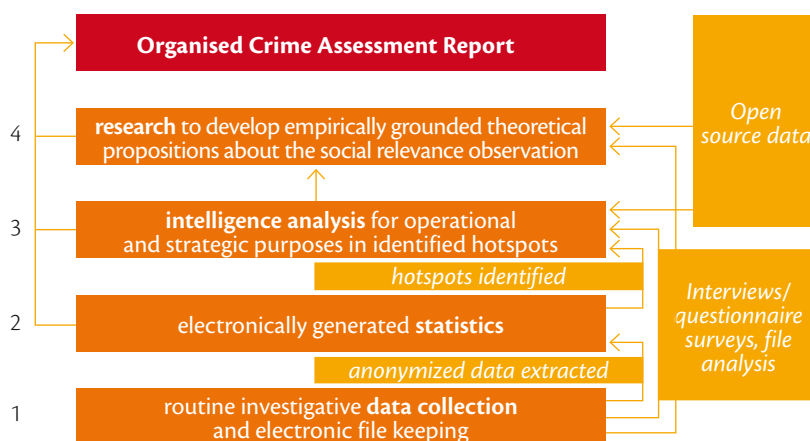
### 2.1. Policy domain specific research outcomes

#### 2.1.1. Organised crime

The ASSESSING OC <sup>11</sup> project has developed and tested a cross-national and cross-sectoral methodology for assessing the nature and dynamics of criminal co-operation and has succeeded in designing a **New European Common Approach for Assessing Organised Crime (NECA)**.

This model could provide the necessary empirical and theoretical basis for reporting on ‘organised crime’, including threat assessments and scenario building. An important characteristic of the model is that the question ‘Is it organised crime?’ would no longer be raised on the level of data collection and data entry <sup>12</sup>.

An Organised Crime Assessment Report would be constructed on the basis of four phases. The process is illustrated in the figure below.



To allow for more comprehensive data collection and comparability, the ASSESSING OC research team has presented a **full typology of data sources** and pointed to the fact that, while direct access to ‘organised criminals’ might be possible, less direct sources are more commonly used. The sources from which data on organised crime have been obtained are divided into the following categories.

<sup>11</sup> ASSESSING OC: Assessing Organised Crime: Testing the Feasibility of Common European Approach in a Case Study of the Cigarette Black Market in the EU.

<sup>12</sup> This could entail a shift from separate to integrated raw data collection following the principle of one-time only data input for multiple use (criminal investigation, crime analysis and ‘organised crime’ assessment). In many countries law enforcers are now annually asked to fill in forms or send memos about ‘organised crime’ retrospectively. This is not only an imprecise method; it also adds a burden to the workload of agencies.



| Type of data sources   |    |   |    |   |    |
|--|----|---|----|---|----|
| <b>Offenders</b>   | 49 | <b>Law enforcement</b>  | 76 | <b>Distant, indirect observers</b>                          | 27 |
| <i>offenders without connection to law enforcement/corrections</i>         | 33 | <i>interview with and/or account by officer and/or official</i> | 50 | interview with attorney                                     | 8  |
| interview with active offender   | 28 | interview with law enforcement officer                          | 41 | interview with journalist                                   | 7  |
| interview with retired offender  | 3  | interview with law enforcement official                         | 9  | interview with business (wo)man                             | 7  |
| account by active offender   | 3  | questionnaire surveys among law enforcement units               | 9  | interview with NGO representative                           | 6  |
| account by retired offender  | 2  | account by law enforcement officer                              | 6  | interview with community member                             | 6  |
| <i>offenders with connection to law enforcement/corrections</i>            | 17 | account by law enforcement official                             | 2  | interview with policy makers                                | 5  |
| interview with incarcerated offender                                       | 11 | <b>law enforcement documents</b>                                | 43 | interview with friends and family of offender and/or victim | 3  |
| account by incarcerated offender   | 3  | criminal files  | 28 | interview with other expert                                 | 1  |
| account by offender in witness protection program                          | 2  | surveillance records  | 10 | <b>Media reports</b>  | 26 |
| interview with offender in witness protection program                      | 1  | police intelligence   | 8  | <b>General statistical material</b>                         | 12 |
| <i>only on offenders without connection to law enforcement/corrections</i> | 28 | court transcripts   | 5  | official statistics (unspecified)                           | 6  |
| participant observation  | 19 | court reports   | 3  | migration statistics  | 2  |
| <b>Close, direct observers</b>   | 14 | court minutes   | 2  | customs service statistics                                  | 2  |
| interview with victims   | 7  | court memoranda   | 2  | economic statistics (GDP, employment)                       | 2  |
| interview with customer  | 7  | <b>law enforcement statistical material</b>                     | 14 | market statistics (precursor material)                      | 2  |
| interview with witness   | 1  | police statistics (reported crimes, etc.)                       | 12 | environmental statistics                                    | 1  |
| account by witness in witness protection program                           | 1  | court statistics  | 2  | public health statistics                                    | 1  |
|  |    | criminal record database  | 4  |   |    |

Complementary to this research, the IKOC <sup>13</sup> project has developed a methodology for measuring the risk of organised crime activities across EU Member States, by proposing **common EU indicators for measuring the probability and the impact of organised crime activities**.

The mapping of organised criminal groups contributes to the measurement of organised crime probability, which is one of the two components of crime risk assessment models. The other component is the harm caused by the organised crime.

### Organised Crime Risk = Probability x Harm

The IKOC project put forward indicators of probability, on one hand, and indicators of impact, on the other. The indicator set and modalities for measuring the probability of a given organised criminal activity in a given Member State is summed up below.

<sup>13</sup> IKOC: Improving Knowledge on Organised Crime to Develop a Common European Approach.



|                              | Indicators of probability of a given OC activity                              | Modalities  |
|------------------------------|---|---|
| Characteristics of OC groups | Links/cooperation between the OC groups involved                              | a range from 1 to 5, depending on the % of annual reported OC offences of a given type involving cooperation between two or more groups                                       |
|                              | Geographic distribution of the OC groups involved (or overseas routes)        | a range from 1 to 5, depending on the annual percentage of reported OC offences of a given type involving more than one country   |
|                              | Specialisation/Use of expert knowledge by the OC groups involved              | a range from 1 to 5, depending on the annual percentage of reported OC offences of a given type involving the participation of one or more specialists                        |
|                              | Intimidatory power of the OC groups involved by the use or threat of violence | a range from 1 to 5, depending on the annual percentage of reported OC offences of a given type involving the use or threat of violence within and outside the criminal world |
|                              | Use of corruption by the OC groups involved                                   | a range from 1 to 5, depending on the annual percentage of reported OC offences of a given type involving the use of corruption   |
|                              | Use of legitimate business structures by the OC groups involved               | a range from 1 to 5, depending on the annual percentage of reported OC offences of a given type involving the use of legitimate business structures                           |
|                              | Use of Information and Communication Technology by the OC groups involved     | a range from 1 to 5, depending on the annual percentage of reported OC offences of a given type involving the use of ICT  |
| Law enforcement risk         | Probability of conviction for a given OC activity                             | a range from 1 to 5, depending on the ratio number of persons convicted for a given OC offence/ number of persons reported for a given OC offence                             |
|                              | Probability of having the proceeds of a given OC activity confiscated         | a range from 1 to 5, depending on the ratio value of confiscated assets for a given OC offence/value of seized assets for a given OC offence                                  |



As to the harm component, organised crime affects individuals in various ways. It can have an impact on human rights, good governance, access to education and health care. The HUMSEC project <sup>14</sup> has therefore stressed the importance of considering **the concept of human security** <sup>15</sup>, which needs to be considered in strong link with the concept of liberty.

In recent years, in fact, liberties of civil society are sometimes threatened by current practices of securitisation. The terrorist attack of 11 September 2001 in New York seems to have created a move towards de-territorialisation and securitisation beyond borders with a particular focus on some minorities. On top of this, the discourse of insecurity seems to have proliferated and security actions that used to be considered as exceptions to the rule are now more widely used. Worst-case scenarios and practices of risk assessment that are primed to register maximum dangers from single instances seem to be at the heart of the policies of management of fear and unease in the Western democracies. This evolution carries many risks as security discourses to protect, in anticipation of crimes to come always tend to be exaggerated and misleading in cases where ‘the enemy’ is still unknown. Obtaining a more objective insight into the organised crime and terrorism phenomenon within the EU is therefore crucial <sup>16</sup>.

