

Dear reader,

This is an author-produced version of an article published in *Organised Crime in Europe. Concepts, Patterns and Control Policies in the European Union and Beyond*. It is consistent with the manuscript submitted by the author for publication but does not include the final publisher's layout or pagination.

Original publication:

Kinzig, J./ Luczak, A.

“Organised Crime in Germany: A Passe-Partout Definition Encompassing Different Phenomena”

Dordrecht, Fijnaut, C./ Paoli, L., 2004, *Studies of Organized Crime* (Vol. 4), p. 333-356.

URL: https://doi.org/10.1007/978-1-4020-2765-9_12

Published with permission of the copyright holder(s).

Thank you for supporting Green Open Access.

Your KrimDok team

Organised Crime in Germany: A *passé-partout* definition encompassing different phenomena

Jörg Kinzig and Anna Luczak, Max Planck Institute for Foreign and International Criminal Law, Freiburg

In Germany organised crime did not become a topic of great interest until the 1980s. First arising in police discussions, the threat posed by organised crime rapidly became during the following decade an increasingly important issue in the political and public debate. At the same time, significant changes were made to the criminal justice system, which have affected both the legislative frame and the praxis of crime prosecution.

Due to the broad official definition of organised crime and the fact that empirical research on the topic has been either conducted by the police or relies heavily on police data, the actual impact of organised crime in Germany cannot be established with certainty. In particular, the data presented by the Federal Office of Criminal Investigation (*Bundeskriminalamt*, known as BKA from its acronym) in its annual “Organised Crime Situation Report” (*Lagebild Organisierte Kriminalität*) strongly influence the understanding of organised crime in Germany. As we will see, however, BKA data have several shortcomings and therefore need to be treated cautiously.

Despite their shortcomings, the BKA Organised Crime Situation Reports do provide an overview of the offences classified as organised crime in Germany. Traditionally, drug trafficking and smuggling represent the most frequent organised crime activity in Germany, followed by economic and nightlife crime, property crime, the facilitation of illegal immigration, violent crime, forgery, arms trafficking and smuggling and, finally, environmental crime. The recorded cases do not reveal the existence of special strategies of organised crime members to infiltrate or unduly influence police and political authorities in Germany.

As the police themselves have started to admit, organised crime repression has so far largely focused on the most visible and less controversial illegal activities (such as drug-related crime) and offenders. From the available data, it is indeed hard to avoid the impression that much of what is termed organised crime in Germany can be more properly referred to as *Bandenkriminalität*, i.e. gang crime. Whether this form of crime justifies the numerous measures that have radically changed the criminal justice and the police system in Germany is an open question that should be answered by a serious evaluation program.

The first section of the paper summarises the public, academic and professional debate on organised crime in Germany, outlining the emergence of the concept in the 1980s and briefly sketching the changes introduced since then both in substantive and procedural criminal law to fight organised crime. The second section provides a general overview of the organised crime situation in Germany. The third focuses on illegal markets, assessing the role played by organised crime groups in such markets, while the following section analyses the alleged organised crime infiltration in the legitimate economy. The strategies used by organised crime actors to avoid prosecution are reviewed in the fifth section. Some concluding remarks with a forecast of future trends follow.

1. The Public, Academic and Professional debate

1.1. The Emergence of the Concept

After World War II, organised crime was for several decades rarely discussed in Germany in either the police or scholarly literature. The periodical *Kriminalistik*, which has been the leading forum for the discussion among criminal justice officers, did not consider organised crime a matter of interest for years and only reported on the situation in the USA, if the subject was mentioned at all.¹ As a rule, the expression “criminal groups” was used with exclusive reference to juvenile delinquency (see Middendorff (1958: 213) and Hentig, 1959). Most reports concerning the Mafia, Camorra or Cosa Nostra explicitly pointed out that there was no connection between these groups and Germany (Hoeverler 1965). In a report published at the end of the 1960s, for example, Mätzler (1968) supports the above presented view, stating that the organised crime situation in Germany is not in the least comparable to the one in the USA, even though he mentions a particular gang of organised pimps. According to Mätzler, two factors may favour an eventual expansion of organised crime in Germany: the liberalisation of border controls and the lack of international competences in search operations. An Interpol report, published in *Kriminalistik* in 1972, still exclusively dealt with organised crime in the USA (Interpol 1972). Likewise, in the early 1970s, the criminologist Hans Göppinger (1971: 383) noted that in Europe only the Sicilian mafia and other Southern Italian mafia groups constituted large syndicates comparable to those in the USA.

In the mid 1970s, organised crime became the focus of the German police literature. Several conferences held by police organisations in 1974 were the main starting point for this discussion. The official title of a conference organised by the BKA, for example, was “Organised Crime Patterns and the Fight against Organised Crime”. The press was interestingly enough only permitted to attend at the opening of the conference (Wehner 1974: 533). Another seminar of the *Polizeiführungsakademie* (Police Academy), the main training centre for high-ranking police officers in Germany, was entitled “Organised Crime and Ways to Combat It” (see Heinhold 1974; *Polizeiführungsakademie* 1975). Likewise, the main focus of a third conference held by the German police officers’ union (*Bund Deutscher Kriminalbeamter*) was the development of strategies for improving the fight against organised crime (Gemmer 1974: 530).

In the second half of the 1970s the topic “organised crime” disappeared from the agenda of politicians and police, perhaps because of the rising attention given to terrorist activities, in particular the spectacular murders staged by the German terrorist group, Rote-Armee-Fraktion.²

It was not until the beginning of the 1980s that the threat posed by organised crime was singled out again. Since then a whole spectrum of literature – from police texts to scholarly publications as well as media articles and reports – discovered the topic “organised crime” as one of great interest (see infra 1.c). At the same time new provisions significantly extending the range of police competences, especially in the field of covert and pro-active policing, were introduced.

After a failed attempt by the state and federal police agencies to define organised crime in the early 1970s (Lampe 2001: 109) in 1986 the Ministers of Home Affairs and Justice of the German federal states agreed on a common definition of organised crime.³ This goes as follows:

“Organized crime constitutes the planned commission of criminal offences driven by the quest for acquiring profits or powers. Such criminal offences have to be, individually or in their entirety, of major significance and involve the co-operation of more than two

participants acting with a common intent for a longer or indefinite period of time on a distributed-task basis

a.) by utilisation of commercial or business-like structures

b.) by application of violence or other methods suitable for achieving intimidation or

c.) by exerting influence on politics, the media, public administrations, the justice systems, or commerce and industry.”

There are three remarkable points regarding this definition:

First, there is no precise limitation of associations concerned – every group of at least three individuals committing crimes over a period of time can be regarded as an organised crime group. Second, the three final characteristics (business, violence and influence) do not have to be contemporaneously present to satisfy the conditions of the definition – it is enough if one of them is proved. Third, the acquisition of profits or power must be the main goal of the criminal activity, which is remarkable because acquiring of profits or power are the only imaginable goals of crimes in general apart from emotional motifs like jealousy.

