

# **Family Criminal Clans: Organized Crime Under the Radar**

Jean-Luc Lottefier

## **ABSTRACT**

Many low or medium intensity (petty) crimes committed by these family criminal organizations are not considered organized crime (the impact of such criminal organizations is rarely detected through criminal offences alone).

A single act of terrorism is in itself a national security problem, whereas it takes a considerable volume of criminal acts to be considered at this level. This is all the more true when these criminal acts, taken separately, provoke little, if any, interest on the part of the police and judicial authorities.

Family criminal clans play on a high volume/low level approach to criminal acts.

*Keywords:* clans, family, crime, organized crime, low intensity

# **Clanes delictivos familiares: el crimen organizado bajo el radar**

## **RESUMEN**

Muchos delitos de baja o mediana intensidad (menores) cometidos por estas organizaciones delictivas familiares no se consideran delincuencia organizada (el impacto de tales organizaciones delictivas rara vez se detecta únicamente a través de delitos penales).

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Los clanes delictivos familiares juegan con un enfoque de alto volumen / bajo nivel para los actos delictivos.

*Palabras clave:* clanes, familia, delincuencia, delincuencia organizada, baja intensidad

# 犯罪家族：被忽视的有组织犯罪

## 摘要

由家族犯罪组织造成的许多低等或中等强度的犯罪（轻罪）并不被视为有组织犯罪（这类犯罪组织的影响很少仅通过刑事犯罪来探测）。

恐怖主义的单一行动本身是一个国家安全问题，然而需要大量犯罪行为才能被视为达到这一标准。当这些犯罪行为从单个来看，引起了警方或司法权威机构的任何兴趣时，才更有犯罪家族造成的犯罪行为数量多、程度低。

关键词：家族，家庭，犯罪，有组织犯罪，低强度

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## Introductory Remark

Some of the remarks and explanations below may also relate to other types and forms of crime. Here we wanted to focus attention on a phenomenon that is more or less vaguely known or assumed and certainly largely underestimated in terms of its impact, whether at the national or transnational level. This document is not intended to be an academic study, but merely a warning note for an unknown threat and an overview of a phenomenon for colleagues involved in the fight against organized property crime.

## Preamble

### Type of Crimes (Petty Crimes vs. More Visible Crimes)

Many low or medium intensity (petty) crimes committed by these family criminal organizations are not considered organized crime (the impact of such criminal organizations is rarely detected through criminal offences alone).

A single act of terrorism in itself constitutes a security problem, whereas it takes a considerable volume of criminal acts to be considered a security problem. This is all the more true when these criminal acts, taken separately, provoke little, if any, interest on the part of the police and judicial authorities.

Family criminal clans play on a high volume/low level approach to criminal acts.

## Statistics

There are no filters in our databases that quantify the number of criminal acts that can be attributed to the criminal activities of family criminal clans. It does not even seem possible to approach the proportion of this number in relation to the total of each offence taken into account. (How many out of the 150 robberies committed every day on average in Belgium? How many out of the 127,376 cases of pickpocketing recorded in 2017 in Germany?) For example, 1,833 cases of pickpocketing were recorded in 2016 in the judicial district of Liège alone.

An additional difficulty also lies in the qualification of certain facts in our National Database (for example, the theft and use of a bankcard or the rip-deal can be encoded in various forms). Other offences are not recorded (e.g., begging).

## The Necessary “Politically Incorrect”

The European Union (EU) has grown over time and has been enriched by various countries whose national and international statistics show that they are major producers of transnational criminals in all kinds and fields. These same countries, more or less directly accused of the disorders caused beyond the Union by their nationals, systematically—and not without reason—retort that these figures are based solely on the criterion of nationality and not ethnic origin, thus very explicitly targeting perpetrators of ROM origin (commonly known in our country as the gypsy community).

If the subject is delicate, it is hardly advisable to refrain from having the courage to take an interest in a form of criminality that is essentially transnational. We are not saying that all “gypsies”/ROM are criminals, but to deny that there is a form of criminality—which is similar to a form of organized crime in our opinion—peculiar to this community would be the most stupid blindness.

We will therefore develop below under various aspects our reflections on the family criminal clans originating from Eastern and South-Eastern Europe (mainly the Balkans). It should be noted that the term *Criminal Family Clans* is the one used officially by EUROPOL.

