

**STRATEGY TO FIGHT ORGANISED CRIME  
FOR THE YEARS 2011 – 2014**

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### 1. INTRODUCTION

The primary purpose of the Strategy to Fight Organised Crime for the years 2011 – 2014 is to formulate policies aimed at creating suitable conditions for long-term work of law enforcement authorities in preventing, detecting, and prosecuting organised crime in the Czech Republic based on an analysis of the current situation. The strategy's secondary purpose is to serve as an umbrella for the purpose of integrating and coordinating all activities related to the fight against organised crime in the Czech Republic (such as the fight against corruption, the fight against drug trafficking, the fight against human trafficking, the fight against cybercrime, and so forth).

Organised crime currently presents the most serious non-military threat to Czech society. Through their activities, criminal groups undermine the social order, disrupt the economy, weaken democratic structures, and, ultimately, bring about the demise of the rule of law. The fight against organised crime and its associated phenomena is therefore a priority of the national security policy. Almost all serious crime that is being committed in the Czech Republic bears signs of organisation. Criminals increasingly operate in groups, whose internal organisation and procedures are becoming more sophisticated. The main organised crime trends include diversification and expansion of illegal activities towards less violent and less risky, but all the more profitable pursuits.

The most efficient weapon of organised crime is adaptability. Faster, cheaper, and better communication and transportation services, as well as the permeability of national borders within the European Union constitute the most important tools of criminal groups. Purely national organised crime is a rarity, as most criminal groups operate in cooperation with foreign partners in order to increase their ability to conquer new markets, smuggle illegal goods across national borders, and elude police investigation and prosecution. An important tool of criminal groups is constituted by exercising influence in areas of interest through the penetration of public authorities and private entities.

Organised crime in the Czech Republic has reached such a level that, in addition to private entities, it has not only penetrated government bodies at the local and the regional levels, but also law enforcement authorities. Informal interactions between criminal groups and public authorities are commonplace, and a complicated network of legal and semi-legal enterprises are often implicated in cases of massive fraud against the state. The main task of law enforcement authorities is therefore no longer to simply respond to the consequences of organised crime, but to proactively seek out organised crime activities before they cause severe damage.

## 2. ANALYSIS OF THE CURRENT ORGANISED CRIME SITUATION

### 2.1 Overview of organised crime

#### 2.1.1 Definition of organised crime

Activities of criminal groups should meet a combination of given criteria in order to be understood as organised crime.<sup>1</sup>

#### Basic organised crime criteria:

- cooperation of two or more persons,
- for an extended or indefinite period of time,
- suspected of committing a serious crime, and
- motivated by profit or power.<sup>2</sup>

#### Must be accompanied by at least two of the additional criteria:

- the division of functions among group members,<sup>3</sup>
- applying a certain type of discipline and internal control,
- action at the international level,
- the use of violence or other coercive means,
- the use of commercial or business entities,
- practice of money laundering, and
- exercising influence on politics, media, public administration, judicial authorities, or the economic sector.

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<sup>1</sup> As per the Council of the European Union document EU 6204/97/2 ENFOPOL 35 REV 2, dated 21 April 1997, which presents the most comprehensive definition of organised crime.

<sup>2</sup> According to § 129 of the Criminal Code, an organised crime group is a community of people with an internal organisational structure and division of functions and tasks, which focuses on the systematic perpetration of an intentional crime.

<sup>3</sup> § 361 of the Criminal Code defines the offense of participating in an organised crime group:

(1) Whoever establishes an organised crime group, participates in the activities of an organised crime group, or supports an organised crime group, shall be punished with imprisonment for a period of two to ten years or with forfeiture of property.

(2) Whoever commits the act referred to in paragraph 1 in relation to an organised crime group designed or intended towards committing treason (§ 309), terrorist attacks (§ 311), or terror (§ 312), shall be punished with imprisonment for a period of three to twelve years or forfeiture of property.

(3) Whichever offender is the leader or the representative of an organised crime group intended or designed towards committing treason (§ 309), terrorist attacks (§ 311), or terror (§ 312), shall be punished with imprisonment for a period of five to fifteen years or forfeiture of property.

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The aim of all criminal group activities is to increase the criminal group's income using the fastest, the cheapest, and the safest (i.e. the least visible) methods. Most criminal groups exploit the demand for illegal goods and services. The largest gains at the lowest risk are produced by circumventing laws in the economic field. Cybercrime presents a growing threat.

