

The necessity of a modern approach to criminal investigation of organized crime

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Abstract

Since organized and other forms of crime are liable to change, modernisation and adaptation to specific social conditions, this phenomenon also requires some changes, but this time in the approach used in its detection, prevention, or proof. The primary reason for the selection of this topic is to draw the attention of the scientific society to the importance of expanding existing scientific and professional knowledge in the field of the criminal investigation of organized crime. Continuous and accelerated development of organized crime should be accompanied by the simultaneous development and improvement of tactical approaches to the investigation of this socially negative phenomenon. This article is primarily aimed at pointing out the importance of continuous improvement of traditional, classical, or methods in use, but also the development of new and modern activities that are used to combat organized crime. In addition to the conceptual definition and presentation of the elements that characterise organized crime, the author emphasises the importance of modernisation or improvement of the traditional investigation approach and presents a significant contemporary approach in the criminal investigation of organized crime. There is no success and progress in combating organized crime without proactive investigation, modern technologies, intelligence gathering, and special investigative measures. It should be noted that organized crime in most cases expands its activities to two or more countries, i.e., achieves cross-border activities that require international cooperation (criminal, police, inter-agency). The value of international police cooperation is also reflected in the fact that organized crime operates across national boundaries, does not choose society or state. Accordingly, it would be much more effective for judicial, police, and other competent authorities to remove any kind of obstacles, barriers and raise up international co-operation to the highest level, to establish an effective system for combating organized crime.

Keywords: organized crime, Council of Europe, special investigative measures, modern approach, criminal investigation, international cooperation.

Konieczność nowatorskiego podejścia w dochodzeniach kryminalnych w ściganiu przestępczości zorganizowanej

Streszczenie

Ponieważ przestępczość zorganizowana, podobnie jak każda inna forma przestępczości, podlega zmianom, dostosowaniu i adaptacji do określonych warunków społecznych, zjawisko to również wymaga pewnych zmian, tym razem w podejściu do jego wykrywania, zapobiegania, czy badania. Podstawowym powodem wyboru tego tematu jest zwrócenie uwagi społeczności akademickiej na znaczenie poszerzania istniejącej wiedzy naukowej i zawodowej w obszarze dochodzeń kryminalnych w sprawach z zakresu przestępczości zorganizowanej. Ciągłemu i przyspieszonemu rozwojowi przestępczości zorganizowanej powinien towarzyszyć równoczesny rozwój i doskonalenie taktycznych podejść do badania tego społecznie negatywnego zjawiska. Celem artykułu jest przede wszystkim zwrócenie uwagi na znaczenie ciągłego doskonalenia stosowanych metod tradycyjnych, klasycznych i używanych w praktyce, ale także rozwoju nowatorskich działań służących zwalczaniu przestępczości zorganizowanej. Oprócz pojęciowego zdefiniowania i przedstawienia elementów charakteryzujących przestępczość zorganizowaną, autorka podkreśla wagę modernizacji lub doskonalenia tradycyjnego podejścia dochodzeniowego oraz przedstawia istotne współczesne podejście w dochodzeniu kryminalnym w sprawach z zakresu przestępczości zorganizowanej. W walce z przestępczością zorganizowaną nie odnosi się sukcesu czy postępu bez proaktywnego śledztwa, nowoczesnych technologii, gromadzenia danych wywiadowczych czy specjalnych środków dochodzenia. Należy zauważyć, że przestępczość zorganizowana w większości przypadków rozszerza swoją działalność na dwa lub więcej krajów, tj. jest zjawiskiem transgranicznym, które wymaga współpracy międzynarodowej (kryminalnej, policyjnej, międzyagencyjnej). O wartości międzynarodowej współpracy policyjnej świadczy również fakt, że przestępczość zorganizowana działa ponad granicami państw, nie wybiera społeczeństwa ani państwa. W związku z tym o wiele skuteczniejsze byłoby dla organów sądowych, policyjnych i innych właściwych organów usunięcie wszelkiego rodzaju przeszkód i barier oraz podniesienie współpracy międzynarodowej na najwyższy poziom w celu ustanowienia skutecznego systemu zwalczania przestępczości zorganizowanej.

Słowa kluczowe: przestępczość zorganizowana, Rada Europy, szczególne środki dochodzeniowe, nowatorskie podejście, dochodzenie kryminalne, współpraca transgraniczna.