Obviously, this definition is very broad. It could include, for example, a gang of three individuals organising the theft of motor vehicles and their smuggling abroad. However, every legal trade firm would meet all the criteria of the above definition, except for the “planned commission of criminal offences”.

For a long period of time, this extensive definition has been the central focus of the professional and scholarly debate on organised crime in Germany. The centrality of this issue may result from the fact that this definition forms the basis of all official statistics and these are, in their turn, the main instrument to estimate the extent and impact of organised crime in Germany, also in the field of scholarly research. Yet the definition is not part of substantive law, but merely a practical guideline.

As we will see with more detail in the following section, the current German debate can be described as varying dialectically in its understanding of organised crime on which theoretical and practical points of view are based (Paoli 2001: 163). On the one hand, the starting point of many reflections is that organised crime groups have a stable and hierarchical structure. On the other hand, organised crime is understood as enterprise crime. No matter how they are organised, offenders involved in illicit markets for gain of profit are seen to be the backbone of organised crime. The German debate has not yet recorded the emergence of a concept of organised crime, which can be uncontentiously agreed upon by all.

1.2. The Political Relevance of Organised Crime

Since the early 1990s both criminal law and criminal procedural law have been substantially modified in Germany, allegedly to improve the fight against organised crime.

Initially, some special acts were introduced or amended: the Act to Fight Drug Trafficking and Other Forms of Organised Crime (usually termed as Organised Crime Control Act, in German known under the acronym of *OrgKG*), for example, was introduced in 1992. Two years later, a new bill to fight crime was passed by the *Bundestag* (German Parliament). In 1998, the Act to Improve the Fight Against Organised Crime was added.⁴ Through these acts,

several parts of the Penal Code (*Strafgesetzbuch*) were also amended.

In particular, new aggravating circumstances for business-like offences or those committed by gangs⁵ were introduced. However, quite remarkably, an aggravating circumstance for “committing a crime in an organised manner” was not passed. The official justification for this omission is possibly even more interesting than the fact itself: namely, according to the German legislator, the definition of “organised crime” is not so established that it can become an aggravating factor in the Penal Code.⁶

In addition to these changes, the offence of money laundering was inserted into the Penal Code and other technical measures were introduced to hinder criminals from making a profit on crime.

The changes concerning the Code of Criminal Procedure (*Strafprozessordnung*) are even more far-reaching. They include a wide range of new or extended investigatory powers, for example, interception of communications, undercover investigations and other covert surveillance methods.

The comparison of the traditional and the new policing methods recalls the earlier differences between policing methods and those of the secret services. In organised crime cases, the traditional “open” methods – like witness questioning, collection of evidence and forensic examinations – are increasingly supplemented by covert methods shedding light on a whole milieu rather than simply supporting the investigation of a particular crime.

The general changes in the penal system can be described as being of great significance. In particular, as a result of the organised crime debate, the system of crime prosecution has been entirely reorganised and police methods of investigation have become more covert and pro-active. The connection to organised crime is twofold. On the one hand, organised crime cases are hard to solve because, in contrast to traditional forms of crime, there are almost no victims with an interest in reporting offences. A consumer of drugs does not want to see his drug distributor in jail, on the contrary a person who has been robbed will certainly want the robber to be arrested. On the other hand, the term “organised crime” refers to a broad range of different phenomena which all share the fact that they are seen by the public as a great threat to society. On the basis of this angst, the “fight against organised crime” is a very useful justification to introduce and adopt new policing methods and furthermore serves as a reliable footing for the presentation of political decisions as well as police successes.

In general, one can say that the “fight against organised crime” has prompted a radical shift in policing: namely, from an offence-oriented and reactive approach to an offender-oriented and pro-active one. According to this new approach, pro-active investigations are neither limited to solving crimes nor restricted to the mere “prevention” of crime. Traditionally, German policing had two separate aims: on the one hand, the prosecution of crimes through methods that could possibly infringe suspects’ rights and, on the other hand, general crime prevention. This second goal consists in averting dangers by adopting more general and less infringing measures applying to wider sections of the population. In contrast to this traditional division, the new proactive approach integrates both variants of traditional policing.

1.3. Existing Research

To present an overview of the existing research on organised crime in Germany, the following

studies should be mentioned.⁷

As early as 1973, expert interviews were held by Hans-Jürgen Kerner (1973: 22) with 82 law enforcement officers, judges and scholars about professional and organised crime. According to his findings, “professional organised crime” and, more generally, the crime industry in Europe could still be grasped and understood in terms of traditional crime. In his opinion, to speak of a special new manifestation of crime could only be justified when offenders start influencing ordinary social life and infiltrating politics and administration, industry and trade, employers’ associations and trade unions directly (Kerner 1973: 294).

In the mid-1980s, several researchers, mostly coming from police ranks, attempted to gather more information on organised crime through extensive expert interviewing. On the instructions of the Federal Office of Criminal Investigation (BKA), from November 1985 to June 1986 sixty-six police specialists on organised crime were questioned by Erich Rebscher and Werner Vahlenkamp. This survey led to the conclusion that organised crime almost exclusively consist in criminal networks in Germany. Besides these, there are very occasionally “independent groups with a more or less rigid internal structure operating in Germany from abroad” (Rebscher and Vahlenkamp 1988: 25, 31, 181). This restriction did not hinder the authors to refer to a “cohesion inside the organisation” of these groups which was based on common interest and benefit (ibid., 1988: 92, 183). In police practice, offenders are scarcely classified as being an individual offender, gang member, criminal associate or part of an organisation. Yet it is generally known both amongst the police as well as the offenders, who acts as wire puller and who is an accomplice (Rebscher and Vahlenkamp 1988: 186).

In 1990 Uwe Dörmann and other researchers (Dörmann, Koch, Risch and Vahlenkamp 1990) interviewed twenty-six experts from the fields of science, media, judiciary and police according to the so called Delphi-method with regard to the expected development of the organised crime situation before the turn of the century. In respect to this question, the experts assumed that “without effective counter measures the extent and impact of organised crime would increase continually” (ibid. 1990: 21, 128). In particular, groups of foreign organised crime offenders were expected to assume a greater relevance in Germany (ibid. 1990: 38, 129). Though the organised crime threat was considered small by most interviewees, some of them hypothesised that by the end of the twentieth century mafia-like structure would have emerged in Germany as well (ibid. 1990: 130).

According to Eugen Weschke and Karla Heine-Heiß (1990), who interviewed fifty-six police officers in Berlin, organised crime in Germany proves to be “a network of criminal groups and individual habitual offenders that can be termed as 'network-crime' and categorized as small groups, core groups and their associates, or large groups” (ibid. 1990: 30, 210). Particularly in the sphere of white-collar, economic and environmental crime the so-called leadership of these groups consists of very clever and sophisticated persons (ibid. 1990: 110, 211).