After all, security is not only being protected from a violent street attack but also, for example, having economical and labour protection against discrimination. The indicator set and modalities for measuring the impact of a given organised criminal activity in a given Member State suggested in IKOC is presented in the following table.

<sup>14</sup> HUMSEC: Human Security in the Western Balkan Region: The Impact of Transnational Terrorist and Criminal Organisations on the Peace Building Process of the Region.

<sup>15</sup> Further detailed in the Human Security Commission, Final Report, available at: <http://www.humansecurity-chs.org/finalreport/Outlines/outline.pdf> (last accessed on 7 June 2010).

<sup>16</sup> Project CHALLENGE, Liberty and Security, <http://www.libertysecurity.org>

|                         | Indicators of impact of a given OC activity   | Modalities  |
|-------------------------|---|---|
| Primary damage          | Direct loss for the victims of the given OC activity (e.g. loss of turnover for the companies and their suppliers whose products have been counterfeited) | Loss = $\sum C_i$<br>With:<br>i = number of cases with i= [1...i...n]<br>C <sub>i</sub> = Range of compensation awarded by the courts [or ONLY IN THE CASE OF TRAFFICKING IN STOLEN VEHICLES]<br>Loss = $\sum (IC_i + P_i)$<br>With:<br>i = number of cases with i= [1...i...n]<br>IC <sub>i</sub> = Increased insurance premiums for consumers<br>P <sub>i</sub> = Compensation awarded by insurance companies |
|                         | Loss of the taxes which would have been paid by the legal business sector if its turnover included the illegal market share                               | T = loss of taxes<br>T = t * S with t, global tax rate applied on a representative variable of the business activity (S= sales)   |
| Cost of public response | Public expenditure on policing  | PE = Amount of public expenditure   |
|                         | Cost of judicial system   | CJ = Number of cases X prosecution cost   |
|                         | Cost of correctional institutions   | CC = Number of prisoners X cost   |

Introducing a model of this nature is challenging because data on a given variable are currently collected and disseminated only by a limited number of Member States and collecting new indicators can be a substantial burden for Member States. But a progressive introduction of the model might be feasible.



**BOX 2:**  
**Developing a reference tool to improve the data at your disposal**

The feasibility of implementing the probability and impact model in practice was examined in a cigarette black market case study involving the development of a data-entry instrument, the ‘CaseGrid’. This instrument converted the variables about offenders, offences modus operandi and police observations by means of an interface programme into a database. The CaseGrid enabled the convergence of the three separate databases (containing the Dutch, German and Belgian data) into one database and made it possible to calculate basic common statistics and carry out some basic cross-country comparisons. Working with this tool also provided insight into the comparative accessibility of the criminal files and databases of three customs services. Data available in one country could be absent in another, resulting in different ‘missing values’ per country. Expert interviews complemented the data collected through the CaseGrid. The research ultimately led to some data overviews that demonstrate the potential of full data comparability when using a more aligned data collection approach of this nature. The following table shows one of those overviews.

| Smuggling operation types           |    |    |    |       |     |
|-------------------------------------|----|----|----|-------|-----|
|                                     | BE | DE | NL | Total |     |
| Smuggling operation type            | N  | N  | N  | N     | %   |
| Large-scale shipments from abroad   | 40 | 7  | 31 | 78    | 68  |
| Bootlegging (by car/van/truck)      | 2  | 11 | 3  | 16    | 15  |
| Bootlegging by import company       | 0  | 0  | 2  | 2     | 2   |
| Domestic cargo theft                | 0  | 0  | 2  | 2     | 2   |
| Distribution by internet trade      | 0  | 0  | 2  | 2     | 2   |
| Distribution (mid- and upper level) | 0  | 8  | 2  | 10    | 9   |
| Distribution (retail)               | 0  | 0  | 2  | 2     | 2   |
| Total observations                  | 42 | 26 | 44 | 112   | 100 |
| Missing values                      | 2  | 1  | 1  | 4     |     |

### BOX 3:

#### Organised crime in a post-conflict or transitional situation: the Balkans

Western Balkan states perform much better than is generally assumed with regard to 'ordinary' crimes. When it comes to organised crime, however, the picture is different, because of its history of war and conflict. Its recent violent history still has serious repercussions on the functioning of the state and its institutions.

In the Western Balkans, some links created between the state and criminal networks in times of emergency survived the conflict and got transformed and entrenched, in particular in the security sector. This creates major challenges for human security (Kostovicova and Bojicic-Dzelilovic<sup>17</sup>). **State weakness** in the Western Balkans is a result of both the post-communist transformation and the post-conflict situation, where 'conflict entrepreneurs' have successfully adapted to new opportunities, i.e. from 'crony' privatization to economic crime. They are not interested in complete state failure, but rather in more or less remote control of the state. Related to the post-conflict situation is the growing nationalist violence of extremist right-wing youth groups, who are disillusioned with the state and use its weakness to intimidate civic-minded individuals.

To strengthen the state, the main **challenges** occur at the level of implementation of **security sector reforms, judicial reforms and anti-corruption measures**. Quick, or more radical solutions may have negative long term effects. After the police reform in Georgia – in which the state attempted to fight corruption and tried to create a more efficient and effective police system – many policemen were fired. These former policemen subsequently moved to organised crime groups, leading to a professionalisation of organised crime in Georgia.

17

See Kostovicova and Bojicic-Dzelilovic, in: BENEDEK, W., DAASE, C., DIMITRIJEVIC, V and VAN DUYN, P. eds, *Transnational Terrorism, Organized Crime and Peace-Building: Human Security in the Western Balkans*, Palgrave Macmillan, 2010.



## Key messages and policy recommendations:

In the fight against organized crime in all EU countries, the commitment to the rule of law should not be undermined by emotional arguments based on unwarranted fears. That is why systematic and reliable data collection systems should be established and local scientific capacities reinforced. More reliable and up-to-date data collection is needed to provide an objective basis for the prioritisation of certain programmes over others. Policy actions could be brought in line with the NECA model. This could have a number of advantages compared to current approaches to assess organised crime such as:

- The reduction of workload for front-line officers through one-time-only data input.
- The reduction of compliance problems through automatic anonymisation of data used for the assessments.
- A standardised data collection that can be applied cross-nationally.
- An assessment that is more independent from the specialisations, investigative preferences and politically induced bias of organised crime units.
- The ability to analyse crime patterns independent from national boundaries and the continuous monitoring of trends regarding crime areas, crime regions and co-offending networks.
- The reduction of intervals between data collection and assessment, allowing for real time use of data.
- Integration of data collection, crime analysis and research to arrive at more meaningful interpretations (this would also require the introduction of electronic file keeping stretching from basic detective work to the courts).
- Compatibility with (in fact: providing the prerequisites for) assessment approaches such as threat assessments and scenario building.

18

As highlighted on page 5 of the 'First main assessment and description report for internal debate' (M.A.D.R.I.D. Report) of the Council of the European Union, 26 May 2010 (10203/10).

19

Sweden, Scotland, Switzerland, Ireland, England and Wales, Germany, Denmark, Finland, Austria and France had the highest rates for total drug offences in that period (200-800 per 100 000). In most Eastern European countries rates for total drug offences were relatively low (< 50 per 100 000), except in Russia, Estonia, Georgia and Ukraine, where the ratios were over 100. (Findings from the European Sourcebook of Crime and Criminal Justice Statistics 2010, p. 33-34 (from here on referred to as the European Sourcebook 2010)).

20

European Monitoring Centre for Drugs and Drug Addiction, 2010 Annual report on the state of the drugs problem in Europe.

21

Data from the EMCDDA online database (<http://www.emcdda.europa.eu/data>).

