

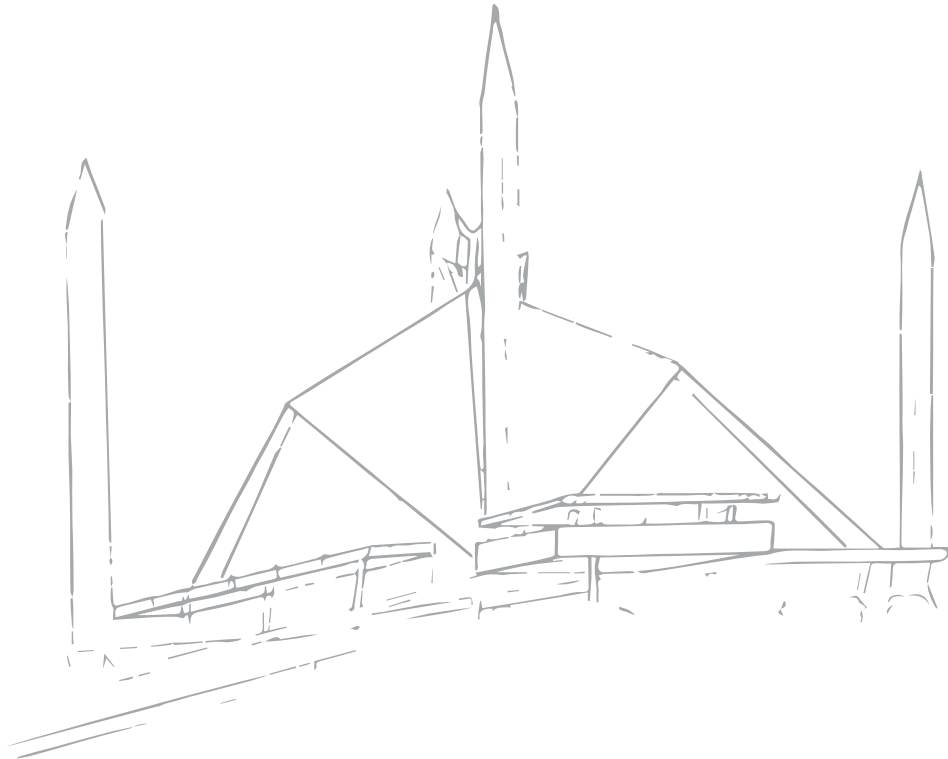


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The Globalization and Sophistication of Transnational Policing and Transnational Organized Criminal Groups

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Abstract

This paper briefly touches upon Transnational Organized Crimes (TOC) and the global challenges posed by the transnational organized groups involved in such crimes. In order to deal with the growing threats posed by organized criminal groups, the world community has witnessed globalization and sophistication in transnational policing through the establishment of Interpol, Europol and regional Task Forces. However, these groups have shown equal sophistication and have become more global due to their agility, adaptability and rich resources, and are constantly growing across the world.

Key words: Transnational policing, transnational organized crimes (TOC), transnational organized criminal groups, sophistication in TOC.

1. Introduction

A famous Nigerian proverb says that “*in the moment of crisis, the wise build bridges and the foolish build dams*”.¹ The world today is confronted with the challenge of Transnational Organized Crimes (TOC) which pose the largest threat, alongside terrorism, to the global economic stability, democratic governance and security.² Police and law enforcement agencies are always at the frontline of

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¹ Penna Sue & Kirby Stuart, ‘Bridge Over the River Crime: Mobility and the Policing of Organized Crime’, *Mobilities*, (2013), 8:4, p. 487.

² R. Godson & P. Williams, “Strengthening cooperation against transnational crime”, *Survival*, (1998), 40:3, p. 66, < DOI: 10.1093/survival/40.3.66 > accessed 02 July 2019; French Diplomatic, “France and the fight against organized crime”, (October 2014) <<http://www.diplomatie.gouv.fr/en/french-foreign-policy/defence-security/organized-criminality/article/france-and-the-fight-against-20613>> accessed 16 August 2018.

states' efforts to counter organized crime.³ However, regardless of its law enforcement capacities or resources, an individual state alone cannot fight this complicated problem.⁴ Carrying out extraterritorial police or military action without cooperation from other states is prone to high probability failure. This is evident from the US' unsuccessful war on drugs⁵ and the so-called war on terror.⁶ Realising the inevitability of a collective fight against this menace, the international community responds to TOC through bilateral and multilateral mechanisms, such as extradition and mutual assistance agreements, to ease down jurisdictional barriers for police, other law enforcement agencies and prosecuting bodies to conduct international investigations to bring groups and persons involved in TOC to trial.⁷ Other responses include development of counter-TOC strategies through the involvement of international organizations such as Interpol or Europol, and the formation of special task forces.⁸ Private transnational policing also plays a big role in fighting TOC.⁹

³ United Nations Office on Drugs and Crime (UNODC), "Law Enforcement", (2015), <<https://www.unodc.org/unodc/en/organized-crime/law-enforcement.html>> accessed 10 September 2019.