In 1993 Ulrich Sieber and Marion Bögel (1993) drafted a concept which intends to represent the logistics of organised crime and reviewed it by interviewing forty-nine law enforcement officers targeting different organised crime activities, such as car theft, exploitation of prostitution, trafficking in human beings and illegal gambling (see also Bögel 1994). According to this review, the named fields of delinquency in Germany were dominated by complex criminal groups operating in business-like fashion by using highly sophisticated logistics, subsequently resulting in their attainment of positions of wealth and power. Besides strictly hierarchical structured organisations, there are also loose-knit networks of criminals

(Sieber and Bögel 1993: 287). In a later study on EC frauds, Sieber (1997: 64) stressed that this activity as well as other organised white-collar offences (particularly money-laundering) differ from traditional forms of organised crime in that there are strong links between criminals and legal companies. As much as he did in his first research, Sieber noted to the conclusion that law enforcement agencies and the judiciary operate correctly in the fight against organised crime (1997: 77).

After reviewing fifteen organised crime cases in the South-Western state of Baden-Württemberg, Johann Podolsky came to the conclusion that there are no organised crime syndicates in Germany. However he observed the beginnings of more or less developed organisations in almost every field of criminality. Qualitative new features concerning the phenomenon “organised crime” were the dimensions, the growing international interconnectivity, the high degree of organisation and the increasingly professional behaviour of criminal groups (Podolsky 1995: 90).

According to Gerhard Wittkämper, Peter Krevert and Andreas Kohl (1996: 168), who interviewed 152 law enforcement officers, German organised criminals are mostly organised in networks. This characteristic differentiates them from alien criminal groups, which are predominantly mafia-like. Organised crime was additionally forecasted to account by the year 2000 for 13-14 per cent of all crimes and cause financial damage in the sum of ca. 25 to 30 billions German marks (€ 13-15 billion) (ibid. 1996: 416).

More recently Norbert Pütter, after interviewing seventy-one police officers and prosecutors, adopted a different perspective and came to conclusions that significantly diverge from the above presented prevailing opinion. According to Pütter, in fact, much knowledge about organised crime is merely feigned and both the public debate and the various legal provisions concerning organised crime are plagued by terminological indistinctness and ambiguity. In his opinion, this primarily constitutes a police construction (1998: 300).

In summary, the prevailing opinion concerning the structure of organised crime groups operating in Germany has virtually remained the same since Kerner’s fundamental study of 1973. Back then, Kerner maintained that there is no fully developed system of organised crime in Western Europe. Fifteen years later, Rebscher and Vahlenkamp state that there hardly are lasting associations of offenders, Weschke and Heine-Heiß proclaim the non-existence of large, hierarchically structured and united organisations and Podolsky stresses the differences between German groups and American and Italian syndicates. As seen from the above review, most scholars use terms like “networks” or “interconnection” of criminals to describe German organised crime.

Interestingly enough no study gives a substantiated answer to the question whether organised crime has a special potential of threatening society or not. In Kerner’s opinion, organised crime can be described sufficiently in already existing categories of crime and would only involve a new quality if it gained direct influence on the civil society, politics and the legal economy. Other scholars also mention that these spheres are not yet endangered by organised crime but warn that the economic, political and social systems would soon be threatened if no suitable measures are implemented. Dörmann, Koch and Risch, in particular, fear that by 2000, mafia-like structures would emerge in Germany, at least in particular fields of crime. Sieber and Bögel assume that a so-called “second stage” of organised crime would soon develop, consisting of groups capable of unduly influencing public administration, police, politics and judiciary.

The above-mentioned studies all share the same weak point: namely, they are all essentially

based on police-oriented research and thus reflect the specialised knowledge developed by the law enforcement units targeting organised crime. The dominance of police-oriented research results from two factors: first, the complexity and expensiveness of empirical studies about organised crime and thus the frequent reliance on police funds; and secondarily, the lack of accessible alternatives to police data. Relying in expert interviews, most of the inquiries merely reflect the knowledge and opinion of police officers and prosecutors investigating organised crime cases. There hardly is a systematic assessment of the nature and impact of these cases, nor are the judicial aspects concerning these cases usually considered. Quite on the contrary, police-related publications usually attempt to answer the questions that are most relevant for the police, such as the extent and nature of connections between organised crime offenders, and to gain insight into the underlying structures which are characterised by a division of duties.

In this regard Pütter's study is the only exception. He does not deal with the topic whether organised crime exists and how one would best describe it but rather examines the police strategies. In his examination, Pütter criticises the far-reaching changes introduced in the penal system in reaction to the alleged special threat posed by organised crime in Germany.

In the same perspective, the extensive empirical research "The Judiciary and the Phenomenon of Organised Crime: Processing Organised Crime Cases through the System", which was completed by Jörg Kinzig in 2003 and will be published in 2004, focuses on the question how the police and the judicial authorities handle proceedings they assume to be organised crime related. This focus is justified because the impact of the penal reforms passed to allegedly better combat organised crime on the judicial practice is unclear. Kinzig's study aims to investigate how the agencies responsible for criminal prosecution take up and deal with the phenomenon of organised crime. Furthermore, it assesses the implementation of the ad hoc substantive and procedural provisions introduced in the 1990s, such as those contained in the Organised Crime Control Act of 1992.

Applying several empirical methods, the study examines amongst other issues fifty-two out of 153 cases which were classified as organised crime cases in Baden-Württemberg during the second half of the 1990s. Twenty-six of them involve very complex forms of criminality (as shown by different indicators such as the number of suspects, the number of offences, the methods of investigation, the international character of the operation and the illegal profits involved), whereas twenty-six cases are characterised by a lower degree of complexity. The examination of criminal cases was supplemented by interviews with offenders who were classified as being organised criminals by the police.

The study comes to various conclusions concerning the actual appearance of crimes which are classified as "organised crimes" by the police as well as concerning the criminal proceedings resulting from these crimes. One of its most relevant findings concerns police action: namely, the research proves that in organised crime cases the role and conduct of the police diverges significantly from its role and conduct in traditional criminal prosecution. The main difference concerns the balance of power between police and prosecution service – in organised crime cases this is considerably shifted towards the police. Moreover, the starting point of the investigations was systematically anticipated in organised crime cases: this practice is called "pro-activation" of policing. The peculiar methods used in "pro-active" organised crime investigations are covert and deceptive, though traditionally in normal criminal cases open methods such as interrogation and search are used.