The French “Traveller” community is therefore not concerned by the following, since it has its own characteristics. The same applies to the Irish Travellers for the same reasons. Here we are confronted with clan, family, and intergenerational structures. The younger ones benefit from the expertise, experience, and teachings of the older ones. The solidarity induced by these family relationships hinders the progress of judicial investigations and the search for information in these environments. These structures are generally not open to people from outside the community. In conclusion, these family criminal clans are ethnically homogeneous.

## **The Role of Elders**

As we will develop later, seniors are at the top of the family pyramid and generally reside in a country of origin where they can own movable and immovable property. They are the principals and beneficiaries of the activity of the following generations. Traditionally, their authority is very rarely—if ever—questioned.

Together with the family of each of their children (often taking on the role of coordinator) and grandchildren, they form a clan. Interactions between members of these families—often between cousins or aunts/uncles/nephews/nieces—are commonplace.

Control is thus exercised by the elders outside the “theater of operations.” Since they are not directly involved in criminal activities and various intermediaries are used in the chain of command, they are particularly difficult to target. They should be considered as High Value Targets (HVTs).

The second generation often has—under the guise of “semi-sedentarization”—places of residence in various European countries, thus allowing for the creation of a web of places that serve as fallback, transit, or logistical bases.

The tradition is oral, and in a language that is little used by and is usually incomprehensible to non-native speakers. The customs and codes are transmitted from generation to generation and hardly evolve in their deepest essence.

There is no openness toward other communities and traditions are still respected today (marriage, dowry, children, etc.). Members are assigned to a specific criminal activity according to their particular competence or expertise.

The teaching of crime is practical and based on the experience of previous generations (it is easier to choose an Asian victim for a pickpocketing or an elderly couple of Italian origin for a house robbery, etc.). Counter-strategies are perfectly assimilated and used (changes of identity, absence of official documents and use of numerous aliases, use of vehicles that cannot be traced back to their origin, etc.). The imperative necessity of systematically carrying out the judicial triptych when intercepting a suspect cannot therefore be forgotten.

This responds to the need for systematic verification of the identity of suspects in the countries of origin, taking into account that many of these countries allow, on the basis of a very simple procedure, changes of surname, first name, and sometimes even date of birth. This way of proceeding, abundantly used by criminals, makes the classic international alerts (MAE—European Arrest Warrant—in the Schengen System—SIS II, for example) less effective and can give the impression in case of interception that one is dealing with a primary individual in the judicial sense of the term.

Police services involved in the fight against this type of crime would also be well advised to make systematic use of alerts under Article 36.2 SIS II (discreet

or directed checks) and the Interpol Blue Notice in order to track suspects as they travel across borders and to discreetly gather information that could be of substantial assistance in their investigations.

Another underutilized tool for law enforcement is the relatively new Facial Recognition Unit at INTERPOL (in addition to possible national services), which is very useful in determining different identities used by suspects in different countries through an effective facial recognition program.

The recent introduction of the Passenger Name Records (PNR) capability and the use of the data obtained also opens up new perspectives through cooperation within the EU member states in the field of itinerant crime groups, including family criminal clans. This new step will be part of the 2019 action plan of the EMPACT project, in particular through actions coordinated by EUROPOL, both in the framework of existing international investigations and an intelligence-based vision supported by the analysis program, AP FURTUM.

We will not lose sight of the now usual survey tools (ANPR, logging of checks carried out, telephone calls, etc.) or the possibilities of Open Source INTel-ligence (OSINT). The prospects for the development of systematic or non-systematic exchange of certain DNA profiles at the international level must also remain under our attention. Within these clans, criminal activity is perennial.

## **Sanctuaries**

Two types of shrines can be identified, one in the country(ies) of origin and the other in various cities where older family members and clans have settled to a greater or lesser extent. It is usually the older generation that rules the sanctuary in the country of origin where most of the illegal assets are repatriated and reinvested (often in real estate). For certain types of items, some of the booty may be found there (e.g., luxury watches, crystals, valuable handbags, etc.). As for the values, they are essentially transferred to the country of origin by cash couriers to avoid any traceability.

Sanctuaries are also found in various cities in various countries, generally where children of the older generation settle. Rather, these places serve as places of refuge and logistical points for members of the organization. Like the majority of criminal organizations, these places will be located in large cities and/or close to borders.

Some families opt for another strategy of moving and moving as a group from one country to another after a certain period of criminal activity in one country (usually a few months) and thus complete a criminal tour of Europe over the years.