⁴ Lemieux, Frederic, (ed.), *International Police Cooperation: Emerging Issues, Theory and Practice*, (2010).

Uffculme, Devon, GBR: Willan Publishing. ProQuest ebrary. Web. 15 October 2015, Pp.1-6.

⁵ Martha L. Cottam & Otwin Marenin, "International cooperation in the war on drugs: Mexico and the United States", *Policing and Society*, (1999), 9:3, 209.

⁶ James Cockayne, "Transnational Organized Crime: Multilateral Responses to a Rising Threat. Coping with Crisis", *Working Paper Series*, (April 2007), International Peace Academy, p. 12. <<http://ssrn.com/abstract=1008168>> or <<http://dx.doi.org/10.2139/ssrn.1008168>> accessed 18 September 2020.

⁷ R. Godson & P. Williams, 1998.

⁸ Tom Sherman, "The internationalisation of crime and the world community's response", *Commonwealth Law Bulletin*, (1993), 19:4, 1814, <DOI: 10.1080/03050718.1993.9986329> accessed 18 September 2020.

⁹ Carolin Liss & J.C. Sharman, "Global corporate crime-fighters: Private transnational responses to piracy and money laundering", *Review of International Political Economy*, (2015). 22:4, 693, <DOI: 10.1080/09692290.2014.936482> accessed 19 September 2020.

2. The Problem of Transnational Organized Crime (TOC)

TOC has existed for a very long time in human history, with examples of slavery and piracy since antiquity and opium smuggling in the last few centuries.¹⁰ States however have witnessed an unprecedented increase in this menace since the 1990s due to globalization and advancement in modern technology, coupled with the absence of rule of law in some of the ex-USSR states in the post-cold war era and the chaos ensuing in many Eastern European states after the collapse of the Berlin Wall.¹¹ The traditional criminal groups such as the *Jamaican Yardies* or the *Sicilian Mafia*, are now replaced by more advanced, well-equipped and better organised transnational criminal groups, which pose newer challenges to police and other law enforcement agencies.¹²

Although there is no universally agreed upon definition of TOC, it can be said that it is illicit movement of persons, goods and services across states in a manner devoid of acceptable norms and standards.¹³ In general, TOC can be divided into the following three broader categories:¹⁴

- i. Smuggling-commodities, drugs and endangered species.

¹⁰ David Felsen & Akis Kalaitzidis, "A Historical Overview of Transnational Crime", In Reichel, P. (Ed.). *Handbook of transnational crime & justice*, (2005), 3-19, Thousand Oaks, CA: SAGE Publications, Inc.

¹¹ Chang Dae H., "World Ministerial Conference on Organized Transnational Crime", *International Journal of Comparative and Applied Criminal Justice*, (1999), 23:2, 141-180, <DOI: 10.1080/01924036.1999.9678638>; Stanislawski Bartosz H., "Transnational "Bads" in the Globalized World: The Case of Transnational Organized Crime", *Public Integrity*, (2004), 6:2, 155-170. <<http://dx.doi.org/10.1080/10999922.2004.11051248>>.

¹² Eavis Paul, "The hidden security threat: Transnational Organized Criminal Activity", *The RUSI Journal*, (2001), 146: 6, 45-50.

¹³ Ngor Awunah Donald Ngor, "Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes: The Nigerian Perspective", *Resource Material Series No. 58*, (n.d.), 171-182.

¹⁴ David J. Thomas, "Understanding Violent Criminals: Insights from the Frontlines of the Law Enforcement", *Forensic Psychology*, (2014), 104, Praeger.

- ii. Contraband (goods subject to tariffs or quotas)–stolen cars and tobacco products, and;
- iii. Services–prostitution, immigration, money laundering, indentured servitude and fraud.

3. Transnational Response to TOC - Policing Perspective

At the global level, the United Nations Convention against Transnational Organized Crime, 2000, is the core instrument in the fight against TOC which shows the recognition by Member States of the gravity of the problems posed by it, as well as the need for enhanced international cooperation in order to tackle those problems.¹⁵ From the law enforcement perspective, transnational policing is the main global and regional response to TOC. Transnational policing is a complex assortment of multidimensional activities which is constantly expanding its tentacles across national borders to fight TOC.¹⁶ According to Bowling and Sheptycki,¹⁷ transnational policing is “*any form of order maintenance, law enforcement, peace-keeping, crime investigation, intelligence sharing or other form of police work that transcends or traverses national boundaries.*” It is an old phenomenon, but it recently came to the global limelight due to its linkage to globalization¹⁸ which has changed the intensity, frequency, and variety of both TOC and transnational policing.¹⁹ The Police

¹⁵ United Nations Convention against Transnational Organized Crime and the Protocols Thereto, 2000.

<<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>>

¹⁶ Loader Ian & Walker Neil, “Locating the Public Interest in Transnational Policing”, *EUI Working Papers*, LAW 2007/17, 8, European University Institute, Department of Law, <<http://ssrn.com/abstract=1022882>>

¹⁷ Bowling Ben & Sheptycki James, “Global policing and transnational rule with Law”, *Transnational Legal Theory*, (2015), 6:1, 141-173.