In transitional regions in particular, the state and its institutions need to be strengthened. But this alone does not suffice. These states should also learn to deal effectively with violence of extremist groups and hate speech intimidating civil society while ensuring human rights. This also implies ensuring proper criminal prosecution and due process and allowing the civil society to play its role.

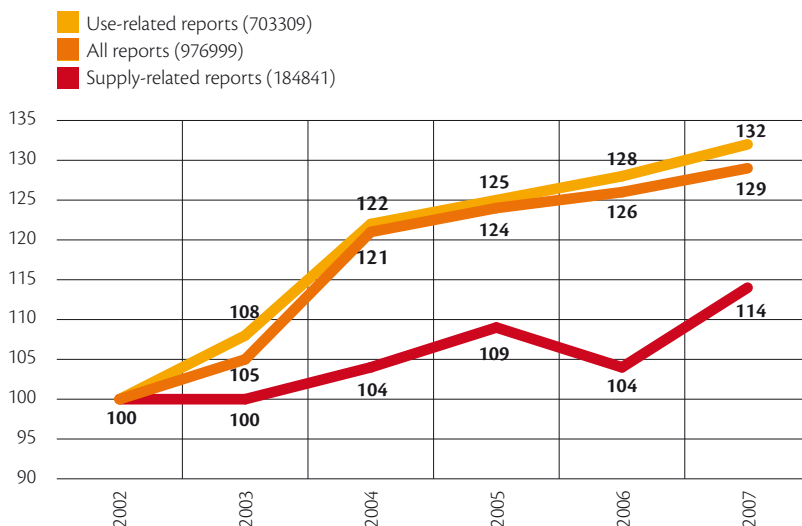
### 2.1.2. Drug abuse and drug trafficking

Drug trafficking remains one of the most profitable activities for organised criminal groups in the EU today. At EU level, sales of illicit drugs generate an estimated EUR100 billion per year<sup>18</sup>, but data on drug abuse and drug trafficking are still highly controversial, especially when it comes to drug use among prisoners and drug related offences.<sup>19</sup> As acknowledged in the EMCDDA Annual Report 2010<sup>20</sup>, for some countries (Georgia, France, Poland, Albania, Sweden and Hungary) drug trafficking represents a low percentage of total drug offences (less than 10%), whereas in some other countries all or almost all drug offences are related to drug trafficking only (Bulgaria, Moldova, Russia, Slovenia and the Netherlands). This seems to be related to differences in penal systems and punishment policies for possessing small amounts and/or use of drugs. In addition, the statistical variety might also be explained by differences in definitions and in the inclusion or exclusion of non-trafficking offences.

Trends in reports for drug-related offences by broad type of offence were on the rise within the whole EU area. The following graph shows an indexed trend representation for drug-related offences by broad type of offence in the EU Member States in the period 2002-2007<sup>21</sup>.







Trends diverge throughout the EU. A purely prohibitionist policy of certain countries <sup>22</sup> seems to be one of the factors leading to a rise in consumption according to CRIMPREV researchers <sup>23</sup>.

The EMCDDA (European Monitoring Centre for Drugs and Drug Addiction) estimates that, among sentenced prisoners, those incarcerated for drug law offences make up somewhere between 10% and 30% of the prison population in most EU countries. An unknown proportion of others are sentenced for property crimes to support a drug addiction, or other drug-related crimes <sup>24</sup>.

The CRCC analysis of national responses to drug use <sup>25</sup> had shown that in the same national system, community based solutions to drug addiction and drug-related crimes often co-exist with criminalisation of drug use coupled with harsher prison sentences. As a result, not everybody has the same opportunities to rehabilitate or receive penitentiary benefits within the same national context. Even though measures alternative to prison are available for drug addicts in the examined countries, only a minority seems to have access to those measures. Several selection processes come into play, that differ from country to country. Prison is a more likely scenario when the offender belongs to marginalized groups.

Of the eight countries examined in the CRCC project <sup>26</sup>, few countries could produce reliable statistics on the number of prisoners with an addiction to drugs for the last ten years. In Italy, Spain and Lithuania the numbers were relatively stable from 2000-2006. Bulgaria however shows a different picture with a remarkable increase of drug addicted prisoners in Bulgaria. The following graph illustrates the inference of actual prevalence of a social phenomenon and the impact of related policy measures.

<sup>22</sup> E.g. France.

<sup>23</sup> CRIMPREV: Assessing Deviance, Crime and Prevention in Europe.

<sup>24</sup> P. 36, EMCDDA Annual Report.

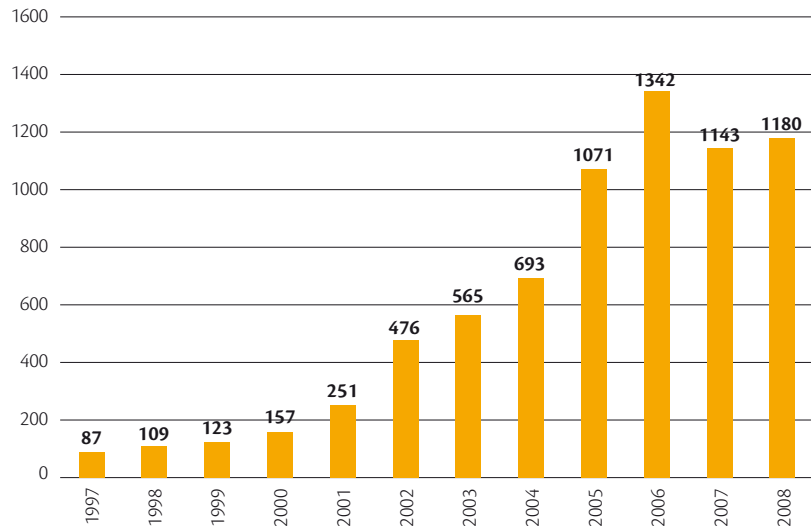
<sup>25</sup> CRCC: Crime Repression Costs in Context.

<sup>26</sup> The CRCC analysis took place in the following countries: Italy, Germany, Lithuania, Portugal, Spain, Hungary, Cyprus, Turkey, Bulgaria.



## BOX 4: One striking trend – different underlying factors

### Prisoners drug addicts Bulgaria



The Bulgarian Ministry of Justice has pointed to three important explanations for these rather strong trend changes<sup>27</sup>. The first is the increase in drug distribution and consumption. The second is the change of the policy against drug distribution in 2001. According to BEZLOV<sup>28</sup>, the period before 2001 saw an exponential growth in drug use. But only in 2001, there was an ‘abrupt change’ in policy towards drug related crimes. This was due to the pressure exerted by the public, the media and politicians on the services of the Ministry of Interior. The third factor is the legislative change of 2004 when the Bulgarian Criminal Code was amended and the provision excluding the criminal prosecution of drug addicts possessing a single dose was abolished. According to independent experts, this change overloaded the courts with criminal cases against individuals arrested for possessing small amounts of drugs. A subsequent amendment, passed in 2006, considerably decreased the sanctions for most drug related offences and the differentiation between distribution and personal use was re-introduced.

<sup>27</sup>

Source: CRCC: Crime Repression Costs in Context, Deliverable 1, table 4, p. 7.

<sup>28</sup>

BEZLOV, T., Heroin Users in Bulgaria One Year After Outlawing the Dose for ‘Personal Use’: Law Changes And New Risks (Initiative for Health Foundation and Open Society Institute – Sofia), 2005.



As highlighted by the EU-ICS survey<sup>29</sup>, many EU citizens are directly or indirectly exposed to drug-related problems in society. In the EU-16<sup>30</sup>, 20 % of the citizens experienced drugs-related problems often or from time to time in the course of one year in the period 2004/2005. The trend data also showed a steady increase in exposure to such problems among the EU-15 from 13 % in 1996, to 17 % in 2000 and 2002 and 21 % in 2005. The highest scores were found in 2005 in Greece, Luxembourg, Spain and Portugal. The lowest scores were found in Finland, Sweden, Hungary and Denmark. Country rates show divergent trends. The United Kingdom, Sweden and Finland showed lower rates in 2005 than before.