## **Minors: Perpetrators or Victims?**

One of the characteristics of this type of criminality is the use of minors for the perpetration of crimes that fall within the activity of family criminal clans. Parallel to the duties imposed by the United Nations Convention on the Rights of the Child (1989) and the philosophy of our legislation with regard to minors, our police forces, like the judiciary, are often powerless when they are confronted with minors—sometimes very young—who are visible perpetrators of reprehensible acts (and who are sometimes very difficult to identify).

In some cases, it has been noted that minors were voluntarily separated from their biological family to allow better control of their supervisors and make them more vulnerable. These minors are victims of physical, emotional, and sexual abuse or parental neglect or witness domestic violence, but they are also perpetrators of robbery, pickpocketing, shoplifting, and payment fraud.

The pressure of the clan/family leaves little chance for attempts to collaborate with these minors if the means to permanently remove them from their usual environment is not found. Belgian legislation allows the parents of minor perpetrators to be prosecuted even if they did not participate directly in the commission of the crime. Indeed, various files show that these parents no longer even take the risk of driving the minors to the neighborhood where the crime was committed. They were nevertheless convicted.

This brings us to the issues of violence and intimidation, which are very present within the clan, while this violence will be avoided toward the outside in order to avoid attracting the attention of the police. Internal violence will be found more particularly in cases of organized begging, pickpocketing, or organized shoplifting.

## **Family Criminal Clans Within the Framework of the Criminal Policy of the EU**

### **EU Policy Cycle and Belgian National Security Plan (NSP)**

The Policy Cycle (created by a decision of the European Council in November 2010) has defined priorities in the fight against organized crime. These priorities were each translated into a multi-annual plan and then, from 2013 onwards, operationalized in Operational Action Plans (OAPs) on an annual basis.

The fight against itinerant crime has also been integrated as a priority in our national NSP 2016–2019. Five transversal axes have been determined to reach the objectives:

- a. Administrative Approach
- b. Internet/Information Technology

- c. Determining Identity
- d. Spoils/Laundering, Corruption, etc.
- e. Groups of Authors

**The Partners (EUROPOL - OPC - AP Furtum)  
and Projects (EMPACT, SPECTRE, etc.)**

EUROPOL has clearly positioned itself as a privileged, if not essential, partner in the fight against the perpetrators of organized property crime in general and against itinerant people, including family criminal clans in particular. Its added value lies in the rapid and secure exchange of information through the SIENA application, in particular:

- The centralization of this information in its databases.
- Detection of cases considered ab initio as small local investigations (petty cases), thanks to the crosschecks it produces.
- Tactical advice and the creation of networks of investigators.
- Operational support (notably through the provision of analysts) that can go as far as on-site assistance during operations.

However, there is still a long way to go and the current objectives are clearly to:

- Increase the contribution of member states to refine the photography of phenomena.
- Develop an approach based on financial investigation (to be systematized) and oriented toward concealment networks by working with the Financial Intelligence Unit (FIU) on HVTs.
- Adopt a flexible approach in order to encompass other areas (commercial targets, ATM attacks, etc.) to fit the polycriminal trends of organizations.
- Develop the Europol Platform for Experts (EPE) network (see below).

The 2018 OAP includes the creation of an Organised Property Crimes (OPC) Support team within the EMPACT OPC project (OA 2.3) that is operational and able to provide valuable assistance in the investigation of family criminal clans. The OA 2.1 (Operational Support) allows, through an Operational Tool Box, the provision of technical means that we will not disclose here, the setting up of operational meetings, and even a budget for particular methods of investigation.

The OA 2.2 (ISF SPECTRE) was launched in October 2017 for a period of two years with the avowed objectives of dismantling fifty itinerant criminal groups for organized property crime and seizing 2 million euros of illegally acquired cap-

ital. The AP Furtum,<sup>1</sup> EEOC, Special Tactics, and Asset Recovery are associated with it.

In this context, the investigator may also have at his disposal more extensive material and financial resources than those mentioned in the previous point. Training and meetings are also planned

## **EPE - CEPOL & Networks**

The EPE is a platform via a secure website for police investigators from EU member states and outside the EU. (Partial access to universities, private companies and other international organizations may be granted.) This platform is not intended to exchange personal, investigative, or classified data, which can only be exchanged via the Europol Secure Network (ESN), but allows investigators from different countries who are confronted with a type of crime, a phenomenon, a specific modus operandi, statistical analyses, seizure of objects whose usefulness is to be determined, etc. to use it.