¹⁸ Sheptycki James, “Policing and contemporary governance: the anthropology of police in practice”, *Policing and Society*, (2015). 1.

¹⁹ Andreas Peter & Ethan Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations*. Cary, NC, USA: Oxford University Press, 2006, 4, ProQuest ebrary. Web. 5 November 2015.

Union of German States of 1851 is just one example of police cooperation to address transnational crimes.²⁰

The world community has witnessed considerable growth in police cooperation and collaboration across international boundaries in the last two decades. The main objectives of such cooperation are to share criminal intelligence for better understanding of the cross-border suspected criminal groups, their modus operandi and intended criminal activities,²¹ plan strategies to deal efficiently with such groups,²² chase cases of transnational character,²³ and lastly to prepare strong criminal cases for prosecuting all elements involved in such crimes.²⁴ The current form of transnational policing is mainly 'elitist cooperation' in which only a small group of specialists from the countries concerned is involved, most of them in criminal investigation, information sharing or planning strategies. The regular police forces, except those deployed in border regions that may cooperate informally with each other for quick actions such as hot pursuit after a bank robbery, have limited role in transnational policing.²⁵ However, informal transnational

²⁰ Gerspacher Nadia, "The History of International Police Cooperation: A 150-year Evolution in the Trends and Approaches", *Global Crime*, (2008), 9:1-2, 169-184.

²¹ Voronin Yuriy A., *Measures to Control Transnational Organized Crime.*, Document No. 184773, (October 5, 2000). <[https://www.google.com/?gfe_rd=cr&ei=5mpHVrzHIKq40wWDw5TQBg&gws_rd=ssl#q=Voronin%2C+Yuriy+A.%2C+\(October+5%2C+2000\).+Measures+to+Control+Transnational+Organized](https://www.google.com/?gfe_rd=cr&ei=5mpHVrzHIKq40wWDw5TQBg&gws_rd=ssl#q=Voronin%2C+Yuriy+A.%2C+(October+5%2C+2000).+Measures+to+Control+Transnational+Organized)>

²² Lemieux, Frederic, (ed.), *International Police Cooperation: Emerging Issues, Theory and Practice*, (2010), Uffculme, Devon, GBR: Willan Publishing. Pro Quest e library.

²³ Congram Mitchell, Bell Peter, Lauchs Mark, "Policing Transnational Organized Crime and Corruption: Exploring the Role of Communication Interception Technology", In M. Gill (Ed.), *Crime Prevention and Security Management*, (2013). p. 12, Palgrave Macmillan, UK.

²⁴ Bruns Milena, "A network approach to organized crime by the Dutch public sector", *Police Practice and Research*, (2015), 16:2, 161-174, <DOI: 10.1080/15614263.2014.972614>

²⁵ Aden Hartmut, "Convergence of Policing Policies and Transnational Policing in Europe", *European Journal of Crime, Criminal Law and Criminal Justice*, (2001), 9/2, 99-112, 2001. Kluwer Law

cooperation amongst police and law enforcement personnel especially in Europe is a common place in the fight against TOC.²⁶

4. The International Criminal Police Organization (Interpol)

Interpol is the oldest organization in the modern world for international police cooperation. It was created in 1923 with the aim to trace or arrest offenders who fled overseas, through its notice system.²⁷ Each member state has a National Central Bureau (NCB) which is based in its own territory with staff from its own police force. NCB responds to any Interpol requests while standing responsible to the national hierarchies.²⁸ Through its successful database, which contains fingerprints, photographs and bio data of criminals, and is easily accessible to all member states, it has been helping member states to arrest criminals and fight international crimes since its inception.²⁹ Each year, over one million messages are transmitted through the Interpol network.³⁰ Its main priority areas are organized crimes and drugs, financial and high-tech crimes, public safety and terrorism, human trafficking, corruption, and fugitives.³¹

A major weakness of the Interpol is its budgetary constraints and hazy legal status which limit its operational capacities. Its consolidated annual budget for the year 2020 was

International, Netherlands.
<http://web.a.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=57b76661-5fcf-46af-856c-14fced36c7c3%40sessionmgr4003&vid=4&hid=4104>

²⁶ Block Ludo, "International Policing in Russia: Police Cooperation Between the European Union Member States and the Russian Federation", *Policing and Society*, (2007), 17:4, 367-387.

²⁷ R. Godson & P. Williams, 1998.

²⁸ Bowling Ben, "Transnational Policing: The Globalization Thesis, a Typology and a Research Agenda", *Policing*, (2009), 3(2), p. 149-160.

²⁹ Williams Phil, *Crime, Illicit Markets, and Money Laundering*, (n.d.), 106-150, <<https://carnegieendowment.org/pdf/files/mgi-ch3.pdf>>

³⁰ Hoey Amanda, "Policing the New Europe - The Information Deficit", *International Review of Law*, (1998), *Computers & Technology*, 12:3, 501-511.