Persons who have been in contact with drug-related problems in the past 12 months were exposed to crime significantly more often in the past year than those who do not report such contacts in their area<sup>31</sup>. In all but one country<sup>32</sup> the prevalence of the 10 volume crimes measured is higher (often times much higher) among those who report drug-related incidents in their area than among those who can't recall such problems.

At the individual level, exposure to drugs-related problems has also been shown to be strongly related to a feeling of a lack of safety in the street in some countries (Van Dijk, 1996<sup>33</sup>). But it should be noted that there are controversial findings concerning this claim. In several countries drug exposure does not have an adverse effect on how safe people feel, while in some other countries (such as Finland, Portugal, Spain, Sweden and the UK) this relationship is very strong.

Drug abuse can also be one of crime's instigators. Consumption of alcohol for example is known to be associated with criminal violence both in the domestic and the public domain. Both cross-sectional as well as trend studies have shown associations between levels of spirits and beer consumption and levels of criminal violence (Lenke, 1990<sup>34</sup>). Although consumption of alcohol cannot be seen as a cause of violent crime in itself, its excessive use is known to lessen controls and to contribute to violent behaviour among young males in specific cultural settings (WHO, 2002<sup>35</sup>).

### BOX 5: Identifying and refining best practice models in the EU: an illustration

The CHAMP project<sup>36</sup> research team has succeeded in developing minimum standards for the identification of new ATS (Amphetamine Type Stimulants such as methamphetamine and MDMA), by using collaborative harmonised methods. This allows the profiling of drug seizures without it being necessary to send samples to other laboratories. One of the positive effects of this approach is that such profiling can be carried out much more quickly (almost in real time) than in a model based on a central laboratory. The technique also lets researchers discriminate between different batches of the drugs.

Certain forensic laboratories already performed such analyses using 'in-house' methods. The most promising of these methods were selected for further improved and harmonized. To identify and further develop the best practice model, researchers made use of a statistical analysis to specify relevant and reliable parameters for the development of the best practice model.

**29**  
EU-ICS: Conducting an ICS-based European Survey of Crime and Safety in the Member States of the European Union (Jan Van Dijk-Robert Manchin-John van Kesteren-Sami Nevala-Gergely Hideg: Burden of Crime in the EU, Comparative Analysis of the EU International Crime Survey (EU ICS) 2005).

**30**  
The EU-15 (pre-2005 Member States) and Hungary.

**31**  
The correlation between the two factors is .112 on the average of the 17 EU member states examined in the EU-ICS study (Individual level Pearson Correlation, signification at the 0.01 level (2 tailed)).

**32**  
Portugal.

**33**  
Dijk, J.J.M. van (1996), Introduction, In: Seminar on the Prevention of Urban Delinquency linked to Drugs Dependence, European Parliament/ Ireland Presidency of EU/ European Commission, Brussels, November 21-22 November, 1996.

**34**  
Lenke, L. (1990), Alcohol and Criminal Violence-Time Series Analyses in a Comparative Perspective, Almqvist and Wiksell, Stockholm.

**35**  
World Health Organization (2002), *World Report on Violence and Health*, Geneva.

**36**  
CHAMP, Collaborative Harmonisation of Methods for Profiling of Amphetamine Type Stimulants.



### Key messages and policy recommendations:

Understanding how the illicit drug market works is a high priority of the ongoing European strategy on drugs. But current evaluations are still handicapped by the lack of standard indicators and measures. Further progress is needed in this area. Drug regulation and measures should essentially be based on the degree of danger of the substances and there is clearly a need for a coordinated European approach for enhanced monitoring across the EU to tackle drug trafficking.

More attention must be given to the role of public disorders including public drunkenness and public drug scenes in fuelling feelings of unsafety and to ways of reducing such sources of anxiety about crime among the population at large.

The following actions are useful in countries with a high rate of addicted offenders in prison <sup>37</sup>:

- Train professional experts to implement modern methods of treatment and rehabilitation; It is best if programmes are not initiated by the prison administration themselves.
- Separate the drug addicts from other prisoners.
- Introduce tests to establish whether a prisoner is addicted to drugs and improve related statistics.
- Introduce measures for re-socialisation of drug addicted prisoners following their release from the prison.

The lack of satisfactory results from the punitive approach, and even more importantly the fact that it has perverse effects, means that we need to find other ways of dealing with the phenomenon of drug consumption. Alternative penal measures should be stimulated because they avoid prison for the drug-addicted offender, increase the possibility of successful medical treatment and limit the chances of relapse and recidivism. A more consistent or equitable distribution of different sanction types would improve the overall efficiency of the penal system.

### 2.1.3. Economic crimes: fraud and corruption

On average, 12% of respondents to the European Crime and Safety Survey reported in 2005 that they experienced some type of *consumer fraud* over the past twelve months. Greece, Estonia, Hungary, Denmark and Poland had relatively high rates, i.e. 13% or more were victimised. Levels of fraud were lowest in Finland, Italy, the Netherlands and Ireland. Few countries show any clear trends over time and results in the countries of the earlier International Crime Victim Survey sweeps, results were largely similar. Analyses at the global level have shown a relationship between the size of the informal sector of the economy and the level of fraud (Van Dijk, 2006 <sup>38</sup>). In countries where the informal sector is relatively large, regulatory arrangements to protect consumers are likely to be less effective.

According to the Eurobarometer Study on *Corruption* of November 2009 <sup>39</sup> more than three quarters of Europeans agree that corruption is a major problem for their country (78%). It can seriously damage the Member States' and the EU's financial interests and undermine democracy by eroding trust in the state.

<sup>37</sup> Recommendations developed in a Bulgarian case study. For more information see: Bulgarian Helsinki Committee (2007) *Drugs, Crimes and Penalties*, pp. 70-74.

<sup>38</sup> Van Dijk, E. (2006). From social psychology to economics and back again: The benefits of a two-way street. In P. A. M. van Lange (Ed.), *Bridging social psychology: Benefits of transdisciplinary approaches* (pp. 409-413). Mahwah, NJ: Erlbaum.

<sup>39</sup> Source: Special Eurobarometer 325/Wave 72.2, November 2009.



1.4% of EU citizens reported direct experience with any corruption incident in the European Crime and Safety Survey of 2005. Most countries were showing rates below 0.5 % whereas Greece stood out with a percentage of 13.5%. Corruption prevalence was also relatively high at the time in Poland, Hungary and Estonia. Rates in Denmark, France and Portugal were relatively low but significantly higher than many other European countries. Government officials and police officers have been cited as bribe-takers most often. For the judiciary and the police, the lack of experience and the issue of salaries seemed to be the more exigent problems.

In general, responses to corruption can include fighting the expression of the phenomenon directly or tackling its causes by implementing institutional reforms to limit authority, improve accountability, and change incentives, as well as societal reforms to change attitudes and mobilise the political will for sustained anticorruption interventions. CRIME AND CULTURE project <sup>40</sup> researchers have found that Europe’s efforts to address the problem of corruption so far have focused more on ‘top-down’ measures with a strong emphasis on law enforcement <sup>41</sup>. Unfortunately, the top down approach often ignores the radically different ways that corruption is perceived in various cultures. After all, cultural perceptions of corruption do have a strong influence on a country’s capacity to recognise it as a problem and successfully implement anti-corruption measures <sup>42</sup>.

In the context of the ALACS project <sup>43</sup>, both scholars and practitioners are currently in the process of refining a best practice model to enable better-informed and more effective citizen participation in the fight against corruption. The project compares practices of different ‘Advocacy and Legal Advice Centres.’ Two key aims of the project are to increase awareness and information for the formulation or implementation of European anti-corruption advocacy initiatives and to contribute to the formulation, development and implementation of anti-corruption policy at the national and EU levels. One of the project’s findings is that it might be useful for anti-corruption support centres to shift the focus from client-centred Legal Advice to political consultation and Advocacy as formal institutions in the country in question become more effective. In all countries, the fight against corruption can only effectively be waged in a functioning partnership with state institutions. Cooperation with state institutions and their representatives, rather than confrontation, is called for in all countries.

