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Research Report No 147

Offender organization and criminal investigations with regard to organised residential burglary

Results of an international expert survey



This project is co-financed with re-
sources from the Internal Security
Fund of the European Union

**Gina Rosa Wollinger, Maximilian Querbach, Alexandra Röhrig, Alicia König,
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Preface

This research report is based on the results of the research project “Organised crime in the field of residential burglary”. This study was financed with resources of the European Union's Internal Security Fund and the Criminological Research Institute of Lower Saxony e.V. (KFN). We would like to express our sincere thanks to Prof. Dr Dirk Baier, who was substantially involved in the development and elaboration of the project idea.

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We would particularly like to thank the 71 police officers and public prosecutors who agreed to participate in expert interviews as part of the investigation. We are especially grateful for the time our interview partners have taken and their willingness to get involved in discussions and share their experiences and reflections on the topic with us.

1 Introduction

The crime of residential burglary has attracted increased attention in Germany for several years, both on the part of police and judicial prosecution as well as policymakers and in media reports. In addition to the scientific findings on the psychological situation of the victims (Schubert Lustig, 2011; Wollinger, Dreißigacker, Blauert, Bartsch & Baier, 2014; Wollinger, 2016), this topic is also relevant based on the development of case numbers. According to police crime statistics, the total number of residential burglaries increased over a period of nearly ten years starting in 2006 by a total of 57.62%.¹ A downward trend has only been evident since 2016.²

Making statements about the perpetrators is complicated by the fact that few crimes are ultimately solved by the police. Studies show that only about 2.0 to 2.6% of cases end with at least one convicted perpetrator (Kawelowski, 2012; Dreißigacker, Wollinger, Blauert, Schmitt, Bartsch & Baier, 2016). Previous investigations of these convicted burglars have revealed a wide range of characteristics and motives among the perpetrators, ranging from relationship-related crimes, drug-related crimes, opportunistic perpetrators and groups of people operating across regions all the way to organised crime structures (e.g. Dreißigacker, Baier, Wollinger & Bartsch, 2015). Debates regarding successful investigative practices and the necessary political measures focus on the spectrum of well-organised perpetrators. In contrast to spontaneous occasional acts, which typically occur in the area of drug-related crime, we focus here on the phenomenon of “organised residential burglary”. This refers to acts of burglary with a certain degree of planning and preparation or follow-up and are committed by perpetrators who do so repeatedly over a relatively long period of time.

While a great deal of research has been conducted in Germany on the phenomenon of residential burglary dealing with questions such as the situation of the victims, the process of investigation, the characteristics of the acts and initial findings on (convicted) perpetrators and suspects, so far there has been no comprehensive investigation into the area of organised residential burglary. Findings highlighting organised crime in connection with residential burglary are provided on the one hand by the Federal Criminal Police Office (BKA) and on the other hand by Europol's so-called "SOCTA" report (Serious and organised crime threat assessment).

During the reporting period of 2016, a total of 563 organised crime proceedings were conducted nationwide (Bundeskriminalamt [BKA], 2016, p. 4). Of these, 98 proceedings fell into the area of property crime, although it is not possible to differentiate further how many proceedings concerned residential burglary (Bundeskriminalamt [BKA], 2016, p. 5).

A Europe-wide study on serious and organised crime is available in Europol's SOCTA report (Europol, 2017a). In preparing this report, Europol uses data that it receives in the course of its activities from Member States and third countries on the one hand, and freely accessible data, for example from NGOs and scientific studies, on the other. In addition, the data are compared with those of other EU institutions such as Eurojust and FRONTEX (Council of the European Union, 2012, p. 17 et seq.). According to Europol's analysis, there are over 5,000 organised crime groups (OCGs) throughout Europe that operate internationally and are characterised by

¹ According to police crime statistics for 2006-2016, published by the Federal Criminal Police Office, Wiesbaden.

² According to police crime statistics 2017, published by the Federal Criminal Police Office, Wiesbaden.

a high degree of flexibility and adaptability (Europol, 2017a, p. 10). There has also been an increase in the number of burglaries (Europol, 2010, p. 10 et seq.). Here you will find both highly specialised groups and OCGs working in various fields. The dominant groups are hierarchically structured OCGs with primarily six or more members in a group, which tend not to specialise in a single crime (Europol, 2017a, p. 14).

In addition to the above-mentioned data sources on organised crime, there are isolated descriptions of investigative proceedings in the area of gang residential burglary, such as that of Nath (2013), which uses a series of proceedings to show the course of investigations until the conclusion of criminal proceedings based on investigative methods and findings on perpetrator patterns. As a result, Nath notes that investigators often fail to determine the extent to which perpetrators act in criminal networks. In addition, perpetrators are becoming more and more professional, giving them a large lead over the investigating authorities (Nath, 2013, p. 583). A similar study is available in Winter (2015), which analyses investigative experiences in Baden-Württemberg. This study shows that Georgian suspects in particular are internationally networked and can be attributed to organised crime (Winter, 2015, p. 574). A previous survey of travelling and immigrant perpetrators conducted by the Criminological Research Institute of Lower Saxony e.V. (KFN; Wollinger & Jukschat, 2017) provided insight into the background, procedures and self-perception of burglars entering Germany from abroad and committing burglaries. However, since this study was based on the voluntary participation of the perpetrators, it can be assumed that strongly organised, mafia-like structures were not addressed. Furthermore, this investigation focused on the perspective of the perpetrators. This did not provide any insights into police investigation practice. However, it is important to gain knowledge about how the police and the judicial system are currently investigating in the context of organised residential burglary and the hurdles involved, especially regarding the hypothesis that offenders acting in multiple regions, who often also have links to other countries, pose numerous challenges for criminal investigation authorities.

Given these considerations, the research project "Organised crime in the area of residential burglary" was conceived. This research report presents the results of an extensive survey of police officers and public prosecutors, which constitutes the first part of the research project.³ So-called guideline-supported structured expert interviews were conducted with police officers and public prosecutors who are involved in the investigation of organised residential burglaries. One strength of the investigation lies in the scope of the expert interviews. A total of 25 interviews were conducted in all German states except Hesse. Ten interviews were conducted in focus groups. In these focus groups, police officers and representatives of the public prosecutor's office were interviewed together. In total, 36 police officers and 18 public prosecutors were questioned. The police officers were members of the State Criminal Police Offices or the local police stations. They worked as investigators, held management positions in departments or positions of public relations, were responsible for analysis or belonged to the department for property crime, organised crime and gang crime or were members of an investigation team. The

³ The second part of the research project relates to a criminal record analysis of procedures reported to the BKA as organised crime for the years 2014 to 2016. The first results will be available at the beginning of 2019.

prosecutors were department heads or heads of organised crime departments or the General Department for Adult Criminal Cases.

A special feature of the study is that the aspect of international cooperation was taken into account by conducting interviews with 17 police officers from Albania, Croatia, Lithuania, Austria, the Republic of Moldova and Romania in addition to the interviews in Germany. The countries were selected based on the extent of their relevance to German investigative authorities, because perpetrators come from these countries or, as in the case of Austria, the situation is similar to that of Germany. The organised crime report of the Federal Criminal Police Office (BKA, 2016) and discussions with the Federal Criminal Police Office and Europol were consulted to determine the countries. The interviews were conducted on site. The interviewees were police officers at the investigative level who already had experience in cooperating with German investigative authorities in the area of residential burglaries, but also police officers working in international cooperation departments.

The interviews were conducted from December 2016 to November 2017. Access to German law enforcement authorities was accomplished via the higher-level authorities, i.e. the interior ministries of the federal states and the public prosecutor's offices. Another way of establishing contact with interviewees was to arrange contact through experts who had already been interviewed or through existing personal contacts of the researchers. Furthermore, Europol and the Federal Criminal Police Office supported the establishment of contacts with police officers abroad. The interviewees were free to choose whether the interview should be conducted in English or whether a translator should be called in. At the request of the interview participants, an interpreter was involved in all interviews. The guiding research questions associated with these expert interviews related in part to the knowledge of criminal investigation authorities regarding perpetrators.

Secondly, there was an interest in finding out about the obstacles to criminal investigation in this area. To collect expert knowledge on these aspects, the interview guideline included the following topics: (1) general investigation process in the case of residential burglary, (2) institutional procedure and work organisation, (3) perpetrator characteristics and patterns, (4) typical investigative measures and (5) national and international investigative activities. In addition, specific questions were asked in order to gain more thorough knowledge regarding specific aspects of the topics mentioned, if the interviewee had not yet dealt with the topic to the desired extent (see Kruse, 2015, p. 209 et seq.). A qualitative content analysis method based on Mayring (2015) was chosen for the evaluation, whereby the interviews were evaluated using the structuring technique (Mayring, 2015, pp. 65 et seq., 97 et seq.).

In the following, the legal background relating to the present research topic is presented first. This is intended above all to provide a better understanding of the legal and investigative tools mentioned in the interviews. This is followed by the results section and divided into three main sections. The first section of the results presents the knowledge of German and foreign criminal investigation officers about the perpetrators. The second section of the results discusses the problems and practical reality of criminal prosecution. The obstacles to criminal investigations within Germany and the willingness and experience of German criminal investigative authori-

ties to conduct international criminal investigations are described. Subsequently, the perspective of foreign police officers is presented regarding international cooperation in general and with German investigative authorities in particular.

2 Legal background

As mentioned above, international legal and investigative tools are of particular importance in connection with investigations in the area of organised residential burglary. For this reason, and to gain a better understanding of the interview excerpts, the current key legal and investigative tools are outlined below. At present, the most important and frequently used instruments for cross-border prosecution are legal assistance, the use of the Schengen Information System, the European Arrest Warrant, the use of the PRÜM database for matching fingerprints and DNA traces, Europol's SIENA information channel, Europol's EIS information database, the possibility of operational meetings and joint investigation teams, and the new European Investigation Order introduced in 2017.

2.1 Police and judicial legal assistance

In principle, the powers of national law enforcement authorities extend to their own national borders. If powers are to be extended to foreign states, support from the foreign state is required in order to avoid violation of foreign territorial sovereignty. This can be done either by foreign authorities taking action themselves or by allowing prosecutions from other states on their territory. For Germany, such measures are permissible under the provisions of the Law on International Mutual Assistance in Criminal Matters (IRG). Mutual legal assistance is provided based on the procedure to be followed, which may include extradition (§§ 2-42 IRG) as well as other criminal prosecution measures such as questioning witnesses and obtaining or issuing evidence (§§ 59-67 IRG).

The procedure is initiated by a request, which can be made either by a court or by the public prosecutor, depending on what measures are to be taken. In addition, relevant authorities may also provide legal assistance (cf. BeckOK POR NRW 2017, §47 Note 18 et seq.).

Judicial cooperation in criminal matters is based on the principle of mutual recognition of judgments and decisions and the approximation of the laws of the Member States in different regions (see Article 82 AEUV). This cooperation, in particular the coordination of national judicial authorities, shall be implemented by Eurojust in accordance with Article 85 AEUV.

In contrast to this procedure, police legal assistance with regard to the transmission of information is provided in cooperation between foreign police authorities. The starting point for such cooperation is an existing international agreement, for example the IRG within the EU (BeckOK POR NRW 2017, §47 Note 18 et seq.). According to § 92 I IRG, the competent authority is obliged to accept and execute requests from police authorities of other Member States with regard to information or findings on criminals. The transmission takes place according to the same conditions as to a domestic police authority (cf. § 92 I S. 2 IRG). It should be emphasised here that police legal assistance under § 92 II IRG may only incorporate the findings in court proceedings if the competent licensing authority consents to their use.

2.2 Europol communication software SIENA

The "secure information exchange network application" (abbreviation: SIENA) is an intelligence information system made available by Europol to all Member States of the European Union since 2009 for the direct exchange of police information on a bilateral or multilateral basis without the need for a formal request. Third countries may also have a SIENA connection if they conclude a cooperation agreement with Europol (Bundesdrucksache 18/7246 p. 2). Police information relating to persons or specific cases can be fed through SIENA and answered directly by another Member State or user state.

2.3 Europol Information System EIS

The Europol Information System (EIS) was launched in 2005 as a database for police information. This includes personal data, DNA and dactyloscopic data of suspects as well as data relating to criminal offences such as the time and place of the crime (Article 12 of the Europol Decision). The new Europol Regulation is also designed to give all German states access to EIS (Article 11 of the Europol Decision). Prior to the new regulation, a contact point in one country, such as the BKA for Germany, could access the information (Sieber et al., 2014, p. 885), although access has meanwhile been considerably extended. In contrast to the existing possibility of gaining access to databases under the Prüm Treaty, information in the EIS database must be accessed separately.

2.4 Schengen Information System (SIS)

The Schengen Information System (SIS) was introduced following the abolition of internal border controls in order to enable searches to be carried out at any location rather than at the local level (Schober, 2017, p. 93). Pursuant to Article 92 I of the Convention implementing the Schengen Agreement (CISA), a common automated information system has been set up to allow Schengen partners access to national searches for persons or objects. The SIS may be used to search for persons, for example, if they are to be arrested or extradited (Art. 95 CISA), to prevent danger (Art. 97 CISA) or if they are to face a prison sentence (Art. 98 CISA). In contrast to INPOL, the German police information system, only current searches can be entered and viewed in the SIS, and no information on completed investigations or detention periods may be entered or viewed (Schober, 2017, p. 95). Pursuant to Art. 95 I CISA, the judicial authorities are responsible for a reconciliation or a search for the purpose of arrest. Technical implementation of the SIS occurs at the Federal Criminal Police Office.

2.5 European arrest warrant

The aim of the European arrest warrant is to facilitate the extradition of persons between Member States. This is not an arrest warrant according to the German understanding, but rather an investigative tool (Sieber et al., 2014, p. 669). This is issued based on a domestic arrest warrant and published in the police information systems of each country. It also contains the request for extradition if suspects are arrested (§§ 78 et seq. IRG). European arrest warrants can be dealt

with directly between the competent judicial authorities of the Member States and are therefore a cornerstone for the mutual recognition of judicial decisions (Sieber et al., 2014, p. 663).

The Framework Decision on which the European arrest warrant is based entered into force in August 2002. A variety of international treaties previously in existence were replaced by the Framework Decision. All Member States have now implemented the Framework Decision in their national laws (Sieber et al., 2014, p. 662).

2.6 Data reconciliation using PRÜM

The Prüm Treaty of 2005 contains provisions on data reconciliation, particularly in the case of cross-border crime (BGBl. II 2006, p. 626). The Prüm Treaty obliges Member States to establish databases for DNA analysis, dactyloscopy (fingerprinting) and vehicle and holder data for automated comparison between Member States (Articles 3, 9 and 12 Prüm Treaty; Sieber et al., 2014, p. 751). The Prüm Treaty was introduced into the European legal framework by the Council Decision of 23 June 2008 (see Council Decision 2008/615/JI) and is therefore applicable law in the EU Member States.

An anonymized procedure is used to match DNA traces or fingerprint traces. When a DNA trace is entered into the Prüm database, the so-called "hit/no-hit procedure" checks whether a corresponding DNA profile already exists in the database. If this is the case, the state in which the DNA profile is available transmits the necessary personal data to the requesting state via the process of legal assistance (Sieber et al. 2014, p. 891).

2.7 Operational Meetings and Joint Investigation Teams (JITs)

Europol offers states the opportunity to exchange information on specific issues and groups of perpetrators in the form of "Operational Meetings". In these meetings, Europol provides the physical premises and any necessary translation services, covers travel expenses and offers insight into relevant findings from Europol's databases. Based on such meetings, the formation of a Joint Investigation Team (JIT) can be aimed for.

A JIT is an international association of national investigation teams consisting of police and/or judicial representatives from at least two European Member States or Member States and third countries who have joined forces for a specific period of time to conduct joint investigations in a specific subject area (Europol, 2017b). Such associations are particularly relevant in proceedings with particular cross-border implications (cf. Art. 13 I lit. a and b European Convention on Mutual Assistance in Criminal Matters). A major advantage of a JIT is that, according to § 93 II IRG, direct exchange of information is possible without formal legal assistance, while preserving the subsequent judicial admissibility of the evidence or information. A JIT is based on a contractual agreement between the participating states. Europol or Eurojust may also be involved in the implementation of a JIT and provide assistance. In addition, there is a network for JITs operated by Europol and Eurojust which provides advice and answers to questions or guidelines regarding the establishment of JITs (cf. Art. 13 I lit. a and b European Convention on Mutual Assistance in Criminal Matters).

2.8 European Investigation Order (EIO)

Since 22 May 2017, the European Investigation Order (EIO) has provided a new legal mechanism for the prosecution of cross-border crimes. The EIO was created in the provisions of §§ 91 a et seq. IRG regarding the cross-border acquisition and recognition of evidence in criminal proceedings on the basis of the Directive on the European Investigation Order (Directive/2014/41/EU) and is intended to significantly reform the aspects of freedom, security and justice for the European area. The particularity of the EIO is that it creates a uniform procedure for obtaining evidence among the Member States of the European Union as well as for producing evidence more quickly and simply (Brahms & Gut, 2017, p. 389). Consequently, the EIO replaces previous European Union provisions regarding special mutual legal assistance insofar as the EIO contains relevant provisions in this regard. Apart from this, the previous legal mechanisms remain applicable (Art. 34 I Council Directive EIO). Uniformity of evidence is to be achieved using a standardised form which is identical in all Member States.

Another particularity of the EIO is that the state receiving it may only refuse to enforce the investigation under specific conditions listed in Article 11 of the EIO Directive. In principle, mutual assistance under the EIO may only be provided if all other conditions are met that are necessary for German courts or competent authorities to pursue legal assistance (Brahms & Gut, 2017, p. 392). In addition, the EIO aims to strengthen communication between authorities by imposing an obligation to inform the competent body immediately in the event of formal obstacles faced by the EIO (Brahms & Gut, 2017, p. 393). This is to prevent requests for legal assistance from being unanswered or delayed (Brahms & Gut, 2017). Judicial authorities or courts are responsible for final rulings related to the EIO (§ 91 j II IRG).

3 Findings

The results of the expert interviews are presented below. First, knowledge about the perpetrators of organised residential burglary will be discussed in more detail (3.1). To this end, the findings of foreign police officers are also included.⁴ The next section of the results presents the experience gained through international cooperation with criminal investigation authorities in other countries (3.2). The results of the foreign expert interviews are then presented (3.3).

3.1 Perpetrators in the field of organised residential burglary

In the following section, the socio-demographic characteristics of the perpetrators will be discussed in more detail as identified by the interviewed experts in the field of organised residential burglary.

3.1.1 Socio-demographic characteristics and social situation

The German police officers and public prosecutors surveyed estimate the number of organised groups of perpetrators in Germany to be low. These are typically men aged between 30 - 50 years who have known each other for a certain period of time and who commit the crimes jointly. These are people who have been the subject of criminal investigations for a long time and who might know each other from prison, for example. In addition, albeit rarely, there are regions in Germany where gangs of young people work together to commit burglaries:

"But in [state in the north of Germany] the other scenario is actually more typical, where you have youth gangs in the broadest sense, so there were, there are some cases, where they were actually young people and adolescents, but in terms of the age group they were mostly up to the age of 25, at most one person in the group around the age of 30, and in this age group, the people in [state in the north of Germany] are all relatively well connected with each other" (Prosecutor, AK04)

All the interviews emphasized that organised groups of perpetrators in Germany do not account for a large share of the crimes. Apart from the aforementioned gangs, German perpetrators are mainly involved in drug-related crime, i.e. they are addicts (narcotics or gambling addictions). Usually these are individual offenders who try to break into flats in multi-family houses within a short period of time. The perpetrators are described as unprofessional, which means that they tend to leave traces:

"And they're not as conspiratorial as our foreign perpetrators, they just go into the flat or the house, they might even use the fridge, drink from the beer bottle, I've seen cases where that happened, and then we have their DNA. A foreign trained perpetrator wouldn't do that. And what we also often had with the Germans, you see them hours later on video surveillance in a bank or shop because they use stolen bank cards. I've actually never had a case like that with a foreigner." (Prosecutor, GW02)

⁴ Quotations from foreign police officers are identified after the quotation by naming the country in parentheses. Quotations without country affiliation refer to police officers and public prosecutors from Germany.

The origin of foreign perpetrators involved in organised residential burglary can largely be attributed to Eastern Europe, especially the Balkan states. These include perpetrators from Romania, Georgia, Albania, Serbia, but also from north-eastern Europe such as Lithuania. In addition, some burglars from South America, especially Chile, have been identified. As with the German perpetrators, the majority of these are young men between the ages of 20 and 30. These are not always so-called travelling perpetrators, i.e. persons who enter Germany to commit the crime, but also some who have lived in Germany for many years.