The results concerning the reality of organised crime activities and associations are remarkable as well. The study does not support the statements routinely repeated since the

early 1990s by police officers, prosecutors and politicians alike that organised crime poses an extraordinary threat to German society. Only in a few cases the existence of a veritable criminal organisation could be deduced from the number of members involved, the length of criminal activities, the profits derived from these and the persistence of the group independently from its members. In no case there were more than 20 suspects accused. In more than 40 % of the cases, charges were brought against only two defendants. When (very rarely) several offenders cooperated over a period of time so that their connection could be called stable, they were linked by other factors than profit orientation. Those factors are predominantly membership in an ethnic or linguistic minority, but also friendship and family ties. The majority of the criminal groups analysed are based solely on the individual's striving for his (or, more rarely her) economic profit and therefore cannot be described as stable organisations with common goals and aims.

In contrast to other forms of crime, the distinguishing features of the "organised crime" cases analysed are the commission of "crimes without victims" (at any rate: crimes without persons willing to report them), the big proportion of foreigners and the suspects' international connections. If at all, the "organised crimes groups" presented in the sample are based on a certain division of labour, durability, planning, professionalism and conspiracy. Generally one can say that these characteristics are related to the surrounding illegal trade/market.

Altogether the overall picture of organised crime in Germany includes a broad variety of phenomena, a patchwork of more or less loosely structured associations and serious criminals. This picture results from the gradual expansion of the official definition of organised crime in Germany since the 1970s.

The analysis of the court rulings and sentences shows that neither the official definition nor the term "organised crime" are of particular importance for the judicial decision-making itself. If at all, in most rulings, organised crimes are categorised as "gang crimes" (*Bande*) or "crimes for gain" (*gewerbsmäßig*), which are aggravating circumstances in the German Penal Code. In practice, however, "organised crime" cases can be differentiated from other cases in the way they are handled in the penal system. Despite their complexity, most of the organised crime cases are closed without lengthy hearings with an (informal) agreement of the court, the prosecution service and the defendant (*Verfahrensabsprachen*). The very complexity of the cases may indeed favour this "short-cut", as courts would be overtaxed if they had to deal with every accusation down to the last detail.

1.4. Accessible Data

Before 1992 all existing data about organised crime had to be drawn from general crime statistics. To draw relevant information from this overall picture of crime, one had to decide which offences could be regarded as being organised crime related. Though drug offences, pimping or car theft are usually considered organised crime activities, the statistics offered no possibility to select the most serious, possibly organised cases from the overall total, for example, to differentiate organised trafficking in stolen vehicles from a single vehicle theft for a joy ride (von Lampe 2002: 7). As a result of these deficiencies, it was hardly possible to draw any information about organised crime threat and trends from the yearly decrease or increase in the number of the above mentioned offences

To enable a more substantiated assessment of the organised crime situation, in 1992 the BKA began to draw up annual Organised Crime Situation Reports, in which organised crime related cases are summarised.⁸ The common definition of 1986 serves as a working basis for these reports. As mentioned, above, this definition is very broad: the possibility that the reported

incidents may be not particularly threatening should not be ignored.

Because of a lack of alternative data the BKA Organised Crime Situation Reports strongly determine the understanding of organised crime in Germany. Politicians, law enforcement officers, media and even academic scholars often uncritically repeat and propagate the view of organised crime in Germany that is outlined in the BKA reports.

As much as the official crime statistics, the Organised Crime Situation Reports have several shortcomings. For instance Klaus von Lampe (2002: 16) criticises that the number of related offences per case investigated varies widely, so that it makes a great difference whether one considers the number of offences or the number of cases. Kinzig’s research (2004) also shows that the BKA data have to be treated very cautiously at least for the three following reasons. First, the data published in each annual report refer to the “organised crime” investigations closed or ongoing at the end of each year. The data are not corrected later on, even if some of the cases listed turned out not to be organised crime-related during the course of the subsequent investigations. Second, state police agencies decide whether a criminal proceeding is an organised crime case or not. As the official definition on which these decisions are made is very broad, regional differences in the selection processes cannot be ruled out. Third, the counting of offenders and offences is very problematic. Neither the official definition of organised crime nor police practice definitively establish if, for example, all the customers of 100 kg cocaine imported from Colombia have to be counted as co-offenders in the description of the case presented in the BKA annual report or not. Nor it is clear whether or not, in the same hypothetical case, each single purchase has to be considered an organised crime offence.

The BKA itself has recently admitted that the mere presentation of statistical data in its organised crime report may hinder a concrete assessment of the actual extent and impact of organised crime in Germany. Following this admission, in 2002 the BKA published for the first time a so-called structural analysis of organised crime in which the mere quantitative data are complemented by qualitative information. However, this new approach also lacks a systematic analysis.

2. Organised Crime in Germany: An Overview

Taking into account these restrictions, the organised crime situation in Germany that emerges from the BKA annual reports is as follows. Table 1 lists the number of criminal cases (or better police investigations) that have been considered organised crime-related from 1993 to 2002. Yearly 420-570 organised crime investigations are conducted nationwide; in particular, the number of cases has remained amazingly stable over the last five years.

This figure contains both “new” proceedings and proceedings “inherited” from the previous year that are anew listed if additional information has been collected.

Out of the three optional characteristics listed in the organised crime definition, the first one – namely, the use of commercial or business-like structures – is most frequently observed. In fact, approximately 80% of all cases record the use of commercial or business-like structures, ca. fifty percent involves the use of violence or other means of intimidation. Only 20% of the overall number of organised crime cases involves undue influence on politics, the media, public administration, the judiciary or the business sector.⁹

Table 1: Number and Characteristics of the Organised Crime Cases Listed in the BKA Annual Reports

| | | | | | | | | | | |
|--|------|------|------|-------|------|------|------|------|------|------|
| | 1993 | 1994 | 1995 | 1996* | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|--|------|------|------|-------|------|------|------|------|------|------|

| | | | | | | | | | | |
|--|--------------|--------------|--------------|------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Number of organised crime cases | 534 | 569 | 520 | no data | 518 | 517 | 480 | 553 | 476 | 424 |
| a) use of commercial or business-like structures | 426 79,8% | 429 75,4% | 415 79,8% | no data 79,0% | 409 79,0% | 412 79,7% | 369 82,5% | 481 87,0% | 403 84,7% | 367 87,2% |
| b) use of violence or other means of intimidation | 282 52,8% | 327 57,5% | 249 47,9% | no data 46,9% | 254 49,0% | 293 56,7% | 235 49,0% | 247 44,7% | 225 47,3% | 210 49,9% |
| c) influence on politics, media, public administration, judiciary and legitimate economy | 91 17,0% | 102 17,9% | 84 16,2% | no data 15,3% | 96 18,5% | 110 21,3% | 88 18,3% | 95 17,2% | 87 21,6% | 81 19,2% |

*In 1996 the BKA published no absolute figures but merely percent values.

Source: BKA 1993-2003.

As shown by Table 2, the cases encompass about 40.000 individual offences yearly. The number of suspects varies from 6,800 to 9,900. Warrants of arrest are issued for a quarter of these offenders. Approximately 60% of all offenders are aliens.