Following the bottom-up approach reasoning, MARC project <sup>44</sup> researchers point to the option of inviting organisations to judge themselves according to the principles of fraud control. A useful compliance matrix in this regard, suggested by Nicholas Dorn and Michael Levi of the Cardiff University, is presented below <sup>45</sup>. Scores 1, 2 or 3 are allocated (3 being the highest level of fraud control). This can be a way of presenting to what extent an anti-fraud policy may or may not be in place in tendering firms.

|                  | Policies  | Control   | Vetting   | Training  | Overall total                         |
|------------------|-----------|-----------|-----------|-----------|---------------------------------------|
| Exist?           | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 | T = between<br>16 (low) &<br>48 (max) |
| Accepted?        | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 |                                       |
| Communicated?    | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 |                                       |
| Monitored?       | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 | 1, 2 or 3 |                                       |
| Totals of above: | 4-12      | 4-12      | 4-12      | 4-12      |                                       |

<sup>40</sup> CRIME AND CULTURE: Crime as a Cultural Problem. The Relevance of Perceptions of Corruption to Crime Prevention. A Comparative Cultural Study in the EU-Candidate States and the EU-States Germany and Greece.

<sup>41</sup> The research method included the analysis of documents of the target groups (politics, judiciary, police, media, civil society and economy), interviews with representatives of all target groups.

<sup>42</sup> The situation in the UK illustrates the potential relevance of a ‘bottom-up’ approach even though such measures are quite rare in Europe. In the United Kingdom, NGOs seem to have pushed through new rules of compliance in recent years. What was previously seen as ‘regularities’ are now perceived as irregular or corrupt such as party financing, parliamentarians’ norm-violating behaviour, lobbying and the participation of private interests in shaping public economic policies.

<sup>43</sup> ALACS: Promotion of Participation and Citizenship in Europe through the ‘Advocacy and Legal Advice Centres’ (ALAC’s) of Transparency International.

<sup>44</sup> MARC: Developing Mechanisms for Assessing the Risk of Crime Due to Legislation and Products in Order to Proof them against Crime at an EU level.

<sup>45</sup> Based on a presentation by a representative of the firm Control Risks in the UK Treasury, 2001, 2004-2005 Fraud Report: an analysis of reported fraud in Government Departments, November, pp. 21-22 (Some descriptions have been shortened for this report.).



46

Public bodies involved in developing capability standards to be met by tenderers, might wish to consider a requirement that all tenderers present information about themselves in such a framework.

47

Related observations and recommendations may be extended to analogous states subject to empirical testing.

The total score is converted into a percentage and anything over 60% could be considered an adequate level of fraud control. This approach can give a first and reasonable indication of the level of compliance with the benchmark <sup>46</sup>.

Certain comparison points can help group countries together in separate clusters. This was done in the context of the CRIME AND CULTURE project identifying patterns of perception and interpretation of corruption in seven countries. Based on an analysis of different perceptions of corruption with political and administrative decision-makers, the judiciary, the police, civil society actors, media and business representatives, countries were grouped into the following three representative clusters:

| Countries examined <sup>47</sup> | Society type   | Key findings and recommendations  |
|----------------------------------|--|---|
| Germany and Great Britain        | modern Western European societies (democracy, rule of law, market economy) | <p>In Western-Central European countries petty corruption among the broader population is virtually nonexistent, fostering a social perception that corruption does not exist. This, however, disguises structural corruption (grand corruption) among functional elites in many areas – particularly at the interface between policy making and the economy (e.g. public procurement).</p> <p><i>Recommendations:</i></p> <p>Strive to change the attitudes and values that underpin structural corruption by encouraging a shift away from national economic orientation and toward global responsibility. Consider options for adjusting legal system to favour collective/corporate liability instead of allocating fault to individuals.</p> |
| Greece and Turkey                | partially modernized countries with a paternalistic state                  | <p>In Turkey corruption is an instrument of social and economic communication, i.e. active social interaction in a 'bazaar mode'. In Greece corrupt conduct rests upon a consuming mentality and a hedonistic individualistic lifestyle.</p> <p><i>Recommendations:</i></p> <p>Reform the electoral and party systems to overcome paternalistic assimilation of interest groups. Seek to counteract notions that corruption is a legitimate means of dealing with the state apparatus or that clientelism is an acceptable compensation for the loss of trust between citizens and state.</p>   |
| Croatia, Romania and Bulgaria    | post-socialist transformation countries                                    | <p>Former socialist re-distribution mechanisms have been transformed into networks of privilege.</p> <p><i>Recommendations:</i></p> <p>Break down networks among the political and economic class and promote effective control structures (e.g. an independent judiciary and press). Support the media and civil society actors in assuring political enforcement of anti-corruption measures. But dissuade inflationary treatment of corruption affair by the media.</p>  |



### BOX 6: Proofing EU legislation against economic, financial and organised crime

In a pilot study in the field of EU public procurement legislation (MARC), a **crime risk assessment** was applied to the new Public Procurement Directive<sup>48</sup> comparing its provisions with those of the three previous Directives it replaced<sup>49</sup>. Purely ‘formal’ aspects of the new Directive (length of the texts, face-value complexity of provisions, etc.) did not provide much information about crime risks. But researchers did find that the known and continuing risks in relation to the old Directives are by no means fully addressed by the new Directive.

Procurement occurs in stages, which may be represented as follows: (i) preparatory stage, when procurement needs, budget and questions of procedure are settled, (ii) solicitation, bidding and selection, (iii) the execution stage, in which the work is done and delivered. Criminality may potentially arise at any of the stages and the following risks were found to persist: the possibilities of slackness and corruption of staff in purchasing bodies and politicians in oversight positions, collusion between tenderers, poor implementation of criteria in open calls, manipulation of open calls leading to entry into over-cosy negotiated procedures, vagueness in matters of defence procurement and international contracting generally, insufficient checking of tenderers’ backgrounds (where the absence of easily-accessible, EU-wide common information systems is a problem), deficiencies in, or absence of deliverables, and a failure to encourage competition and whistle-blowing.

The newly introduced procedures may also carry additional risks. There is a likelihood that tenderers with shady backgrounds may not be weeded out because, for example, (a) there is an area of non-criminal law ‘in between’ past criminal conviction on the one hand and ‘professional misconduct’ on the other, that is not explicitly referred to; (b) active checking is not required by the Directive and; (c) systems for making checks and sharing information across the EU and with international organisations are not required. These findings illustrate the potential value of crime risk assessments when developing or evaluating legislation.

### Key messages and policy recommendations:

The research findings in this section have demonstrated that socio-cultural aspects of corrupt conduct should inform national and international anti-corruption policies. That also implies that it might be worthwhile to add questions related to experiences with, or perceptions of organised crime and grand corruption in national victimisation surveys.

Anti-corruption measures should be coordinated with other international organisations operating Europe-wide<sup>50</sup> and a more effective control system should be institutionalised. Direct and active participation of citizens should be supported and a universal sense of responsibility encouraged, both within the education system and for decision-makers. In addition, awareness on the negative impacts of corruption should be raised. Enhancing the collaboration between

<sup>48</sup> Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

<sup>49</sup> Directives 92/50/EEC, 93/36/EEC and 93/37/EEC – concerning public service contracts, public supply contracts and public works contracts respectively – as amended by European Parliament and Council Directive 97/52/EC.

<sup>50</sup> Such as the Organization for Economic Cooperation and Development (OECD) and the Council of Europe’s group of States against Corruption (GRECO).



51

These could be bodies that prevent corruption or that combat corruption through law enforcement. A sufficient degree of independence, specialisation, adequate training and resources is recommended in the OECD publication: Gaika, I, Klemencic, G. and Stusek, J, 'Specialised anti-corruption institutions: review of models', OECD, 2007.

52

A selection of key recommendations presented at the Final Conference of the CRIME AND CULTURE project (Brussels, July 10, 2009).

53

This refers not only the judiciary. It is also valid for both the public and the private sector.