Their social situation is often characterised by difficult economic conditions. Among other things, unemployment plays a role here:

"They're usually not high-level criminals, that is, professional criminals. According to the statistics, the most frequent motive for crime involved social reasons, and 70 to 80 percent of the perpetrators are unemployed. In the last two years, so I am talking about statistics for 2015/2016, we have seen an increase in the number of minors as perpetrators". (Police officer, Albania)

In this context, Germany presents an opportunity to obtain money from property crimes, but it is also associated with the hope of better prospects in life or a better job:

"Germany is a country where the labour force is paid or remunerated better than in other European countries such as Italy or Spain, where Moldovan citizens used to travel. (...) For Moldovan citizens, it is a rich country with many opportunities, job prospects (...). But on the other hand, there are organised groups that have a clear purpose. And since Germany is so rich and has many rich citizens, it is also very interesting for the other side, of course." (Police officer, Republic of Moldova)

One particularity with regard to perpetrator patterns is the phenomenon of women as perpetrators in organised residential burglary. Women are rarely involved in organised residential burglaries. In some cases, they play a supporting role by driving the getaway vehicle, acting as "guards" during the crime, or exploring possible crime locations in advance. Especially when moving around in residential areas, women are more inconspicuous than men, either together with a man as a presumed couple or with another woman as a friend:

"(...) these are sometimes female friends or girlfriends who get involved, and who may be responsible for the vehicle, or who are responsible for the address, let's say, making sure they even have a place to live and where the car might be registered. But speaking of women who act as the perpetrators of actual crimes, well, I don't want to rule it out, but it almost never happens in this area, to be perfectly honest. We sometimes have them among ethnic minorities, for instance gypsies, to put it quite simply. Women are sometimes involved, even in residential burglaries, but when it comes to the groups of perpetrators I mentioned who come from the Western Balkans, that is hardly the case, I'm not aware of any." (Police officer, AK10)

However, women can be found as burglars, as mentioned in the interview excerpt, especially in connection with so-called family clans. These are often Sinti and Roma people, mostly from countries in the Balkan region. In these perpetrator groups, women are also actively involved in committing crimes, i.e. they are also responsible for break-ins. In addition to gender, perpetrators from family clans exhibit another socio-demographic peculiarity. In this context, the

surveyed experts have also identified minors, especially children, who are involved in the burglaries:

"in [state in southern Germany] in [city in southern Germany] there were groups of Roma girls working, there were thousands of burglaries perpetrated by actual children as well as young people" (Police officer, GW10)

The experts also described how the children and young people are forced to give the stolen goods to their parents:

"(...) it starts with the children, which [name of another police officer] already mentioned, that they are committing crimes at the age of 12, 13, 14, and at that point they are not quite so professional. You might get them after ten or twelve crimes, and they're aware that the first time you get arrested you are put on probation, which means they can't use those same people again. So these crimes are committed by adolescents and the money is then delivered to the parents, to the families." (Police officer, GW03)

Furthermore, in some regions of Germany young perpetrators were identified among the local perpetrators. Although they also act in groups, they are involved in less organised burglary patterns.

3.1.2 Offences committed in countries of origin

The majority of police officers from Eastern European countries who took part in the present survey reported that most perpetrators of burglaries in Germany had already attracted police attention in their countries of origin. It is typically pointed out that the perpetrators of property crime are "loyal to their crimes":

"First, there are criminals who have committed similar crimes in the Republic of Moldova who have been previously convicted and who continue to commit the same type of crime. So if they travel to Germany or Italy for this purpose, they are travelling only to commit burglaries or car theft or for another category of crimes or a different category." (Police officer, Republic of Moldova)

Police in Romania, Croatia and Lithuania also noticed crimes committed in the home countries of perpetrators:

"This is because organised crime groups are specialised, and the ones that are involved in vehicle thefts, for example, will not get involved with residential burglaries." (Police officer, Lithuania)

Perpetrators not only tend to stick to the same crime, but typically specialise in a modus operandi or follow a similar procedure when committing crimes. Often the perpetrators start committing break-ins in their own country, but then move away due to police investigations in their home country and start committing burglaries in other countries:

"Well, they're in Moldova, they've committed a crime here, the police have already got their sights on them, so to speak. And to avoid being observed further (...) or even arrested by the Moldovan police, they emigrate." (Police officer, Republic of Moldova)

This kind of displacement effect is also observed in other countries such as Lithuania. However, this development also occurs the other way around. For example, the police in Albania report that perpetrators also commit burglaries in Albania after they had difficulties committing crimes abroad or staying abroad:

"And the ones who have been abroad and then commit crimes here are usually people who were no longer able to live abroad for whatever reason, either they were deported or declared persona non grata or they were not able to buy a fake passport to live and stay abroad in some way or they know that if they do at some point, if they attract attention there again, they risk facing punishments and so on. These are some reasons why these people come to Albania and then commit crimes here." (Police officer, Albania)

With regard to Albanian perpetrators, the migration movements in the 1990s constitute a particularity. For example, the Albanian police have determined that a significant share of Albanian perpetrators are Albanian nationals who were born in another country:

"And from previous experience, the perpetrators are often people who were born and raised abroad, i.e. Albanians who were born abroad, not here. Of course, these are not absolute values. But that's a significant part of it." (Police officer, Albania)

This in turn is associated with the difficult social situation and high levels of unemployment.

3.1.3 Forms of organisation

The German definition of organised crime has some particularities. One of the specific aspects of the definition is that it refers to the way the perpetrators work together. The prerequisite is that at least two people are working together on a collaborative basis. The reference to collaborative action, but also variant a) of three different types of variants the German definition of organised crime, "using commercial or business-like structures", make the existence of a hierarchical structure within a perpetrator group a key factor for its classification as organised crime.

For this reason, the present study is also interested in examining the way in which perpetrators are organised and, in particular, the extent to which a hierarchical structure exists. The guiding question here is how the perpetrators are acting as a group, to what extent there are organised levels of command and execution, or whether residential burglaries are committed collaboratively.

The evaluation of the expert interviews shows that the groups of perpetrators described are quite different in terms of the existence or power of hierarchical structures. For the purposes of categorising structures, these differences were grouped and subdivided into the following six organisational forms of perpetrators:

- Loose networks
- Gangs with a flat hierarchy
- Gangs with a strict hierarchy
- Family clans
- Exploitative conditions
- Mafia structures

The degree of hierarchy represents a principle of order that is reflected by the sequence in which these organisational forms are listed: while structures consisting of loose networks and acquaintances do not exhibit any hierarchical order, conditions involving exploitation as well as mafia groups do exhibit hierarchies, some of them very strongly. In the following, the forms of organisation will be discussed in more detail.

3.1.3.1 Loose networks

Perpetrators who commit residential burglaries in loose network relationships do not belong to a fixed group of persons or a gang. Instead, they know various other perpetrators with whom they commit burglaries in varying arrangements. One participant in the expert interview also described such loose networks as "fluid masses":

"These alliances of criminals, of burglars, they are sometimes like a fluid mass. As you just said, someone will come along, then someone will be gone, then they need a driver, whoops, he got arrested, then the next one will come along." (Police officer, GW05)

In Austria, too, there is increasing evidence of loose networks of acquaintances among perpetrators:

"Of course, there are Georgian groups of perpetrators, for example, where I really see this organisational structure. In the broad range of standard cases, I see what tend to be called rather loose networks, people who just get together, now they are committing some burglaries, then they go back. Some of these people then travel to another country and also commit burglaries there, but often not in these deep networks (...)" (Police officer, Austria)

Above all, division of labour plays an important role here, as already indicated in the section above. Depending on what is currently needed, which property is involved or what particular circumstances are present, people will come together to commit the crime:

"So of course, also behind this kind of crimes there are people, but many of them work in a network as I understand it. So just like we network with each other, I know someone who helps me if I am having trouble, if I have a problem somewhere, that's ultimately the same with them." (Police officer, GW05)

However, loose networks are not only defined by perpetrators who come together like service providers. Actually, loose networks also exist between people who more or less accidentally commit burglaries together without having any specialised functions:

"Those were, if you like, networks, and in these networks there were, let's say, several people who decided relatively spontaneously to commit crimes on their own account and then, depending on availability, recruited various other people to commit this crime. So a gang is made up of, let's say, not four specific people, only one of them was always involved, but the other two or three, I'd say, they varied constantly." (Police officer, AK10)

Regardless of whether there is a division of labour or not, offences committed as a group exhibit no organisational hierarchy in the form of a command structure or similar structure. There is no one person in particular who plans the deeds alone and instructs others to carry out the individual steps or who has any other authority to issue orders to others. This is also described in the following interview excerpt:

"So with the Romanian perpetrators I had, there was more of a loose connection, so they were brothers and wives who were somehow involved, but it wasn't the case that there was a fixed group or one of them was the boss or anything. Instead they would just loosely meet up and drive off to commit a break-in. You couldn't say they had a system." (Prosecutor, AK07)

The perpetrators sometimes meet shortly before the crime is committed or spontaneously decide who will head out together. They know each other through friends or other acquaintances or from other aspects of their everyday social environment, as described, for example, by a police officer in relation to Albanian perpetrators:

"(...) if I may address the concrete case, these were Albanians and, as you said, I believe that Albanian ethnicity alone (P2: is enough) and I think that was enough, and then they were in a WhatsApp group or in some other online group and someone asks 'Who has time and feels like it tonight' and then they get together in groups that might

not even really belong together. Some of them work together, some of them live together, it's true, or they live in one place and they know each other, talk to each other and then loose connections are established and they get started. And that alone is enough, at least in this case." (Police officer, AK17)

The Lithuanian police also describes crimes committed by groups based on long-standing acquaintances and growing up together:

"These are mostly people from a city, an area, a region, who live there. They know each other and, depending on their level, sometimes there is a clear hierarchy, but there is no kinship, no connection with religion or anything. These are usually people living in one area. Maybe they grew up together, maybe they had the same hobbies or did sports together and they know each other. As far as the groups in the residential burglary area are concerned, they are not particularly highly organised. They are specialised, it's true, but as far as organisation is concerned, this is not as marked as for other crimes." (Police officer, Lithuania)

There are also indications that a shared background or ethnicity is the linking characteristic. This creates the basis for a kind of "community" in which people network and communicate.

Loose structures have been identified even among perpetrators from South America, for whom even strictly organised groups would seem plausible due to the higher travel expenses involved:

"It also seems to be similar for Chileans, so you have lots of people acting independently who then come together, mostly depending on the situation, to form little groups of two to four people" (Police officer, AK09)

Accordingly, the perpetrators themselves do not receive instructions as to when and where to commit their crimes and are free to dispose of what they steal. According to the experts, this has also been observed in arrangements where certain support services such as travel money or accommodation have been provided to make the trip possible:

"And this whole package, along with the initial travel money, costs all of two, 3,000 euros, so you have to have that much before you can even get to Europe. Probably, this is mostly provided by the families, or if you've already been to Europe a few times you might have that amount of money, or Uncle José hands it over so you can learn how to commit burglaries and move around Europe. But there are probably also financiers, who probably advance this sum against corresponding amounts of credit. These are just vague statements. But there's no more organisation behind it than that." (Police officer, AK09)

According to the interviewees, the reason why a large number of residential burglaries are committed by people acting in the loose structures described lies in the simplicity of committing burglaries:

"This is not a particularly demanding crime either, and the sale of gold jewellery is not a particular problem now either if you look at all the places that buy gold here. Otherwise, as I said, even the less resourceful do not face particularly great challenges now." (Police officer, AK09)

Committing the crime itself is not complicated and is easy to learn, and selling or using stolen goods does not require any contact to specialised dealers or other difficult access to particular markets. Jewellery and cash, the most common stolen goods, are easy to utilise. In pawnshops and buying and selling shops, there are no major obstacles to selling jewellery without providing your own personal details or similar information. In this respect, the crime of residential burglary is a property offence that is easy to commit and yet is associated with high expectation of reward. Other property offences, such as the theft of expensive equipment or equipment in theft from lorry transporters, so-called tarpaulin slitters, may require more preparation and a corresponding organisation of people who receive the stolen goods for further sale. In this respect, many crimes related to residential burglaries are committed in the loose structures described.

However, this does not necessarily mean that this collaborative approach is less professional or successful than crimes committed by fixed gangs. The police also describe that these changing groups of perpetrators can present particular difficulties for the police investigation:

"Well, as to that, it can be explained just like that, as I said, there were nine of them, always acting in groups of three. But it was not always the same three: today A, B and C would act together and D, E and F, and the next day is F with G and H is with A and so on. So they kept switching every day. In this case, they were never always in the same groups as before and they were not committing ongoing joint crimes, because there were different people involved." (Police officer, GW04)

On the one hand, there is the difficulty of proving that an ongoing joint crime has been committed. On the other hand, the phenomenon of a changing arrangement of perpetrators also involves the problem of attributing and proving that specific people committed specific crimes.

3.1.3.2 Gangs with a flat hierarchy

The second form of organisation, gangs with a flat hierarchy, are fixed groups. In this case, residential burglaries are mainly carried out by the same group of people.

"With the Bulgarians that I had, they were a really solid group, and they were always all together at the crime scenes. So they weren't splitting up, they always drove off together, committed their crimes, took the money and then split it like that. That was a fixed group. And now my Albanians I have seen, in this case, there is one person connected with several groups spread all over Germany. The groups know each other, but the one perpetrator is the person linking everything together, and then he commits crimes with these different little groups. It is not the case that these groups commit deeds together with the other groups, they only ever work together with this one perpetrator." (Prosecutor, AK07)

The fixed gangs typically consist of 3 to 5 people. As mentioned by the public prosecutor interviewed here, some of the groups also know each other and perpetrators in one gang occasionally participate in burglaries committed by other gangs, though the gangs themselves do not unite to commit crimes. The fact that fixed perpetrator groups also involve a variety of alternating members was also expressed by other interview participants:

"There is a core of three or four people who are involved in almost all the crimes and yet for the majority of the proceedings the number of suspects grows larger. There would always be cases where you were dealing with 20 to 30 crimes by the end of it, but you were ultimately looking at eight different suspects, or even between ten and 15, or as many as 20 suspects." (Prosecutor, AK04)

In this respect, fixed gangs make use of loose networks and acquaintances and thereby involve various other perpetrators according to necessity and opportunity. However, there is less fixed division of different roles and division of labour involved here. Instead, the crime is planned as a group and committed together and then the stolen goods are divided up equally. There is no strict hierarchy in this form of organisation.

This has been observed, albeit not as an exclusive form of organisation, by the Lithuanian police, for example:

"And there is another category, small mobile groups that travel around with four to, say, eight people who then commit a crime and then stay together for several weeks on the move. They don't have clear leaders, one of them is often the coordinator, but he doesn't break into the building himself, but he might lend them instruments and tools." (Police officer, Lithuania)

German police officers describe it in a similar way:

"(...) essentially, they were all involved. It might be true that one of the gang did not come along that day, maybe did a bit of scoping out before, that kind of thing; but the central backer as the leader and planner of the whole thing who only orders the others to go out, this did not crystallise in our proceedings and in fact I am quite sure that this never existed, because telecommunications surveillance showed that the stolen goods were divided up and similar things were arranged, discussed and you learned who ended up with what. In the end, there was no share left for any backers or similar individuals, and this would also be a way for perpetrators to claim a bit of protection assertion, if they could make themselves seem harmless by saying that they had only worked as henchmen for someone else. For defence counsel it would also be a clever statement, but these kind of statements were not made. In this respect, I would not assume that there was a typical backer involved in these proceedings in [state in northern Germany]." (Police officer, AK04)

The police of the Republic of Moldova describe that the perpetrators commit break-ins together, but try to arrive and leave separately:

"In most cases, these are organised groups that have committed a crime or a series of crimes here and then do the same in other European countries. They make their departures separately or they travel separately. One by plane, the other by car, another by train. Depending on how they decide. So in most cases, they are groups, but they leave separately." (Police officer, Republic of Moldova)

As already pointed out, there is no fixed hierarchy and command structure in these gangs. Nevertheless, there may well be people who assume a decision-making role. However, there is still no strict hierarchy in place, as described in the following interview section:

"(...) they come together for a specific project, forming gangs of various sizes, some of these are coordinated democratically of course, some of them involve a grey eminence who might set the tone in this gang to a certain degree, based on age and experience, but that's really all. And it just wouldn't make sense for the perpetrators to belong to this kind of organisation, because it has no added value for them and they would actually lose out accordingly." (Police officer, AK09)

Furthermore, this section expresses an assumption that perpetrators of residential burglaries have less to gain from being strongly subordinate to others. The reason for this is again the simplicity of committing crimes and using stolen goods. Nevertheless, the experts that were surveyed also observe gangs with strict hierarchies, as described in the following section.

3.1.3.3 Gangs with a strict hierarchy

Gangs with a strict hierarchy are characterised by different levels. In the simplest cases, there is a group of people who commit the burglaries, also called the working level, and a management level that directs the crimes and decides on the perpetrators on the working level. There may also be a middle level made up of people who guarantee certain basic conditions such as accommodation and concrete communication with the perpetrators on the working level and who are in contact with the direct decision-makers. The direct decision-makers are not typically present in Germany, but control the crimes from their home countries, for example by telephone:

"(...) here there are not one, two or three perpetrators ultimately acting alone. All of them were more or less employed in certain territorial areas by a higher-ranked person in the hierarchy who also maintains constant contact with the perpetrators by phone. We were able to work this out based on various measures involving telecommunications monitoring (...). So this telecommunications monitoring activity where we repeatedly observe that there is a contact, acting as division manager or regional manager or whatever you want to call it, and where the people acting on the ground repeatedly request assistance, saying 'With the people I have here I will only be able to commit certain crimes now, for example shoplifting, because they are simply not qualified enough. We need you to send me other people so that I can also-' sometimes the phone calls don't make it entirely clear, because they are also careful, they will say 'so to do the renovations I need-, we want to do some more renovations', when they say renovate, they mean breaking into single-family homes (...)" (Police officer, AK02)

The following section of the interview clearly shows that some groups of perpetrators with a strict hierarchy also exhibit a high degree of fluctuation in the "working level". The people committing the crimes are frequently exchanged and replaced.

"Even if it's gang crime or maybe even organised crime, they don't send out the leaders. They recruit people who commit the burglaries, that's the work level. Then the logistical level and the management level follow. These are isolated from each other and are also from the same ethnic groups. At the working level that's not the case, this can be seen in all syndicates, that is, they are selling at street level, it could be someone, what do I know, from Nigeria or from Germany, but they are only selling at this level, while the specialists, the logistics people and all that, they are from the same

ethnic groups. They won't let anyone in either. But we're fiddling around with symptoms here. In our investigations, even if we sometimes come to the conclusion that they are acting somewhere else, we can't get at the root of it, to the client, if organised crime is actually involved. They're based in Poland or somewhere." (Police officer, AK16)

In this part of the discussion as well, division of labour and the hierarchy within these groups are emphasised. The organisation consists of a core of people who take over the planning, logistics and recruitment of perpetrators who commit the crimes. The highest level of hierarchy is not based in the countries where the burglaries are committed, but instead in the relevant country of origin. There is often no real connection between this level and the person committing the crime. This presents a particular challenge for the police, because even when investigating the burglars, further prosecution of the so-called "backers" is difficult.

The hierarchy levels can also differ by certain skills. Thus, the Lithuanian police describe that the people who commit the crimes often have limited knowledge or foreign language skills. They are dependent on others who plan their residence and similar considerations. The highest levels of the hierarchy, the so-called backers, are predominantly well educated:

"The lowest level representatives in these groups, these are the so-called actors, they can't speak foreign languages, they don't know their way around the cities, they can only break in, do their job and leave the house. The core is made up of young, previously convicted persons between the ages of 18 and 35, these are the higher-level perpetrators who can speak foreign languages because English, French or German are taught in our schools (...). As for the representatives of this higher level, we sometimes have cases where the organisers are very well educated people with a university degree, sometimes with several degrees and it is even more difficult to identify, detect, uncover, find (...) these intellectual people." (Police officer, Lithuania)

Typically, the people at this higher level are not located in Germany.

3.1.3.4 Family clans

So-called family clans represent a particular form of organisation among fixed gangs with a strict hierarchy. These mostly consist of Sinti and Roma people. Typically, most members of the family are involved in committing the burglaries. The Croatian police estimate that over half of the mobile perpetrators who also commit burglaries in Croatia are Roma people organised in family clans. The execution and organisation of crimes and distribution of the stolen goods is determined by the boss of the clan, who is usually an older family member. He or she also decides which individuals take on which tasks and exerts pressure on the family members to implement these decisions. For criminal investigation authorities, the large number of perpetrators involved and the patterns exhibited by the "backers" present difficulties. In the following interview, the experts report how they learned more about a family clan when a member opened up during the interrogation and was offered a witness protection program:

"The backer was, how shall we say, a higher-level elder Roma who sent his children and his nephews and other members of his family to commit burglaries and then, by the carrot and stick approach, made them continue committing burglaries and delivering most of the stolen goods to him. Without his testimony and witness protection,

we would never have gotten to him, we would have thought it was a small gang, a group of people. We wouldn't have known what is actually behind it, namely fixed structures where the boss just said 'You go here and break-in there, this is how you will proceed, you have to bring me this much' and if everything went well, they were given generous shares of the stolen goods, if they did not bring enough, there were punishments. (...) And he also had his contacts with people who resell stolen goods and so on. I'd look at that more like organised crime, but without the witness protection, without the statements about the head of the family, of course, there was always this idea when it comes to Roma people that things worked a certain way, but most of the time you don't get any statements." (Police officer, AK03)

As described, in this context, the stolen goods are handed over and the clan leader decides on their further use and distribution. The extent of the power held by these people also becomes clear in the further remarks of a public prosecutor regarding the same family clan:

"We also used telephone surveillance against this backer that the French operated for us, yes. And it was also interesting that he was known in France, this Roma leader, who was a contact person for the French police in disputes, problems with the Roma and of course he also had the power to rat out unpleasant group members to the French police" (Prosecutor, AK03)

As mentioned here, the possibilities for punishing family members who, for example, did not comply with instructions, could extend as far as naming these people to the police so that they can be prosecuted.