### *2.1.2 Manifestations of organised crime*

Most criminal groups began to operate in the Czech Republic after 1989. Individual groups established themselves in the course of the 1990s, and with the turn of the millennium, their traditional violent practices (associated with attributing territories and areas of operation) began to wane as more latent forms of crime emerged. Currently, leaders of criminal groups are undertaking to integrate the wider society by engaging in legal or semi-legal activities.

#### 2.1.2.1 Main criminal groups

### **Structure of criminal groups**

The structure of the vast majority of criminal groups in the Czech Republic follows a three-level hierarchical template, with an internal organisation reminiscent of a pyramid. The smallest groups may have as little as 15 members, whilst the largest and most organised groups may have up to 200 members. The organisational structure has remained unchanged for several years:

- The highest level is comprised of **organisers** running the criminal activities. Because they are minimally implicated in these activities, however, they remain practically out of reach of law enforcement authorities.
- The buffer between the organisers and the executors of criminal activities consists of **mediators** responsible for the proper carrying out of orders from the organisers. They serve as negotiators or tipsters, or as heads of territorial subgroups.
- The lowest level is composed of **executors** carrying out the individual criminal acts. In many cases, these people do not suspect that they are being used to commit crime within a large-scale criminal framework. They act as dealers, couriers, smugglers, business representatives, etc.

### **Ethnic composition of criminal groups**

Criminal groups are formed mainly on the basis of ethnic or national identity, and the individual groups retain close ties with their home societies and diasporas in neighbouring countries. The existence of mixed groups has been observed only sporadically. **In the Czech Republic, the most active criminal groups are Vietnamese, Albanian (mainly from Kosovo and Macedonia, rarely from Albania proper), Ukrainian, Russian, Georgian, Armenian, Nigerian, Bulgarian, Romanian, and of many Arabic nations.** The activities of these groups largely overlap, with the most profitable activities including economic crime, illegal migration and human trafficking, production and distribution of narcotic and psychotropic substances, and vehicle theft.

### **Revenue of criminal groups**

The revenues of criminal groups are not adequately documented and are hence very difficult to estimate. Depending on the specific activity, they could, according to the approximations of the Police of the Czech Republic, range between several million and several billion Czech Crowns each year. The expenditures of criminal groups are not thoroughly mapped, either, but it can be deduced that they are mainly directed towards investments into personal wealth and luxurious lifestyles of the organisers of criminal groups.

Parts of the revenues are invested into the maintenance and development of criminal activities and into legitimate business activities. It can be assumed that a share of the revenues is used to corrupt public administration officials and to pay for advisory services in the field of law and economics. It is estimated that most of the revenues are invested in the Czech Republic, where the leaders of criminal groups wish to establish themselves permanently. In the case of some criminal groups, a substantial part of the revenues is sent to their members' home countries.

#### 2.1.2.2 Main activities of criminal groups

The main activities of criminal groups in the Czech Republic, in terms of prevalence, severity, and damage caused include the following:

- economic and financial crime,
- forgery of means of payment
- forgery of identity documents,
- illegal migration,
- human trafficking for the purpose of exploitation,
- organised pick-pocketing,

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- production and distribution of narcotic and psychotropic substances,
- environmental damage, and
- vehicle theft.

*Table 1: Involvement of criminal groups in various criminal activities and their total revenues, as estimated by the Police of the Czech Republic.*

Activity	Implicated criminal group									Estimated revenues (yearly in CZK)
	Albanian	Arabic	Bulgarian	Czech	Nigerian	Romanian	Russian	Ukrainian	Vietnamese	
economic and financial crime				X			X		X	tens of billions
forgery of means of payment			X			X				millions
forgery of identity documents	X	X							X	millions
illegal migration	X	X		X	X			X	X	tens of millions
human trafficking					X			X		hundreds of mil.
pick-pocketing			X	X		X				-
production and distribution of NPS	X				X				X	tens of millions
environmental damage				X					X	tens of millions
vehicle theft	X		X	X		X	X	X		billions

### Economic and financial crime

Economic and financial crime is one of the most profitable and most dangerous forms of organised crime in the Czech Republic. It is a latent criminal activity, which uses loopholes in the legislative framework and which, because of its specificity, is not being detected, documented, and prosecuted to a desirable degree. It is nonetheless highly probable that this form of organised crime will expand in the future, both in terms of scope and damage. The most serious forms of economic crime in the Czech Republic are tax evasion, credit fraud and fraud pertaining to European Union funds, fraud in public procurement, and money laundering. According to estimates of the Police of the Czech Republic, economic and financial crime causes the national economy a damage of up to tens of billions of Czech Crowns each year.