³¹ INTERPOL, *Annual Report 2007*, 1, <<http://www.interpol.int/>>

136 million EUR³² which is perhaps less than a few boats or planes owned by organized groups.³³ However, INTERPOL has adapted its performance over the years to prove its relevance³⁴ and today it benefits from and contributes to building up professional trust amongst the police forces around the world.³⁵ Through its regional offices, it has successfully coordinated police action against some serious transnational crimes, such as seizure of counterfeited products and arrest of suspects on an unprecedented scale.³⁶ In the field of intellectual property and trademark, Operation Jupiter, successfully coordinated by Interpol and World Customs Organization in South America, is a good example of the effectiveness of Interpol. The operation targeted organized counterfeiting groups with 600 arrests and the seizure of fake goods worth 500 million US dollars.³⁷ Other examples are operation Mamba in East Africa and operation Storm in Southeast Asia.³⁸ In recent years, Interpol expanded its scope of activities to include criminal intelligence analysis, coordination of international police operations, police training and professional development.³⁹

³² INTERPOL, (n.d.), <<https://www.interpol.int/en/Who-we-are/Our-funding>>

³³ See Woodward Susan L. "Enhancing cooperation against trans-border crime in Southeast Europe: Is there an emerging Epistemic Community?", *Southeast European and Black Sea Studies*, (2004), 4:2, 223-240, <DOI: 10.1080/1468385042000247538>

³⁴ Cameron-Waller Stuart, The role of INTERPOL in the modern world: Global Developments of interest. *Commonwealth Law Bulletin*, (1993), 19:4, 1955-1959.

³⁵ Williams Phil, *Crime, Illicit Markets, and Money Laundering*, (n.d.), 106-150.

³⁶ INTERPOL, "Against Organized Crime: Interpol Trafficking and Counterfeiting Casebook", 2014, 6.

³⁷ INTERPOL, "Media release: Hundreds arrested in INTERPOL and Customs anti-counterfeiting operations across South America", (01 October 2010). 1. <<http://www.interpol.int/News-and-media/News/2010/PR077>>

³⁸ INTERPOL, "Operations", (n.d.), 4, <<http://www.interpol.int/Crime-areas/Pharmaceutical-crime/Operations/Operation-Storm>>

³⁹ Barnett, Michael, and Liv Coleman. "Designing Police: Interpol and the Study of Change in International Organizations." *International*

In order to augment the efforts of Interpol, states and organizations have taken additional bilateral or multilateral initiatives at various geographic and/ or sectorial levels which are tailored to the specificities of their problems.⁴⁰ Examples of bilateral initiatives are the UK-Italy cooperation for fighting trafficking in humans, drugs and other criminal activity, the US-South African anti-crime agreement,⁴¹ and the 2001 *Kinmen Agreement* between the Red Cross Societies of China and Taiwan, with support from both governments, for swift repatriation of fugitives and criminals.⁴² Examples of regional (and/or sub-regional) initiatives are the Southern African Regional Police Chiefs Co-operation Organization (SARPCCO), Caribbean Financial Action Task Force on Money Laundering, EUROPOL, the Organization of American States (OAS)'s efforts to combat corruption, Prüm Treaty (between Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria), and various initiatives to strengthen law-enforcement cooperation in the Baltic region.

5. Police Cooperation in Europe

Since the establishment of Trevi Group to combat terrorism in Europe, the EU and Council of Europe are feverishly engaged in the fight against the mushrooming growth of TOC.⁴³ Starting with the creation of the European Police Office (Europol), it set up the Schengen Information System for law enforcement co-operation and introduced the draft Framework Decision on sharing criminal records. Some states have gone even further at sub-regional level

Studies Quarterly 49, no. 4 (2005): 593-619,
<<http://www.jstor.org/stable/3693502>>

⁴⁰ Eavis Paul, "The hidden security threat: Transnational Organised Criminal Activity", 2001

⁴¹ Schönteich Martin, "How organised is the state's response to organised crime?" *African Security Review*, (1999), 8:2, 3-12.

⁴² Chang Lennon Y.C., "Formal and informal modalities for policing cybercrime across the Taiwan Strait", *Policing and Society*, (2013), 23:4, 540-555.

⁴³ Monica Den Boer, "Law Enforcement Cooperation and Transnational Organized Crime in Europe". In Mats Berdal and Monica Serrano (Ed.), *Transnational Organized Crime and International Security: Business as Usual*, (2002). 103, Lynne Rienner Publishers, London.

for information sharing through Prüm Convention.⁴⁴ Moreover, the introduction of quick mobility tools for law enforcement agencies, such as the European arrest warrant (EAW) and European evidence warrant (EEW), help a great deal in apprehending criminals and to carry along evidence from one jurisdiction to another for trial.⁴⁵

Europol has played a leading role in the fight against TOC through developing common tools and mechanisms.⁴⁶ Established under the Europol Convention 1995 that came into force in 1998, it lies at the heart of EU's efforts to combat TOC amongst other serious crimes.⁴⁷ It started operating through setting up a small drug unit with the aim to improve the operational effectiveness of police cooperation among EU member states.⁴⁸ Gradually, through numerous amendments to the 1995 Convention, the scope of the Europol mandate was expanded to include other transnational crimes such as terrorism, financial crime, human trafficking etc. and to provide technical, legal and strategic advice to the senior management of the police forces of member states.⁴⁹ (Europol is playing now a key role in combating cybercrime

⁴⁴ Cameron-Waller Stuart, Interpol: a global service provider. In Steven David Brown, (Ed), (2008). *Combating International Crime: The Longer Arm of the Law*, (2008), 47, Taylor & Francis e-Library.