Contemporary organized crime is a changing, global, flexible phenomenon and one of the major threats to global stability and security. It has a negative impact on almost all countries around the world without exception and accordingly requires an effective global level response. It is a complex and dynamic phenomenon with numerous and various forms of manifestations and mainly with transnational nature. Also, it is important to say that one of the most typical characteristics of organized crime is a high level of flexibility or adaptability to current social changes and relations as witnessed most recently in the context of the coronavirus pandemic, and this requires a holistic approach of the competent prosecutor's office, but also by the entire society. According to the Europol data, there is a rise in coronavirus-related criminality, especially in the form of cybercrime, fraud, and counterfeiting, shortly after the pandemic erupted (Luyten, Voronova 2020). Circumstances that facilitate and support the mobility of organized criminal groups and the expansion of their activities in general are accelerated globalisation tendencies. The global technology development allows criminals to use technology for the purpose

of committing crimes without physical presence, to invent new types of crime, and to create new methods for committing traditional crimes (Dijk, Spapens 2014; Wexler 2018). The advancement of new technology is a key creator of new criminal markets, but also of new *modus operandi* of criminal organisations. Due to the great importance that organized crime has in the modern world, as well as the tendency to be present on the criminal-political and other agenda, a review of previous research on certain aspects of organized crime was conducted. The authors von Lampe and Antonopoulos demonstrate in their research that the UK and Ireland are integral parts of what Europol regards as the Northwest hub of organized crime and it is about region characterised by major transport infrastructures, geographical proximity to the various Member States and a flourishing economy (von Lampe, Antonopoulos 2018). Further, there are research (Rostami et al. 2018) authors about the idea that partial organisation can provide insight into the study of organized crime. This research demonstrates that partial organisation could be roughly applied in the study of organized crime. The data obtained by this research will enable an understanding of the criminal organisation from different perspectives, both who organized cooperation and who fight against them. Another study on organized crime suggests that police specialisation, prosecutorial efficiency, continuity and coordination of activities, quality and abundance of evidence, response without delay, and many other legitimate activities are essential barriers to organized crime, terrorism, and corruption as the most dangerous types of crime (Krstić 2017).

The dynamics of organized crime, new forms of organized crime, replacement of traditional criminal activities with new ones, the fluid and vague structures of criminal organisations, as well as many other phenomena of this kind, require a modern approach to a criminal investigation of organized crime from law enforcement agencies (Nelen, Siegel 2017). Furthermore, Krstić (2017) points out the difficulties in detecting organized crime, primarily conditioned by the conspiratorial activities of organized criminal groups, their specific, closed, heterogeneous, and complex structure based on dependence and subordination relation. Organized crime investigation requires a different approach than law enforcement agencies apply to conventional crime investigation. The basic motives of organized crime, according to Sergi (2017), is financial gain, that is why it would be very effective if law enforcement agencies focused on tracing, freezing, seizing, and confiscating of proceeds of crime. Most importantly, there are certain differences between the investigation of organized and conventional crime. One of them is that the organizers of organized criminal groups are not directly involved in committing crimes, also very few members of the criminal group never engaged a direct contact with the head of the criminal organisations or does not make it at all, also they never get a chance to meet them. All previously presented facts demonstrate that the traditional approach to criminal investigation of organized crime is not possible to determine their participation in a crime. Some things that a criminal investigation of organized crime should include are the following: systematicity, strategic approach to investigation, strategic planning, better coordination and co-operation and at least more training of police, prosecutors, and other experts. A proactive approach to investigation is the specificity of criminal investigation of

organized crime. The general features of the proactive approach include the gathering of intelligence followed by criminal investigation (UNODC 2018). Proactive criminalistic investigation is an effective means of combating organised and severe forms of crime. Some of the modern approaches in criminalistic investigation of organized crime contain certain phases/steps of proactive investigation and will be explained and elaborated in detail below. Successful organized crime investigation requires certain measures such as special education and training, interviews, surveillance, and other special investigative measures. Assessing that organized crime has no geographical boundaries, it is important to emphasise the necessity of international police cooperation. It is necessary to establish joint investigative and operational teams at the international level between two or more countries and thus enable them to conduct a complex crime investigation and establish an effective system for combating organized crime.