### Forgery of means of payment

Forgery of means of payment comprises mainly counterfeiting of electronic means of payment via the so-called skimming method (i.e. the theft of information by means of copying the information recorded on a credit card during a transaction). These crimes

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are committed mainly by mobile (itinerant) criminal groups, which operate seasonally in various locations around the world.

### **Forgery of identity documents**

Forged identity documents are most frequently used for the purpose of illegally crossing the national border, in some cases also for the purpose of illegally staying in the Czech Republic or other European Union countries, and for committing extensive property crime. Inherently, this crime is closely associated with pocket thefts of personal documents, illegal migration, human trafficking for the purpose of exploitation, and terrorism.

### **Illegal migration**

Following the accession of the Czech Republic to the Schengen Area in 2008, a significant simplification was brought upon the crime of organising illegal border crossings and facilitating unauthorised residence within the territory of the European Union. The Czech Republic is most commonly used by illegal migrants as a transit country en route to Germany, France, Italy, Spain and the United Kingdom. Illegal migration is facilitated by forged travel documents or, increasingly, targeted marriages with Czech citizens or declarations of paternity of a Czech child that does not have a father listed in its birth certificate. In addition, genuine documents are being used on the basis of physical resemblance, where a person may procure a genuine identity document with the correct and valid residence permit, while this document would really belong to another person bearing similar physical characteristics.

### **Human trafficking**

In the Czech Republic, two basic forms of human trafficking are being observed: human trafficking for the purpose of sexual exploitation, and human trafficking for the purpose of labour exploitation. Furthermore, it is important to distinguish between trafficking for the purpose of sexual exploitation and voluntary prostitution, although the two are to an extent interrelated. Organised prostitution in the Czech Republic is mostly controlled by Czech criminal groups. The vast majority of prostitutes comes from socially disadvantaged backgrounds, and is often forcefully recruited first through promises of legal work and subsequently through the use of violence or abuse of their dependence on narcotic and psychotropic substances. Even so, many prostitutes are university educated or in the course of obtaining a university degree. Recently, the declining profitability of organised prostitution has caused criminal groups in the Czech Republic to gradually retreat from it. The number of erotic nightclubs is continually declining, and erotic services have shifted from the



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organised to the “private” sphere – meaning into private apartments where prices are more competitive. This trend is, besides other negative effects, responsible for the increased latency of human trafficking for the purpose of sexual exploitation.

The Police of the Czech Republic has been registering a steady increase in human trafficking for the purpose of labour exploitation. The crime is fuelled by a growing demand for cheap labour, especially in the construction industry, in forestry, in the agriculture and food industries, and in the textile industry. In the Czech Republic, it is usually organised around the so-called client system (where clients are persons or agencies engaged in procuring employment, usually to specific categories of people, such as foreigners) – criminal groups thus benefit from the precarious situation of workers seeking better prospects in the Czech Republic whilst ignorant of the Czech language or the Czech legal system. For the price of excessive fees, persons or agencies arrange residence permits and provide jobs and accommodation for these persons. The Police of the Czech Republic registers cases where workers commit themselves to pay these excessive fees, or even to work without pay, contractually. Very often, these people are foreigners who sign disadvantageous contracts written in a language they do not understand.

### **Organised pick-pocketing**

Organised pick-pocketing is specific to tourist destinations, among which Prague is dominant within the Czech Republic, and where the crime is focused within the historical heart of the city. Pick-pocketing in the Czech Republic is organised by Czech, Algerian, and Romanian criminal groups, who frequently use minors as executors. In late 2004 and 2005, increased attention was dedicated to the so-called cases of Bulgarian girls.<sup>4</sup> It was discovered that during this time several Bulgarian children under 15 years of age were repeatedly transported across the national border in various parts of the Czech Republic. In some cases the children, unaccompanied by their legal guardians (or other persons claiming responsibility), reported the exact same stories or showed forged documents upon interrogation by the police. There was suspicion that they were being used for the purpose of organised pick-pocketing.