Table 2: Key Parameters of Organised Crime Cases

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|-------------------------------|--------|------------------|---------|------------------|----------------|----------------|----------------|----------------|----------------|--------------------|
| number of offences | 42.246 | 97.877 | 52.181 | 47.916 | 42.936 | 31.629 | 35.765 | 42.693 | no data | no data |
| offences per case | 75 | 160 | 91 | 77 | 71 | 53 | 63 | 67 | 88 | no data |
| number of suspects | 9.884 | 9.256 | 7.922 | 8.384 | 8.098 | 8.444 | 7.777 | 9.421 | 7.844 | 6.864 |
| number of arrest warrants | | no data 24,3% | no data | no data 28,5% | 2.190 27,0% | 2.267 26,8% | 1.995 25,7% | 2.471 26,2% | 2.131 27,2% | no data no data |
| proportion of alien offenders | 54,5% | 58,7% | 63,6% | 62,2% | 60,1% | 62,7% | 58,4% | 56,2% | 52,1% | 65,6% |

Source: BKA, 1993-2003.

The offences most frequently committed by people suspected of belonging to organised crime are presented in Table 3. The most important offence is drug trafficking and/or smuggling, which is the main activity in nearly half of the cases.

Table 3: Organised Crime Activities

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|-------------------------------------|------|------|------|------|------|------|------|------|------|------|
| Number of cases | 569* | 619 | 598 | 634 | 601 | 603 | 565 | 638 | 544 | 690 |
| Drug trafficking/ Smuggling | | 202 | 200 | 224 | 212 | 242 | 272 | 285 | 277 | 254 |
| Economic crimes | | 130 | 115 | 114 | 105 | 87 | 98 | 103 | 88 | 80 |
| Property crimes | | 188 | 177 | 157 | 148 | 135 | 95 | 93 | 107 | 91 |
| Nightlife crimes | | 100 | 90 | 99 | 101 | 90 | 89 | 86 | 89 | 65 |
| Facilitation of Illegal Immigration | | 58 | 59 | 93 | 84 | 81 | 70 | 80 | 55 | 59 |

| | | | | | | | | | | |
|--|--|-----|-----|-----|-----|---------|-----|-----|-----|-----|
| Violent Crime | | 160 | 102 | 99 | 84 | 94 | 46 | 46 | 37 | 35 |
| Forgery | | 135 | 89 | 89 | 90 | 98 | 33 | 36 | 31 | 29 |
| Arms trafficking/ smuggling | | 51 | 40 | 35 | 33 | 37 | 8 | 15 | 9 | 3 |
| Environmental crime | | 6 | 4 | 3 | 3 | no data | 3 | 3 | 3 | 2 |
| Others | | 36 | 65 | 111 | 110 | 98 | 102 | 107 | 91 | 72 |
| Total number of organised crime activities | | | | | 970 | 962 | 816 | 892 | 787 | 690 |

* No breakdown of offences is available for 1993.

Source: BKA, 1993-2003.

In comparison with criminal offences in total, the proportion of organised crime offences is very small, as demonstrated by Figure 1. The about 43.000 offences recorded in organised crime cases in 2000 represent, for example, 0,7% of above 6 million offences reported in that year. Likewise the 9.400 suspects involved in organised crime investigations constitute just 0,4% of the over 2.300.000 suspects targeted in 2000.

Figure 1: Criminal offences and suspects in total and organised crime offences and suspects - 2000



Source: BKA, 1993-2003.

3. The Delivery of Illegal Goods and Services

As shown by the above Table 3, the illegal activities most frequently associated with organised crime are illegal drug trafficking and smuggling, nightlife crimes, the facilitation of illegal immigration and illegal arms trafficking and smuggling. The deficiencies of the BKA data have already been mentioned in the previous pages; given them, the data concerning particular fields of organised crime have to be treated with special care. Nonetheless, police data are the primary source of information for particular fields of organised crime and – regardless of their reliability – are of crucial importance for the very understanding of organised crime in Germany. Moreover, police data give an unparalleled overview of all the different segments of the German illegal market. The only alternative sources are either very rare studies focusing on particular goods or services, that anyhow also rely heavily police data

(see Sieber and Bögel 1993) or local studies focusing on the illegal drugs market of a single town or shedding light on a special phenomenon (such as for example, the trafficking in women).

In addition to the four segments of the illegal market mentioned below the BKA reports include findings on trafficking of stolen goods and smuggling to avoid taxes and so on.

3.1. Drug trafficking

Traditionally drug trafficking and smuggling are viewed as the main fields of organised criminal activity in Germany. Table 3 shows that the number of these activities has risen steadily since 1997. Differentiating between the various types of drugs, one can see that cocaine and heroin trafficking have been dominant recently, followed by trafficking in cannabis products and synthetic drugs.

According to the police findings indigenous groups take up the prime position in cocaine trafficking and smuggling. Though Colombian and other Latin American countries are the source of all the cocaine sold in Germany, South American organised crime groups are sometimes involved in smuggling schemes but continue to play a subordinate role in German structures of distribution. The Netherlands are of great significance as a transit country for supply of cocaine in Germany.

Since the 1980s heroin trafficking in Germany is dominated by Turkish groups (most of which are of ethnically Kurdish origin). As far as foreigners are concerned, Turkish drug traffickers constitute the largest group, followed by Albanian importers and distributors and for the first time in 2002 Vietnamese. German groups are also involved in the heroin trade. Most of the heroin sold in Germany originates from Afghanistan and is smuggled into the country via Turkey.

The trade in cannabis products is largely run by domestic individuals and groups. The supply of amphetamine and amphetamine-derivates is almost exclusively carried out by Germans. The main country of origin of amphetamines and its derivates is The Netherlands. Recently there have been several cases in which Germany was a transit state for smuggling ecstasy pills from The Netherlands to North America (BKA 2001: 15; BKA 2002: 20).

3.2. Nightlife Crimes

In 2002 as well as in the previous crime a heterogeneous group of offences associated with the nightlife was ranked high in terms of the most frequent activities that are considered typical of organised crime. This includes exploiting prostitution, living on the earnings of prostitution, "simple" and aggravated trafficking in human beings and illegal gambling. Amongst these offences, trafficking of human beings and the exploitation of prostitutes are most important ones.

Police findings suggest that most criminal groups engaged in these activities have a heterogeneous composition. The cooperation between individuals of different ethnic origin is also very frequent, e. g. to recruit prospective prostitutes or, even worse to exchange and "sell" prostitutes among several groups. Today as in the last decade of the twentieth century, the majority of prostitutes come from Eastern Europe. In the last couple of years foreign offenders are increasingly forcing their way into this field of crime which is, however, still dominated by German groups. In terms of significance, German groups and gangs are – though with considerable distance – followed by Turkish and Eastern European actors.