⁴⁵ Penna Sue & Kirby Stuart, 'Bridge Over the River Crime: Mobility and the Policing of Organised Crime', 2013.

⁴⁶ Bąkowski Piotr, "The EU response to organized crime", *Library Briefing: Library of the European Parliament*, (06 September 2013). 4. <[http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130625/LDM_BRI\(2013\)130625_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130625/LDM_BRI(2013)130625_REV1_EN.pdf)>; Allum Felia & Monica Den Boer, "United We Stand? Conceptual Diversity in the EU Strategy Against Organized Crime", *Journal of European Integration*, (2013). 35:2, 135-150, <DOI: 10.1080/07036337.2012.689831>.

⁴⁷ Gregory Frank, "Policing transition in Europe: The role of EUROPOL and the problem of organized crime", *Innovation: The European Journal of Social Science Research*, (1998), 11:3, 287-305.

⁴⁸ Carrapiço Helena & Trauner Florian, "Europol and its Influence on EU Policy-making on Organized Crime: Analyzing Governance Dynamics and Opportunities", *Perspectives on European Politics and Society*, (2013), 14:3, 357-371.

⁴⁹ Mounier Gregory, "Europol: A New Player in the EU External Policy Field?" *Perspectives on European Politics and Society*, (2009), 10:4, 582-602, <DOI: 10.1080/15705850903314841>

through setting up digital forensic, research and development facilities, and has established European Cybercrime Task Force (EUCTF) to promote a harmonized approach amongst the Member States in fighting cyber-crime.⁵⁰ Its core business lies in exchange of information and intelligence through a network of liaison officers in the member states. Moreover, as a central intelligence agency and support unit, it helps in the identification of links among criminal groups in different countries.⁵¹ In 2010, through a Council Decision, Europol was transformed into an agency of the European Union. This, together with the Lisbon treaty, has empowered Europol to improve its operational capacities and position itself as having a central role in police cooperation, and increased its democratic accountability by subjecting it to the scrutiny of European Parliament and national parliaments.⁵²

Despite its great work, Europol has been highly controversial since its birth and is often labelled as an 'unaccountable European FBI'. Unlike national police forces of the member states, Europol lacks executive powers. Its officers do not have the powers to conduct home searches or tap wires, or to arrest and investigate suspects.⁵³ Moreover, Europol's services for information exchange are not fully utilized by the member states as it followed a moderate approach in terms of marketing its added value to national investigations in TOC due to lack of support from police of member states.⁵⁴

⁵⁰ Rozée Stephen, Kaunert Christian & Léonard Sarah, "Is Europol a Comprehensive Policing Actor?", *Perspectives on European Politics and Society*, (2013), 14(3). 372-387, <DOI: 10.1080/15705854.2013.817808>

⁵¹ Loader Ian, "Governing European Policing: Some Problems and Prospects", *Policing and Society*, (2002), 12:4, 291-305, <DOI: 10.1080/1043946022000005581>

⁵² Mounier Gregory, *Europol: A New Player in the EU External Policy Field?*, 2009.

⁵³ Rozée Stephen, Kaunert Christian & Léonard Sarah, "Is Europol a Comprehensive Policing Actor?", 2013.

⁵⁴ Busuioc Madalina and Groenleer Martijn, "Beyond Design: The Evolution of Europol and Eurojust. *Amsterdam Centre for European Law and Governance*. Working Paper Series 2011 - 03, 5. <www.jur.uva.nl/ancelg>

6. Special Task Forces

Special task forces are set up by states to address some specific pressing issues of TOC. For example, human trafficking especially of women and children for sexual exploitation is a serious transnational issue found almost everywhere in the world including Europe,⁵⁵ Canada,⁵⁶ and the US.⁵⁷ A successful fight against human trafficking requires strong coordination amongst multiple law enforcement agencies at national, regional and international levels.⁵⁸ A good example of such coordination between countries of origin, transit and destination is the Council of the Baltic Sea States Task Force against Trafficking in Human Beings (CBSS TF-THB), which has achieved considerable success in the fight against human trafficking.⁵⁹ A specialised unit, called the Anti-Trafficking National Coordination Unit (KOM), was established within TH-TFB in 2006, to provide support and coordination to counter trafficking actors on operational problems.⁶⁰

The members of Caribbean Community (CARICOM) today are confronted with the risk of being overrun by transnational criminal activities in the coming years. The crimes that have hit

⁵⁵ Lehti Martti & Aromaa Kauko, "Trafficking in Humans for Sexual Exploitation in Europe", *International Journal of Comparative and Applied Criminal Justice*, (2007), 31:2, 123-145.