A clear hierarchical structure of family clans is also observed by other experts surveyed. For example, one police officer reports how, when the boss was detained, leadership shifted to the next level, his daughter:

"With the Romanians, for example, I know this very well, back then with [name of an investigation team] the main suspect was [name of the suspect] and with the assistance of telecommunications surveillance we once listened to a conversation of his daughter, and then she said to a Romanian burglar, 'You don't seem to know who is in charge here'. So here the command has clearly been passed from papa, who is still in the correctional facility at the moment, (laughs) to his little daughter." (Police officer, AK05)

While women are rather rare as burglars, they are frequently present as part of the organisational form of family clans.

"By now we've learned some background information, that these criminals are sent out by the clans, by these family clans, and while the men are responsible for organising this and so on, the women or the girls are responsible for getting money this way as well, not until they have children, but actually until their own children are also at an age where they can commit burglaries. Then they've done their job, and then they're out. You probably can't generalise that either, but that's ultimately the pattern more or less." (Police officer, AK09)

The roles that women play within the family and in committing crimes are very diverse. For instance, not only do they sell the stolen goods, but they are often also involved in committing

the crimes. The Croatian police also observed an increasing number of women as leaders. German investigators have also identified women as decision-makers who occupy leading positions within the family:

"Well, women play a big role. We also had women who were just pawning stolen goods all the time so their partner's name would be kept out of it. It is plausible to say that women, especially older women, have the dominant role in our Roma investigations. They're more or less wearing the pants. That's always the way it is. I have been seeing this for more than 20 years, even in all these proceedings in other federal states that I'm familiar with, women play the deciding role, who goes out with whom, where and how, right down to the distribution of stolen goods, that's how it's handled. And they manage the assets." (Police officer, GW10)

On the other hand, there are also family clans in which women play a less emancipated role. For example, they are appraised at a certain value for arranged marriages depending on how well they perform residential burglaries. Furthermore, they are sometimes put under massive pressure; for instance, their children are withheld from them and only returned when a certain sum is brought in. Nevertheless, the family is their primary and often only reference group, which prevents them from breaking away from this group:

"Of course, they have already gone through a difficult ordeal, they learned this from the bottom up and they are absolute professionals in their field, and this is actually the only implication in terms of preventing crimes, because they don't talk to authorities, they won't side with the authorities, they don't want to leave their clans either, because they are often put under pressure within the clan, let's say, their children are taken away or something like that and you only get them back again if you do X and Y. "That's often the case with these clans of women, and you have to look at it from this perspective (Police officer, GW04)

In addition to women as perpetrators, another specific feature in the context of family clans is that children and young people are also explicitly included in committing the crimes:

"What really stands out in the context of telephone surveillance is that the whole family is actually involved, which is rather unusual. For example, if we look at drug-related crime, I was monitoring this weekend and yesterday there was a crying mother on the phone who was totally distraught because her son had been dealing drugs. It really is the case with Roma people that everyone is involved, from the smallest toddler to the grandmother, which I have to say I find frightening. Then there's a five-year-old kid on the phone who says: 'It's easy to break into DM' or at Schlecker I think it was, they don't have cameras, or: 'Bring me a gold ring'. This is the same all the way up to the grandmother, they are all talking on the phone, really everyone, whether they were involved in the concrete burglaries or not, everyone knows what is going on. They even have their own language to talk about it, using words like 'they're going for a walk' or 'they're going to work', 'they're walking', 'they're taking a drive through the villages', and I really don't know anyone, or any ethnic group, who has their own words to describe burglaries or rounds of theft, whatever is involved. It's very striking." (Prosecutor, AK15)

In this section, it becomes evident that committing crimes is normalised within the described family groups. The children are socialised in an environment where it is commonplace to commit burglary and where there is also lively communication about this between the family members. However, the role of children is by no means passive; they are not merely witnessing or hearing about these everyday practices. In fact, they are also involved in the crimes or are expected to participate in the burglaries or other thefts or to commit them with other children and young people. From the experts' point of view, the main reason for this is that they are below the age of criminal responsibility:

Prosecutor: "Their value is actually determined by their age. Because of course when people are arrested, of course, the children always try to say they are below the age of criminal responsibility. Then they always say they live in [big city in the west of Germany] at the campsite, so they are taken to the youth protection centre, it's a revolving door, they are released and then picked up by adult relatives, it's true, who then have to prove they are adults, because they are always providing different personal information. First they have to get a hand appraisal to be able to say for sure: yes, he is older than 14, and that is not so easy. Actually the children are used as tools (P1: also), an adult perpetrator drives them to the crime scene and drops them off and they commit the burglary, and if they get caught, what happens to them? Nothing." (AK15)

Police officer: "Exactly. And if the worst happens, the little girl will say: yes, but I decided to do this myself, and we have to confirm that the father was stipulating whether and how she should act. This means she acts as a tool for him. Then we can make a link in the chain and maybe say why they were both out and about, because the older one is the one pulling the strings, but that's difficult to do." (AK15)

This part of the interview addresses the fact that it is difficult to deal with offenders under the age of 14 who belong to family clans. The children quickly disappear from public institutions and return to their families. As described, the families themselves do not try to prevent the children from committing crimes; instead, they explicitly involve the children in these crimes. This problem is also described by other experts interviewed:

"I would say, if we are talking about clans, that in this kind of clan solidarity, which they are usually born into, no one is making confessions or anything about this family group. (...) What has also confused us in the past is when we have underage offenders, a decision is made to take a 14-year-old to a children's home because they won't arrest her. And then the next morning they're surprised she's not even there anymore. These are patterns of behaviour that we can predict, but we are also dealing with educational practices, and it's frustrating when you know she was actually born into one of these clans and she is already a professional at the age of 14. But under our legal system, she has still just reached the age of criminal responsibility, and the district attorney's office has a hard time taking minors into custody." (Police officer, GW04)

The strong bond within the clan is also maintained by planning and arranging marriages in such a way that no one without a similar family background is brought in:

"But here you have cases where cousins are married with nephews and so on, they are not marrying out of love, these are arranged by the older members and these are families of a considerable size, it's true. And they ultimately finance their good life by committing crimes. That's true. You see this in proceedings from time to time, where an analyst really worked on it for a long time, and the result is a diagram with dozens of people on it, really dozens, sometimes in the triple digits, somehow all related to each other through marriage, affinity by marriage or something like that. These are the dimensions we are talking about." (Police officer, GW05)

This practice creates not only an internal bond but also a large network of people. Among other things, this functions as a "supporter network" in which people help each other based on their shared family relationship. This is particularly relevant for organising accommodation, which makes it easier to commit crimes in different cities and countries:

"So if you have a family, I'll give a simple example, who is living in Hannover and they want to travel to France and their family is so big that they just call Aunt XY in Paris and ask: Can I come by for three days? Then I would say this is the European way of thinking: 'Oh, that's a bit inconvenient for me, but we haven't seen each other for a long time, child, do stop by.' Within these family structures the network is so strong that they are expecting people to join them, we'll see 18 people living in one apartment, in a 40 square meter apartment, they are not concerned at all and they are only coming for two weeks to work here. They talk about it very proudly: "Did you eat well?" "Oh, I ate very well". Of course they are talking about the stolen goods, and then they leave two weeks later and call their uncle, brother-in-law, whoever and say: "We're just passing through, can we take a trip to Vienna?" "Sure, that's not a problem. Come visit", so they stay on the move, and they have this basic structure, this network that has been created, and it's so strong now, I think all they need to do is snap their fingers. We see this again and again when they are released from a temporary arrest and the car is sitting in an exposed place or even held by us because it's being examined, they are always on the move, they rarely or almost never call a taxi. "Someone will come in with a Serbian license plate number on it who just happens to be visiting." (Police officer, AK15)

In summary, the organisational form of the family clans is characterised by a close internal bond and isolation from the outside world. By socialising the children, who grow up in an environment where committing crimes is normal and who are involved in these crimes at an early age, as well as through marriages within the wide family relationships, there is an extremely stable organisation that follows a strict hierarchical structure with its own rules.

3.1.3.5 Exploitative conditions

A less frequently observed form of organisation is the establishment of exploitative conditions. This involves targeting people from abroad for recruitment, often with false promises, such as the possibility of taking up legal work in Germany. In Germany they are then provided with accommodation, and are expected to pay the costs by committing burglary. This process is also referred to as "rental pimping":

"There is often a psychological element involved, for example this one case early on with the Romanians involving murder, in that case (...) came here with his family, he

was also a petty criminal. He was quite clever, he rented a house (...) of about 250 square meters (...) and he had had contacts inside Romanian prisons, and there is one statement from Mr [witness in those proceedings] I believe or (P: Yes). Then there was another later on, (P: Oh) [name of the witness in the former trial] who clearly stated: yes, because there were different perpetrators involved and they had also re-searched their previous convictions, they had previous convictions for murder, rape, burglary, gang theft and then committed the same crimes here. And he said quite clearly, [name of an offender], had these people, he knew these people from the prison in Romania and he called them in Romania and ordered them to come here and gave them a room in his house here, sublet it, and they had to give him 400 euros a month for the room, he was their rental pimp. And it was clear that they were committing burglaries, they get their money by committing burglaries. And it wasn't like he said: 'You have to go break in now', but it was quite clear that they were living here now and they had to make money, so they committed burglaries. And the perpetrators also drove everywhere, they committed the crimes and then gave him some of the stolen goods." (Prosecutor, GW03)

As emphasized in this interview excerpt, a sense of psychological compulsion is established more than anything. The crimes of these "rental pimps" differ in terms of their method and execution. One characteristic element of this form of organisation is the creation of a predicament where the perpetrators believe they have to pay off debts such as travel expenses or running costs. One practice observed in this context is the confiscation of passports:

"There are certain arrangements, whether this is the case in [city in the east of Germany] I have no idea, but there is this residence. There is someone who lives in [city in the east of Germany], who is, say, Chilean and has lived here for 20 years in the city. And Chilean burglars will be informed in some way, okay, if you come to [city in the east of Germany] and you need logistical support, then contact him, he has this phone number and that phone number. So they establish a business relationship of some kind, and it is not uncommon for him to say: "Okay, then give me your passports until you've paid for it." That happens regardless of the motivation. (Police officer, GW05)

There is often a dynamic of dependency in these cases because the perpetrators have no local knowledge and, above all, no language skills. The residents who provide them with accommodation, which they are forced to pay for by committing crimes, also provide logistical support and assistance in everyday life.

3.1.3.6 Mafia structures

In some cases, mafia structures are also observed in the area of organised residential burglary. Members of those criminal structures that are based below the so called „thieves in law“ organisation, which originated in the countries of the former Soviet Union, have been named several times. In particular, male Georgian perpetrators are connected with "thieves in law" in the area of residential burglary:

"As I said, with the Georgians, we have information from other federal states that there are indeed some connections to organised crime, that is, those Russian thieves

in law, and there are some kind of criminal authorities in the background, some of whom also are responsible for the sale of stolen goods." (Police officer, AK09)

Forms of organisations involving "thieves in law" are characterised by a strong hierarchy and professionally skilled members, who can be recognised by their individual tattoos. However, these groups also include others when committing crimes, some of whom are non-professional perpetrators:

"The only real direct organisation we have seen are the Georgians, if you look at the Georgians, there are three perpetrators who are thieves in law, that's how the Georgians consider them anyhow, by their tattoos for instance, who are located here permanently. And they get asylum seekers every now and then who commit one or two crimes and then disappear. (...) They live here permanently and find perpetrators in the asylum camp. And you can see cars now constantly parked in front of the asylum camp that change their license plates 20 or 30 times and then drive through [state in eastern Germany], Germany and commit crimes and then come back again, go sleep in the asylum camp and then deliver the stolen goods to [city in eastern Germany]" (police officer, GW02)

These findings once again illustrate the discrepancy between the executive and the planning level. Even in highly professional organisations, the executive level can be occupied by less experienced persons. It remains unresolved whether these perpetrators eventually become part of the organisation or will only be involved in committing a few crimes at short notice.

3.1.4 Preparing for crimes

Exploring possible crime targets by moving around in residential areas is a typical predicate behaviour seen with organised residential burglaries. Usually the perpetrators walk around single-family housing estates and ring the doorbells to check whether anyone is home. If the residents are at home, an excuse is made up for why they rang or sometimes the opportunity is used to enter the house and take a look at the living areas:

"Those two with the black skirts, who went around asking for water and then entered various houses. That's another phenomenon." (Police officer, GW03)

If no one is home, the perpetrators look more closely for possibilities ways of entering the residence. Windows and doors facing away from the road are preferred entry points.

Apart from this rather spontaneous way of committing crime, however, crime targets are observed over a longer period or scouted out in advance. The perpetrators move around the housing estates in question and look for suitable properties. However, they do not break in immediately; instead, they keep track of the properties first by photographing the properties with a mobile phone:

"But some of them will actually take pictures. Nowadays everyone has a smartphone (...) And when they look at the houses, they look at what the windows look like, what the doors look like (...)" (Police officer, GW02)

This scouting is also carried out by people who are relatively inconspicuous on public streets and also in smaller residential areas, such as young women or presumed couples:

"When two older ladies, let's say, come to the neighbourhood, it may be noticeable, but two young girls, 15, 16, 17, who are walking around like so many others with their smartphones in their hands and talking about well, just the emotional problems that always exist at that age. It's not conspicuous, nobody pays any attention. And when they walk around the neighbourhood, well, they can go anywhere. But an older woman or two older women, what are they doing here?" (Police officer, GW07)

Preference is given to houses that offer easy access via gardens. In order to determine a suitable time for the crime, the method of ringing is used as described above to check whether residents are present. On the other hand, the perpetrators observe the crime targets beforehand and wait for the residents to leave the house or go to sleep:

"And then you choose (...) the houses where there's a field, where there's a footpath or a transport route, and wait until the lights go out or until the inhabitants are away and then break down the patio door from behind, that's actually the way they do it, and then carry away everything of value." (Police officer, AK16)

However, the surveyed experts also described methods for determining longer absences, e.g. a holiday trip:

"We had a group of perpetrators that moved the garden gnomes in the front yard to check if anyone is home or not. "If the garden gnome is put back in place, someone is there, and if not, then they are gone." (Police officer, GW04)

Some perpetrator groups focus particularly on wealthy households. This can be indicated, for example, by high-priced cars or other external features of the house. In addition, however, information about valuables is also obtained through hints from people who have, or used to have, legal access to the house for various reasons:

“In any given house there’s hired help, a cleaner, workmen, even care services, or even a lady who worked at some airline in some airport who knew exactly that so-and-so was flying away and the apartment would be empty. And then they pass on the hints.” (Police officer, GW10)

This quotation clearly shows that, in addition to persons who know the potential victims through service relationships or similar dynamics, information is also given to perpetrators by people who obtain information about the victim for other reason, such as airline employees in this example. This means that people who have never had access to the house before can also become potential tipsters.

In addition, the properties are inspected to see whether there is security technology that could attract the attention of residents or neighbours. For instance, perpetrators look for motion detectors or cameras in advance that can be deactivated or avoided when committing the crime.

The time of the burglary depends mainly on the daily rhythm of the residents. Generally, crimes are committed around the afternoon and early evening hours when the residents tend to be working. In addition, burglaries occur at night, although to a lesser extent. This is attributed to organised groups due to the clustering of crimes:

“In terms of clusters, sometimes we had three, four burglaries at night or during the day when people were at work, the homes had been scouted out and they knew no one would be there, it’s a small housing estate, maybe three, four, five homes were robbed on a single street.” (Prosecutor, AK01)

By wearing gloves and sometimes face masks, the perpetrators try not to leave any traces at the crime scene. Furthermore, care is also taken not to leave any "data traces". To this end, perpetrators try not to take mobile phones with them to avoid leaving any relevant radio cell data behind. Alternatively to ordinary mobile phones, so-called "disposable" mobile phones are used, i.e. easily accessible prepaid cards that are changed frequently:

“The tendency is not to use them during the immediate execution of the crime. Before and after, however, it would be possible to obtain knowledge, for instance if someone were to show up with his iPhone 7, always using the same number and then saying: “man, man, man, so and so”, instead they are arriving with several mobile phones, there are now phones that let you use multiple SIM cards, so I will use multiple SIM cards.” (Prosecutor, AK08)

These various telephone numbers are also difficult to trace, since they were usually acquired with fake personal data and therefore do not give any clues about the identity of the person who owns the number. In addition to mobile phones, radios such as walkie-talkies are sometimes used:

“Well, as I said, the smart ones use walkie-talkies, and those can’t be accessed. Otherwise they have work mobiles, since two people are usually in the property and one

is driving the car. That means they park, drop off, drop people off, then break in and then have to - so to speak - the one who is outside keeps watch in case anything happens, if the police comes or whatever, and then they are picked up again and either driven home or to the next crime scene. So the extended conversations on mobile phones, the way it used to be, that, unfortunately, is over." (Prosecutor, AK14)

Some professionally acting burglars are also considering the possibility that the police are monitoring telecommunications, so they refrain from talking about their crimes on the telephone. At the crime scene mobile phones are mainly used to organise the transport of the perpetrators to and from the scene and, in some cases, as means of communication to warn of potential dangers.

In addition, the interpretation of false traces can make work even more difficult for investigators:

"But he knows very well that it's a problem if he takes his phone with him. They don't do that, instead they use walkie-talkies or nothing at all, and so on and so forth. They just leave a few false traces, which we've seen before, picking up a few cigarette butts at the station and dropping them at the crime scene." (Police officer, AK05)

The means of transport used to get to the housing estates are extremely diverse. In some cases, public transport is used, since foreign perpetrators using their own cars in a residential area, and therefore with foreign license plates, would quickly attract attention. Rental cars are also used, some of which are rented using false personal details. The use of rental cars also reduces the risk for offenders of using a car that the police have equipped with a transmitter or technology for monitoring vehicle interiors:

"It's safe to say that they are highly professional, they know very well that they shouldn't take a mobile phone along. They rent cars, to prevent transmitters from being used in advance, they rent vehicles and they are actually particularly clever. "It's very hard to catch them, even if you are certain they are committing burglaries." (Prosecutor, GW03)

In this context, both scouting out and the actual execution of the crime are carried out collaboratively. Typically, two people enter the property while the driver moves away from the crime scene and then picks up the other perpetrators after the crime has been committed. When arriving by public transport, the perpetrators do not have the opportunity to leave the crime scene or the residential area quickly, but there is also no danger that potential witnesses could write down their license plate.

3.1.5 Target properties and methods

When choosing the target properties, the perpetrators concentrate particularly on free-standing single-family houses or villas with potential entry points that are difficult to see. Affluent suburbs, particularly the housing developments on the outskirts of large cities, are a particular focus. These are mostly residential areas occupied by people with a higher standard of living. In particular, an area's motorway connections can be a decisive factor for the perpetrator in selecting a property to target. Especially housing estates along main traffic arteries allow the perpetrators to get away very quickly:

"(...) the groups of perpetrators like to use, let's say, the highway getaway routes, or to put it more simply, you can get back to where you came from quickly, and ultimately, in most cases or in many cases, it can be observed that crimes are committed not far from highway exits or access roads, simply because you can quickly disappear again before any approaching investigators arrive." (Police officer, GW07)

Areas of Germany with a dense transport network in terms of infrastructure offer perpetrators the opportunity to reach multiple towns and cities quickly. Especially the border areas of Germany, for example with Netherlands, France and Belgium to the west, as well as with Czech Republic and Poland to the east, offer a quick opportunity to escape German authorities. Some perpetrators or groups of perpetrators use this infrastructure to rob several houses within one night or within several days. Nevertheless, the selection of target properties is not limited to areas with well-developed infrastructure. Even in smaller towns in more rural areas, burglaries are committed by organised groups of perpetrators. Some of the experts questioned suspect that this could be due in part to an insufficient police presence in these areas.

Organised groups often select single-family houses as targets for burglary, and free-standing houses in particular involve a low risk of discovery. The interviewees believe that apartment buildings in inner-city areas are more likely to be targeted in drug-related crimes. Nevertheless, organised perpetrators are also active in large cities and also target multi-family houses. A clear demarcation cannot be made in this respect; on the contrary, there are regional differences throughout Germany.

The actual crime, i.e. breaking into the property, is often not different when committed by organised perpetrators or by perpetrators without a high degree of organisation. This is mainly because it is relatively easy to break into a flat or a free-standing house. Usually simple tools are used, such as a screwdriver, to pry open the relevant windows or doors. Also, one stone is often sufficient to break through the window pane and enter a house.