Referring to the ethnic composition of groups there is an observable connection between the routes of immigration and the groups involved. Very often different kinds of groups cooperate on a distributed task basis in recruiting women in their home lands, bringing them to Germany, taking them to brothels and exploiting them. (BKA 2001: 16-7, 2002: 22)

3.3. Facilitation of Illegal Immigration

The bloc of crimes listed by the BKA under the label “illegal immigration” includes providing support for illegal entry and residence of foreigners in a profit-oriented, repetitive gang-type way as well as the smuggling of migrants in and out of Germany. Besides these core crimes, the police categorise as “illegal immigration” a variety of other offences, such as the illicit procurement of visa, the use of forged or falsified travel documents or no travel documents at all as well as the arrangement of fictitious marriages.

In 2001 there was a significant decrease in numbers of investigations in this field resulting in just 55 cases being investigated by the police — and the trend was confirmed in 2002 with just 59 cases. These are the lowest figure of “illegal immigration” cases since the presentation of the first organised crime situation report in 1993. One explanation for this development may be the stabilisation of the political situation in former Yugoslavia, especially in the province Kosovo. Another factor has certainly been the tightening of German asylum law in 1993. As migration offences and the number of recorded cases are closely connected to migration flows and these, in turn, are influenced by economic, social and political factors in the both the source and destination countries (the so-called “push” and “pull” factors), the tightening of the German policies may have resulted in larger flows of prospective refugees and migrants to other destination countries, such as the United Kingdom and Scandinavian countries. The importance of the push and pull factors is underlined by the fact that in the 2002 organised crime report the Iraq as a war zone and the Ukraine as a very poor country were mentioned as the most frequent countries of origin for undocumented migrants smuggled into Germany. Increasingly, Germany is a transit country for immigrants on their way to Italy, Spain or Portugal.

In the field of illegal immigration, a multitude of groups operate co-operating across borders and ethnicities. These groups usually divide the different tasks among members and partners and are characterised by a high degree of flexibility and professionalism (BKA 2001: 21-2; 2002: 23-4).

3.4. Arms trafficking

The category “arms trafficking and smuggling”, which has recently been clearly declining, contains violations of the German Firearms Act (*Waffengesetz*) and the War Weapons Control Act (*Kriegswaffenkontrollgesetz*). The 2001 investigations, for example, focused on nine groups and networks whose main activity consisted in arms trafficking and smuggling.

According to the BKA, the reason for the quantitative small significance of arms trafficking is that this offence is merely a peripheral phenomenon of organised crime. The small number and the professionalism of organised crime groups which are predominately engaged in arms trafficking suggests that in the sphere of organised crime, arms are mainly used as a means to create the impression of self-confidence or simply as a weapon while committing a crime. In most investigations, German organised crime groups and networks have been found to dominate this field (BKA 2001: 23).

3.5. Police Focus on Groups

The above description of the four illegal market activities reveals that the police are primarily interested in singling out particular groups, their ethnic origin and the trade routes from foreign countries to Germany. This orientation of the police is questionable because scholarly research has demonstrated that networks of criminal individuals are more frequently found in Germany than structured groups. Nevertheless the BKA reports give an approximate overview of the illegal goods and services traded in Germany, they tell us where these products come from and how the trade is conducted generally.

4. The (Alleged) Organised Crime's Infiltration in the Legitimate Economy

Police's data on German organised crime's infiltration in the legitimate economy emerges only from the data included in the category "crimes associated with the business world" (here so far shortened in economic crime) of the BKA's Organised Crime Situation Report. This category includes a variety of offences such as fraud, embezzlement, bankruptcy fraud and violations of criminal law in the business sector. The criminal activities recorded by the BKA concentrate primarily on the offences of fraud (especially investment fraud, social security and insurance fraud, credit fraud and fraudulent failure to provide service as agreed, fraud in connection with stock exchange speculations) as well as illegal employment. In 2002 this field of crime comes second in the ranking of organised crime activities in Germany.

As in the past economic crime is dominated by German groups and networks of perpetrators. According to the BKA analysis, organised crime groups engaged in economic crime have on the average a larger size and last longer than those involved in other organised crime activities. Additionally, they are mainly specialised in one of the activities mentioned above. The BKA report estimates losses caused by economic organised crime exceeding € 500 million in 2001, representing 44% of all the losses recorded in connection with organised crime (BKA 2001: 17; 2002: 21-2).

In September 1992, money laundering was penalised by introduction of section 261 of the German Penal Code following the enactment of the Organised Crime Control Act. In 139 of the organised crime cases analysed by the BKA in 2001 (in 2000 they were 171), there was information related to money laundering offences. In connection with forty-nine (2000: sixty-nine) of these investigations, 126 (2000: 306) suspicious transaction reports were filed by financial institutions in accordance with section 11 (1) of the Money Laundering Act (*Geldwäschegesetz*) of 1993 (BKA 2001: 13).

All in all, one can say that there are segments of the legal financial and economic market that are exploited by criminals. Overall, the number of illegal activities is low and one may assume that legitimate entrepreneurs do not voluntarily make business with fraudsters, as this would be the case if "the organised crime" had infiltrated the legitimate business world.

5. Organised Crime Strategies to Avoid Prosecution

According to the so called "general indicators for organised crime cases" (*Generelle Indikatoren zur Erkennung OK-relevanter Sachverhalte*)¹⁰ which are enclosed to the official definition of organised crime in the 1986 guidelines, there are three patterns of behaviour which can be subsumed as strategies of organised crime actors to avoid prosecution: conspiratorial behaviour between offenders, corruption and public relations (*konspiratives*

Täterverhalten, Korrumpierung, Öffentlichkeitsarbeit).

“Conspiratorial behaviour” in this regard means observation of the investigators carried out by criminals, the groups’ sealing themselves off from others, the use of aliases and codes as well as highly sophisticated methods to circumvent the use of surveillance methods by the police.

“Corruption” includes such activities as paying bribes to public officials, blackmailing them by exploiting their addiction to either sex, drugs or illegal gambling or their usury debts, providing them with expensive “presents”, such as car, apartments, holidays and luxury items.

Table 4: Organised Crime Cases including corruption offences (Art. 331-334)

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|------|------------|------------|------|------------|------------|------------|------------|------------|------------|
| All Organised Crime cases | 534 | 569 | 520 | -- | 518 | 517 | 480 | 553 | 476 | 424 |
| Involving offences of -- corruption (art. 331-334) | -- | 28 4,9% | 33 6,3% | 29 | 36 6,9% | 17 3,3% | 15 3,1% | 24 4,3% | 23 4,8% | 16 3,8% |

Source: BKA, 1993-2003.