Methods and materials

Organized crime investigation requires a different approach, as well as methods which differ from those that are applied on conventional crime. This article is inspired with the intention of the author to point out the importance of certain methods that are used in organized crime research. In the article, the author tries to analyse but also present effective tactical and other approaches in detecting criminal offenses of organized crime. Since this phenomenon is complex and since the mechanisms of reaction to this phenomenon are always a current topic in the scientific fields, a review of recent literature has been made, which indicates the features of modern tactical approaches to the criminal investigation of organized crime. The methods used in the article are the descriptive method and the document analysis, which concerns scientific, as well as professional literature that point out the problem of criminal investigation of organized crime, with special accent on the content analysis of criminalistics scientific and professional literature. An overview of available literature in the field of criminal investigations of organized crime is based on available materials and in this case, it is not a systematic analysis of texts that deal with the topic concerned. The article does not imply results of an empirical scientific research. Due to the dynamic changes in the manifestations of organized crime, it is necessary to improve the tactical methods of its suppression, and this primarily refers to the intensive use of undercover investigative activities. Based on the collected data and materials related to the criminal investigation of organized crime, it can be concluded about the importance of improving existing and the inevitable continuous development of new and modern activities that will be used to combat organized crime.

Conceptual definition and characteristics of organized crime

Discussing the conceptual definition of organized crime, the author in this article accepts the viewpoint of the *United Nations Convention against Transnational Organized Crime* (UNTOC), which entered into force in 2003. The Convention does not contain the

definition of organized crime or transnational organized crime, but it contains a definition of "organized criminal group". The organized crime is a very changeable, flexible, and dynamic socially negative phenomenon that contains certain elements, which might change over time. This is one of the reasons that makes consensus difficult to define and enables wider application of the Convention (see: UNODC 2021).

Therefore, the *United Nations Convention against Transnational Organized Crime*, does not contain a precise definition of this socially negative phenomenon, but the definition of organized crime is determined by the following terms:

- "organized criminal group" – three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences [...] to obtain, directly or indirectly, a financial or other material benefit;
- "serious crime" – conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;
- "structured group" – group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure (United Nations Convention... 2004: art. 2; UNODC 2017: p. 10).

The presented concept or understanding of the definition of organized crime came precisely from the complexity of the problem. The way we will understand and how much we will understand the conceptual definition of organized crime can generate a successful or less successful criminal investigation organized crime. In the literature, we can find two theoretical approaches in defining the term organized, which designates this type of criminal offense as socially dangerous behaviour *sui generis* (Marinković 2010). The first approach refers to the fact that the term organized crime is equal to any form of organising and committing criminal offenses with the aim of obtaining illegal property gain and equates it with the institute of complicity, while the second approach refers to the fact while the second approach refers to the fact that in addition to the organisational element, it must have some other characteristics related to the criminal organisation, its structure and way of functioning.

However, even though organized crime is a very complex phenomenon, in the scientific and professional literature there is still no consensus on defining this phenomenon and there is also a certain ambivalence that creates problems and an obstacle to its successful prevention. Still, there is not a unique, as well as a generally accepted definition of organized crime, it does not exist, and one of the reasons is that the phenomenon has a wide range of relevant, but also different elements that are its constituent parts. Therefore, to successfully fight against organized crime, it is necessary to define certain characteristics that will help us to clearly distinguish this type of criminal offense from other forms of illegal activities. According to the CoE report (see: Council of Europe 2006), mandatory and optional criteria that must be followed, when defining crime or criminal groups as organized crime are:

- 1) Mandatory criteria: collaboration of three or more people; for a prolonged or indefinite period; suspected or convicted of committing serious criminal offenses; basic goal – achieving profit and/or power.

- 2) Optional criteria: each participant has a certain role as well as a task; internal discipline and control; using violence and other means suitable for intimidation; influence on politics, media, law enforcement agencies by corruption; using commercial or business structures; money laundering; operating on international level.

In addition to the fact that there are many different approaches in defining organized crime, the essence is the same. Thus, certain similarities are noticeable in the definitions of some authors and international organisations responsible for organized crime: criminal organisations, profit as a goal, hierarchy, organized approach to committing crimes, links with authorities, use of violence, etc. Furthermore, for the representative purposes of this article, it is also important to present the characteristics of the *modus operandi* of organized crime. Accordingly, the most typical characteristics are:

- use of violence and influence (it is an integral part of organized crime groups);
- corruption (political, judicial, police, customs) as a tool that facilitates every operation);
- money laundering (to enable the investment of the capital accumulated from the illegal traditional activity) (Cara 2015).