"So there's no need to attempt particularly skilled methods. Instead what happens is: 'Oh, there's a door open' or 'There's a house, I don't see any neighbours around, I'll break a window, jump in there quickly, see if I can find a wallet or a watch, some jewellery or a laptop or a mobile and then I'm gone'. Here it's more about quantity than quality, it's mass instead of class, clearly, even when you are dealing with organised crime." (Police officer, AK11)

The simple methods employed when committing crimes are also emphasised by the Lithuanian police:

P1: "As far as residential burglaries are concerned, these are mostly lower-level perpetrators. You don't need any special information, knowledge, tools, or an experienced, skilled thief who carries it out, breaks in and removes protection systems. Stealing a new BMW is much more difficult and above all finding opportunities to do so, whereas with the residential burglaries it doesn't take much, and with the Lithuanian organised criminals, they opt for the easiest point of access. For example, if they see a protected door and an unprotected door, they will choose the unprotected door and break in regardless of whether the flat is fancy or not."

P2: "So, as always, there are exceptions, but usually they are not collecting tons of information about the owner, they are not scouting out. A place and time is chosen

where there is very little chance of anyone being at home and as soon as an obstacle comes up, they drop everything and flee." (Police officer, Lithuania)

Due to the simplicity of prying open a window or a door and the low level of expertise required to ultimately get into a house, perpetrators usually apply the same methods every time. The surveyed experts from abroad report that they too observed perpetrators sticking to the same method:

"It's the same with residential burglaries. For example, if a person is able to break windows, he will specialise in this one method because that is his strength." (Police officer, Lithuania)

The police in the Republic of Moldova also found this specialisation in a joint investigation with France targeting various groups of perpetrators:

"So these groups also specialise when it comes to burglaries. For example, one group breaks in through the window. Another group might open the door using a properly chosen key. Another group might switch off the alarm system, for example. This occurs within these larger organisations. They have these larger criminal organisations, then there are these groups, each with a specialisation, a role. So the roles are distributed or divided and the way the burglaries are committed is a calling card for that one particular group. A group that breaks through the window, for example, will never turn off an alarm system." (Police officer, Moldova)

In some cases, the perpetrators do not bring their own tools for the burglary, but instead use the equipment that they find directly at the house, in, for example, a garden shed.

Nevertheless, there are groups of perpetrators, especially in the area of organised residential burglaries, who are characterised by a far more specialised approach. This includes, for example, drilling out the window frame with a hand-operated or battery-powered drill to open the window lever. This method makes it possible, at least with a hand drill, to quietly enter a building, especially if the burglary occurs at night while the occupants are sleeping in the house:

"In these cases, they are essentially drilling a hole in the patio door below or next to the lock area at night and then, doing this quietly at night, with a hand drill if people are sleeping below, and then a bent wire is fed through this hole to press the lock open and upwards, so far upwards that they can essentially open this door from the outside. And then they look for valuable goods in the hall area, there at least, but only on the ground floor." (Police officer, AK02)

In addition to drilling, frame burning is another, though rarer method of getting into a residential building. This involves either heating the window frame or glass pane directly with a gas burner, making it possible to the lever on the window or the patio door, or it involves heating a metal rod to move the lever through the plastic frame of the window.

Some perpetrators enter the building via the balcony using a ladder, which indicates an increased degree of organisation and professional skill. Within the building, professional perpetrators are characterised by a structured approach. This can be seen in the way the drawers and cabinets in the flat are searched, whether doors were blocked to avoid detection, or whether a second potential escape route has been created. In rare cases, alarm systems are also sprayed with foam, which prevents the alarm from being triggered.

This highly specific method typically involves highly prepared perpetrators acting collaboratively. Above all, houses with a higher level of security are targeted by perpetrators with different specialisations:

"Yes, and everyone has their own special job, I'd say, each of them has specialised a bit in their own area. For example, one of them knows exactly where on the patio door to apply the lever so the door will open." (Police officer, AK02)

Experienced burglars are characterised by their fast and structured approach in the targeted property. The perpetrators know the usual hiding places for valuable goods and search for them in a targeted manner.

The methods used by non-professional perpetrators when committing crimes are less structured and sophisticated than is the case for professional perpetrators. Drawers and cupboards are usually searched as quickly as possible and chaotically, which means that the apartment is often found in ransacked condition. This method is particularly common among perpetrators in the context of drug-related crime. In a very short time, the perpetrators try to obtain many valuables or cash which can be spent to purchase drugs. But even untrained perpetrators who are not associated with the drug milieu are characterised by a rather unprofessional approach. This is usually characterised by a rough entry, such as entering through the patio door or front door or breaking a windowpane with a heavy object. Nevertheless, these methods can only distinguish between experienced and inexperienced perpetrators to a limited extent:

"Yes, well, the question of methods is very difficult. Many perpetrators simply decide what to do depending on the situation, and some methods are just very unspectacular, and if they are just prying open a window, for example, this method does not distinguish certain types of perpetrators from others. When it comes to the way the method is executed, that is the only way you can really observe whether you are dealing with an experienced perpetrator or not. So if you have a perpetrator and there are 19 to 20 lever marks on a simple plastic window with a mushroom lock, then you know for sure someone's still got a lot of practicing to do. And then you have a window where they know exactly that if they put weight on the right corner three times it will break open, and there are three lever marks, then you can tell it was someone with good tools who knew exactly what he was doing. Others are amateurs, bungling around on a window until they eventually break the glass in the next window instead. Some assessment is possible in those cases." (Police officer, AK10)

This makes it clear that it is far more difficult, especially in the area of residential burglaries, to draw conclusions about the perpetrators' degree of organisation and professional skill based on their methods, and that the classifying of these crimes as organised crime would require more extensive clues than would be the case for other crimes.

In connection with the perpetrators' procedures, it is also apparent that the perpetrators have so-called anchor points in Germany. For example, contact with people living in Germany plays an important role here:

"And very often in these countries, foreign countries where the crimes are committed, the local Lithuanians who are organised in communities, for example, we say that in Germany, they really need help here, for example to find out when someone will leave the house or where you can hide things, these tactical aspects are covered that way."
(Police officer, Lithuania)

The existing contacts help them to find their way in Germany and to better organise the crimes or to hide and sell the stolen goods. These do not necessarily have to be people from the same country of origin. As the Romanian police describe, some of the perpetrators stay in Germany for quite some time, building up their own required "infrastructure":

"We had a big case here with perpetrators from (X). This is a circle, it's like a circle, it's like a ring around Bucharest. The perpetrators were already specialised in this area and three years ago they moved to Germany en masse. All three of these individuals registered secondary residences there and made contacts with Germans. They settled in and, let's say, had a normal life and then started identifying suitable burglary sites." (Police officer, Romania)

The Moldovan police observed a similar pattern:

"(...) on the other hand, they have friends and relatives in these countries, in European countries, and they get information about opportunities, so to speak." (Police officer, Republic of Moldova)

3.1.6 Stolen goods and use of stolen goods

Most of the stolen goods are limited to cash and jewellery. In some cases, however, the perpetrators also take technical devices such as expensive notebooks, tablets, mobile phones or photographic equipment with them. According to the experts' assessment, stolen goods of this kind have declined in recent years, which could be related to the possibility of tracking electronic devices.

Professional perpetrators are usually able to recognise the authenticity and value of jewellery. Costume jewellery is typically sorted out at the crime scene and not taken with them. The perpetrators can therefore be identified not only from their methods, but also based on which goods were stolen. Another characteristic of more professional perpetrators is breaking open or taking away safes.

However, taking everyday objects can also be an indication of certain organised groups. For example, the theft of daily necessities is linked to burglaries committed by family clan structures:

"Even in the stolen goods you could see that children's things and women's things were also taken, so it becomes clear, all right, there must be a connection somewhere, a family relationship or a female friend or something. And we were able to find out about the perpetrators' working hours later, through operative case analysis, the way they were acting, they probably don't have work, that is, they don't pursue work."
(Police officer, AK17)

These goods include shoes, clothes, perfume or handbags, which can be an indication that the actual targeted goods, namely the jewellery and the cash, have been given to the clan, and that other items robbed on the side are kept for personal use or are taken to give to a partner.

After the crime, the stolen goods are either used quickly or temporarily stored. For this purpose, some perpetrators have specific collection points where they deposit the stolen goods for a certain period of time. These depositories are either located near their temporary accommodation, for example in the form of simple, self-dug holes, or specific collection points are coordinated within a group where the stolen goods are stored until they are used.

“For criminals from the Western Balkans, we discovered several who were collecting jewellery, there are collection points, for example we once had a multiple-family house where there was a collection point in the attic, a bag was hanging there and items were put in and this bag was then supposed to be taken back home. “That is, everyone knew where it was ultimately supposed to go.” (Police officer, AK10)

This strategy is used in part to avoid being caught by the police with the stolen goods, while also waiting until some time has passed. However, it is rare for perpetrators to be caught shortly after the crime still carrying most of the stolen goods with them:

“With these organised groups, we assume that some of them will temporarily store the stolen goods near the crime scene, wait for the police investigation, which can’t last very long, because new cases will come up and the police will withdraw, and then there is mailing, which [the name of a police officer] already mentioned. We have seen luggage taken abroad in Flix buses, but we don't know which groups we're dealing with. We rarely have professionals in the immediate vicinity of the crime scene who still have the jewellery with them. We've had two or three situations like this in the last few years.” (Police officer, GW04)

Most of the time, the captured jewellery is either handed over to accomplices immediately after the crime or quickly hidden in a secure depository, for example in rented apartments, and then picked up again later. Particularly with so-called family clans, investigators assume that the sale of stolen goods is planned in detail, and that there are secured depositories and fixed receivers who then take the stolen goods and sell them:

“They don't have the goods with them anymore. This means that there is a storage location somewhere or there has already been a handover. And we are convinced that they have also regulated the sale of stolen goods within a clan. They're not going to just ask anyone here in [big city in northern Germany]: “Do you want this?’, so there must be either a fixed person who sells the stolen goods and who is part of the clan, maybe he lives here or the stolen goods are handed over right away so we simply do not have evidence.” (Police officer, GW04)

The sale of stolen goods occurs in many different ways. In some cases, the stolen goods are sold locally, or collected and sent to family members in the home countries later on. The police in the Republic of Moldova are also aware of this:

“I told you at the beginning that many Moldovans have emigrated and worked abroad. And they have, for the past few years we have seen that Moldovan citizens might send various things to Moldova in packages. There are packages. There are minibuses and

buses that usually go from Italy to Moldova and back. All over Europe. And they make sure of that. So you have this transfer and transport of different packages. And in these packages you can also find stolen goods. That would be one way. Another way would be with cars, for example. With vehicles. So they come to Moldova from different countries and bring a lot of stolen goods. And it is even possible that, for example, if a motorcycle is stolen, it will be dismantled or disassembled and the individual parts will be sent to Moldova with these packages. The person receives the package, gets the parts, reassembles it and then is riding a stolen motorcycle." (police officer, Moldova)

Domestically, there are several ways of using the stolen goods. For example, jewellery or multimedia devices are resold online. With regard to jewellery, there are several selling options, especially in large cities, such as buying and selling shops, pawnshops and jewellers. These buyers do not necessarily have to be recruited as direct resellers of stolen goods:

"This is not a particularly difficult crime, and the sale of gold jewellery does not pose a particular problem once you see that gold is purchased everywhere here." (Police officer, AK09)

Gold jewellery in particular is either taken to pawnshops or immediately taken to a jeweller or goldsmith and melted down. This also means that tracing items by the embossing in the jewellery is no longer possible:

"People already know where to get rid of these things and, depending on the way they work, they may send them to buying and sell shops or kiosks for specific goods or even gold trading, for example, to a goldsmith who will melt it down. And those goldsmiths aren't implicated as receivers of stolen goods, they just didn't check their origin sufficiently." (Prosecutor, AK04)

Selling jewellery within Germany offers the advantage of higher prices than in the perpetrator's home country:

"As far as the stolen goods are concerned, as was mentioned earlier, I personally am a bit sceptical about this due to a simple line of reasoning, but that is just my personal opinion. There are fewer cases where these stolen items are brought to Albania to be sold here, in my opinion. This is because they already know that the prices are much lower here in Albania than in other countries or that this stolen item will sell for less here than elsewhere. The phenomenon cannot be ruled out, of course, it does happen." (Police officer, Albania)

However, Albanian police officers observed that certain stolen goods, such as electronic devices, sell very well within Albania:

"In Albania, for example, gold or expensive watches do not sell so well here and the perpetrators know they will have difficulties selling them, so they do not bring those goods here. (...) And in recent years we have seen a development where mobile phones are the most common item sold, they are in demand after all, and they are brought here along with Smart TV sets that are brought here, I don't know, from Switzerland or from any other country, or laptops, because there is demand for those items here." (Police officer, Albania)

The situation is different for the police in Romania, who described that gold jewellery is sold in Romania:

"We do know of perpetrators in Germany who sell the stolen goods in Germany via acquaintances they have there or to people they know to be involved in these kind of dealings. But most of it is brought to Romania and sold here. Gold jewellery, especially in these (...) pawnshops. Well, they're pretty common around here. And the stolen goods are either brought here personally by them, by the perpetrators themselves, even accomplices, or they are sent by travel companies. These tour operators, the bus companies, transport a lot of stolen goods. Money is often sent to Romania through money transfer services. Western Union or something like it. But this is happening less and less, because they discovered that we are able to observe these transfer options and can also request statements from the companies involved in the concrete case." (Police officer, Romania)

Information about potential receivers of stolen goods within Germany spreads relatively easily among the perpetrators, assisted above all by extensive networks of acquaintances. Relevant examples here include gold buyers or jewellers who do not ask about the origin of the objects and do not takedown any personal details. However, occasionally there are also organised fixed receiver arrangements that are integrated into the network and also receive information about the origin of the goods.

"In the case with the Georgians, there was a kiosk owner in the Ruhr area, it was actually true that we observed our perpetrators, we wanted to arrest the backer, and then on Sunday morning our perpetrators had to wait before delivering their stolen goods because four other people had come to deliver their stolen goods before them. And perpetrators from all over Germany were really coming to this kiosk operator, handing over the goods to him and then driving away again. And the kiosk owner himself, well we were only in charge of part of the case, but he would then sell some of the goods in his shop, but some of them would be resold under the table." (Police officer, AK12)

Even though there are some fixed receiver structures, it is easy to sell the goods quickly in several shops and exchange them for money. The stolen money or money from the sale is then either used to finance their own livelihood or some of it is sent to their home country. Services such as MoneyGram or Western Union are used to send money abroad to the family or clan anonymously and without bureaucratic processes, as already mentioned in the interview excerpt above from Romania. However, normal accounts are also used to transfer the money abroad, which makes it considerably easier for investigators to trace the cash flow.

For larger quantities of stolen jewellery, the jewellery can be dispatched in several ways: on the one hand, parcels of money or jewellery are sent by mail, primarily to family members, who redistribute the stolen goods within the family. Jewellery is also transported as cargo in buses across the border. In this case, the bus drivers are recruited or bribed to take and deliver the goods. Highly organised groups of perpetrators also hide large amounts of jewellery or money in other goods, for example in old refrigerators or washing machines that are transported abroad as scrap metal. However, it has also been observed that larger quantities are shipped in sea containers, meaning that the family is obviously no longer the intended recipient. In addition to

jewellery and money, items such as mobile phones, clothes or similar goods, since they are intended for personal use and are rather difficult to sell locally.

3.1.7 The use of alias names and forged identity documents

Some perpetrators of organised residential burglaries use a variety of different names:

“The majority of these people are also operating under dozens of alias identities, and when they enter the countries in question from which the majority of the perpetrators come, it is easy for them to get new identity documents, both financially and in terms of the time involved, it does not pose a problem. And that won’t be noticed here. This will only be noticed if the data has been identified in a comparison with already existing data, then all of a sudden it is conspicuous: well, Mr. XY, the last time you were Mr. YX, that’s funny. And that way I can find it out.” (Police officer, AK08)

Often, counterfeit documents or different documents with these names are used:

“(…) we have this problem with the Georgians, we don’t know the guy’s actual name because he has five different alias identities and, of course, matching IDs. They don’t just go by different names, they actually have five different identity papers, so I’m unable to catch them.” (Police officer, AK05)

Other surveyed experts emphasize the difficulty of identifying the correct name given the large number of names used:

“There were two Roma women. The one we saw in the trial had ten or twelve aliases, you practically didn’t know what her name actually was, [name of accused] or [name of accused], until finally a Croatian passport was found where we learned that her name was actually [name of accused] (…).” (Police officer, GW07)

In some cases, different police information exists for one person under different names:

“(…) for some women we arrest, we discover they have 35 alias identities, and then we resort to using their first recorded name from the POLAS database at Inpol, where they presented a completely different passport (…).” (Police officer, GW04)

Besides, some people legally change their names in their home countries. In addition to taking on another name by marriage, in certain countries this can be done by simply applying for a name change:

“(…) for example, the man takes the woman’s name when they marry or changes his name through an administrative process. It’s not a very common problem though. However, the person remains identifiable for us via his or her personal identification number.” (Police officer, Romania)

Even if the Romanian police in the interview excerpt assert that name changes do not occur frequently, name changes (independently of marriage) are nevertheless easier to implement and more common practice there than in Germany. The Albanian police also describes the use of aliases and the practice of changing names:

"(...) these are often people who use many aliases. Here we also see the phenomenon of Albanians who have become criminals abroad and then changed their personal details here in Albania, i.e. first and last names." (Police officer, Albania)

Taking on the names of other family members is also observed among the perpetrators in the Republic of Moldova. However, this does not present a problem for the investigations of the Moldovan police, since identification, as in Romania and Albania, is carried out using identity numbers:

"Of course, there are cases where a perpetrator is now known to the public. And to avoid being recognised, he will take the name of his wife or mother. Otherwise it doesn't matter, because everyone here in Moldova has a personal number, or how do you say it? That's right, an identity number." (Police officer, Republic of Moldova)

3.1.8 Behaviour towards the police

Perpetrators involved in organised residential burglaries are not typically willing to cooperate and/or make statements to the police. In particular, perpetrators who belong to hierarchically structured forms of organisation avoid making statements to the police and in court proceedings. This is mainly due to the social connections within these groups of perpetrators, which exert strong pressure and act as a "code of honour". In addition, mafia structures or comparable structures are concerned about acts of revenge against their own families.

"(...) There is a very low willingness to testify, both on initial contact and later through the defence counsel, because they are experienced and often have very experienced and skilled defenders." (Police officer, AK04)

As elaborated in this interview excerpt, legal representation also plays a decisive role with regard to willingness to give evidence. Dealings with law enforcement authorities are often left to lawyers. For highly organised groups of perpetrators, such as family clans, it is remarkable how quickly lawyers come into contact with their clients after they have been arrested:

P1: "(...) To give an idea of the situation, you catch one of them and in a matter of one or two hours you have a lawyer reporting to the authorities. You have no idea where he came from."

P2: "We have even seen cases where they were transported to the police station (P1: Yes) and the lawyer was already there." (Police officer, AK15)

Furthermore, in cases similar to those described in the interview excerpt, the assumption is that accomplices were close to the crime scene, observed the arrest and then informed a defence lawyer. Presumably, these lawyers are commissioned by the family clan or other group members, and also represent other members of the gang legally. In the following interview excerpt these lawyers are also referred to as "scene defence lawyers":

"Otherwise, sometimes the lawyer calls me before I even know about the case, which makes you wonder how he even knows about the arrest, as a rule they immediately hire defence attorneys, these are really so-called scene defenders who are informed by the relatives and engaged relatively quickly, and then they also contact the client"

directly and probably tell them that they should make use of their right to silence"
(Prosecutor, AK06)

The rapid mobilisation of lawyers by members of the group underlines once again the strong network and the high degree of organisation of the perpetrators involved. In addition, the perpetrators are well informed about their legal situation and, in particular, the expected penalty for burglary. In this context, the Lithuanian police affirm that the perpetrators are thoroughly informed:

"But we know, and this is important to emphasize, that organised groups collect information. They collect information about the legal systems in the respective states. They collect information about the tools used by police and they also come to court to learn what evidence has been found in the past and what mistakes have been made so that they avoid them in the future." (Police officer, Lithuania)

According to the surveyed experts, a prison term is accepted if necessary to protect the accomplices or the clan. Very few perpetrators make confessions that reveal the overall organisation of the parties involved. If this happens, the confessions are minimal in most cases, describing their personal contribution to the crime or they try to make clear to the officials and the court that it was a first offence and they were acting out of need and poverty:

"At first with the police they tend to deny it, either they say nothing at all or they say: "I just wanted to work here". Unless they happen to get caught coming out of the house, then they usually say: "Yeah okay, I was trying to steal something, but that was the very first time". In my experience, I haven't seen confessions that give away more information than what was immediately apparent to the perpetrator that the prosecution authorities already knew, and certainly nothing that would have accused unknown third parties." (Police officer, AK08)

In most cases, more extensive confessions are only made during the information gathering process if the prosecution offers the accused a reduction in punishment. Among other things, the extent of the burden of proof also plays a role:

"It is of course very, very difficult to make any overarching statement, because it depends particularly on the role of the person in the group, on whether they are actually a dominant member of the group. Then it depends significantly on how strict the burden of proof is. What's his track record, and what does the defence attorney advise him to say?" (Police officer, AK04)

Thus, willingness to give evidence also depends on the respective position of the perpetrator within the group of perpetrators. Even single perpetrators who are not acting within a group or extensive network have a tendency to confess if there is a possibility of reducing their punishment.