As mentioned above, undue influence on politics, the media, public administration, the judiciary or the legitimate economy is recorded in about 20% of the organised crime cases included by the BKA in its annual reports. The meeting of this condition does not automatically imply the proof of offences according to articles 331 to 334 of the German Penal Code, although these are the classical criminal offences of corruption. As a matter of fact, criminal offences of corruption were acknowledged merely in ca. 5% of all organised crime cases, corresponding to approximately 1/3 of the organised crime cases involving the exercise of undue influence on politics, media and the other above sectors. If undue influence is at all reported, it is mainly exercised on domestic or foreign public administrations. Influence on politics, the media and the legitimate economy emerges only in a few cases: there is no proof that it has ever been exercised in a systematic way. A further proof of this point is given by the Corruption Situation Report of 2001 (*Bundeslagebild Korruption 2001*), which was also prepared by the BKA. Accordingly, only 0.4% (five cases) of the total number of corruption cases listed had links with organised crime. It is thus fair to say, that according to the official data, there is no close connection between organised crime and corruption (BKA, 2002: 22).

A closer look at ten investigations focusing on organised crime in Baden-Württemberg in which the police and the district attorney had acknowledged undue influence on public bodies shows that three groups of cases can be distinguished. The first group included the classic elements of corruption. In a second group, corruption was not the central aspect of the underlying criminal action, but merely served as a means to achieve other, higher-ranking criminal objectives, such as for example exerting influence on border officials to ease border crossing for illegal immigrants. A third group of cases is characterised by the fact that police officers were contacted by offenders to obtain confidential information and, thus, minimise their own risk of detection (Kinzig 2000 and 2001).

However, in this context we should not ignore the fact that several complex cases of corruption have recently come to light in which politicians were involved or at least were suspected to be involved.¹¹ However, the prosecution of organised crime traditionally focuses on the classical field of drug related crime.

The general indicators to identify organised crime cases list a third strategy which can be used by organised crime members to avoid prosecution: this is called in German “public relations”. Here are meant tendentious publications sponsored by offenders to divert suspicions or to unduly influence the decision-making of the public administration to their own advantage. There is hardly empirical proof of this activity in the organised crime cases listed by the BKA in its annual reports. Likewise, according to an evaluation of thirty-six organised crime cases carried out by the General Prosecuting Service in Düsseldorf, the so-called “public relations” strategy could be proved in no case. In five cases, bribery and other forms of corruption were proved. The most frequent strategy to avoid prosecution was, however, the conspiratorial behaviour (Generalstaatsanwaltschaft Düsseldorf and Landeskriminalamt Nordrhein-Westfalen 2001: 93). According to the most recent study of Kinzig (2004), the findings of the Düsseldorf General Prosecuting Service can be extended to other German states: i.e. the recorded cases do not support the existence of special strategies of organised crime actors to unduly influence police and political authorities in Germany. No analogous statement, of course, can be made on undetected cases.

6. Future Trends and Conclusions

Starting from the late 1980s, organised crime has often been used as a *passé-partout* to justify substantial changes to penal law, criminal procedure and the police system. Our impression is that the threat of organised crime is starting to lose its importance as an instrument to introduce and justify legal and institutional reforms. We predict that in the near future the fight against organised crime will lose this role and be gradually replaced by combating terrorism. Whereas this is a concrete threat, the expression “organised crime” and its related criteria have at least in Germany never univocally proven the special threat that should differentiate this form of crime from other ones.

Even the police agencies have started to present a more realistic assessment of organised crime in Germany and to admit that there was some overestimation of its threat in the past. A study of the State Office of Criminal Investigation (*Landeskriminalamt*) of Baden-Württemberg, conducted in co-operation with Kinzig, states that the police “fight against organised crime” has until now been limited to the prosecution of offenders and crimes that are relatively easy to detect and apprehend (e.g. drug-related crime). Illegal practices in the domestic and international business sector and especially in the bidding of public contracts, which would most probably meet all the criteria of the official organised crime definition, have so far not been regarded as such and thus have yet to be duly investigated (Weigand and Büchler 2002: 38).

As some police officers state, much of the recorded organised crime in Germany can be more properly classified as “gang-crime” (Falk 1997: 17; Weigand and Büchler 2002: 29) and as such constitute a form of crime which has been around and acknowledged since the 19th century.

We hope that this more realistic point of view results in an evaluation of all the provisions that were introduced in recent years to fight organised crime and have fundamentally changed the penal and police system.

References

Bannenberg, Britta (2002), *Korruption in Deutschland und ihre strafrechtliche Kontrolle. Eine kriminologisch-strafrechtliche Analyse*. Neuwied und Kriftel: Luchterhand.

BKA, Bundeskriminalamt (annual). *Lagebild Organisierte Kriminalität*. Wiesbaden: BKA.

BKA, Bundeskriminalamt (2002), *Bundeslagebild Korruption 2001*. Wiesbaden: BKA.

Bögel, Marion (1994), *Strukturen und Systemanalyse der organisierten Kriminalität in Deutschland*. Berlin: Duncker & Humblot.

Dörmann Uwe, Koch, Karl-Friedrich, Risch, Hedwig, and Vahlenkamp, Werner (1990), *Organisierte Kriminalität - wie groß ist die Gefahr? Expertenbefragung zur Entwicklung der Organisierten Kriminalität in der Bundesrepublik Deutschland vor dem Hintergrund des zusammenwachsenden Europa*. Wiesbaden: Bundeskriminalamt.

Falk, Bernhard (1997), 'Erfassung, Beschreibung und Analyse von OK', *Kriminalistik* 51/1: 15-22

Gemmer, Karlheinz (1974), 'Organisiertes Verbrechen — eine Gefahr für die innere Sicherheit?' *Kriminalistik* 28/12: 529-533.

Generalstaatsanwaltschaft Düsseldorf and Landeskriminalamt Nordrhein-Westfalen (2001) *Gemeinsames Lagebild Organisierte Kriminalität Justiz/Polizei Nordrhein-Westfalen 2001*:

Göppinger, Hans (1971), *Kriminologie*. München: Beck.

Heinhold, F. (1974), 'Die organisierte Kriminalität und Möglichkeiten ihrer Bekämpfung', *Kriminalistik* 28/6: 252-255.

Hentig, Hans von (1959), *Der Gangster. Eine kriminal-psychologische Studie*. Berlin: Springer.

Hoeveler, Hans J. (1965), 'Camorra, Mafia und Cosa Nostra. Verbrecherische Geheimbünde in Vergangenheit und Gegenwart', *Kriminalistik* 19/6: 312-317 and 19/7: 363-366.

Interpol (1972a), 'Das organisierte Verbrechen. Interpol-Nachrichten', *Kriminalistik*, 3: 118 and 4: 179.

Kerner, Hans-Jürgen (1973), *Professionelles und organisiertes Verbrechen. Versuch einer Bestandsaufnahme und Bericht über neuere Entwicklungstendenzen in der Bundesrepublik Deutschland und in den Niederlanden*. Wiesbaden: Bundeskriminalamt.

Kinzig, Jörg (2000), 'Organisierte Kriminalität und ihre Einflußnahme auf Politik, Wirtschaft und Justiz in Deutschland', in: Vincenzo Militello, Jörg Arnold and Letizia Paoli (eds.), *Organisierte Kriminalität als transnationales Phänomen. Erscheinungsformen, Prävention und Repression in Italien, Deutschland und Spanien*, 191-222. Freiburg i.Br.: edition iuscrim.