According to Siegel (2017), organized criminal groups can be identified by a hierarchical structure, internal discipline, use of violence, and use of corruption. Violence and intimidation are the most important and most frequently used means of organized criminal groups to achieve their goals. Violence is often used method, both inside and outside the group. Most heads of organized criminal groups have connections with political figures as well as the legal world and thus facilitate their illegal activities. The reason why the Italian mafia has been operating for over 200 years is not only in their use of violence but in their ability to be part of a legitimate world (Canonico et al. 2017). The danger of organized crime is not only in a wide range of various criminal activities but also in corruption, which is a powerful tool for achieving criminal goals. The benefits that corruption provides to organized crime have facilitated the flow of information to organized criminal groups about state surveillance, investigation, facilitated the flow of information on criminal proceedings, competition, investigation, or prosecution, minimise the risk of detection (Campbell 2016). A common feature of organized criminal groups in most countries is their ambition to internationalise and expand markets and activities (Siegel 2017). According to the Europol (European Police Office) report, the definition of an organized crime group adopted by the Council of Europe is identical to the UN definition in the *Convention against Transnational Organized Crime*, but the same definition does not adequately describe the complex and flexible nature of modern organized crime networks (SOCTA 2017). Conspiracy as one of the *modus operandi* characteristics includes protection against the penetration of the prosecuting authorities, i.e. from their investigative techniques. According to Krstić (2017), it is difficult to detect organized crime primarily due to conspiracy, specific, closed, and branched structure of organized crime groups, which is based on the relationship of dependence and subordination. Another important *modus operandi* characteristic of organized crime is the use of modern information and communication technologies. Information technology development leads to the emergence of many new criminal activities (identity and credit

card theft or financial fraud, cyber-attacks). Specialisation, as one of the *modus operandi* characteristics of organized crime, refers to the fact that criminal organisations use experts of various profiles to perform criminal activity, as well as educating members of the criminal group on the application of modern technological achievements. In addition to traditional, organized criminal groups daily are interested in new forms of illegal criminal activities. Accordingly, it is necessary to pay as much attention as possible to the development, modernisation and improvement of activities that will be used both in research and in combating this type of crime.

Tactical approaches to criminal investigation of organized crime

In accordance with the complex nature of organized crime, activities related to the detection, prevention and proving of criminal offenses are also very complex. According to Karović (2018), the reasons for this are as follows:

- 1) relation between members of organized crime groups and politicians;
- 2) mobility of people, mobility at the international level;
- 3) rapid technical and technological development;
- 4) the tendency to humanise the basic human rights and freedoms that members of organized criminal groups use to a wide extent;
- 5) the presence of corruption.

The use of a conventional approach in the fight against organized crime does not threaten organized crime to detect or combat it. Differential factors that characterise organized from unorganized crime as well as conventional from modern approach for their suppression are: 1. current crime scene, specificity of organising criminal groups and certain features of organized crime such as corruption, violence, and connection with state power structures (Smajić 2010). The disadvantage of the traditional approach in combating organized crime is the fact that the policy of combating organized crime is mostly within the competence of state law enforcement agencies, and its modernisation would mean focusing on overall social and international interaction. Also, disadvantages of traditional methods and activities by new methods and activities to detect and combat organized crime are reflected in the fact that it is very difficult to access the actions of criminals using conventional activities. Modern approach to combating organized crime by special investigative measures is justified by the fact that criminal organisations use the achievements of modern science and technology in committing serious crimes of organized crime. Conventional approaches in criminal investigation, such as the application of traditional methods of preventing, investigating and prosecuting offences of modern organized crime, are pointless.

The use of the modern approach to investigation requires certain personnel and organisational changes and certain educational-specialist measures of police and court personnel (Smajić 2010). The main reason for modernising the conventional approach to the investigation and combating organized crime is the complexity and continuity of the development of this phenomenon. Conventional approaches are also being replaced by

modern approaches to investigation and proactive investigation and the application of special investigative measures are gaining in importance.

Proactive approach to the investigation of organized crime

Criminal investigations of organized crime traditionally have a reactive nature, i.e., they are investigated after they have been committed. Thus, conventional treatment is reactive in nature and this implies a police response only after the crimes have been committed and reported. To a successful and efficient criminal investigation, a proactive approach is important, which is mainly based on the analysis of criminal intelligence, because many of the crimes are not reported to the police, but they need to be detected by special investigative techniques (UNODC 2018). According to Kruisbergen (2017) due to the consensual nature of several types of organized crime, reactive police approaches become less effective, and they are often replaced by a proactive police approach. Some proactive investigative approaches such as telephone tapping, electronic surveillance and covert operations share their covert nature as a common feature. A proactive investigation allows the investigator to detect and prevent suspects from committing their crimes. Also, thanks to a proactive investigation, it is possible to obtain evidence of crimes committed earlier. The nature of proactive investigation usually involves the use of covert, intrusive techniques (Council of Europe 2013). A proactive approach is based on gathering evidence of the perpetrator's current and future behaviour. This includes investigative measures such as wiretapping, surveillance, use of informants and covert operations. According to (Ross 2017), covert tactics in the United States and Europe are favourite tools for investigating organized crime, including infiltration into criminal networks dealing in drug trafficking, weapons, and human trafficking.