3.2 Criminal prosecution in the field of organised residential burglary

The following section addresses the practical methods of criminal prosecution in the field of organised residential burglary. The problems faced by German criminal prosecution within Germany as well as questions of willingness and experience with regard to international criminal investigations are addressed first. Finally, the perspective of foreign law enforcement authorities is presented.

3.2.1 Problems faced by German law enforcement authorities

Criminal investigations in the field of organised residential burglary involve special requirements. In this context, the surveyed experts were asked to identify the main problems or areas for improvement they observe when it comes to investigative practices. These include fundamental difficulties such as scarcity of resources and a shortage of personnel, as well as long waiting times for trace analysis, phenomena generally observed in the processing of burglary cases (see Wollinger et al., 2016). In addition, however, they also mention hurdles in investigative work related to the specific context of organised residential burglary, which will be explained in more detail in the following section.

3.2.1.1 Legal hurdles in the investigation process

Typically, the experts surveyed mention legal restrictions due to the German Code of Criminal Procedure (StPO), which makes certain investigative measures impossible or more difficult. Many of those questioned would like increased powers of intervention, in particular to learn more about the organisations and backgrounds of the perpetrators, which is often necessary to know before thoroughly delving into the investigation. Specifically, the fact that residential burglary is not classified as a listed offence under § 100a stop (telecommunication surveillance), and the resulting lack of investigative powers, was brought up as a problem in many cases:

“Residential burglary is unfortunately not yet a listed offence. This means that for certain measures such as telephone surveillance, of course, a gang needs to be involved. So you have to find at least three people first. You can draw a lot of conclusions based on experience, of course, but first you have to overcome the gang threshold, so to speak. As far as I know, this is now being changed, so even normal residential burglaries will be classified as a listed offence, that threshold needs to be removed. Then the police need to be properly outfitted, in terms of personnel for instance, to be able to handle the case, otherwise there’s no point in even getting started.” (Prosecutor, AK14)

The problem for civil servants in this context is identifying the organisational structure behind individual burglaries in order to justify measures such as telecommunications surveillance and to establish relevant gang-like behaviour in the perpetrators:

“In terms of legal obstacles, we are currently working on the level of suspicion, I hope that the legislative procedure will be easier for us in the future. This is exactly what we have been talking about here. That it won’t always be necessary to give a reason why the perpetrators are suspected of committing the crime as a gang. What I want to prove, the existence of a gang exact situation I am trying to prove, this gang, or crimes

that gang-like patterns, or serial crimes, I will only be able to find them using these measures. Sometimes the cat ends up biting its tail, I need to already know what I am trying to prove in order to convince everyone that I need to use this method in particular. And this is for a crime that has a high impact on the victim in question." (Police officer, AK08)

In order to get the necessary measures approved by the competent court, proof is required that the crime was committed by a gang according to § 244a German Criminal Code (StGB). So it first needs to be established that the crime exhibits gang patterns, which does not actually confirm organised crime or related structures. This suspicion must first be substantiated by additional measures in the course of the investigation. It remains to be seen how the required justifications will change as a result of the new legal situation.

In addition, requests for traffic data pursuant to § 100g StPO and the limited data retention in this regard pose a problem for civil servants. The evaluation of radio cell data in particular makes it possible to trace the movement patterns of suspects, but this measure requires proof that a gang committed the crime, and the evaluation of radio cell data requires a considerable amount of time and personnel. The fundamental problem here, however, is the short storage periods offered by the respective providers for past telecommunications data:

"Particularly for radio cells, we are talking about very short time limits. That means the data is gone a week after the crime. In other words, if I have to anticipate the judge's so-called decision period, which I estimate as two days, then I have to make my request four days after the crime. That would require a file to be there. That is, I would need to have filed a motion, and that motion would need to have ended up in court. And if I can't manage that very quickly, it'll be hard, especially if I have other things to do." (Police officer, AK08)

According to the investigators, this data is essential for the ongoing investigation in order to furnish evidence of an active gang or an organised structure behind it. Especially when dealing with organised crime, further connections are evident, but they can only be identified if the measures in question are approved by the public prosecutor's office.

3.2.1.2 Organisation of work between the police and the public prosecutor's office

With regard to cooperation between the police and the relevant public prosecutor's offices, further problems were identified during investigations. One of the greatest difficulties identified by investigators is the lack of concrete contacts in the relevant public prosecutor's offices:

"(...) and in practice there is actually a contact person who is identified in all public prosecutor's offices, the contact person for gang crimes. In practice, however, this does not work as well as planned. About 75 to 80 percent of all cases are handled by the normal 'alphabet department' prosecutors. Say you talk with the coordinator for gang crimes. I'm already assuming he will say, "Put that in the normal alphabet department and then I have to figure out which department head is involved, which letters have been assigned." (Police officer, AK05)

According to the officials, most of the individual cases processed within the general crime departments of the public prosecutor's offices (so-called alphabet public prosecutors) and are

rarely dealt with in pooled organised crime departments or public prosecutors' offices focusing on organised crime. Limited resources which, in comparison with public prosecutors who only deal with the field of organized crime, make it difficult to consult cases that fall outside a specific area of organised crime. These limitations are perceived as a major problem. This is particularly challenging due to the high mobility and cross-regional activity of perpetrators of organised burglaries. Another fundamental problem is that alphabet prosecutors place limited focus on specific fields of crime. Especially with regard to investigative criminal prosecution, police officers complain that more extensive investigations will rarely be initiated by alphabet prosecutors, especially if these would need to be carried out across multiple federal states. In addition, the fact that individual cases are scattered across various public prosecutor's offices based on regional competences is regarded as a fundamental issue that makes it considerably more difficult to trace organised crimes, since they are each treated as individual cases:

"In the public prosecutor's office they must be learning a few things now, along the lines of 'even with simple residential burglaries cases, there might be a lot of substance behind it'. It absolutely cannot be said that every residential burglary case involving gang crime is conducted in an organised crime department of the public prosecutor's office. Even the organised crime cases we deal with here are not all conducted by an organised crime department in the public prosecutor's office. There is always so much shifting of resources, because even then it might be decided by the head of department who says: 'Okay, this department head has time right now, it will be directed to the organised crime department' and a week later or a week earlier it would have just ended up with the normal department head. Well, even that depends a little on the individual case." (Police officer, AK11)

In the opinion of the investigators, adequate prosecution is also prevented by the focus chosen for the investigation and processing of the respective cases, as well as the division of responsibility between the police and the judicial system. In this context, the public prosecutor's office particularly criticised the rapid closure of some investigations and proceedings where the police officers believe further investigations could have revealed more extensive organisational structures and related crimes.

Furthermore, the investigators are confronted with the problem that the power to approve police measures (e.g. telecommunications surveillance, radio cell interrogation) depends on the responsible public prosecutor's office, which is further complicated by scattered processing of the cases among individual public prosecutors:

"The prosecutor's office will say: 'Oh, God, there may be a gang after all.' We wanted to continue pursuing it after [name of the investigation team] broke up, and it started off well until [name of a prosecutor] had to leave and the new chief prosecutor said: 'But I consider a gang to be three or more people', and if you don't see three people on the day of the crime, there's no radio cell." (police officer, GW02)

This once again illustrates the problem posed by the lack of a permanently responsible authority for police and judicial cooperation in the context of organised residential burglaries.

Particularly with regard to organised crime across federal states in the context of residential burglaries, further problems arise when trying to bring together the allegedly interrelated acts within one authority and group them into an overall structural case:

"What probably should be mentioned with this type of gang case or organised crime case, which are typically structural cases, i.e. there is a structure of perpetrators with many individual crimes, is that the judicial system still finds it difficult to conduct structural proceedings, to conduct proceedings against groups of persons, because the countries, the states are not very willing from the state to collect individual investigation proceedings and then conduct together as collective proceedings. It takes an incredible amount of work, it takes a very, very long time and in the end often not much comes from it." (Police officer, AK11)

Even if the police have already collected extensive information on the connection between cross-border burglary offences, there is still the risk that the respective offences within the individual federal states will nevertheless be dealt with individually by the public prosecutor's offices responsible. A decisive reason cited for this type of procedure is, on the one hand, the extreme amount of additional work viewed from the perspective of the judicial system and the burden associated with this. On the other hand, the assumption that the effort is not always reflected in the outcome or in the severity of penalties faced by the defendants. As a result, related offences may ultimately be dealt with individually and no further knowledge will be gained regarding organised structures in the area of residential burglaries.

However, there are also forms of work organisation in police and judicial cooperation where there is a specific public prosecutor dealing with organised crime who is permanently responsible for organised burglary proceedings. The police officers and public prosecutors interviewed who have experience in this type of cooperation view this as a great benefit for joint investigative work:

"This is really a big help to us in itself, if you have a fixed contact person, you know each other and you can really, it all goes relatively fast and you're on the same wavelength. That is very positive and shows that, first it was the police who started focusing on residential burglaries and now the judicial system has followed suit, and in this respect there is more interaction happening. So in that respect, if this is maintained, it is certainly a very positive, very positive development." (Police officer, AK09)

3.2.1.3 Federalism

One of the major problems relating to the prosecution of organised residential burglaries, across all interviews, is the official jurisdiction of the respective prosecution authorities in the federal state. In particular, the lack of communication or inflexible communication channels between the authorities, the lack of a uniform database across the federal states and time delays due to official procedures were criticised:

"Federalism. The biggest problem is federalism. The competence of the police force that ends on the national border and also, within a given country, the competence of the police within a district who do not feel obligated to investigate matters like the one I just mentioned, where there are indications that they committed the deeds here, this is an area of jurisdiction and of course I would like to initiate proceedings against them here as well, but the police then says: 'This is a different district, the case should go somewhere else, they live somewhere else, it was just an offshoot here' and they no longer considers themselves responsible." (Prosecutor, AK13)

Police experts also see a need for better and more consistent cooperation and action between police departments:

"And here I can see that each department is handling the cases in its own area of competence, developing its own concept and I have to say, this is total nonsense to me. So if I have a series of crimes across different areas of competence, it is crucial for me for investigators on both sides to meet somewhere in the middle, ideally they would share an office. Whether this would have to be on a daily basis we can set aside, but for me it is terrible that everyone in the individual offices over here continues to work as usual and tries to identify the perpetrator and develop their own concept. It would be much better to develop a concept together that would be apply for both areas of competence later, and the investigators would have to come together in one office, but I think the police are a bit too rigid in this regard. There are some sensitive spots between them, and clearly from the perspective of personnel resources, you can't just say I will give you five of my people for an indefinite period of time, but I believe that, if residential burglary is so significant, even from a political standpoint, then I have to offer the personnel for it." (Police officer, AK03)

The structural division of responsibilities across the federal states makes it difficult for investigators to detect interrelationships and organisations, since some of the perpetrators, especially in the area of organised residential burglary, are active nationwide, so individual cases are initially dealt with independently.

Even within the federal states, if organised residential burglary is suspected, the respective responsibilities must first be clarified, then separately collected data and individual cases must be brought together and processed by an authority. Different case processing methods between the competent police departments and different transaction processing systems also make cross-border cooperation and tracing burglaries more difficult:

"However, we sometimes have incompatible systems, so [state in the north of Germany] has a different processing system than [state in the north of Germany], but [state in the north of Germany] has the same system as [state in the north of Germany]. We need all interfaces to use the software of the Federal Criminal Police Office, individual data importation, points of importation and interfaces, we need uniform data collection and we also need a common standard of evaluation and analysis so we are always talking about the same phenomenon and its characteristics nationwide." (Police officer, AK04)

Especially in this context, experts called for a uniform nationwide database that would allow for exchange and comparison of case data. The main problems highlighted here are the lack of access to the data systems of other police authorities and the different data processing systems in different federal states.

In addition, the processing of information associated with a case plays a major role. Since the authorities do not carry out uniform case processing nationwide and the relevant data, in the opinion of the officials, is not always sufficiently maintained in the systems, large information gaps arise that impede further processing and the detection of interrelationship:

"Our problem is, well, even though there are nationwide databases where perpetrator personal data is entered even for the area of organised crime in residential burglaries.

The problem is that these databases are maintained differently, so to put it relatively simply, the hard data is entered, ultimately we receive that data, but the soft data, which is very crucial for us, control messages, about where someone is moving, what other people they are with, or if there are telephone numbers. At the moment I would say there are communication problems nationwide." (Police officer, GW07)

The lack of concrete contacts within the authorities or the "long" communication channels that sometimes exist between the individual offices also contribute to delays in nationwide investigations. Thus, it becomes more difficult to identify existing connections between organised residential burglaries and the structures behind them, and, ultimately, to identify these connections nationwide.

3.2.1.4 Investigation and existence of organised crime in the field of residential burglaries

In addition to the previously mentioned legal and official restrictions, there are difficulties above all when it comes to the evaluation of surveillance measures and the possibility of proving that these are not simply burglaries, but rather organised collaborative residential burglary. If measures get approved, the actual evaluation of these initiatives poses another problem. A radio cell query produces extensive data sets, especially in urban areas, which have to be assessed in terms of relevance. This step alone requires a considerable number of working hours. If further telecommunications surveillance measures are carried out in this context, the first task is to identify the respective perpetrators and attribute the concrete crimes to them:

"We can't always just take a quick look and then identify 'Who was that again?', (...). You don't have telecommunications surveillance, and even if you have the surveillance sometimes it doesn't produce results. Until you've gotten that far (...) if we don't have that, we won't get an idea of the internal structure at all." (Police officer, AK15)

Furthermore, new types of communication services (such as so-called messenger services) offer perpetrators the possibility of evading surveillance by officials, since these cannot be traced by the authorities. As already described in the chapter about perpetration methods, some of the perpetrators do not use any means of communication when committing crimes, which prevents the investigators from drawing any conclusions about concrete interrelationships and structures. Proving that there is a highly organised group of perpetrators behind a series of residential burglaries is seen as one of the biggest difficulties in the area of residential burglary:

"You know there is a gang at work, you know they are suspects for these specific crimes, but finding proof, and that's what I have to demand as a public prosecutor, the investigation has to go that far, to prove A, B, C, E were involved in this crime and that crime and that crime and that crime. And that is the main work my colleagues have to do. And then it's on the table and sometimes the result is that we can't really prove anything to anyone (P: Yes). That's half a year's work, intensive work for nothing. And we know, in the back room we know or we are even convinced it was them. (P: Yes) But we don't manage to get proof." (Prosecutor, GW07)

Above all, the internal exchange of members in perpetrator groups, as well as the fact that crimes or the involvement in a crime cannot always be matched to particular persons, prevents

the investigators from gaining concrete knowledge about the existing perpetrator structures. Also, it significantly inhibits the possibility of legally tracing an organised, coherent group:

"Mostly the perpetrators are swapped around, but that's something you have to realise at some point, and this approach always leads to arguments and ultimately at the assessment stage where the head of the prosecutor's office for organised crime says: 'At the moment I don't see any indication of that' or he will say from experience: 'Yes, this must be a family, there are more people behind it, someone is probably the head and the leader'. That is always the greatest difficulty and it's always there, I have noticed it with every proceeding so far." (Police officer, AK15)

The insights gained regarding the organisational structure of a perpetrator group are not always sufficient to be able to identify or prove concrete organisation or any underlying structure:

"These alliances of criminals, of burglars, they are sometimes like a fluid mass. As you just said, someone will come along, then someone will be gone, then they need a driver, whoops, he got arrested, then the next one comes along, and to trace all that, okay, which crime was he involved in, that's one thing, and then to prepare for legal prosecution, that's not so easy, because you're moving from the gang level to the professional level, but wait, he was only there twice, we want to get at the professional level." (Police officer, GW05)

The offence area of residential burglary is characterised by low requirements of expertise, logistics and organisation on the part of the perpetrators. In this way, crimes can be well planned without the need for a truly strong organisational structure among the perpetrators.

This insight also leads to the question of to what extent organised residential burglaries are also considered organised crime according to the German definition. In Germany, the concept of organised crime is defined more thoroughly in the guidelines for criminal proceedings and fine proceedings (RiStBV). The prerequisites for a designation as organised crime are linked to a number of special characteristics. Organised crime is "systematically committed crimes that are characterised by the pursuit of profit or power which, individually or in their entirety, are of considerable significance, if more than two parties cooperate for a longer or indefinite period a) by using commercial or business-like structures, b) by using force or other means suitable for intimidation or c) by influencing policymakers, the media, public administration, judicial systems or businesses. The term does not cover "crimes of terrorism" (Meyer-Goßner & Schmitt, 2017, p. 2396). The question is to what extent this directive also applies in practice. All interviews show that the phenomenon of gang and planned residential burglary does not necessarily meet the criteria for the definition of organised crime. From the perspective of most experts surveyed, burglaries are not organised crime in the classical sense. In addition to the lack of influence on policymakers and the economy, the significant number of loose offender groups also speaks against a classification as organised crime:

"(...) Of course, different characteristics associated with the organised crime definition are not necessarily applicable for these structures, since many of them are loose structures, you can't just graft on this organised crime pattern the way we typically would, no. It gets a little blurry then, because the perpetrator structures are simply different from what we used to know." (Police officer, GW02)

The focus on mafia structures which characterises the definition of organised crime in Germany makes it difficult to draw a comparison with the offence area of residential burglary. However, the problem of sub-characterisation does not necessarily cause conflicts in police and judicial practice:

"First of all it doesn't matter to us, because we would also deal with gang crimes, and I would say very few proceedings are really organised crime proceedings, really very few. And whether a trial is an organised crime trial may not be established until the very end of our investigations or perhaps even at the negotiation stage whether it fits into the classic concept of organised crime, but that does not matter when we are taking on the case. Instead we say that we are looking at a criminal offence with several perpetrators, which is already apparent, because three or four people were seen or we have a number of crimes that we automatically attribute to more than one person, and we see clues where we can dig deeper in our operations, it doesn't really matter whether in the end it turns out to be organised crime or not. We are not so attached to the term organised crime now, except that of course very few crimes fit under the classical term." (Police officer, GW10)

The public prosecutor's office sees the matter in a similar light:

"But if you just have a series of burglaries, I don't think you have to hand it over, when you have already investigated half of them. And the organised crime criteria are important for checking the box on the computer, but otherwise they are not important." (Prosecutor, AK07)

One of the reasons why non-compliance with the organised crime criteria does not appear problematic in practice is that the Organised Crime Directive is intended to organise police and judicial workflows and structures and is not focused on a criminal offence or the like. In this respect, many public prosecutor's offices choose not to use the classic term of organised crime and instead, for example, direct all burglaries committed by gangs to the corresponding organised crime department or squad, or establish special departments focused on gangs. The intention here is to conduct investigations that group together crimes, thus enabling proceedings against groups of perpetrators instead of officials processing individual burglary crimes independently:

"And that's why I wanted to make sure that we're using the same definition when we say organised crime. We probably are not, and this is a crucial point in the whole matter, that this generally accepted definition of 'organised crime' in the Federal Republic of Germany, which is also in Wikipedia, for example, or generally accepted, this definition is far too narrow in my view, precisely because our specialist departments would actually be able to handle these proceedings in their entirety. Now we're not just talking about burglary, it can also be something completely different, begging scams, those pieces of paper or whatever. No single official can process all that, it's not possible. And in my opinion that's not a problem, but we would have to change the definition a bit. But this has been a little problem for years now." (Police officer, AK15)

In some offices, this has led to an adjustment where new regulations have been drawn up and there is no longer any explicit reference to the directive:

"And now we have softened the definition, so it also includes: responsible for gang offences, serial offences and offences that require special criminal procedural knowledge. Because we knew, or at some point came to the conclusion, that we could not force this into the concept of organised crime, but this other kind of organisation, these gang organisations, and serial crimes also need to be organised, even if they were committed by a single offender. So we reworded the definition of competence for the organised crime department to reintroduce these phenomena. We used to say that we, as members of the organised crime department, will not investigate that simply because it is a serial crime, it is not our kind of organised crime. But that then led to an uproar in the office, because then the heads of the general departments, as I always say, that is, department heads who investigate a variety of crimes: 'You're not doing anything in your department anymore, what else do you expect us to do? You also have to take on serious crimes'. And that was clarified in the office, and since then, the definition of responsibility has been pushed much further." (Prosecutor, GW02)

The impetus for such adjustments was the realisation that, although the previous definition of organised crime is not suitable for organised burglaries, the organised crime departments are certainly capable of investigating such burglaries. Since the definition of organised crime only comes from a single directive, the offices have a certain freedom to act differently in practice. When organising work between the police and public prosecutor's office, therefore, there are not necessarily any problems, but the numbers given in evaluations and statistics dealing with organised crime in residential burglaries are not a very meaningful reflection of the severity of the crimes:

"The definition is sufficient for assigning task to the police or the judicial system. For criminologists, the definition is not enough. They have quite a different perspective. But we are just looking for black and white, we need to put in this category or the other categories. And it's enough for defining the categories. So here we can manage with the definition, with regard to modern area of crime as well, which we can still handle quite well. But as I said, if I were a criminologist concerned with the severity of the crime, which cannot reasonably be differentiated using this definition of organised crime, that doesn't work. But for our purposes, whether we classify it as organised crime or not, the current definition is enough." (Police officer, AK11)

It seems useful for organised crime departments to initiate investigations in the area of residential burglary even without being able to use the label of organised crime, simply because the structures behind a crime tend to only become apparent in the course of the proceedings:

"Well, I'm not slavishly attached to this definition of organised crime when taking on a case, especially since we don't know where we will end up. Once we have completed the proceedings, then we look to see if it fits the pattern and if the circumstances match. That's how it usually works in practice." (Police officer, AK05)

However, adapting to the definition of organised crime is also seen as quite problematic:

"Another problem is that we are still working with this definition of organised crime from 25 years ago, where we-, well, as the head of the organised crime department, I am also thinking about what is considered organised crime, it is organised crime or not, when it comes to situation mapping, it's quite ordinary, we work through the indicators and then there are also proceedings carried out where a Central European

would typically say: that is organised crime, but we say it isn't, we turn down the case, it doesn't fit the national situation so it won't be assigned a number. And that is an exciting development at the moment, which is also happening in politics, where people are saying that mass crimes can also be organised crime and we need to focus on this matter concretely with investigations, but on the other side we need to ask the question: do we need to proceed from the definition of organised crime in preliminary investigations too, these are all considerations that were already on the table, to free us from this strict definition of organised crime, because that inhibits us rather than moving us forward in our daily work. " (Police officer, AK05)

In many burglary cases, an organised structure is recognised and the investigations are structured similarly to those dealing with organised crime. With regard to the characteristic situation of the Federal Criminal Police Office, however, narrow criteria are applied, so a low number of cases are depicted. Some of the experts questioned are afraid that these organised burglaries are not being taken seriously by the public and policymakers as a result, which could impact decisions regarding the allocation of resources.