⁵⁶ McDonald Lynn & Timoshkina Natalya, "The Life of Trafficked Sex Workers from the Former Eastern Bloc: The Canadian Dimension", *International Journal of Comparative and Applied Criminal Justice*, (2007), 31:2, 211-243

⁵⁷ Heil Erin & Nichols Andrea, "Hot spot trafficking: a theoretical discussion of the Potential problems associated with targeted policing and the eradication of sex trafficking in the United States", *Contemporary Justice Review*, (2014), 17:4, 421-433.

⁵⁸ Sheldon X. Zhang, *Smuggling and Trafficking in Human Beings: All Roads Lead to America*, (2007), 155, Praeger Publishers, Westport.

⁵⁹ Ekstedt Anna, "Current Activities of the Council of the Baltic Sea States Task Force against Trafficking in Human Beings", (n.d.), 361. <<http://ifsh.de/file-CORE/documents/yearbook/english/09/Ekstedt-en.pdf>>

⁶⁰ United Nations Office on Drugs and Crime (UNODC), "Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims' Assistance and Protection", (2010). 130.

hard CARICOM include trafficking in illegal drugs and guns, smuggling of contraband cigarettes, petroleum, and steel, as well as cyber-crimes such as Lotto scam⁶¹ and are beyond the capacity of the individual national police forces.⁶² To respond to this growing threat of TOC, CARICOM established the Regional Intelligence Fusion Center (RIFC) for managing intelligence environment and sharing intelligence with other relevant actors in furtherance of CARICOM's security priorities.⁶³

7. Private Security and Policing

Another development in the transnational fight against TOC is the active role of private police and security agencies. The notion that state is the main apparatus for the governance of social life and policing of society has somehow changed with the emergence of private security and policing companies who are contributing to the police services provided by the state.⁶⁴ In some countries such as the US and Canada, private policing companies today have more staff and higher budgets than public police. Many large-scale corporate police organizations work across different states and countries.⁶⁵ Sophistication in TOC requires experts to construct appropriate tools and strategies, which public sector police are often lacking.⁶⁶ Moreover, in many countries public police do not enjoy full trust and confidence of the population due to inefficiency, accusations of corruption, and paying no heed to

⁶¹ IMPACS, "CARICOM Crime and Security Strategy 2013: Securing the Region", 2013, 16.

⁶² Sanders Ronald, "Crime in the Caribbean: An overwhelming phenomenon", *The Round Table*, (2003), 92:370, 377-390.

⁶³ CARICOM, "CARICOM Implementing Agency for Crime and Security (IMPACS)", (n.d.), <<https://www.caricom.org/about-caricom/who-we-are/institutions1/caricom-implementing-agency-for-crime-and-security-impacs>>

⁶⁴ Sheptycki James, "Accountability Across the Policing Field: Towards a General Cartography of Accountability for Post-Modern Policing", *Policing and Society*, (2002), 12:4.

⁶⁵ Joh, Elizabeth E., "Conceptualizing the Private Police", *Utah Law Review*, 2005, 573-617. UC Davis Legal Studies Research Paper No. 27, p. 573.

⁶⁶ Gagliardi Pete, "Transnational organized crime and gun violence. A case for Fire-arm forensic intelligence Sharing", *International Review of Law, Computers & Technology*, (2012), 26:1, 83-95.

the victims' complaints etc.⁶⁷ Therefore, in order to safeguard their reputation, many private companies and corporate organizations, such as computer software companies or banks, prefer private security companies over public police to carry out any investigations.⁶⁸

Bayley and Shearing theorized private policing or security as a preventive action to reduce the risk of crime against private property in a physical or tangible form in a specific geographical location.⁶⁹ But the role of private-sector policing is equally important in economic and financial transactions taking place in virtual spaces. Many corporate firms today are working in forensic accounting and corporate investigation (FACI) and anti-money laundering and are playing a role not only in investigation of economic crimes but also in bringing the criminals to justice.⁷⁰

8. Sophistication in Transnational Organized Crimes

TOC is analogous to the train service between Paris and London, which is transnational in nature, but it keeps local characteristics, i.e. when it travels in London or Paris, it is local and has local impact. In order to evade any law enforcement action, TOC may be divided into minor crimes in any single jurisdiction. For example, the process of money laundering can take place in several jurisdictions and in different ways some of which, such as losing money in gambling, may not be even crimes in some countries.⁷¹ Similarly, as a money laundering vehicle, many complicated mechanisms are commonly used in the sale and

⁶⁷ Sarre Rick & Prenzler Tim, "The relationship between police and private security: Models and future directions", *International Journal of Comparative and Applied Criminal Justice*, (2000), 24:1, 91-113.