### **Production and distribution of narcotic and psychotropic substances**

Several criminal groups participate in the production and distribution of narcotic and psychotropic substances. Within the territory of the Czech Republic, Albanian

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<sup>4</sup> *Bulgarian Girls*, a document of the Security Policy Department of the Ministry of the Interior of the Czech Republic, was published in 2005 and describes the mainly Prague-centred activities of Bulgarian criminal groups specialising in prostitution and other crimes related to human trafficking.

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criminal groups not only control the distribution of heroin and cocaine, but are also involved in the importation of ephedrine, a methamphetamine precursor. These narcotic and psychotropic substances are also often distributed by employees of security agencies that serve nightclubs. West African criminal groups also take part in the distribution of cocaine in the Czech Republic. Vietnamese criminal groups in the Czech Republic are mainly engaged in the production and distribution of cannabis, an activity that has surged significantly in recent years as a result of the hydroponic growing method. Partially, Vietnamese criminal groups are involved in the production and distribution of methamphetamine. Czechs marginally participate in the distribution of narcotic and psychotropic substances. There are records of transnational criminal groups (mainly comprised of citizens of Central European countries) and it can be assumed that their occurrence will be more frequent in the future.

### **Environmental damage**

The area of crimes committed against the environment is one of those that are not being granted sufficient attention in the struggle against organised crime. Although these crimes consist mostly of petty offences (more frequently than crimes), a stable occurrence of large-scale cases of unauthorised use of protected wild fauna and flora is observed, in which international networks of sellers, breeders, dealers, and couriers are implicated. These cases are usually the product of long-term and widespread activities of criminal groups, and are only gradually being uncovered by the Czech Environmental Inspectorate in cooperation with the Customs Administration. Cases submitted to the Police of the Czech Republic for further investigation are usually demanding in terms of both time and expertise. Despite the covert nature of this form of organised crime, its revenues are estimated at several million Czech Crowns per year, a similar amount as that yielded by the production and distribution of narcotic and psychotropic substances. Another embryonic, yet growing (and potentially high-risk) activity in this field is the illegal disposal of hazardous waste.

### **Vehicle theft**

Since 2004, vehicle thefts in the Czech Republic have been on the decrease. One of the reasons for this is that, in connection with the Czech Republic's accession to the Schengen area, a growing number of criminal groups now focus on stealing luxury vehicles outside of the Czech Republic – mainly in Germany and Austria. This has not prevented the concentration of foreign criminal groups specialising in vehicle theft, especially from countries of the former Soviet Union, Poland, Slovakia, and the Balkan countries, in the Czech Republic. The fact that criminal groups established in the Czech Republic specialise in vehicle thefts in neighbouring countries has led to

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strong international pressure on the Czech Republic to address the situation. The logical follow-up of vehicle theft is money laundering, which is often connected with corruption during the process of registering (stolen) vehicles.

Despite the decline in the number of stolen vehicles in the Czech Republic, the success rate of solving vehicle thefts remains low – averaging at 15% for four-wheeled motor vehicles (which constitute about 95% of the total number of stolen vehicles).

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The key activities of criminal groups described above (except vehicle theft) are often accompanied by associated phenomena, especially corruption, violent crime together with organised extortion, and cybercrime. These phenomena serve as an auxiliary tool for committing organised crime. The link between organised crime and terrorism must also be borne in mind.

### **Corruption**

Corruption is an important weapon of organised crime. It can be argued that, with the growing importance of economic and financial crime, corruption replaces the traditional violent methods of criminal groups as tools for promoting their interests. Through widespread corruption, criminal groups gain access to the public and the private sectors. Consequently, they interfere with the enforcement of law, sabotage the fight against their own criminal activities (i.e. organised crime), and undermine the rules of fair economic competition.

Corruption and the fight against it is undoubtedly one of the biggest contemporary challenges, not only in the Czech Republic. Corrupt practices are in many cases closely linked to other forms of crime (see above), and may contribute to the undermining of the very foundations of society. This may result in loss of public confidence in the integrity and impartiality of government institutions, in the distortion of the market, in economic decline, and in the destabilisation of the state. Corruption may also jeopardise state security, both internally and externally.

### **Violent crime and organised extortion**

In the context of organised crime, violent crime is a means towards a higher goal, but not an end in itself. An interesting phenomenon is the advantage some leaders of criminal groups derive from their reputation as uncompromising and violent individuals, in order to consolidate their own position and promote their own goals without the use of coercion. Organised extortion (called racketeering, i.e. extortion

from businesses under the threat of violence) is a specific branch of violent crime. It is very hard to prove in practice and difficult to prosecute because of the unwillingness of its victims to report to the police.