According to Marinković (2010), the basic elements of the criminal strategy for combating organized crime are proactivity as awareness of all problems that affect or may lead to the commission of crimes, offensiveness that can represent – obtaining information in various ways, especially special investigative techniques, but also infiltration and conspiracy with the basic goal of conspiratorial performance of operational measures and activities. A proactive approach to the investigation includes five phases/steps in the investigation. The first phase/step is the preparatory phase of the investigation, which is the basis for all other phases and includes: preparation of rules, processes, procedures, training, coaching, contracts with other agencies, teams, tasks, etc. The second phase/step of the investigation is the intelligence phase of the investigation, which involves gathering of facts and information about the target, the criminal association and verifying this information to decide on initiating an active investigation. Furthermore, we have an investigative phase, where we document the evidence. This phase is followed by a fourth phase/step that involves deprivation of liberty and finally a fifth phase/step that involves a trial (Kilfeather 2011).

The use of modern technology in the investigation of organized crime

If we point out that a significant number of organized crime activities today are being prepared and realized through the Internet and social networks, then as one of

the important modern methods in the investigation of organized crime, we present the supervision of social networks. Some advantages of using new modern tools are low cost compared to other forms of surveillance, early detection of warning signs of committing a crime (e.g., hate posts, weapons, etc.), identifying potential perpetrators before they act, detecting potential trafficking activities, etc. (Mateescu et al. 2015).

Due to the growth of development as well as the use of modern technology, the development of monitoring and surveillance equipment (e.g., secret recording equipment), the Internet, the use of mobile devices, law enforcement agencies and technology vendors are focusing on new forms of training and technology systems that would automatically perform social media oversight. Furthermore, trends in criminal investigations and the suppression of organized and other forms of criminal activity include the use of computers, which really facilitates the work of investigators (e.g., automated fingerprint system), the use of lasers to find fingerprints, writing reports and saving documents in computer memory (Palmiotto 2013). In addition to the use of computers as a new method in combating and investigating organized crime, we also have: (1) profiling, which involves determining the special characteristics of perpetrators of criminal offenses and (2) GIS (geographic information system). GIS technology for mapping crimes and criminal events will enable law enforcement agencies to predict where certain crimes might occur in the future (Palmiotto 2013). The private security sector is also a trend in crime investigation and combating, where cooperation between public and private police is paramount. In addition to the above, we also have areas of forensic science, which include forensic psychology, forensic linguistics, and forensic anthropology as trends in crime prevention (Palmiotto 2013). Furthermore, we have augmented reality as a trend in investigation, which means the technology of covering the real world with computer graphics. Some other areas where technology can be helpful in criminal investigations are the use of video cameras, and biometrics as one of the investigative trends that represents a great advantage in facial identification. Then it is important to mention that specifically the fight against illicit drug abuse and other smuggling will be intensified using laser devices, which will be able to investigate cargo containers and similar containers of hidden compartments (Palmiotto 2013). Thus, advancement in technology is a key enabler of change in organized crime.

According to Luyten and Voronova (2020), traditional criminal markets such as drug trafficking, human trafficking and migrant smuggling still bring the most profit to organized criminal groups, but it is expected that in the future these markets will be cyber-criminal activities. Accordingly, technologies such as advanced digital forensics, policy prediction software, and drones will be a great and significant law enforcement aid in the fight against serious and organized crime in the future (Luyten, Voronova 2020).

Covert measures and actions in organized crime investigation

Operational-tactical measures and actions

From the whole spectrum of operational-tactical measures and actions available to police officers, for the purposes of this article, only those that are considered the most

effective in combating organized crime will be presented. Gathering information is the most used operational and tactical measure by police officers. Gathering information is an important but also complex process and has its own stages. Successful combating of organized crime is in quality intelligence work, i.e., gathering information that points to crimes that are in preparation or are in the phase of being committed or have already been committed (Marinković 2010).