⁶⁸ Stephen Schneider, "Privatizing Economic Crime Enforcement: Exploring the Role of Private Sector Investigative Agencies in Combating Money Laundering", *Policing and Society*, (2006), 16:3, p. 285-312.

⁶⁹ See Rushin Stephen, "The Regulation of Private Police. *West Virginia Law Review*, (November 5, 2012), 115, 159-203.

⁷⁰ James W. Williams, "Governability Matters: The Private Policing of Economic Crime and the Challenge of Democratic Governance2, *Policing and Society*, (2005), 15:2, 187-211, <DOI: 10.1080/10439460500071671>

⁷¹ R. Godson & P. Williams, 1998.

purchase of real estate even in developed countries which easily frustrate efforts to unearth the sources of funds obtained through transnational crimes; these mechanisms include but are not limited to appointing fake nominees, making fake mortgages, solicitor-client privilege, and legal trust accounts.⁷² To give one example, according to some estimates about C\$ 5.3 billion was laundered through the real estate business in British Columbia, Canada in 2018, most of which was channelized through Vancouver which is the country's largest and most expensive city.⁷³ To travel fast like the train, the organized groups exploit modern technology, economic markets and develop a labyrinth of complicated networks in multiple jurisdictions. They use services of specialists in information technology and communications to conduct intelligence operations or transfer money, and hire specialists in networking with accomplices within the ranks of law enforcement agencies or other criminal groups.⁷⁴ This doubles the challenge for the law enforcement agencies as they have to respond locally and globally for countering groups which are both organized and decentralized.⁷⁵

There is a kind of reciprocal relationship between transnational policing and TOC, i.e. development by either side result in development by the other side.⁷⁶ We hear about a 'migration industry' including both legal and illegal operators

⁷² Stephen Schneider, "Organized crime, money laundering, and the real estate market in Canada", *Journal of Property Research*, (2004), 21:2, 99-118, <DOI: 10.1080/0959991042000328801>

⁷³ Levinson-King Robin, "How gangs used Vancouver's real estate market to launder \$5bn"? *BBC News, Toronto*.
<<https://www.bbc.com/news/world-us-canada-48231558>>

⁷⁴ Shelley Louise I. & Picarelli John T., "Methods Not Motives: Implications of the Convergence of International Organized Crime and Terrorism", *Police Practice and Research*, (2002), 3:4, 305-318, DOI: 10.1080/1561426022000032079.

⁷⁵ Katina Michael, "The Paradigm Shift in Transnational Organized Crime", (2008), 20.
<<http://works.bepress.com/kmichael/195/>>

⁷⁶ Sheptycki James, "Global Law Enforcement as A Protection Racket: Some skeptical notes on transnational organized crime as an object of global governance", In Adam Edwards and Peter Gills (Ed.), *Transnational Organized Crime: Perspective on Global Security*, (2003), 42-59, Taylor & Francis e-Library.

with an increase in human trafficking, human smuggling,⁷⁷ and an increase in drug trafficking in Europe.⁷⁸ Similarly, transnational crimes in and from Southeast Asia have achieved global outreach, thus trafficking huge quantities of high-profit drugs such as methamphetamine, massive illegal shipments of wildlife and forest products, and a wide range of counterfeit consumer and industrial goods. Not only this but that the groups involved in these crimes also smuggle migrants for the purposes of sexual and labor exploitation to other countries.⁷⁹ Nevertheless, in parallel to this growth in transnational crimes, we also hear about continuous growth of transnational policing cooperation and their success stories. A good example is the successful joint Europol and Eurojet operation, in 2012, to arrest 48 members of an Albanian organized groups involved in drug trafficking in France, Germany and Switzerland.⁸⁰ Unfortunately, despite these success stories of transnational policing, organized crimes keep on growing both in volume and form. According to the Global Financial Integrity (GFI), a Washington DC-based research and advisory organization,⁸¹ the annual business of transnational crime is valued at an average of \$1.6 trillion to \$2.2 trillion.

⁷⁷ Papadopoulos Apostolos G., « Migration and security threats in south-eastern Europe », *Southeast European and Black Sea Studies*, (2011), 11:4, 451-469, <DOI: 10.1080/14683857.2011.632545>; Long Lynellyn D., « Trafficking in women and children as a security challenge in Southeast Europe », *Southeast European and Black Sea Studies*, (2002), 2:2, 53-68, <DOI: 10.1080/14683850208454690>

⁷⁸ Haughton Suzette A., « The Jamaica - Britain border and drug trafficking », *The Round Table*, (2007), 96:390, 279-303.

⁷⁹ United Nations Office on Drugs and Crimes (UNODC), « Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact », (2019). 1-3. <https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA_TOCTA_2019_web.pdf>

⁸⁰ Europol, « Successful Operation Against Albanian International Organized Crime Network », (23 October 2012), 1.