3.2.2 International investigations by German law enforcement authorities

As results of previous research show, both the extent of residential burglaries and the causes and characteristics of the perpetrators vary regionally in Germany (Bartsch, Wollinger, Dreißigacker, Baier & Pfeiffer, 2013; Dreißigacker et al., 2015). The present investigation also showed that the crime of burglary is perceived very differently by the local police. In some regions, local perpetrators are mainly identified in the area of residential burglary and no connections to other, foreign countries are seen:

"This is also the case with us: for the cases that have been closed in recent years, we did not have any international references either, which might then have actually been regulated by Europol or other bodies." (Police officer, AK04)

In addition to the current findings on foreign perpetrators, in some cases the crime of burglary is considered to lack a higher degree of organisation on the part of the perpetrators, so that an extensive investigation or international investigation does not seem appropriate:

"Something as selective as residential burglary, I mean, it happens, residential burglary, but it's also a question of the structures, I mean, there are groups of offenders who work here, but now I don't see any way of investigating on a supra-regional or transnational level. I mean, residential burglaries happen, but as a rule they're not tightly organised from abroad, instead there are groups from abroad who are active, but they then also act here in this region and where do the stolen goods end up? (...) So I think Europol may be a little too high level for burglary, because when investigating residential burglary you usually stay on the surface, you don't typically get very deep. (...) I don't think you have to coordinate that from abroad, if you have maybe one or two runners who commit crimes here, but maybe that's more in the area of robbery, organised robberies, where you get six-figure loot, then maybe it's more about organisation from abroad, in Lithuania, Russia or somewhere." (Prosecutor, GW03)

The perspective given above, namely that burglary is not committed by gangs proceeding systematically with a high degree of organisation and connections abroad, is rarely represented by the criminal investigation authorities. Most expert interviews made a different assessment of the circumstances. Another reason why the phenomenon of a burglary is not discussed in an international context, however, is the lack of more intensive investigation efforts:

"Especially to create the investigative approaches to say that this particular gang is organised crime, or that you really see the cross-regional aspect, this only works if you are evaluating these factors. (P: Yes) The individual crime per se is unspectacular from our point of view. (P: Yes) You have the factual circumstances, someone broke in, investment card, trace investigation record, observation of the scene, done. APB, process the traces, done. But the whole surrounding context, taking what's there and connecting it together and drawing conclusions from it, that is the exciting part, you want to get to there, and then later to create these gang structures precisely, but often, and this is simply the reality, you don't get this far in the case for various reasons. And when the administrative part of such a case is so extensive, taking the administrative jumble and managing all that, statistically, processing it in some system, this alone takes up personnel resources. And it's not just us, it's the same for the public prosecutor's office." (Police officer, GW02)

This interview excerpt emphasizes that typically, it is not the crime itself or the trace situation at the scene that bring about an international investigation, but rather the combination of multiple cases, the detection of a series and a gang structure behind it. However, this requires intensive investigations, involving a large number of personnel, both for the police and the public prosecutor's office. If these factors are absent, an international connection among the perpetrators is not necessarily discernible. Most of the experts surveyed, however, do observe burglars from other countries that are active locally:

"I would go out on a limb and say, or to put it even more diplomatically, I can't remember any residential burglary, organised crime proceedings where a German group of perpetrators was behind it. Now I know, I don't remember. And that means, usually, this is a cross-border case." (Police officer, GW05)

It is true that local burglars are also identified, especially in the area of drug-related crime. As described here, however, in the context of professionally acting gangs in some regions the perpetrators come almost exclusively from abroad.

3.2.2.1 Willingness to conduct international investigations

Nevertheless, the detection of international connections does not necessarily lead to international cooperation with investigative authorities abroad. One reason for this is that the effort involved in international investigations does not seem justified or is simply too great:

"(...) and how many of the 11,500 crimes remain (...), but perhaps generating such a volume of work through international cooperation cannot be typical. We still have too much on the other side." (Police officer, GW05)

In some cases, an enquiry, especially with Eastern European countries, is ruled out from the outset:

"And there are some countries, I mean quite honestly, to send a request for legal assistance to Albania (P: send) I mean, really." (Prosecutor, AK17)

One reason for this is that such an approach seems hopeless, since it is not assumed that the local authorities are willing to cooperate. In this context, it is often supposed that the countries of origin for the perpetrators themselves have no interest in investigations, since the crimes do not take place in their own country and the damage would not affect them directly, but rather predominantly Western European countries:

"So if they have a perpetrator who does not commit any crimes there, it would be difficult anyway to start an investigation in their home country and they don't do anything that would affect their countries of origin in any way. So in the end they don't need to do anything about it. Essentially these matters are often based on pure good will." (Police officer, AK05)

This assessment is not necessarily based on the experience of not receiving responses from Eastern European countries. Instead, this is an assumption and there is no attempt at making contact as a result. Another reason for this negative attitude, especially towards Eastern European countries, is a lack of trust and the fear of working with corrupt state authorities:

"We have the feeling that you can't work together with them, they have all been bribed, particularly when it comes to scams where people pose as long-lost relatives, we have seen statements that the public prosecutor's office and state police have also been bribed. Extraditions that suddenly don't happen because money was thrown in. So the experience is sobering." (Prosecutor, AK03)

In particular, the experts describe the risk that a request for cooperation could not only remain unanswered, but that this disclosure of information could hinder the ongoing investigation:

"Prosecutor: I don't know, it's hard to tell whether corrupt elements are involved. In the East, you always have to be very, very careful. If you go further than Poland, we (laughs) hardly ever even make requests for legal assistance to Russia, Belarus, Ukraine, that is very difficult. If you have relationships or personal relationships with them, then something can be done. But official channels are always such a deterrent, because the hard facts we have, should we share them with the authorities, can we even justify that?"

Police officer: At worst, we're exposing the case." (Prosecutor and police officer, GW07)

The concern is that the suspects could either be warned by members of the police departments themselves, such as police officers, secretaries or interpreters, or that knowledge of the German investigations targeting certain individuals could be resold as a kind of "hint".

In contrast, however, many investigating authorities have an open attitude towards joint international investigations or attempts to exchange information. In this context, the need for international exchange at the police level among internationally active perpetrators is emphasized in particular:

"And at the end of the day, you get information that would allow us to potentially work together, and the goal must ultimately be to be active in a country of origin, where our perpetrators from Romania, Serbia or wherever they come from, are ultimately located." (Police officer, GW07)

Willingness to contact other countries is usually based on experience gained in the past through investigators' attempts at making contact. Contrary to the widespread assumption that Eastern European countries, in particular, are seldom willing to cooperate due to a lack of interest, the investigators' reports give a positive picture:

"Surprisingly, the countries where one would expect the process to be sluggish or difficult often are excellent at establishing contact and they do so thoroughly, it is very informative. Looking towards Albania and Balkans, there are certainly countries where this works very well. I am now referring to the beginnings with Albania, where excellent cooperation is now developing, although with France, where people think this should work because it is a neighbouring country, they are sometimes reticent." (Police officer, GW07)

Many other interviews also mentioned that contacts with Eastern European countries or the countries of origin of the targeted perpetrators often work better than with the direct neighbours of Germany or other Western European countries:

"It is more or less successful, at the moment as [name of a police officer] said, we are trying to do a lot officially through the Federal Criminal Police Office. This all runs through Interpol. From the countries of origin you actually get information relatively quickly, and it is solid." (Police officer, AK09)

Above all, the assumption is that integration into the European Union leads to a high willingness to cooperate. Some of these so-called "countries of origin" are countries that have only recently joined the EU, and in this context their countries have undergone comprehensive reforms for some time now. Otherwise there are countries that are EU accession candidates or are working towards this goal.

Negative experiences are reported more in relation to other Western European countries:

Police officer: "Four hours have just gone by, (Prosecutor: Yes) and what we just talked through in four hours would not be feasible with France in four years (everyone laughs)."

Prosecutor: "Yes, maybe it would work with France, but only through personal contacts I think (...)." (Police officer and prosecutor, GW03)

Even though some of these cases may involve relatively little experience or personal experiences, this can have a strong influence on future deliberations relating to international cooperation. Nevertheless, some of the findings regarding the willingness of Western European countries to cooperate are ambivalent, insofar as some investigative teams report very good cooperation and others have experienced very negative situations with regard to the same country. For example, the following interview excerpt describes good cooperation only with Scandinavian countries:

"It's problematic in other European countries like France, Italy, England and so on, that's sometimes quite tough, Holland as well (P1: Holland extremely so, yes), yes. So the only ones that actually work reasonably well are the Scandinavians (...)." (Police officer, AK09)

Other police officers, however, report very good experiences, particularly in relation to the Netherlands. This indicates that the success of international cooperation depends not only on the institutional framework but also on the specific people responsible for it. There seem to be great differences from case to case. However, this may also depend on the extent to which personal contacts already exist in Western European countries, which facilitate cooperation, while investigators without such contacts sometimes fail to find satisfactory solutions through formal channels.

3.2.2.2 Access to international investigations

There are many ways in which international cooperation between investigating authorities can be established. In addition to formal legal tools and institutions, informal contacts are extremely relevant.

3.2.2.2.1 Liaison officers

So-called liaison officers of the Federal Criminal Police Office (BKA) are important contacts for establishing contact with foreign investigative authorities. As described above, they work locally and know the structures and working methods as well as key individuals in the respective country:

"(...) because, as I said, there is also this liaison officer system in principle with the Federal Criminal Police Office, and just through these personal contacts of the liaison officers in the individual countries, because it's always possible that if you manage something via the Federal Criminal Police Officer or via legal assistance channels, then the Federal Criminal Police Office's liaison officer in the respective country might make more enquiries, and that's what they are there for, they generally know the decision-makers and the right people to talk to there specifically. I think one advantage for the police in these cases is also these networks in these countries." (Police officer, GW06)

In addition to the knowledge of country-specific particularities, the personal network of liaison officers is very beneficial for the work of German civil servants. The crucial factor here is not only arranging relevant contacts in order to obtain information or carry out joint investigations, but also the acceleration of formal procedures such as requests for mutual legal assistance.

For German civil servants, the shared language and legal background as well as the understanding of German procedures in investigative proceedings make it easy to make contact with a liaison officer. The experts interviewed view the Federal Criminal Police Office's liaison officers as very committed and well-connected; the officials are often pleasantly surprised at how quickly their request is dealt with and how quickly they receive an answer, as can be seen in the following interview excerpt:

"We contacted the Romanian liaison officer at the embassy in [city in the west of Germany] through a woman we had known for a long time, and asked if she could name a reliable service in this field so we could collaborate with them later on these technical questions. And yesterday, I couldn't believe it went so fast, this woman calls and say: "Listen, I've spoken to Romania and they are very interested in investigating this group of perpetrators with you." (Police officer, AK05)

Positive experiences are also discussed with reference to cross-border police teams, such as those that exist with Germany's neighbouring countries. However, this is mainly about the exchange of information.

3.2.2.2.2 *Mutual Legal Assistance and European Investigation Order*

However, if information is to be included in the investigation proceedings in order to be used in court, recourse must be made to the police or judicial legal assistance. Compared to personal contacts, these requests for mutual assistance involve bureaucratic effort, which is usually described as very time-consuming:

"Well, it's the public prosecutor's office, so the public prosecutor's office sends this to the judicial authority. The judicial authority sends it to the Federal Ministry of Justice, the Ministry of Justice sends it to the Ministry of Foreign Affairs, the embassy there to the Ministry of Foreign Affairs and then somehow it gets in motion. Everyone has to take a look, then it all has to be translated, and they have to check if it all needs to be redone, and then finally someone comes, sits down and edits the whole thing and then it goes through the whole process including translation, then a response and a review if everything is okay, and so on and so on and so on. So just this filing process, where everyone has to take a look at everything, they have to check their box, you can assume it will take several weeks to months before anyone does anything substantial about it." (Police officer, AK09)

A central problem with regard to requests for judicial assistance is the large number of different authorities involved. For example, one public prosecutor reports that contact with other European countries usually occurs via mutual legal assistance, but that the proceedings often take a very long time:

"This channel is often complicated, so there are the Directives for International Cooperation in Criminal Matters (RiVAsT) and the RiVAsT country section, there it is written how we are allowed to contact other authorities, and if it goes through this judicial channel, that is, through the Ministry of Justice of Germany and then the Ministry of Justice of the other country and then it goes so trickling very slowly down, and everyone thinks: oh, legal assistance is stupid, I don't really know how it works, and then they leave it lying around for the time being and it's lying there in five departments for a while, it takes half a year before you get an answer, because the answer, the enquiry has to go through all those levels and it takes just as long coming back." (Prosecutor, AK07)

In addition to the length of time required, a request for mutual assistance often involves a great deal of bureaucracy, especially with regard to legal requirements and wording:

"I can only confirm what they said, as a department head you are reluctant to seek legal assistance. We have a Legal Assistance Department with us, but we formulate the request for legal assistance in advance, then the Legal Assistance Department looks again to see if everything has been correctly stated in terms of the international regulations and whether it has been formulated correctly, we really don't like to do this. To start with, you can't use any abbreviations, it has to be written very formally, which is quite difficult, and then of course it depends mainly on the country. Legal assistance with Holland works excellently. Very quickly. We do a great deal, for example, in the context of drug-related crime. I must say that I have dealt very little with legal assistance in the area of residential burglary so far, and I don't like to deal with this, because it can take years depending on the country. What good is information if

you have people in custody, you have certain deadlines and four years later you get the information you need." (Prosecutor, AK15)

To respond to the difficulties relating to mutual legal assistance described above, the European Investigation Order was developed and has been in force since June 2017 (see Section 2.8). Only a few expert interviews took place after the order entered into force, which is why the European Investigation Order was not addressed in every interview. In this respect, there has not yet been extensive experience with this legal instrument. However, one of the public prosecutors questioned has already become somewhat familiar with it:

"Now there's something new, a so-called European request for an investigation. (...) I personally haven't done it yet. It's a form, I only looked over it once. Of course, it's supposed to cover any conceivable case. Although this is actually theoretically not possible. And we found it quite difficult to fill out." (Prosecutor, AK15)

It will only become apparent in the future to what extent the option of the European Investigation Order will overcome the previous difficulties associated with judicial assistance.

3.2.2.2.3 *Europol*

Europol's work is seen as particularly positive in terms of the various ways in which it can support investigative work. First, financial resources are important for organising conferences, making spaces available and also for enabling technical equipment:

"What Europol is doing in this case, they have already done in other areas, they organise meetings and make funds available, Europol helps us for example within the framework of this Empact project that they have. We currently have transmitters that we use for this, GPS transmitters for installing in vehicles. I got them through this Empact project, because these transmitters are expensive, one transmitter will cost 7,000-8,000 euros, sometimes you lose them, if the battery is empty, you can't find them anymore (...) So Europol helps us the most by bringing resources together, by financing money and also maybe sometimes they conduct an evaluation project, which [Europol employee] is currently doing for example or something like that. If you are dealing with certain nationalities together, whether Serbs, Romanians, or whatever, you can look there to know if we are investigating the same clan throughout Europe and how can I bring investigators together there, what can be done there to handle the situation. Of course the next step is still missing, how do I manage this judicially, what is the procedure there. But well, that's not Europol's job, that's not their concern, that has to be done with police or (X) judicial channels, you have to do it some other way of course. That's the upside." (Police officer, GW03)

In addition to financial resources, the excerpt of the discussion presented addresses the question of a European perspective. Europol provides an overview of trends for certain crime phenomena within Europe and thereby expands on the "national focus" of investigators:

"(...) Europol's activities have been very positive over the last five years, they are, they do not exist very long, but for approximately the last five years they have been trying to bring people to the table and look at every new phenomenon, every new topic, sometimes from a European perspective. They have spaces, they have moderation options and personnel, and if there is an interesting new phenomenon, they contact the

countries, and we are practically next door to Holland we can drive to the Hague in our bus, of course there are many opportunities to travel somewhere. So we're taking advantage of this opportunity already." (Police officer, AK11)

Europol thus has the function of providing situation reports and analyses for the European situation. Europol is also expected to be a liaison entity, to bring countries into contact and bring them quite literally around the same table. They are highly appreciated as a "mediator":

"(...) a group of offenders in the area of residential burglary who are involved in organised crime or a gang and they have connections to lets say Holland, France or Denmark, it means a lot that we can call Holland or France or Denmark, that we can call our colleagues in Europol and say: 'Can you go on the other side to our colleague from Denmark or to our colleague from Sweden and give him a bit of a nudge. We have a group here, and these individuals are involved.' And then I know for sure that one hour later my Swedish colleague receives the message, and a day later it is in Gothenburg with my Swedish colleague, and at some point the telephone rings and my colleague from Gothenburg calls and says: 'Europol and my colleague passed this on to me', this mediation, these arrangements are the best thing Europol is doing at the moment. Plus the willingness when we see that suddenly there are four countries involved, all of them dealing with the same issue, that I can call Europol and say: 'Why don't we meet at your office?' And then they say 'Okay, I have a room here, I have a room and a coffee machine, just come by that day'. And then everyone comes in, you sit down and ponder the future. And I think that's really valuable, aside from all the great agreements and any great databases, its role as a mediator, this dating service (...)" (Police officer, AK11)

This also illustrates that Europol offers communication outside of bureaucratic channels that can sometimes set specific proceedings in motion. However, different expectations of Europol were also expressed, as well as disappointment that Europol itself does not initiate or influence any police action:

"As for Europol, well, it's good this is anonymous. Europol is an octopus without any influence on police action. They're completely irrelevant. (...) The best example are cargo thieves, Europol should actually intervene. 300 million euros of damages estimated per year in Germany. Well, I would assume half a billion a year. Well, even when they cut open the cargo covering, that costs money. That's not included in the damage. Then Europol should say: 'Sure, the perpetrators come from Poland, they are active in France, in Spain, but also in Germany, everywhere, well, we'll do something about it.' They're launching a project because 40 mobile phones were stolen at a rock concert in Sweden. In that case the perpetrators come from Romania, they travel in, steal 40 mobile phones and then they are gone again. That's being turned into a project. I don't know who works there, who sets the priorities. We also inform Europol, which so far, like Interpol, is a completely toothless tiger." (Police officer, AK16)

An important and popular service offered by Europol is the SIENA communication channel (see Section 2.2). SIENA offers above all the possibility of simple and secure communication:

"There was a delegation from Germany that was in Albania in January, where we described the situation and then discussed options together and the Albanians agreed

and said: "Look, for a limited period of time we are forming a task force here dedicated to this topic and all requests you make to Albania should be addressed to the task force directly via SIENA". And that ultimately means that there are now people sitting on the other side whom I have spoken to myself, and as the official in charge, and as official in charge can say: "Oh, I'll write them now" and if everything goes well, I'll actually get an answer within two days with some real information. In cases like that, when employees and colleagues have doubts or concerns, then they will be convinced and it will work out just fine." (Police officer, GW05)

The expert interviews emphasize that communication through SIENA has above all become faster:

"(...) The response time is completely, completely different when you look at the channel he was just describing. So we're talking about one, two, three days instead of two, three, four weeks. And I remember, this is not coming from me, my uncle is a senior public prosecutor, (laughs) and he always tells me that if he doesn't want to see something again, he sends a request for legal assistance to Italy, so (both laugh) as I said that's not coming from me, but there are these new developments as an acknowledgment that perpetrators don't stop at borders, they are doing great work to speed things up. Well, I'm expecting a lot from that." (Police officer, GW05)

Availability and access to SIENA has been continuously expanded in recent years. This has led to a simplification and acceleration of work processes:

"And with SIENA the big problem in the past was that first I have to be convinced it will do any good, then I have to fill out a formal questionnaire, preferably in English, then I have the language barrier, because for [city in the east of Germany] that was the case, then I have to pass on the proceedings to the State Criminal Police Office who are responsible for international cooperation, they have to do an initial quality control, then the case goes to the Federal Criminal Police Office, and the Criminal Police Office as the national central office in Germany was authorised to press the button and send it off. Thus, a very complex process. It is now being simplified and we are now in the trial runs, so we have decentralised access with the State Criminal Police Office. By the end of the year, individual departments in the state, (city in eastern Germany) and others that are still to be determined will have direct access to SIENA." (Prosecutor, GW05)

Finally, however, it is also emphasised that the instruments provided by Europol need to be used in order to be effective:

"We are learning that information is available when we are dealing with big enquiries, if we simply ask about them, via the Europol channel or even our network, we get an incredible amount of information. That means they are there and the cross-regional perpetrators are not invisible. They have left traces behind. Now we have to connect the loose ends, that's just the first step towards getting involved more successfully." (Police officer, GW07)

Next to SIENA, this also applies to information databases such as EIS (see Section 2.3):

"Europol has its own information system, which is actually quite okay in terms of its usefulness, that is called the EIS, Europol Information System, the only problem is that a system is only as good as the information that's fed into it. They should have continued feeding more in the past to get more information. We regularly make enquiries there, but let's say for Family M., where we are still looking for information about them, we learn that they are somewhere in Belgium, we checked there once, but that's as far as it goes. That's not information that might come out of our investigation, if I want it I have to maintain direct contact with Belgium, I have to ask there: what do you have there, but they have not input that information cleanly and comprehensively. But, once that has been brought in, it can be very helpful." (Police officer, GW03)

These databases need to be supplied with information before they can really be used and no separate inquiries need to be made to individual countries. This underlines the procedural nature of cooperation between the countries and Europol. Access to Europol's services is currently being further expanded and investigators are increasingly integrating the use of these services into their investigative practices.