According to Deljković (2016), gathering information is an operational and tactical action that the authorities take on their own initiative or on someone's initiative, all in a planned and methodical way. This action involves gathering information from citizens who may have the status of potential suspects or probable witnesses. However, considering gathering information in the context of the investigation of organized crime, authorized officials in the implementation of this operational and tactical action mainly rely on the engagement of informants and the so-called "operational links" as important sources of information. Firstly, it is important to say that there is a clear difference between the use of informants as an operational-tactical action and the use of informants within a special investigative technique. If we act operationally and tactically, the information we receive from informants have only cognitive value, and the working procedure with them is regulated by internal acts. On the other hand, the use of informants as a special investigative technique provides evidence whose conduct is regulated by procedural rules (Deljković 2016).

Special investigative actions

According to Karović (2012), common, classical, or traditional methods in detecting or proving organized crime are no less important than the contemporary approach, but it is much less efficient, disproportionate and in most cases will not give the desired and expected result. It is important to mention that the application of special investigative actions on criminal acts of organized crime and its complex forms such as corruption, money laundering, drug trafficking, human trafficking, etc. is the only reasonable and adequate response of the prosecuting authorities to oppose this negative phenomenon. This is supported by the fact that conspiracy is the most typical characteristic of organized crime. So, it is about planning to commit a crime. Planning is precisely the aspect of organized crime that distinguishes it from most conventional crimes (Albanese 2015). When applying special investigative actions, we should keep in mind that these actions restrict and interfere with fundamental human rights and freedoms. Therefore, Karović (2012) says: "by applying special investigative actions in practice, we should never favour efficiency that leads to illegality or violation of the provisions of criminal procedure and the Constitution as the highest legal-political act in the country, because facts-evidence obtained in such (illegal) way have no legal significance."

For this article, the author opted for the division of special investigative actions according to their nature and duration, and according to Karović (2012) they are as follows:

- 1) Secret observation measures:
 - surveillance and technical recording of telecommunications called Wiretapping;
 - access to computer systems and computerised data;

- surveillance and technical recording facilities;
 - secret surveillance and technical recording of persons and objects;
 - supervised transport.
- 2) Measures of penetration into criminal groups:
- engagement of undercover investigators and informants;
 - simulated and controlled buy of the subject and simulated bribery.

According to the duration of special investigative actions, they can be divided into:

I. Long-term, which are applied for several months, respecting the prescribed conditions for application.

- surveillance and technical recording of telecommunications;
- use of undercover investigators and use of informants;
- secret surveillance and technical recording of persons and objects.

II. Short-term, applied for up to a month, and sometimes very short (e.g., only a few days):

- simulated purchase of items and simulated bribery;
- supervised transport and delivery of the subject of the criminal offense.

III. Urgent, which are applied as soon as possible (the principle of expediency and speed of action), e.g., the purchase of narcotics on the street, followed by deprivation of liberty at the scene.

A special investigative action, surveillance, and technical recording of telecommunications can be determined to a person suspected of transmitting information related to the criminal offense to or from the perpetrator of criminal offenses, i.e., that the perpetrator uses the means of communication of that person (Petrović 2016). Undertaking special investigative actions of supervision and technical recording of telecommunications is carried out with the basic goal of detecting the preparation for the committing of the criminal offense of organized crime, detection and identification of suspects and other members of the organisation as well as gathering of material evidence. Regarding the surveillance and technical recording of telecommunications, it is important to say that this action restricts the human right to the inviolability of "telecommunications" as well as the right to privacy (Sijerčić-Čolić 2017). Surveillance and technical recording include secret surveillance and/or recording of telephone conversations and other technical communications as well as recording of conversations (Deljkić 2016). This special investigative action can be ordered to the suspect and a third person suspected of transmitting information about the crime to the perpetrator, or from the perpetrator, or that the perpetrator uses its means of telecommunications (Sijerčić-Čolić 2017). This special investigation action includes interception and recording of conversations with equipment intended for these purposes as well as other audio equipment that does not include interception and recording, daily listing of incoming and outgoing calls, messages, user number and mobile phone and user numbers used by the suspect (Kajmaković 2010). Access to computer systems and computer data alignment implies certain databases and the application of appropriate software solutions to that data to compare or analyse the data (Marinković 2010). According to Deljkić (2016), computer data alignment in its most basic form refers to the computer comparison of two or more automatic record systems or databases.