54

TAVARES, C and THOMAS, G, Population and Social Conditions, Eurostat, Statistics in Focus, 58/2010.

55

P. 15 EUICS report: VAN DIJK, J., MANCHIN, R., VAN KESTEREN, J., NEVALA, S, HIDEG, G., The Burden of Crime in the EU: Research Report: A comparative analysis of the European Crime and Safety Survey (EU ICS) 2005.

56

The EU Member States from before 1 May 2004 (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, United Kingdom, Sweden) plus Poland, Hungary and Estonia.

57

Showing a decrease in recorded robbery in twenty European countries (almost two thirds of all countries examined).

58

Comparisons of statistical figures between different EU Member States should be interpreted with utmost caution as the methods for collecting and processing statistical information differ widely.

59

Contrary to the general decreasing trend of crime in the EU, crime did seem to be on the rise in Portugal, Slovenia, Spain, Italy and Cyprus in the period 2000-2008.

60

P. 36 European Sourcebook 2010.

countries of judicial structures and the enforcement of the law is one way to go about this. Promoting transparency and the development of civil society actors to provide institutional control structures and government support another. In some cases, strict control over the financing of political parties and the use of international aid might be called for. Confronting corruption may come with fears of losing credibility in the short term but a focus on the long-term benefits of reform should allay those fears.

Strengthening the independence of the judiciary and the establishment of corruption units also ostensibly assists the fight against corruption<sup>51</sup>. The following actions can be useful in this context<sup>52</sup>:

- To better supervise the work and the work distribution to the judges, prosecutors and/or the judicial police and provide conditions for a more transparent and speedier administration of Justice.
- To increase the salary of members of the judiciary and reduce the workload if necessary to bring them in line with other professionals with comparable training and workload.
- To raise integrity, issue clear codes of conduct and support continuous advanced training related to the general quality of the work and corruption-related issues<sup>53</sup>.

Anti-corruption has to be seen as a long-term learning process in transition- and modern European states. That is also the reason why civil society and the media have decisive roles to play in the anti-corruption fight on both national and pan-European levels. But governmental officials still have a very important exemplary function. After all, they have the opportunity to demonstrate that authority is exercised for the good of citizens. The Stockholm Programme and its Implementing Action Plan point the way forward for a new EU anti-corruption policy and the setting up of an evaluation mechanism.

#### 2.1.4. Other crime types

As stated in section 1.2, the total number of crimes recorded by the police in the European Union has decreased in recent years<sup>54</sup>. But still, almost fifteen percent of the population of the 18 EU countries analysed in the 2005 EUICS sample has been a victim of a crime in 2004<sup>55</sup>.

According to EU-ICS project findings, there was a general decreasing crime trend noticeable for common crimes such as burglaries, thefts, robberies and assaults in most states participating to the study in the period 1995-2005<sup>56</sup>. European Sourcebook statistics for the period 2003 and 2007 for rape, theft and robbery have also shown an overall positive evolution<sup>57</sup>.

General trends do not provide the full picture however. Even though there are stronger similarities within certain regions, crime trends differ throughout the EU. According to European Sourcebook data, trends for assault rates between 2003 and 2007 for example were quite diverse and seemed to be slightly increasing in countries where rates were already high (more than 100 per 100 000)<sup>58</sup>. In countries where assault rates were already relatively low, the trend was decreasing in seven countries and increasing in six countries<sup>59</sup>. An interesting European Sourcebook Group finding is that there does not seem to be a clear relationship between police density and the level of recorded crime<sup>60</sup>. The most common factors associated with higher levels of crime are urbanization and the proportion of young people in the population. A relatively high number of crimes seem to be motivated by hatred against minorities.



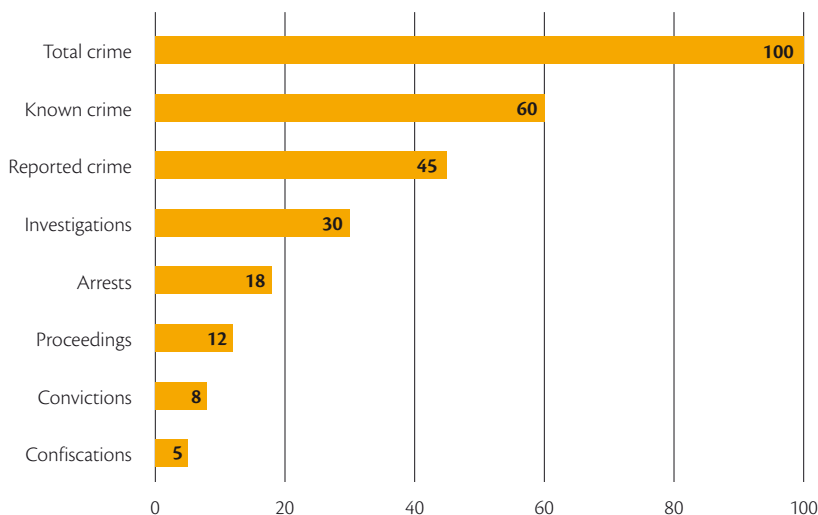


The EU-ICS research project found that reduced levels of crime can be attributed to, among others, more effective policing and crime prevention measures. But perhaps surprisingly, feelings of unsafety in the street did not diminish in the period that overall recorded crime diminished. Over the period 1996-2002 there was actually a small but consistent increase in the feeling of insecurity, with 32 % of respondents in 1996, 33 % in 2000 and 35 % in 2002 saying that they felt either a bit unsafe or very unsafe<sup>61</sup>. There are exceptions to the general increasing trend. Contrary to the majority of EU countries, researchers noted a consistent decrease of feelings of insecurity in Germany for the same period. This incongruence between feelings of un-safety and actual levels of crime may be the result of deteriorations related to forms of public nuisances such as drunkenness and drug dealing. The changes in feelings of insecurity could also be due to demographic changes, as the average age of the population of the EU has steadily increased in recent years.

**BOX 7:**  
**Understanding the limitations of crime statistics**

While crime rates do offer some indication of the efficiency of policies it is important to recognise their limitations. Criminal activity and justice chains are quite complex and fragmented and statistical data of recorded crimes only show one side of the story. The following graph provides an illustrative indication of the representation crime patterns captured by different data elements. This picture also highlights the value of complementary crime victimisation studies to provide a more accurate picture of crime prevalence<sup>62</sup>.

**Attrition of criminal statistical data (indicative scale only)**



<sup>61</sup> Database: Eurobarometer 44.3 (1996), 54.1 (2000), 58.0 (2002).

<sup>62</sup> Based on a representation from p. 15 of ROUDAUT, M., TAVARES, C. and THOMAS, G. 'Money laundering in Europe: Report of work carried out by Eurostat and DG Home Affairs' EUROSTAT publication, 2010.

Comparisons based on indicators may, over years (when reliable trends are available), provide a much improved indication of the performance of crime policy measures within a Member State and in the EU as a whole. But today very real obstacles still exist for performing comparisons of data between countries or regions due to differences in counting rules, definitions and measurement methodologies<sup>63</sup>.

The CRIMPREV project<sup>64</sup> has highlighted the trend that the level of self-protection against common criminality has increased significantly over the past ten years. The growth of insecurity that ordinary citizens across Europe perceived in their everyday lives in the last decade seemed to be resulting in a growing dissatisfaction with established institutions and their measures. Citizens demand more 'private security' for themselves, while public institutions, especially public police, seem increasingly unable to respond in an appropriate manner no matter how much effort is expended. The consequence is increasing dissatisfaction, leaving a vacuum of safety to be filled. And while public police struggle to cope with new circumstances, citizens and businesses are looking elsewhere for protection and guardianship, particularly to the 'private sector'. This trend is not apparent everywhere however. It is more pronounced in the 'transition states' of central and south-eastern Europe.

From a sociological perspective, the acuteness of youth delinquency and property theft over the past half-century seems to vary depending on the following fundamental factors:

- the importance of risky behaviour and initiatory delinquency during the first part of adolescence;
- the quantity of people (in particular young men) who are social outcasts in an area at a given moment (linked with demographic facts and integration through work); and
- the strength of the domination mechanisms and their consequences on identity, which produce as many reasons for neutralising the guilt linked to the fact of stealing others' property.