Among the available topics is OPC, which is divided into sub-topics (residential robbery, pickpocketing, ABS or metal theft, etc.).

European Police College (CEPOL) EU Agency for Law Enforcement Training is an EU agency dedicated to the development, implementation, and coordination of training for investigators.

CEPOL implements an annual training program based on the priority areas determined by the EU Policy Cycle (see above) and the training needs of member states. Organized property crime, organized crime, and the international exchange of police information are therefore targeted each year by this training program.

These programs (seminars, courses, webinars, etc.) reach more and more practitioners each year and promote the creation of an international network of investigators working in the same field and the sharing of best practices. 2018 also sees its contribution to the Policy Cycle 2018–2021 by introducing a training methodology related to EMPACT projects.

CEPOL has also set up an international exchange program for police officers, a kind of police Erasmus, which is becoming increasingly successful every year.

## **The Need to Address all the Links in the Organization**

Offenses committed by criminal family clans were too often investigated as local cases. Only by working collaboratively at all levels of the criminal organization can

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1 AP Furtum: Among the areas of interest of the Analysis Project (AP, ex-Focal Point) are robbery, pickpocketing, and (organized) shoplifting, which directly concern criminal family clans. The AP Furtum is part of the European Serious & Organised Crime Centre (ESOCC) and is the team responsible for supporting international investigations into organized property crime.



one hope to disrupt it. As with other structured criminal organizations, a fallen link is immediately replaced within the structure.

### **The Need for International Police Cooperation**

The international approach must make it possible to place the entire criminal group in the same picture, to possibly prove the existence of a criminal organization, to determine/confirm the exact identity of suspects, to divide and thus share the workload between partners, to destabilize the anchoring and concealment points in the countries of origin and finally to seize illegally acquired profits there and to short-circuit money laundering operations.

The international exchange of police information is and remains a crucial factor of success once an investigation targeting these criminal family clans is initiated. The use of the EIS (Europol Information System) in particular can only be warmly recommended.

### **The Need for the Involvement of the Judicial World**

Unfortunately, it was noted that crimes committed by criminal family clans are too often prosecuted as local cases and not related to organized crime. As a result, financial investigations and the recovery of illegally acquired assets are not used, and information sometimes available on concealment structures is lost.

The seizure/confiscation of either the booty or property acquired through the spoils of the thefts committed by itinerant perpetrator groups is undoubtedly a goal that must be systematically sought and attempted, even in the country of origin of the suspects. This type of action is very disruptive for OCs and much more disturbing than custodial sentences, which are generally short and in much better conditions than in the jails of their country of origin.

In order to fully achieve this objective, international cooperation, both police and judicial, should be emphasized and optimized in order to define the best interlocutors in view of the goals set. The shortcomings of both the police and the judiciary with regard to this form of organized crime on the one hand and the mechanisms of international cooperation on the other hand must be filled, mainly through appropriate training (ANPA, EUROPOL, CEPOL, EJTN, etc.) and through the sharing of knowledge.

Magistrates dealing with organized crime have at their disposal many tools for international cooperation, which are not always used to their fullest potential. The use of EUROJUST can be useful in case of difficulties when setting up IRCs (International Letters of Request) or EEOs (European Investigation Decisions) and when coordination between several countries is required.

## **The Administrative Approach**

Contrary to what exists in other EU countries, there is not yet a real, well-defined legal framework regulating the administrative approach in the fight against organized crime, although initiatives are beginning to emerge.

Generally speaking, this administrative approach should be considered a future opportunity to prevent criminal activities by not allowing criminals to use legal administrative infrastructures and, through joint actions or interventions, to hinder the illegal activities of organized crime. The exchange of information between police and administrative authorities, which should be able to work in a complementary way, will prove to be very important. Consider the opportunities of this administrative approach in the fight against criminal family clans, such as:

- Detecting through controls the unofficial inhabitants (who are not registered in the RN) in certain dwellings (in the Netherlands, it is possible to sanction subletting).
- Prohibiting more systematically the stay of suspects/convicts who do not belong to a EU country.
- Systematizing the control of the vehicles used (registration, insurance, etc.)
- Reinstating effective control of hotels, pensions, etc. in real time.