A special investigative action related to access to computer systems and computer data alignment includes interception and recording of all communications made through computers, then access to all computer data and making copies of that data (Kajmaković 2010). Surveillance and technical recording of the premises is performed using various hidden technical devices such as cameras, sound equipment and other audio and video equipment. This action restricts one of the basic human rights, which is the right to privacy and respect for private life. Covert investigative action, secret surveillance can be determined only against a person suspected of having participated alone or with other persons or participating in the committing of a criminal offense (Sijerčić-Čolić 2017). Conversations, facilities, and premises related to the suspects are monitored and recorded. The aim of taking this action is to discover the preparation of the committing of a criminal offense, the suspect and other members of the organized group, as well as the gathering of material evidence. A special investigative operation of secret surveillance and technical recording of persons, means of transport and objects, as well as other special investigative actions, is undertaken with the basic goal of detecting the preparation of a criminal offense as well as detecting a suspect and other member or gathering material evidence. This action is performed by recording objects and vehicles with a camera, sounding the vehicle, recording conversations in the vehicle with audio and video equipment (Kajmaković 2010). Sheptycki (2017) points out that one of the most effective, but also the most controversial, special investigative actions applied in the framework of combating organized crime is the use of undercover investigators and informants. Good organisation and conspiracy of organized criminal groups creates difficulties for police authorities in detecting and proving their illegal acts. The fact is that the infiltration of police officers into the criminal environment will make it possible to obtain first-hand information, which directly contributes to the effective fight against this type of crime. Analogously, the informant represents a person within the criminal organisation, who knows the organisation very well and gives the police information from the inside. Additionally, Deljić (2016) points out that an informant who consciously, organized and secretly works on the order of the police with the basic goal of obtaining information about the criminal activities of persons belonging to the criminal milieu. In addition to the use of informants, another effective action they used to combat organized crime is the use of undercover investigators. An undercover investigator is a person employed by a law enforcement agency who has previously attended very long and detailed training, i.e., training to acquire the knowledge and skills necessary to successfully infiltrate an organized criminal group and gather information that will be useful in court.

In other words, an undercover investigator is an authorized official who investigates criminal activities under a changed identity and who, however, is not allowed to enter the criminal zone during his/her activities (Sijerčić-Čolić 2017). The use of undercover investigators and informants seeks to expose the internal structure of the criminal organisation and seeks to obtain evidence that will be able to initiate criminal proceedings against members of an organized criminal group (Marinković 2010). Undercover

investigators and informants act according to the same legal conditions, and they operate in a criminal environment. In this regard, undercover investigators and informants may appear in court as witnesses or as protected witnesses (Sijerčić-Čolić 2017). Regarding the simulated and controlled buy off and simulated bribery, it is important to say that these measures are taken, when the detection of criminal offenses is associated with extreme difficulties. According to Deljković (2016), these actions are carried out with the use of informants and undercover investigators. The most important thing is to emphasise that by undertaking this action, it is not allowed to incite the suspect to commit a criminal offense (Sijerčić-Čolić 2017). Covert investigative action of controlled transport and delivery of criminal objects implies cooperation of police agencies of several countries, implies that the person and/or vehicle, by which the criminal objects are transported are monitored and intentionally allowed to pass through the territories of certain states with the primary aim of discovering to whom the criminal objects are intended at their destination. That is why this action is called "omission" because the person who transports the objects of the crime is not deprived of liberty immediately but is omitted to be deprived of liberty at the destination, together with the person who is to take over those objects. The main purpose of this action is to discover the perpetrators of the crime, but also all others related to criminal activities. Regarding the application of special investigative actions in Bosnia and Herzegovina, experiences, and problems in the application of these actions, Kajmaković (2010) says that one of the most efficient and most used is the operation of surveillance and technical recording of telecommunications. The problems in practice related to this action, which have now been successfully eliminated, were of a technical nature. Problems in the application of special investigative actions access to computer systems and data as well as actions of surveillance and technical recording of premises, actions of secret surveillance and technical recording of persons and objects and actions of supervised transport and delivery of criminal objects in BiH are in the first place lack of both technical and human infrastructure as well as the fact that the suspect often uses a computer located in a public place (Kajmaković 2010).

According to Kajmaković (2010), the special investigative action of using an undercover investigator and informant is one of the most successful actions carried out in the practice of the Prosecutor's Office of BiH. SIPA formed one department of undercover investigators and trained several authorized officials to carry out this special investigative action. Problems with simulated and controlled buy off the subject and simulated bribery are cash because they involve a large amount of money. Regardless of the problems that arise in the application of special investigative actions, the fight against organized crime would not be effective without their application.