Violence is one resource of the dominated classes (this is the issue of sharing power), who are quite often also famished (the issue of sharing wealth). These two dimensions operate at three levels, at least:

- in the relations between social groups on a given territory;
- in the relations of certain social groups with the central State; and
- in the relations of certain individuals with the rest of society.

### Key messages and policy recommendations:

The EU should give special priority to programmes aimed at social integration of young people and minorities, in particular in urban areas. Crime Prevention through Environmental Design (CPTED) has been an influential movement internationally for some thirty years now. This movement has shifted the attention towards physical structures and crime data analysis, whereas more recent discussions on community safety through involvement and empowerment of citizens, receive less attention. However, the importance of a more equitable distribution of wealth and power on crime rates should not be underestimated.

<sup>63</sup> Assessments by calendar year are often not appropriate as the whole judicial process can take more time.

<sup>64</sup> CRIMPREV: Assessing Deviance, Crime and Prevention in Europe.



Improving data availability to enable a better understanding of crime patterns will allow for policy measures driven by facts, not sentiments. It will also allow citizens to have a realistic view on their security that is not media driven. In particular statistics for high priority crimes, vulnerable minority groups or particularly risky locations could be particularly helpful. Improving the comparability of data across regions and countries is vital. Two additional specific recommendations can be made in this regard. The use and further development of available simple geo-coding tools in the presentation and analysis of crime and victimization information should be promoted by the EU through technical innovation and training. In addition, further research should be made into the possible underreporting of sexual offences and domestic crimes, especially in some countries with comparatively low rates.

## 2.2. Policy methodology tools – horizontal recommendations

In order to compare different measures or policy approaches there is a need for an easy-to-use and a relatively homogeneous model of calculating cost of crime repression alternatives. Especially since resource restrictions are very important considerations in today's policy choices, a high quality cost-effectiveness analysis can be a very useful tool for decision-making. Therefore, sound cost of crime estimates are needed to allow for better measurement and evaluation of police performance and management.

However, the MMECC project <sup>65</sup> has shown that cost of crime methodologies are not widely used in the EU at present and methodological problems still exist for calculating the costs. Rather few countries have a requirement for investment appraisal of projects or programmes whereas other methods of social research are quite widely used. Estimating the cost of crime as a percentage of the gross national product and comparing it with other regions can optimise public money spending on safety and justice. A **European cost of crime assessment model** was introduced minimising the data requirements and using data sources with wide international coverage (such as EU ICS data) <sup>66</sup>.

The two most obvious costs associated with crime are the burden imposed on victims (such as lost wages, medical costs, pain and suffering), and government expenditures on police and the criminal justice system which are designed to capture and punish offenders. But crime has impacts on many other segments of society – not just the victims.

Various authors have categorised the burdens of crime in slightly different – yet complementary ways <sup>67</sup>. The approach proposed is to distinguish:

- costs incurred in anticipation of crime (e.g. prevention and insurance administration);
- costs incurred as a consequence of crime (e.g. victimization);
- costs in response to crime (e.g. criminal justice expenditures).



<sup>65</sup> MMECC: Mainstreaming for Estimating the Cost of Crime.

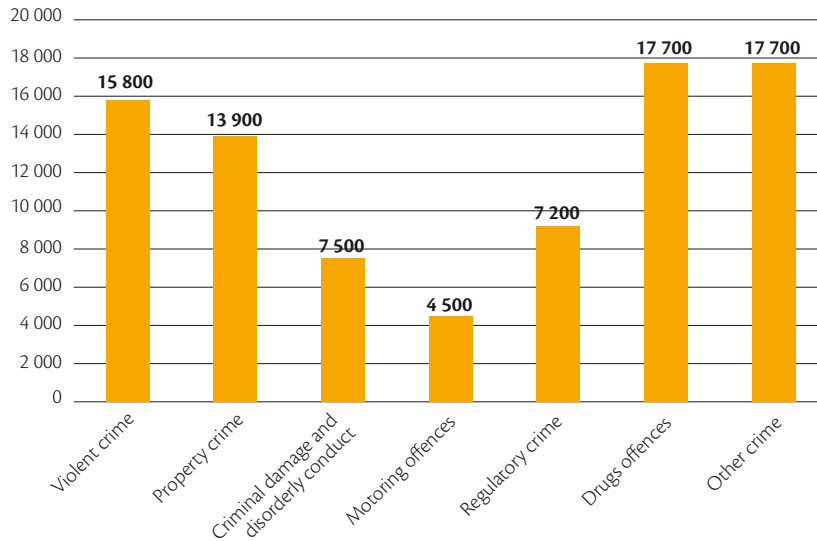
<sup>66</sup> Even though the model is based on a model used by the Home Office for England and Wales, the methodology was adjusted so it can be used in both civil law as well as common law countries.

<sup>67</sup> One should be wary of an overly narrow focus on a limited set of economic factors. The CRCC project has offered an interesting illustration of this by pointing to one project where a consultant calculated costs without any knowledge of the prison system. If the new prison turned out to be too expensive, he simply cut staff by half, and recommended to keep prisoners inside the cell for most time, which – as he said – would be less cost intensive than having them running around all over the place...

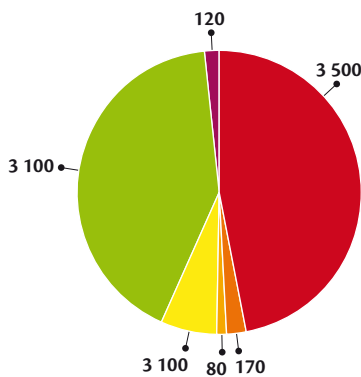
**BOX 8:**  
**Zooming in on costs, an illustration from the Netherlands**

The MMECC project has set out definitions of the different types of cost components and has provided suggestions for their estimation. The diagrams illustrate the output produced for the Netherlands by applying their methodology. These graphs focus on the third component in the list of cost types, namely the costs in response to crime (Criminal Justice System expenditures). The diagrams indicate how the average cost varies across offence types and also how the different components of the costs themselves vary in significance across offence types (for criminal damage offences and for violent offences). Such overviews can provide policy makers and law enforcement authorities with new policy adjustments ideas and allow for more transparency towards the civil society.

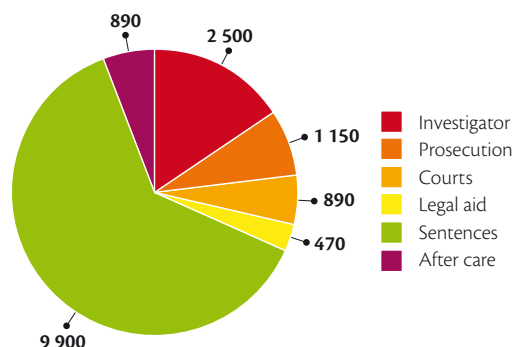
**Costs by offence type Total**



**Criminal damage offences**



**Violent crime**



A potential benefit produced by the penal system is determined by a successful re-integration of a prisoner into the labour market and society after imprisonment. Re-offending implies an additional cost imposed on society. Recidivism rates are therefore an important and established criminological tool for examining the effects of penal interventions and effectiveness of penal policies. However, even though the automation of police and judiciary data has opened up opportunities to do large-scale recidivism research, national research on recidivism was still lacking or absent in nineteen European countries until 2006<sup>68</sup>. Reasons mentioned for not even planning such a study at the time, vary. Some correspondents report the lack of finances, others suppose resources are directed to other issues or mention a lack of experience in doing this type of research. Because of its importance, **further investments seem to be needed in the area of recidivism research.**

**68**

See: WARTNA, B.S.J., NIJSSEN, L.T.J., National Studies on Recidivism, An inventory of large scale recidivism research in 33 countries, WODC studies on recidivism, Fact sheet 2006-11, February 2006. The countries for which recidivism rates at that time was lacking were: Albania, Armenia, Belgium, Cyprus, Czech Republic, Georgia, Greece, Italy, Latvia, Lithuania, Luxembourg, Macedonia, Poland, Portugal, Slovak Republic, Slovenia, Spain, Turkey, Ukraine.