⁸¹ Global Financial Integrity (GFI), « Transnational Crime is a \$1.6 trillion to \$2.2 trillion Annual "Business", Finds New GFI Report », (March 27, 2017), <<https://gfintegrity.org/press-release/transnational-crime-is-a-1-6-trillion-to-2-2-trillion-annual-business-finds-new-gfi-report/>>

Organized groups maneuver in the grey areas between licit and illicit exploiting the gaps in legislation or law enforcement mechanisms.⁸² In the hide and seek with transnational police, they keep on changing their routes and often shift their operations towards the states where business opportunities are high compared to risks due to weak legal and bureaucratic systems and flawed politics.⁸³ States affected by turbulences and states with weak institutions, such as Libya, Syria or the Caribbean community, are hotbeds for organized crimes as they can easily operate with impunity in these countries.⁸⁴ Libya now offers a convergence point for the illicit trade of arms, drugs and human trafficking; cocaine coming through West Africa and illegal migrants coming from Syria, Afghanistan, and many African countries are channelized and trafficked through Libya to Europe.⁸⁵

In pursuit of their financial gains, organized groups can go to any extreme, violating all accepted norms of a civilized world. Moreover, these groups can be disorganized or decentralized with wide networks and loose alliances of criminals amongst whom a strong brotherhood exists for the achievement of their criminal

⁸² Beare Margaret, "Structures, Strategies and Tactics of Transnational Criminal Organizations: Critical Issues for Enforcement. Paper presented at the Transnational Crime Conference convened by the Australian Institute of Criminology in association with the Australian Federal Police and Australian Customs Service and held in Canberra, (9-10 March 2000), 4-5. <<http://pgil.pk/wp-content/uploads/2014/04/bearesst.pdf>>

⁸³ Väyrynen Raimo, "Illegal Immigration, Human Trafficking, and Organized Crime", Discussion Paper No. 2003/72, UNU World Institute for Development Economics Research (UNU/WIDER), 2-3. <<https://ideas.repec.org/p/unu/wpaper/dp2003-72.html>>

⁸⁴ Gustafson Kristian, "Complex Threats". *The RUSI Journal*, (2010), 155:1, 72-78, <DOI: 10.1080/03071841003683500>; Bagley Bruce Michael, "Globalization and Transnational Organized Crime: The Russian Mafia in Latin America and the Caribbean", *University of Miami*. (November 15, 2001), 2. <<http://www.researchgate.net/publication/242769575>>

⁸⁵ Williams Matthew, "Drugs and Smugglers: Libya has become a haven for transnational crime", *The Conflict Archives*. (May 29, 2019). <<http://theconflictarchives.com/transnational-crime/2019/5/29/drugs-and-smugglers-libya-has-become-a-haven-for-transnational-crime>>

objectives.⁸⁶ Law enforcement agencies, by contrast, follow certain rules and respect their chain of command when working in their own countries and respect the rules of the other country or countries when working abroad.⁸⁷ An obvious corollary of this disparity in their modus operandi is that the former, with their flexibility, agility and quick adaptability, are seemingly gaining upper hand;⁸⁸ this is evident from the clearly visible signs of continuous growth in volume, geographic reach and profitability of organised crimes.⁸⁹ We hear about the drowning of illegal migrants on a regular basis; around 80 migrants died in the beginning of this month, i.e. July, 2019 when the boat carrying them from Libya to Europe capsized in the Mediterranean Sea near Tunisia while over 60 had drowned in May this year, to mention a few.⁹⁰

Conclusion

Transnational policing against TOC is an old phenomenon which has gained more momentum today in response to the unprecedented growth in TOC. Realizing the gravity of the threat posed by TOC and the need for a collective action against it, states

⁸⁶ McCarthy Dennis M. P., *An Economic History of Organized Crime A national and transnational approach*, (2011). 20-23, Taylor & Francis e-Library

⁸⁷ Ohr Bruce G., "Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes". *116th International Training Course Visiting Experts' Papers. Resource Material Series 58*, (n. d.). 40-60.

⁸⁸ Galeotti Mark, "Transnational Organized Crime: Law Enforcement as a Global Battlespace", *Small Wars & Insurgencies*, (2002), 13:2, 29-39.

⁸⁹ Schreier Fred, "Human Trafficking, Organised Crime & Intelligence", In Cornelius Friesendorf *Strategies Against Human Trafficking: The Role of Security Sector*. (September 2009), 220-221, Study Group Information, Vienna and Geneva, <<https://www.dcaf.ch/content/download/36916/529049/file/Chapter%206.pdf>>

⁹⁰ "More than 80 feared dead as migrant boat capsizes off Tunisia", *The Guardian*, (July 4, 2019), <<https://www.theguardian.com/world/2019/jul/04/boat-with-dozens-of-migrants-capsizes-off-tunisia-coast>>

are responding through various initiatives such as Interpol, Europol, Special Task Forces, and other bilateral and multilateral agreements for police cooperation and coordination. Private police and security companies are also actively involved in the fight against some TOC, which are mainly hired by big commercial organizations. Although both transnational criminal groups and transnational policing have displayed considerable growth and sophistication in the last two decades, the former have the proven ability to outwalk the former and they merrily flow and grow across borders.