3.2.2.2.4 Personal contacts

In addition to these official and legally regulated procedures of international cooperation, however, the expert interviews reveal the particular significance of personal contacts with investigating officials abroad. One advantage here is to avoid the lengthy processes described above when using official contact channels:

"And actually we have organisations, the Federal Criminal Police Office, the State Criminal Police Offices and then the departments, everything is supposed to go through official channels. And if you were to rely on the official channels, you would left hanging in some respects and it would take far too long." (Police officer, AK05)

Personal contacts with officials in other countries often take the form of international conferences or similar meetings at the police level:

"However, of course, if you have dealt with a field like this for many years, you will know the appropriate people through joint conferences and you will be able to get prior information directly from the start." (Police officer, GW02)

In addition, contacts are established by bilateral investigation teams. On the one hand, personal exchanges lead to a relationship of trust that establishes a solid basis for cooperation, particularly in countries where the existence of widespread corruption is assumed. On the other hand, however, personal exchanges also create understanding for the other side's investigating methods. In this context, officials discuss legal options, particularly with regard to data protection regulations, and the information required to justify certain measures.

Although public prosecutors acknowledge the advantage of these personal contacts, it is still difficult to bring such information into proceedings in a way that allows the information to be used in court:

"The only thing that really works well are these private contacts with the police in other countries' departments, but as a public prosecutor the information is always a problem, if it is crucial information you need to apply for legal assistance to incorporate it into the proceedings, and with legal assistance you are dependent on the other state and hoping that you receive an answer sometime soon." (Prosecutor, AK15)

Cooperation based solely on personal contacts is thus subject to legal limits. In this way, it is possible to obtain initial information that may also help to determine whether a more extensive investigation could be worthwhile.

3.2.2.3 Goals of international cooperation

The goals and topics of international cooperation are extremely diverse and differ, among other things, in terms of extent. Cooperation can range from rather small issues, such as requests for identity information, all the way to extensive joint investigations.

3.2.2.3.1 Exchange of information

A central concern when contacting foreign authorities is requesting various kinds of information. This information may relate to the identity of suspects such as personal details, addresses, bank details, family members, vehicle owner enquiries or the name associated with a telephone number. Furthermore, some of the enquiries relate to the local police's additional findings about the person in question and whether they are aware of connections to other perpetrators.

3.2.2.3.2 Joint investigative activities

In addition to exchanging information, another concern of international cooperation can be law enforcement activities with other countries, either with other affected countries or the perpetrators' countries of origin.

There is a wide variety of possible measures. For example, officials report telecommunications surveillance carried out by foreign civil servants for German investigations in other countries, as well as direct surveillance. Furthermore, local building searches can be useful:

"When you make an arrest, you also have to prepare searches of flats. That means I have to make sure I can search through flats for any stolen property very soon after the perpetrator's arrest, i.e. I am looking for evidence of other crimes committed in Germany. This is where I would contact my Polish colleagues in this case and say: 'I want to search the homes of these three or four people very soon or at the same time.'"
(Police officer, AK16)

In some cases, the German police or public prosecutor's office is also involved in searches abroad:

"When I was in [state in the south of Germany], I searched in Poland, for example, I was there personally in Poland and I searched there as well." (Prosecutor, AK07)

When German officials act in the perpetrators' countries of origin, the aim is not only collecting evidence but also the hope of deterring crimes by making it clear that German investigations do not necessarily stop at the national border.

Joint Investigation Teams (JITs) are a special form of joint investigation (see Section 2.7). However, expert assessments of the benefits and relevance of JITs vary significantly. On the one hand, JITs are seen as valuable support by providing resources for cooperative investigation:

"A JIT was set up there. It was quite helpful, not only because it brought in more money, assistance of interpreters, travel, establish contact. We also got arrests in the [city in southern Germany] case with extradition to [city in southern Germany]." (Police officer, GW10)

Eurojust creates an infrastructure that enables international cooperation within a legally secure framework and removes language barriers in communication. This can be particularly helpful if the other country with which cooperation is sought does not have sufficient financial resources to handle travel and similar aspects itself. Experts also stated that a JIT is a prerequisite for truly collaborative investigative work, in part due to direct personal cooperation in the same location:

"The JIT format is the only real kind of collaboration (P1: Yes, exactly) and it replaces the rest and (P: Exactly) there should really be a lot more of them." (Police officer, AK05)

On the other hand, however, JITs are also associated with time and bureaucracy, especially if the parties involved are not yet familiar with the exact procedure:

"Or, if you look at these Joint Investigation Teams, which are rare. It's an incredibly difficult procedure, but if the partner country is prepared to follow parallel proceedings, via Eurojust, so to speak, it can be a lucrative thing if you know how to do it, we've seen that in the area of motor vehicles." (Police officer, GW05)

The length of time is particularly problematic if the target group of perpetrators is characterised by their high willingness to move. While JITs are reported in the area of drug trafficking or car theft, this procedure often fails to be beneficial for investigators and public prosecutors in the area of residential burglary:

"So we have joint investigation teams in [state] in other crime areas, including property theft, but we haven't had them for residential burglary in the last decade. But I have to say honestly, especially with the perpetrators rapidly changing locations, even if they relocate their area of activity within weeks or months, by the time a Joint Investigation Team is set up, by the time the contracts are concluded and everyone knows how and in which teams they will collaborate, this perpetrator structure has often already disappeared. So although international cooperation is important, and especially with Denmark it works very quickly and without complications, or with Scandinavia via [city in Denmark] and sometimes a Joint Investigation Team would be useful, but given this type of offence and the way the perpetrators move, it does not make sense." (Police officer, AK08)

In one case, a public prosecutor also reported a very negative experience with a JIT that turned out to be very complicated to organise and which was finally terminated because an investigating judge from another country left the team. For this reason, JITs are only sought within extensive investigations that are planned over a longer period of time. However, there have also been long-term international criminal investigations against groups of perpetrators in the residential burglary sector that achieved very successful results without a JIT being established or even sought. This is possible in such cases because of the large number of personal contacts among the central investigators and a high willingness on both sides to investigate the involved perpetrator groups. The involvement of liaison officers is also important here.

3.2.2.3.3 European arrest warrant and extradition request

International cooperation also involves the enforcement of European arrest warrants and extradition requests. The investigators interviewed were very satisfied with their experience with these two legal instruments.

3.2.2.4 Summary of key problems in international cooperation

In summary, the main problems for international cooperation in the investigation of residential burglary are a lack of trust and difficulties in the practical implementation of cooperative investigations. Reservations about Eastern European countries play a decisive role here. It also appears that investigative authorities who sought contact with the perpetrators' countries of origin mainly report positive experiences. One of the reasons for this is the European Union's successful integration efforts.

Trust is primarily established through personal meetings, particularly through conferences and events that facilitate police exchanges. Personal contact, which is often established by liaison officers of the Federal Criminal Police Office, facilitates the start of international cooperation as well as other formal processes. However, the importance of personal contacts is also viewed critically:

*"I would like there to be structures, I don't want to depend on individual goodwill, I don't want to have to rely on people acting, I want there to be structures that work."
(Prosecutor, GW06)*

If the success of international cooperation efforts depends on personal contacts, then it primarily depends on individuals. In the selected interview excerpts, a public prosecutor points out the need to establish structures that guarantee cooperation and enable the rule of law to be applied. When it comes to formal procedures, however, the main problems are the duration and complexity of these procedures:

"It is no use to me if the procedure here is closed today, because France takes nine months to give me an answer. The prosecution or the court is not going to wait for that. It falls between the cracks and then it's done, end of story. A lot of things fail this way." (Police officer, GW04)

The investigators interviewed, however, take a predominantly positive view of the efforts and development of Europol's services. In the future, it will become apparent to what extent databases and communication software are made easily accessible for criminal investigations, and to what extent they will actually be used.

Language barriers are another hurdle in personal exchanges and for the use of formal legal instruments or databases as well as the communication channel SIENA. The investigators describe that some of them had to overcome their inhibitions to communicate in English.

Further hurdles include different legal systems and official structures in other countries. Here too, personal contact can help to gain an understanding of the other side's legal situation, structures and work processes. The following example illustrates the importance of understanding the approaches of other countries:

"I would also like to mention these organisational challenges, it's simply that the Dutch have a completely different legal system, they don't operate with an obligation to prosecute, it is only based on the principle of opportunity. You have to convince the Dutch to even join the investigation at all, then you can get started. So when we are alone in the field, cooperation is a no-go. There are different things, different conditions you have to consider in order to get started or accomplish something." (Police officer, GW07)

There is no principle of legality in the Netherlands. German police officers are therefore more likely to need to give reasons why investigating certain crimes might be worthwhile. This is just one small example of how knowledge of other structures can be helpful when approaching foreign investigating authorities in order to optimise the probability of cooperation.

3.2.3 Perspectives and experiences of foreign law enforcement authorities

The attitudes and experiences of the surveyed foreign law enforcement authorities are described below.

3.2.3.1 Willingness to participate in international cooperation

Discussions with police officers in the selected Eastern European countries revealed that burglaries were also committed and investigated in these countries:

"We have a problem with residential burglary. As far as I have observed, this is a problem throughout Europe and it is on the rise. That's what the statistics say, as far as I have seen. In Romania as well. However there is less (X) occurring than in the 2000s." (Police officer, Romania)

Since becoming a member of the EU, Croatia has also registered a strong increase. The police particularly mention perpetrators from neighbouring countries.

Similarly to Germany, residential burglary is also an urban phenomenon in Eastern European countries, with most burglaries occurring in larger cities. There seems to be a significant proportion of perpetrators who do not exclusively target their own place of residence, but are perceived as mobile and flexible.

Not all perpetrators of burglary in the aforementioned Eastern European countries commit property offences in Germany or other Western European countries. However, a large proportion of burglars who commit crimes in Germany have already committed crimes in their home country. For this reason, the police in Eastern European countries also have information on the perpetrators who become known to the police in Germany. As a result, more detailed information on suspects can often be provided when German investigating authorities establish contact. One Romanian police officer mentioned an example of successful cooperation where a decisive role was played by the exchange of information or local information from the scene:

This is a circle, it's like a circle, it's like a ring around Bucharest. The perpetrators were already specialised in this area and three years ago they moved to Germany en masse. All three of these individuals registered secondary residences there and made contacts with Germans. They settled in and, let's say, had a normal life and then started identifying suitable burglary sites. (...) The German police naturally became aware of this and our German colleagues said: 'Can you identify any of the perpetrators?' and then immediately contacted us for support. We already knew the people who had been identified in Germany, including (X). And then we informed our German colleagues of all the knowledge we had about them, and about the people from their surroundings, circle of acquaintances, relatives. And we told them exactly where they lived, their address here in Ilfov County. The German police, as we know, had managed to observe all these people in Germany. Telecommunications surveillance was initiated, vehicles were monitored. Then they were caught in the act and arrested, and in the course of further investigations, it was proven that they had committed other crimes." (Police officer, Romania)

Since the perpetrators also commit crimes in their respective home countries, the foreign investigating authorities have an interest in prosecuting these individuals. The following section of

the interview illustrates this using a concrete example of joint investigation activity between Romania and Great Britain:

"In the beginning, when we didn't have much experience, Britain had the initiative. But we were quickly able to convince ourselves that this was an efficient process, and we took the initiative ourselves. Especially since we knew that the perpetrators get organised and formed up here, and then commit the crimes abroad. And since they were traveling perpetrators who were very mobile, this joint investigation team, this form of cooperation, gave us the opportunity to react very quickly and engage concretely. We had also had successes. There were perpetrators who were caught red-handed. We had the information and communicated it very quickly because of our foreign partners and they were able to catch the perpetrators. (...) They have been charged in both countries, but for different crimes. In Romania for setting up an organised crime group. And abroad, where this crime was not necessarily evident, they were accused of the specific crimes. The leaders of the groups have been indicted in Romania. And, of course, we were very careful to make sure they would not be charged or prosecuted twice for the same offence." (Police officer, Romania)

However, the interviews conducted show that all countries involved are also willing to cooperate outside of their own self-interest, regardless of whether the countries themselves are affected by the crimes. This becomes clear in the following excerpt, although this concerns robbery offences:

"Even if the crimes were not committed in Romania, but in other European countries including Germany. We hope that we can start ISF International Security Funds projects, joint projects to get this issue of robbery under control. With this approach, we hope we can do better investigative work when dealing with highly professional organised groups. This also means how the structures are organised, their procedures, their methods. How everything works. These are organised groups that are highly professional. And then there are tools for cooperation, requests for mutual assistance. But also joint investigation teams that make it possible to cooperate and engage directly. That's the case mainly with France and Britain, these joint investigation teams." (Police officer, Romania)

Romania also informs Germany about its knowledge of perpetrators who are on their way to Germany to commit crimes:

And another situation is when Romanian police officers have knowledge of Romanians who intend to travel to Germany or Western Europe or abroad to commit crimes there. We communicate this to them, the German police authorities in this case and then they are armed, so to speak. (Police officer, Romania)

The police in Albania are critical of a lack of international cooperation in the past, and stress the importance of cooperation in the present:

"In Albania our worldview is that as long as I am not directly concerned, then everything is fine. If something happens to my neighbour, I don't care much. And if you look at it in terms of crime, this mentality existed for a long time in other EU countries as well. As a result, cooperation has been very bureaucratic so far, and not many concrete steps have been taken to combat this issue in practice. But at the same time, the

criminals are getting faster and better. They have no hurdles amongst themselves, different religions or mentalities are not an issue, they all agree. They work very well together to pursue their criminal intentions. In other words, the perpetrators have no homeland. If we are talking about the fight against crime, we will have to overcome many barriers, many of the hurdles that exist today. And the reactions of the international organisations and all countries affected needs to be much stronger, of course. What I'm saying is just my opinion. That's how I see it. Starting from these commitments, we then took concrete steps to strengthen cooperation, both at the national level and in relation to specific states in Germany. And we think we've made good progress there." (Police officer, Albania)

The quoted claim that perpetrators have no homeland illustrates a common problem, because perpetrators commit crimes in several countries. The claim also makes an appeal for joint investigations that turn the perpetrators' situations to the investigators' advantage. Willingness to cooperate is also mentioned in other interviews. The following statement of the Moldovan police at the end of the interview was particularly significant:

"Our colleagues here are young, but they are very enthusiastic. They're very committed and they really want to accomplish a lot." (Republic of Moldova)

Albania also benefits from requests for information by registering this data and later making it available to the Albanian police:

"In the past, we answered these requests and then sent the answer back to the requesting party, but nowadays we also register the personal data concerning individuals or factual circumstances in our databases, and then we have that source of information for our investigations, for our objectives here. This is a very important change that has helped us with our work." (Police officer, Albania)

In this respect, the view frequently expressed in the interviews with German civil servants, namely that Eastern Europeans are unwilling to cooperate due to a lack of self-interest, does not hold true in this dimension. In addition to a willingness to provide support, the interviews in foreign countries revealed numerous aspects of international cooperation that also benefited the Eastern European countries in question.

However, police officers in Eastern European countries were sometimes sceptical about German investigators making contact. In particular, some interviews addressed concerns about corruption and a resulting lack of trust, which needs to be established before passing on information. Foreign investigators were well aware of the corruption problems in their own countries, but emphasized that not all police officers were corrupt:

"There are many other colleagues like [name of liaison officer], i.e. other people from other partner authorities doing the same job here in Albania, such as [name of liaison officer], so they are liaison officers. But many are also of the opinion that the [name of country] police are corrupt and they have also expressed this openly. And, of course, cooperation with these countries is limited to bureaucratic cooperation, so it is very democratic cooperation and the work mainly occurs within the framework of legal assistance. But it is based on very simple logic. If you ask yourself, what would each of us gain, what would be the point of turning them down? Of course, in the [name of the country] police there are also corrupt employees. That is not a secret,

and we say it openly when cooperating with our partners. This is a battle that must continue and we won't win it in a day or a year. This does not mean, however, that other countries do not cooperate with [name of the country]. So [name of liaison officer] has overcome this way of thinking, and that has led to the level of cooperation that exists today." (Foreign police officer)

3.2.3.2 Channels for international cooperation

Similarly to the German investigators, the police officers questioned abroad also emphasize the importance of personal contacts:

"Personal contacts are very important, because it is easier to understand the procedure or the state of affairs when you are on the phone than, for example, when you receive a piece of paper with a picture and some information. In a personal conversation you can learn more about the investigative procedure and you can, for example, learn why it is important to identify this person, why that is significant for the investigation." (Police officer, Republic of Moldova)

In the rest of the interview, the Moldovan police explained the impact of personal meetings and the importance of understanding the other country's legal situation:

"(...) after two hours of discussion, even though the officer from Germany does not speak Romanian and the officer from Moldova does not speak German, after two hours of discussion they realise that they actually get along very well. These operational meetings are very successful in part because they help us better understand and get to know the legislation of the country in question. In addition, personal contacts are established that will be maintained for years to come." (Police officer, Republic of Moldova)

Personal contact can also lead to rapid cooperation, which is sometimes seen as an alternative to long bureaucratic channels:

"Here in Moldova a group of burglars has been arrested and at the same time the Austrian officers have been informed that a similar crime has been committed in Vienna. The Austrian officers did not manage to arrest the perpetrators, but they were able to establish their identity. This information was passed on directly to their colleagues and three crimes were solved, one in Moldova, one in Italy and the other in Austria, in Vienna, committed by the same group that was arrested here in Moldova." (Police officer, Republic of Moldova)

The importance of personal contacts established through workshops and conferences is also emphasised in Croatia. However, Europol's SIENA communication channel is also an important means of communication for international cooperation. This is also an important tool for Moldova:

"Since 2015 we have been using this channel for communication. So what my colleague was mentioning earlier, [name of a police officer], he was simply underscoring that there is now a more lively exchange of experience or data thanks to this SIENA communication channel. Until now, Germany has not been of great interest to Mol-

dovan citizens. Moldovan citizens have mostly emigrated to countries that speak Romance languages, i.e. Italy, Portugal, France, Spain. France, Belgium. We have now analysed the information and found that our citizens are currently more interested in Germany. And they have very specific and clear goals." (Police officer, Republic of Moldova)

The SIENA enquiries enabled the Republic of Moldova to discover that there had been an increase in Moldovan criminals in Germany. However, Moldovan police are also very open to joint investigation teams.