Need for international police cooperation

The activities of organized criminal groups are undoubtedly a challenge to the internal security of all states. A wide range of criminal activities of organized criminal groups is concentrated not only in the homeland but often has cross-border activities. Europol

data in the SOCTA report for 2017 demonstrates the presence of approximately 5,000 organized criminal groups operating internationally in the EU, compared to 3,600 in 2013, which confirms a significant increase but also a shift in the criminal market (SOCTA 2017; Luyten, Voronova 2020). According to the fact that organized crime in an increasing number of cases is characterised by interconnection, internationality and digitalisation, there is undoubtedly a need for cross-border cooperation of police and judicial authorities in planning and conducting operational activities.

According to Luyten and Voronova (2020) in the report of the European Parliament's Investigation Service, the EU recognised the need for joint and coordinated action of the police and judicial authorities of the member states and initiated certain measures such as the adoption of a common legal, judicial, and investigative framework to fight organized crime, all to encourage their cooperation. The necessity of international police cooperation is reflected, among other things, in the pronounced complexity of detecting and proving specific forms of organized crime (illicit drug trafficking, human trafficking, etc.). The importance of international police cooperation is especially emphasized in the case of the increased volume of criminal offenses with an international component and in the time of internationalisation and globalisation of crime in general (Mujanović 2015). Regarding police cooperation, the *UN Convention against Transnational Organized Crime* provides for modalities for achieving such cooperation, and they are: to improve communication in order to facilitate the flow or exchange of information, cooperation in joint investigations, submission of cases for investigative and analytical purposes, exchange of officials, exchange of information related to the *modus operandi* of organised criminal groups, exchange of information and coordination of administrative measures (United Nation Convention against Transnational Organized Crime, article 27). Therefore, according to Karović (2018), to ensure efficiency in detecting and preventing the commission of criminal offenses, it is necessary to establish quality cooperation but also coordination of activities of all those involved in collecting useful information, exchanging information and data, professional development and other aspects of joint work directing one unique goal and that is safety.

Conclusions

Regarding the previously described characteristics of organized crime, it is evident that they determine the approach to criminal investigation of this global criminal phenomenon. Characteristics of organized crime such as organisation, hierarchy and conspiracy of action significantly reduce the scope of operational-tactical, investigative, and special investigative actions applied during the investigation and with the aim of proving criminal offences in the domain of organized crime. The essence of organized crime is the organisation, permanent connection, or existence of three or more persons involved in criminal activities. Therefore, the specificity of the investigation of this criminal activity is the focus on proving the connection between the members of the criminal organisation. Internal hierarchy as an important characteristic of organized crime implies the existence of organisers of criminal activities, and it can be concluded that in criminal

organisations there is a precise division of labour and expressed respect for the internal rules of organized crime. Thus, during the investigation of organised forms of crime, it is necessary to collect facts that will indicate the role that each of the participants in the criminal organisation had during its activities.

Conspiracy as one of the most important features of this phenomenon is the secret performance of criminal activities, which, combined with the specialisation of activities and the use of modern technologies, is a complex phenomenon that first needs to be discovered and then clarified. Conspiracy indicates that these criminal activities cannot be detected or clarified by applying conventional criminal activities, but it is necessary to apply special investigative actions that significantly intrude on intimacy and basic human rights and freedoms. In addition to the above characteristics, in the investigation of these crimes it is necessary to keep in mind the lucrative character of organized criminal activity (i.e., its focus on making illegal profits), and the use of illegally obtained goods for the purpose of committing corrupt crimes and linking criminal organisations with the authorities. Furthermore, illicit profits can also be channelled into legal cash flows, indicating that organized crime is always linked to money laundering. Ultimately, the financial gain gained in this way can be used for other criminal activities, such as expanding the criminal activity of an existing criminal organisation or the financing of terrorist activities to weaken the state, in which the criminal organisation operates or has its interests.

Finally, we can conclude that the criminal investigation of organized crime requires a proactive approach characterised by intensive criminal intelligence activities, infiltration into criminal communities and groups, and the application of modern technological advances. Therefore, due to the danger and complexity of organized crime, as well as its rapid development, it is necessary to continuously and systematically approach its combating and investigating in order to be able to identify new forms of organized crime and all other changes related to this socially negative phenomenon. The primary goals are: effective detecting, eliminating, researching, and responding to the causes that lead to the emergence of this socially negative phenomenon. Traditional approaches to combating organized crime must be continuously supplemented or replaced by new and modern approaches.

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