### 3. Conclusion: supporting strategies to prevent and fight crime

#### Drivers of success

When formulating crime policies it is crucial to consider the **interconnections between various socio-economic trends and crime rates**. Policy making targeting ‘at risk’ populations including migrants, youth, unemployed and addicted persons, involving them in identifying solutions appear to be more successful than ‘top down’ policies which do not involve them in the policy making process.

**Legislative measures** should aim at reducing crime risks, be relatively simple and transparent. Sound whistle-blower protection mechanisms can provide reassurance and protection where needed.

**Cross-national cooperation** between various law enforcement authorities and an efficient exchange of information are vital, especially for tackling cross-border crime. The greater the estimated potential harm caused by potential crime, the greater the case for a certain restriction of civil liberties. In turn, any such restriction does demand a very high level of (empirically proven) effectiveness to prevent this crime. After all, the **protection of fundamental freedoms and rights** must remain the starting point of any crime fighting endeavour. This also implies that the use of specific technologies and collaboration must be proportionate to the scale of actual dangers. The protection of anonymity of persons needs to be given due consideration in this context. Moreover, in a time when new data sharing and analysis techniques applied by law enforcement and other public authorities may lead to a lack of accountability, ensuring a sufficiently strong judicial review seems key.

Trends of crime rates alone do not provide the full picture. **Perception of safety** also matters, together with **citizens’ confidence in the justice system**. Both aspects may inform the prioritisation of crime fighting alternatives but the root causes should not be overlooked. It would be innovative to shift policy focus from ‘why people break the law?’ to ‘why people obey to the law?’, so as to build a system of governance based on mutual trust and confidence. Crime patterns are weaved into a context, a **culture** and so is **crime policy**. Crimes like corruption and organised crime are closely linked with the effectiveness and legitimacy of the governmental institutions themselves. Ensuring good governance at all levels is therefore a pre-condition of an effective crime policy in these domains.

To tackle root causes of crime directly the EU and its Member States would do well to:

- Raise awareness on the negative effects of drug- and alcohol consumption.
- Stimulate the integration of minority groups (immigrants, youth, unemployed) and fight racism.
- Learn from experiences of countries where particular offence rates are least severe.
- Stimulate further research in recidivism and implement alternative measures that have proven effective to decrease recidivism.
- Set incentives for strengthening ‘natural’ social controls within their specific settings – particularly schools and neighbourhoods, and develop organisational techniques and institutional designs to achieve these ends.
- Strengthen and restore trust in others and in institutions in communities.



## Laying the foundations to improve the evaluation of policy effectiveness

**Crime statistics** must be the starting point of evidence based policy making. High frequency statistics (e.g. weekly or monthly) can allow for fast interventions where needed whereas long term statistics can allow for a more profound assessment of interrelated patterns. Access to existing data should be improved for researchers and citizens alike and shared on information platforms suitable for substantive and comparative analysis. Priority should be given to the development of high-level research into victimisation and insecurity surveys.

Comparative crime research at EU level has not achieved maturity yet. **Data integration** should be substantially improved to improve the evaluation of measures to meet EU and national goals of protecting freedom, justice and security. This requires a certain stability of categories and protocols used. More information does not necessarily imply a purely quantitative or restricted approach however. A holistic approach is needed. Complementary **indicators** can reveal criminal network types, shifting crime motives and modalities that are vital to effective police work.

For the assessment of measures, sufficient attention should be paid to ensure that:

- assessment is entrusted to a competent body that is independent of the institutions in charge of the programmes to be assessed;
- there is a plan for assessment before launching a programme;
- data and know-how, coherent with the nature of the assessment, are allocated.

Effectiveness alone is not the only criteria that should be taken into account. There is also a need for an investment framework. Sufficient attention to the **cost effectiveness** of measures can assist policy makers in choosing the best approach between various alternatives in a context of resource constraints.

In an international context, the exchange and refinement of **best practices** can substantially improve the effectiveness of certain measures and **pilot projects** can allow for an initial assessment of the feasibility and effectiveness of certain measures. To allow for a more profound comparison of practices and indicator measurements, national initiatives should be aligned as much as possible with **international standards and protocols**. EU institutions should see to it that the gradual development of such international standards is well coordinated and promoted.

Creating effective criminal justice systems is a work in progress. The strategic research roadmap for the coming years already gives an indication of the next EU research objectives in this domain and policy priorities at EU level are tentatively outlined in the respective policy programmes. European law enforcement practitioners, scholars, policy makers and citizens alike can now take the next steps to further strengthen freedom, justice and security in the years to come.



## 4. Annex: list of project titles and websites

### 6th Framework Programme

**ASSESSING OC** – Assessing Organised Crime: Testing the Feasibility of Common European Approach in a Case Study of the Cigarette Black Market in the EU

**CHALLENGE** – The changing landscape of European Liberty and Security  
<http://www.libertysecurity.org>

**CHAMP** – Collaborative Harmonisation of Methods for Profiling of Amphetamine Type Stimulants

**CRCC** – Crime Repression Costs in Context

**CRIME AND CULTURE** – Crime as a Cultural Problem. The Relevance of Perceptions of Corruption to Crime Prevention. A Comparative Cultural Study in the EU-Candidate States and the EU-States Germany and Greece

**CRIMPREV** – Assessing Deviance, Crime and Prevention in Europe  
<http://www.crimprev.eu>

**EU-ICS** – Conducting an ICS-based European Survey of Crime and Safety in the Members States of the European Union  
<http://www.gallup-europe.be>

**HUMSEC** – Human Security in the Western Balkan region: The Impact of Transnational Terrorist and Criminal Organisations on the Peace Building Process of the Region  
<http://www.humsec.eu/>

**IKOC** – Improving Knowledge on Organised Crime to Develop a Common European Approach  
<http://ikoc.unicatt.it>

**MARC** – Developing Mechanisms for Assessing the Risk of Crime Due to Legislation and Products in Order to Proof them against Crime at an EU Level  
<http://marc.unicatt.it>

**MMECC** – Mainstreaming Methodology for Estimating the Costs of Crime  
<http://www.york.ac.uk>

### 7th Framework Programme

**ALACs** – Promotion of Participation and Citizenship in Europe through the 'Advocacy and Legal Advice Centres (ALAC's)' of Transparency International  
<http://www.soziologie.uni-konstanz.de/alacs/>

**EURO-JUSTIS** – Scientific Indicators of Confidence in Justice: Tools for Policy Assessment  
<http://www.eurojustis.eu>





European Commission

**EUR 24858 — Crime and deviance in the EU – Key findings from EU funded social sciences and humanities research projects**

Luxembourg: Publications Office of the European Union

2011 — 32 pp. — 17.6 x 25 cm

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doi 10.2777/63953



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- via one of the sales agents of the Publications Office of the European Union ([http://publications.europa.eu/others/agents/index\\_en.htm](http://publications.europa.eu/others/agents/index_en.htm)).

In a changing European political landscape, where borders have progressively been erased and people's mobility has become a reality, crime is a fully-fledged European phenomenon, which needs to be analysed from a European and interdisciplinary perspective, within the umbrella of Socio-economic and Humanities disciplines.

Crime statistics must be the starting point of evidence based policy making. Access to existing data should be improved for researchers and citizens alike and shared on information platforms suitable for substantive and comparative analysis. Comparative crime research at EU level has not achieved maturity yet. Data integration should be substantially updated to improve the evaluation of measures to meet EU and national goals of protecting freedom, justice and security. New indicators need to be developed and crime policies need to be assessed against criteria of public confidence in justice, instead of mainly crime control.

The European Commission has funded several research projects in the field of Crime and Deviance, through the Socio-Economic Sciences and Humanities Programme, within the 6th and 7th Framework programme for Research and Technological Development.

This policy review summarises main findings of those projects, with the aim of providing a useful tool for policy makers, practitioners as well as researchers in the field of crime and deviance.