In practice, the Eastern European countries surveyed vary widely in terms of the intensity of their cooperation with German investigators regarding organised residential burglary. This is often primarily a question of selectively exchanging information, but in some cases there is also very close cooperation. Investigators also mention collaborative house searches in the countries in question:

"In most situations, not only with Germany but also with other states, we reach the phase where we are conducting house searches and interrogations. And in many cases we will also inform them that these house searches are taking place. Often German police officers join the searches in Romania and take part in them as well. And Romanian law allows that." (Police officer, Romania)

Intensive cooperation with another country tends to take the form of joint workshops and joint visits, which are considered to be very beneficial. The Romanian police are also open to the idea of a joint task force:

"Well, in my view, it's important that there are several task forces. That is, investigative teams that would focus on traveling perpetrators. These task forces, I imagine, would be made up of investigators from the perpetrators' country of origin and officials from the target countries. Task forces should include investigators, officials specialising in evaluation and analysis. Officials who maintain contact with the operational units. For example, surveillance measures. And I imagine that during this phase, this kind of task force would have a leader. That could be a prosecutor or an investigator. In any case, someone who has decision-making authority and can also pass on orders. And I believe there should be someone in the task force, an official who specialises in identifying and seizing the stolen property and the whole process and proceedings up through the recovery of damages, the recovery of assets." (Police officer, Romania)

3.2.3.3 Possibilities for (international) investigation

As in the German expert interviews, respondents from foreign investigative authorities complain about long bureaucratic channels in the context of international cooperation. In particular, requests for mutual assistance are perceived as lengthy:

"The problem with requests for mutual legal assistance is that they take a long time. I don't want to say it's bureaucratic, but it takes a long time because other legal authorities are also involved. The public prosecutor's office, for example, or other authorities. And this can take up to six months or even a year. That's why he [phrasing of interpreter; he is referring to his interview partner] emphasized again how important

these personal contacts and conversations are, because you can exchange this information very quickly and the perpetrators can be identified and arrested as quickly as possible." (Police officer, Republic of Moldova)

Furthermore, the process of recording traces in the Eastern European countries surveyed is not comparable with the police equipment in Germany. The Republic of Moldova, for example, does not record DNA traces itself; instead, they cooperate with a laboratory in Romania. The police in Albania also emphasized the differences in police equipment:

"And you can't forget that the conditions faced by Albanian state police in their work are not at all comparable to the working conditions for German citizens or the German police. This is the case in many areas, from human resources to working conditions and resources, that is, the equipment available to a police officer here. DNA tracing, for example, is one of the ways to resolve a case in Germany (...). Of course it is very important to have a database for comparison, but this aspect is still in its infancy in Albania. However, in recent years we have had some very important cases, for instance crimes that could only be solved based on DNA traces." (Police officer, Albania)

The Lithuanian police assesses the conditions for international cooperation as generally good:

"Well, I believe that the current tools available are sufficient. The EU applies national laws and EU law, and there are bilateral agreements on specific cases. What perhaps could still be described as a problem are new technologies, but that problem can be found everywhere, both in Germany and here. The amount of information, the information in cyberspace, this shift in communication tools. There are task forces dealing with this, there is now the European Investigation Order, we ratified it and it exists, so there are tools." (Police officer, Lithuania)

In addition to legal and investigative tools, the Lithuanian police also value cooperation with German police authorities:

"So I'm personally enthusiastic about, fascinated by, when it comes to my German colleagues, is their level of precision and their commitment to promises." (Police officer, Lithuania)

In addition, interviews with the Eastern European investigating authorities also discussed the possibility of a fact-finding process, financial investigation and asset recovery. When asked whether a fact-finding mission would be conducted and evidence would be secured, a police officer from Albania replied as follows:

"We always try to do that. That's true. This is one of the goals of our proceedings. If things are found during searches, they are recorded immediately, since they may be evidence that establishes a link between the crime and the person." (Police officer, Albania)

In some interviews, however, officers stated that there is insufficient capacity to store the items found during searches, especially for larger stolen goods such as a large number of bicycles.

Efforts to conduct financial investigations are also reported, for example in Romania:

"Cracking ATMs. Through this cooperative channel, we have also taken on what we consider to be an important role and are dealing with financial investigations, because we are conscious of the significant problem faced in many cases where the damages are not ultimately recovered. Where the money expected through this channel is not returned to the injured party. So we would now like to focus on an entirely different direction, namely money laundering and the identification of movable and immovable goods procured from these funds in Romania. Of course, the aim is to seize them. We have had cases of burglary, specifically at several jewellery stores. In these cases, the leaders of the group were in Romania and they were under investigation for setting up an organised crime group." (Police officer, Romania)

Asset recovery is not provided for in Albania with respect to the crime of residential burglary, which is critically examined in the following section:

"For example, the problem we have here, as far as I know it is different here than in Germany, though I am not sure how it works in Germany: when we identify a burglar, for example, and he is brought to court, we have no legal means of securing and confiscating his property, that is the problem here. There is no provision for burglaries, thus no organised crime, we can't take away his property or assets. Let's assume we conduct a house search and no stolen objects are found, we have no right, to seize other items or other property of his. That is not legally possible here. The perpetrator will be punished, convicted, and will serve his sentence, but his finances will not be affected at all. And the most crucial factor is that the injured party has no claim to compensation for damages." (Police officer, Albania)

Another particular aspect of international cooperation when identifying perpetrators is lack of knowledge about identity numbers. As already mentioned above, some perpetrators legally change their names frequently in their home countries. This becomes a problem if the German investigating authorities only record their name and date of birth, but not their identity number, which cannot be modified:

"(...) there is a law, for example, that the man takes the woman's name when they marry or changes his name through an administrative process. But it's not a very common problem. However, we can still identify this person by their personal identification number. Considering, of course, that the foreign authorities were not aware that this number would remain unchanged, so they only record people by their name and date of birth. And even if a person has changed their name, sometimes or often it is not possible to identify a direct connection between different crimes committed by the same perpetrator. (...) We communicate this abroad whenever we have the opportunity. At any conference or meeting." (Police officer, Romania)

4 Summary

The following is a brief summary of the results based on some of the key research questions addressed in the study.

Who are the perpetrators?

The perpetrators of organised residential burglaries are typically men aged between 20 and 30. In addition, the police officers and public prosecutors questioned also observe women, and even children and young people as perpetrators in the context of family-based groups of perpetrators. Women and minors as perpetrators of burglaries are thus a particular feature of organised residential burglary which differs from local perpetrators in Germany.

The perpetrators of organised burglary usually come from Eastern European countries, especially from the Balkans, but also from South American countries such as Chile. Not all of these perpetrators enter Germany directly to commit crimes; in some cases they have been living in Germany for several years or return repeatedly for certain periods of time. Furthermore, they often have networks of friends and acquaintances who reside permanently in Germany.

The survey of police officers from several perpetrator home countries revealed that these perpetrators not only commit burglaries in Germany, but usually also committed property crimes in their home countries. They often stick to the same types of crimes when they travel to Western European countries.

How do the perpetrators act?

In terms of their methods when committing crimes, scouting and avoiding meeting local residents prove crucial. Single-family houses are a particular focus of organised residential burglary. As with other burglaries, prying open and breaking windows are frequent methods. One particular aspect discussed is drilling window frames or a method known as window burning are mentioned, which is strongly associated with organised burglaries.

At times the loot is resold locally in Germany at pawnshops and buying/selling shops as well as jewellery dealers. Alternately, stolen goods are also brought to the respective home countries and sold there. Smaller coach buses, which mainly transport people, are also used for this purpose.

A particular characteristic in perpetrators of organised burglaries who come from Eastern European countries is their use of aliases and frequent name changes. Since (legal) name changes are not uncommon in certain countries, the perpetrators often have several official documents with different names. In some countries, however, citizens are assigned an identity number that cannot be changed.

How are the perpetrators organised?

The definition of organised crime has some particularities in Germany. Among other things, the definition requires more than two perpetrators to be working together collaboratively. The

reference to collaborative methods, but also variant a) of the definition, "using commercial or business-like structures", prioritise a hierarchical structure in perpetrator groups when classifying organised crime. For this reason, the present study addressed the organisational forms of cooperation between perpetrators and to what extent this exhibits a hierarchical structure.

The evaluation of the expert interviews shows that the groups of perpetrators described are quite different in terms of the existence or power of hierarchical structures. For the purposes of categorising structures, these differences were grouped and subdivided into six organisational forms of perpetrators:

- Loose networks
- Gangs with a flat hierarchy
- Gangs with a strict hierarchy
- Family clans
- Exploitative conditions
- Mafia structures

The order of the list also indicates the degree of hierarchy. In loose networks, perpetrators act together in varying arrangements depending on the crime; in gangs with a flat hierarchy, there is a fixed group of individuals. Both forms are characterised by the fact that although there is collaboration or a division of tasks, there is no command structure in the group where one person has the authority to delegate and make decisions. Rather, all perpetrators are directly involved in the actual crime and divide the stolen goods equally.

Gangs with a strict hierarchy are also characterised by a fixed arrangement of individuals. However, the hierarchical structure here involves one person who delegates more. Family clans are more tightly organised. In these clans, almost all family members are involved in committing property crimes. Older family members are often the decision-makers. One particularity with regard to family clans is that women and children as well as young people are also involved in committing the crimes.

Furthermore, the expert interviews revealed organisational forms that involve exploitation conditions. Different hierarchy levels are evident here, with the lowest level occupied by the people who commit the crimes. They typically have to hand over stolen goods in order to "work off" their travel costs to Germany or their rent in Germany.

Strong hierarchical forms of organisation can also be found in mafia structures, although these are rarely observed behind organised residential burglaries. The organisational structure of "thieves in law" is explicitly mentioned.

With regard to the organisational forms of the perpetrators, there is a wide range of different types of cooperation. As demonstrated in a previous study (Wollinger & Jukschat, 2017), the typical profile of a constant gang of burglars proves to be too one-dimensional.

Another key finding is that the strength of hierarchy does not necessarily imply a certain degree of professionalization. Even perpetrators who tend to commit burglaries together in loose networks can proceed in a very planned and professional manner and achieve high values of stolen goods. One reason for this is that committing burglaries requires little special knowledge in order to commit the crime and resell the stolen goods.

Furthermore, it becomes clear that the boundaries between different forms of organisation are fluid. Thus, even organised perpetrator groups with a strong hierarchy sometimes bring in less experienced perpetrators to commit individual residential burglaries.

Are organised residential burglaries considered organised crime?

A central question of this research project was to examine the extent to which organised residential burglary is also a form of organised crime. Organised crime is subject to a special definition in Germany based on hierarchical structures with a high degree of organisation involving a fixed arrangement of individuals, among other factors. The interviews showed that such forms of organisation are rarely behind organised residential burglaries. This is also the assessment of the experts surveyed. This is because committing burglaries does not require extensive knowledge of methods nor a professional receiver arrangement for selling the stolen property. In other words: in order to make money committing burglaries, it is not necessary to have a large organisation. For this reason, many perpetrators act according to a plan and are therefore organised in a certain sense. However, these forms of organisation do not necessarily consist of a fixed group of people acting collaboratively within a hierarchical structure.

Nevertheless, it seems useful for investigating authorities to engage special investigation teams to deal with these crimes, some of which are organised crimes departments. This is due to the large number of burglaries committed by the perpetrators and their high degree of mobility. For investigative work to be successful, the crimes and suspects in question must be investigated in one context, that is, centrally.

These findings lead to questions of how appropriate the German definition of organised crime is. It should be pointed out once again that organised crime does not refer to a criminal offence; instead, it serves to coordinate work between the police and the public prosecutor's office. However, if it seems beneficial to define organised residential burglaries as organised crime, this indicates a need to revise the definition of organised crime. A new definition of organised crime in terms of content could be derived from the existing definitions in other countries or authorities. Europol's definition of "*organised crime groups*", which consist of at least three people who commit crimes over a certain period of time in order to make financial gain (Europol 2017a, p. 13), might be appropriate.

What problems arise for the German criminal investigation authorities?

In addition to general problems of criminal prosecution in residential burglary cases, mostly related to excessively long evaluation periods for traces and personnel shortages, there are also some specific hurdles in investigations relating to organised residential burglary. Some of the experts surveyed would like to see more powers of intervention during the investigation. This is based on the fact that the crime in itself does not provide much initial information as to whether a collaborative, professional organisation of perpetrators is behind it. However, such information, which often only becomes apparent during more extensive investigations, is important for establishing more extensive investigative authorisations.

It is also mentioned that a designated public prosecutor's office is very helpful in investigating organised residential burglary. If different public prosecutors are responsible for the various

cases who do not mainly deal with residential burglaries, it is difficult to cooperate and carry out in-depth investigations. This assessment is also shared by the public prosecutors interviewed.

In addition to cooperation between the police and the public prosecutor's office, however, there is also a need for changes to cooperation among police offices. One major problem is the federal structure of the police force within Germany. In addition to questions of jurisdiction for perpetrators who commit crimes in several federal states, police work is also hindered by the existence of various processing system databases.

To what extent do German investigating authorities also investigate internationally and what are their experiences in this regard?

Most of the interviewed experts observed an international dimension to organised residential burglaries. However, not all of them are prepared to work together with foreign police authorities to conduct the investigation. In part, this is due to the additional work involved. On the other hand, contact is not established with foreign authorities, since this is not viewed as expedient. This assumption is partly based on one-time experiences that have not brought about the desired results. With regard to Eastern European countries, however, there are also reservations about the extent to which trust-based cooperation is even possible due to corrupt organisations. The fear is that information will be disclosed and the perpetrator group in question will be warned.

A different picture emerges from the experience reported by experts who have actually attempted to make contact with foreign authorities. It is actually the Western European countries which are characterised by a lack of willingness to cooperate and long response times. German civil servants who have established contact with Eastern European countries have had almost exclusively positive experiences. They are often surprised themselves how quickly they establish contact and how willing the authorities are to cooperate.

Overall, the interviews showed that willingness to conduct international investigations depends heavily on the investigators' own attitudes and judgment of how successful this approach will be, in part based on previous experience. Individual negative experiences can easily be generalised into poor opportunities for cooperation with the respective country. Positive experiences, and above all personal contacts and meetings, made possible by international conferences and workshops for instance, lead to increased interest in international cooperation.

In this context, the work done by Europol is mentioned in an increasingly positive light due to its important role as a mediator. Emphasis is also placed on the SIENA communication software, and experts strongly desire the spread of SIENA connections.

International cooperation primarily focuses on the exchange of information regarding perpetrators. However, experts also discussed joint investigative activities that can even lead to joint searches in the countries in question.

How do foreign criminal investigation authorities view the phenomenon of organised residential burglary and international cooperation?

During the interviews with foreign authorities, first of all, it became apparent that the crime of residential burglary is also relevant in these countries. Perpetrators of organised burglary who commit crimes in Germany were often noticed by the investigating authorities in their home countries as well. In this respect, foreign investigating authorities have information on the perpetrators, and in some cases they also benefit from the investigations conducted by German authorities.

However, the experts surveyed also showed an interest in exchange and cooperation. This is often due to long-standing reform processes in their countries, largely based on integration efforts as part of EU accession procedures or accession negotiations.

While certain evaluation procedures in these countries, DNA analysis in particular, are not yet comparable with the situation in Germany, and there is a lack of comprehensive databases as a result, foreign authorities do have information about the organisations and perpetrators. They also contact German authorities on their own initiative when perpetrators go to Germany to commit burglaries.

When exchanging information with foreign authorities, emphasis should be placed on the importance of identification numbers that cannot be changed. This is because in some countries it is not uncommon for people to change their names (legally) several times during the course of their life.

Europol's services that foster international cooperation are particularly important for Eastern European countries. They often involve financial resources which enable meetings to even take place. These conversations again showed the special significance of personal contacts. Even if official means such as requests for legal assistance are still necessary in order to use information and evidence, personal contacts create the necessary basis of trust and knowledge of methods used by different police forces, and what they need for their investigations.

Successful examples of cooperation have developed primarily where there have been efforts to get to know investigators personally and foster exchange between investigators. In one country, an on-site workshop was held and attended by the central investigators in the proceedings and subsequently used as the basis for effective cooperation.

The problem with this approach, however, is that these methods depend on individuals. As soon as responsibilities change, the personal contacts that were previously important no longer exist. In this respect, the importance of personal contacts can also be viewed critically. Ultimately, they do not obviate the need to review the effectiveness of standardised procedures for international cooperation. In particular, the option of requesting mutual assistance is perceived as time-consuming and bureaucratic by both German and foreign authorities. However, policymakers have responded, recently introducing the European Investigation Order as a tool. The extent to which this resolves previous difficulties will become apparent in the future.

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6 Appendix

Interview Guide for Expert Interviews in Germany for the research project “Organised crime in the area of residential burglary”

Introduction:

Thank you very much for taking the time for the interview and for being willing to talk to us about your experiences. Before we start the interview, I would like to tell you briefly what the research project is about. We are conducting a research project on the topic of "Organised crime in the area of residential burglary". Within the scope of this research project, we would like to gain new insights into this particular crime phenomenon and make these insights available for practical use.

Today we are interested in your professional experiences and views on this topic.

(Is this okay so far?)

(Good,) in the course of our conversation we will now ask you various open questions, and I will ask you to simply tell us everything that is relevant and significant for you. While listening we will take notes from time to time so we can ask questions later, don't let this disturb you.

There are no "right" or "wrong" answers in this interview. We are interested in your experiences and your point of view, we are not judging. We will also give you enough time, so don't feel pressured, we have "all the time in the world" that you would like to take. We estimate that the interview will take about an hour or two.

A few formal matters:

As we have already told you, we would like to record the interview on tape for later analysis and then write it down. This makes it easier for us to follow you in conversation. Of course, we will treat the interview material as strictly confidential and anonymous when using it for the study. This means: all personal data that allow you to be identified will be deleted, anonymised or pseudonymised. We will also guarantee this in writing at the end of the interview in a privacy declaration. In addition, data will only be evaluated even anonymously and pseudonymised if you have given your consent.

Is that all right with you so far?

All right, let's do it. → Switch on the tape now at the latest

Topic group: General investigative activities	
Guiding question I: Please explain the investigation process for (organised) residential burglary in general terms.	
Content aspects	Concrete requests
Work flow Work organisation Identification of connections Cooperation with other authorities	On what basis are organised crime investigations carried out - based on the definition of organised crime or § 129 StGB? How/when is it decided whether organised crime could be involved? How are connections recognised? How does the cooperation work with the public prosecutor's office/police? Do you cooperate with customs?

Topic group: Perpetrators and crimes	
Guiding question II: Please tell us about your experiences with perpetrators in this crime field based on investigative activities.	
Content aspects	Concrete requests
Countries of origin Communication Backers Background	Who are the perpetrators? What are the "countries of origin" where these perpetrators come from? How willing are the perpetrators to testify? How do the perpetrators communicate with each other? Are there backers? Was it also possible to identify them? Why are the burglaries being committed? For private financing or are there buyer structures?

Topic group: The phenomenon of organised crime	
Guiding question III: How do you generally observe organised crime in the area of residential burglary?	
Content aspects	Concrete requests
Forms observed Developments Investigation measures	How are the perpetrators organised? How do you recognise organised structures/connections? Are there any clues to identify an organised residential burglary?

Topic group: Investigation measures

Guiding question IV: What are effective investigative techniques when dealing with organised crime? Please explain this to us using examples.

Content aspects	Concrete requests
Investigation measures Improvement of investigations Legal framework conditions Definition of organised crime	What are some difficulties in investigative work? What would you improve in your investigative work? What are the legal obstacles in the fight against organised crime? What legal framework would you like to see for investigations dealing with organised crime? How do you rate the current legal definition of organised crime? What role does § 129 StGB play?

Topic group: International investigative activities

Guiding question V: Now let us turn our attention to international investigative activities. Please report here on your experience with cross-border investigations, in particular on co-operation with other authorities.

Content aspects	Concrete requests
Effectiveness of cooperation Joint investigations Data quality Europol	How is contact established with other investigating authorities? How do joint investigations work? How do requests for mutual legal assistance work? When and how do you contact Europol/Eurojust? How is the quality of data during data exchange? How do you assess the effectiveness of the Joint Investigation Teams? What experience have you had with police cooperation agreements?

Closing question: Now we have discussed a few things: is there something you would like to tell us, something that is still important to you but has not yet been discussed?

**Interview guide for expert interviews abroad
for the research project
“Organised crime in the area of residential burglary”**

Introduction:

Thank you very much for taking the time for the interview and for being willing to talk to us about your experiences. Before we start the interview, I would like to tell you briefly what the research project is about. We are conducting a research project on the topic of "Organised crime in the area of residential burglary". Within the scope of this research project, we would like to gain new insights into this particular crime phenomenon and make these insights available for practical use.

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Topic: Cooperation between Germany and (country)	
Guiding question I: We would like to start with cooperation between Germany and (country). How do these countries work together?	
Contents	Requests
Process	How and when do you have contact the German police?
Joint investigations	How does cooperation with German investigative authorities work?
Europol	Are there joint investigations in Germany in the area of (organised) residential burglary?
Joint Investigation Team	How do joint investigations work within Germany in the area of (organised) residential burglary?
	Where does collaboration happen? Where are the perpetrators being prosecuted?
	Through which institutions does the cooperation take place? (Police, State Criminal Police Office, Federal Criminal Police Office)
	Are there obstacles to cooperation?
	Are there problems with joint investigations due to different legal systems?
	Do you cooperate with Europol?
	How does data exchange/data transfer with Germany work?
	Which databases do you use?
	Which investigative measures are successful?
	How does the transfer of evidence take place?
	How is the cooperation between the police and the public prosecutor's office in (country)?

Topic: Perpetrators
Guiding question II: Who are the perpetrators of residential burglary?

Contents	Requests
Perpetrators	How are the perpetrators identified?
Groups	How are groups of perpetrators formed?
	What are the reasons for the formation of perpetrator groups?
	How are the perpetrators organised? Are there family structures?
	Are these perpetrators also active in other areas of crime in (country)?
	Does (country) take action against the formation of perpetrator groups?
	What happens to the stolen goods? Are they brought to (country) or are they already being resold in Germany?

Topic: Organised crime	
Guiding question III: When is organised crime considered to exist in (country)?	
Contents	Requests
Definition	

Closing question: Now we have discussed a few things: is there something you would like to tell us, something that is still important to you but has not yet been discussed?