Kinzig, Jörg (2001), 'Organised Crime in Germany: Areas of Activity and Influence on Politics, the Economic Sector, and the Judicial System' (Summary), in: Vincenzo Militello and Barbara Huber (eds.), *Towards a European Criminal Law Against Organised Crime. Proposals and Summaries of the Joint European Project to Counter Organised Crime*, 61-66. Freiburg i. Br.: edition iuscrim.

Kinzig, Jörg (2004), *Die rechtliche Bewältigung von Erscheinungsformen organisierter Kriminalität*.

Kleinknecht, Theodor and Meyer-Goßner, Lutz (2001), *Strafprozeßordnung*. 45. ed. München: Beck.

Lampe, Klaus von (2001), 'Not a Process of Enlightenment: The Conceptual History of Organised Crime in Germany and the United States of America', *Forum of Crime and Society*, Vol. 1, No. 2, December 2001, 99-116.

Lampe, Klaus von (2002), 'Assessing Organised Crime: The Case of Germany', published online in *ECPR Standing Group eNewsletter Organised Crime*, No. 3.

Mätzler, Armin (1968), 'Wehret den Anfängen — aber wie? Ein Kapitel organisierten Verbrechertums in der Bundesrepublik', *Kriminalistik* 22/8: 405-407.

Middendorff, Wolf (1958), 'Jugendliche Banden', *Kriminalistik* 12/6: 213-219.

Paoli, Letizia (2001) 'Organised Crime in Italy and Germany: A Sociological and Criminological Perspective', in: Vincenzo Militello and Barbara Huber (eds.), *Towards a European Criminal Law Against Organised Crime*, 161-165. Freiburg i. Br. edition iuscrim.

Podolsky, Johann (1995), *Wahrnehmung, Ermittlung und Verfolgung neuerer Kriminalitätsformen in Deutschland. Analyse von Problemen des Einsatzes klassischer polizeilicher Ermittlungsmethoden, mit Blick auf die Notwendigkeit und Rechtmäßigkeit des Einsatzes von Verdeckten Ermittlern und V-Personen*. Stuttgart: Tübingen, Univ., Diss.

Polizeiführungsakademie (1975), 'Die erfolgreiche polizeiliche Bekämpfung von kriminellen Gruppen', *Schriftenreihe der Polizeiführungsakademie* 3/75: 3-28.

Pütter, Norbert (1998), *Der OK-Komplex. Organisierte Kriminalität und ihre Folgen für die Polizei in Deutschland*. Münster: Westfälisches Dampfboot.

Rebscher, Erich and Vahlenkamp, Werner (1988), *Organisierte Kriminalität in der Bundesrepublik Deutschland. Bestandsaufnahme, Entwicklungstendenzen und Bekämpfung aus der Sicht der Polizeipraxis*. Wiesbaden: Bundeskriminalamt.

Schneider, Hans Joachim (1973), 'Die Erben der Mafia: -Organisiertes Verbrechen in den USA-', *Monatsschrift für Kriminologie und Strafrechtsreform*, 56/7/8: 353-362.

Sieber, Ulrich and Bögel, Marion (1993), *Logistik der Organisierten Kriminalität. Wirtschaftswissenschaftlicher Forschungsansatz und Pilotstudie zur internationalen Kfz-Verschlebung, zur Ausbeutung von Prostitution, zum Menschenhandel und zum illegalen Glücksspiel*. Wiesbaden: Bundeskriminalamt.

Sieber, Ulrich (1997), 'Gefahren und Präventionsmöglichkeiten im Bereich der internationalen Organisierten Kriminalität', in: Ulrich Sieber, ed., *Internationale Organisierte Kriminalität. Herausforderungen und Lösungen für ein Europa offener Grenzen*, 268-279. Köln: Heymann.

Wehner, Bernd (1974), 'Zur Arbeitstagung über „Organisierter Verbrechen“', *Kriminalistik* 28/12: 533-536.

Weigand, Herbert and Büchler, Heinz (2002), *Ermittlungs- und Sanktionserfolge der OK-Ermittlungen in Baden-Württemberg*. Stuttgart: Landeskriminalamt Baden-Württemberg.

Weschke, Eugen and Heine-Heiß, Karla (1990), *Organisierte Kriminalität als Netzstrukturkriminalität, Teil 1*. Berlin: Fachhochschule für Verwaltung und Rechtspflege.

Wittkämper, Gerhard W., Krevert, Peter and Kohl, Andreas (1996), *Europa und die innere Sicherheit. Auswirkungen des EG-Binnenmarktes auf die Kriminalitätsentwicklung und Schlußfolgerungen für die polizeiliche Kriminalitätsbekämpfung*. Wiesbaden: Bundeskriminalamt.

¹ See, for example, the reports on the activities of American law enforcement authorities in combating organised crime in *Kriminalistik* 1951/17/18: 183; 1961/4: 182 and 1966/6: 325; see also Schneider (1973).

² In the meantime, however, there was an attempt to define organised crime by the so-called AG Kripo; for further information see Kinzig 2000: 191, 195.

³ Gemeinsame Richtlinie der Justizminister/-senatoren und der Innenminister/-senatoren der Länder über die Zusammenarbeit von Staatsanwaltschaft und Polizei bei der Verfolgung der Organisierten Kriminalität, published in Kleinknecht and Meyer-Goßner (2001), Richtlinien für das Straf- und Bußgeldverfahren (RiStBV) Anlage E, Punkt 2.1.

⁴ Gesetz zur Bekämpfung des illegalen Rauschgifthandels und anderer Erscheinungsformen organisierter Kriminalität, 15/07/1992, *Bundesgesetzblatt*, Teil I 1302; Verbrechensbekämpfungsgesetz, 28/10/1994, *Bundesgesetzblatt* Teil I 3186; Gesetz zur Verbesserung der Bekämpfung der Organisierten Kriminalität, 04/05/1998, *Bundesgesetzblatt*, Teil I 845.

⁵ In German: „gewerbsmäßig“ and „Bande“.

⁶ Begründung OrgKG, (Bundestagsdrucksache) BT-Drs. 12/989, p. 24.

⁷ This compilation is restricted to criminological research based on empirical methods.

⁸ The public version of these reports can be downloaded from the BKA's website: <http://www.bka.de>.

⁹ The total exceeds 100% because an individual investigation may meet more than one criterion.

¹⁰ Anlage E zu den RiStBV, vgl. Kleinknecht/Meyer-Goßner 2001.

¹¹ One of these cases concerned the building industry. For more details, see: Generalstaatsanwaltschaft Düsseldorf and Landeskriminalamt Nordrhein-Westfalen (2001: 58). On the difficulties in investigating corruption cases involving politicians see Bannenberg (2002: 334).