### **Cybercrime**

Alongside cutting-edge information and communication technologies, criminal groups increasingly use the internet for the purpose of their illegal activities. Like violent crime, cybercrime is much more important as a means than as an end (e.g. personal data is stolen for the 'higher' purpose of credit card fraud or money laundering).

An alarming trend is the transfer of some of the activities of criminal groups into the "virtual" realm of the internet (trading in illegal goods, human trafficking and child pornography, gambling, etc.), where officers of the Police of the Czech Republic are as yet ill equipped for the efficient investigation of crimes.

### **Terrorism**

Organised crime shares several interfaces and characteristics with terrorism. The fundamental difference between the two is that, while criminal groups strive to achieve maximum profit with minimum risk, terrorist groups are primarily motivated by ideological or political objectives. Nevertheless, the risks of possible interconnection and cooperation between criminal and terrorist groups must not be underestimated.<sup>5</sup>

In this context, terrorist groups are funded mainly through the proceeds from distribution of narcotic and psychotropic substances, smuggling immigrants, and ransoms. These crimes are committed either by terrorist groups alone, or in collaboration with criminal groups. The abovementioned methods are used to fund the Kurdistan Workers' Party in Turkey or some cells of the Basque Homeland and Freedom organisation in Spain, for example.

Moreover, terrorists often assume that associations with criminal groups will help them raise the necessary funds for their activities. They expect to be able to use the actors and mechanisms of organised crime to further their own purposes. However, due to the fact that organised crime has enormous financial resources and is, in addition, covered by strong political clout in many countries, the result is often such that criminal groups control and monitor terrorist groups.

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<sup>5</sup> This issue was discussed at a symposium that took place in March 2011 at the level of the United Nations Organisation. The conclusions of this meeting showed that many states, including European ones, have already encountered this phenomenon.

### 2.1.3 Specificity of organised crime

According to the Transnational Organised Threat Assessment (TOCTA),<sup>6</sup> issued by the United Nations Office on Drugs and Crime in 2010, there are two possible definitions of organised crime: one focuses on criminal groups, while the other focuses on illegal markets.

Heretofore, greater attention, also in the Czech Republic, has been devoted to detecting specific crimes and detaining specific offenders. Today, however, the greatest threat posed by organised crime does not lie in the individual criminal activities of specific groups, but in the existence of illegal markets in which different (whether cooperating or competing) criminal groups participate. It is evident from experience: in many cases where the members of a criminal group that controlled a specific criminal activity have been arrested, other criminal groups have stepped in and continued with the same criminal activity.

**The elimination of criminal groups will therefore not put an end to their criminal activities, unless the dynamics of the illegal markets in which these groups are implicated are changed. This means that it is at least as important to suppress the supply and demand of illegal goods and services, as it is to detain persons or groups that perpetuate them.**

### 2.1.4 Estimated development of organised crime

The most dangerous organised crime phenomenon – money laundering through legitimate business – will gain importance in the future. It is also expected that criminal groups will strive to push their representatives through to elected positions within the government.

#### 2.1.4.1 Merging of illegal and legal spheres

**In the last decade, a gradual change has occurred in the global structure of international organised crime, which is characterised by the transition from a system of organised criminal groups to a system of an organised criminal environment.**<sup>7</sup> The difference between the two is that, while a criminal group consists of criminals that are fully aware of and invested in their participation in

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<sup>6</sup> *The Globalisation of Crime: A Transnational Organised Crime Threat Assessment (TOCTA)*, United Nations Office on Drugs and Crime, 2010 ([http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA\\_Report\\_2010\\_low\\_res.pdf](http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf))

<sup>7</sup> This information is drawn from a report that was assigned by Europol to the Royal Institute of International Affairs (Chatham House) in the course of 2009. The report is not accessible to the public.

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criminal activities, a criminal environment is comprised of criminals who manage a complex structure of overlapping illegal and legal activities with the assistance of individuals who are not aware of their active contribution to organised crime, but convinced of the legality of their actions.

Unless strong action is taken, criminal groups will gradually transform into a criminal environment throughout Europe, starting from the Eastern and Southeastern European Union Member States (by 2015), and spreading into Central and Western European Union Member States (by 2020 and 2025, respectively).

### 2.1.4.2 New areas of criminal group activity

According to prognoses for the upcoming years, criminal groups will be most interested in **the energy sector and sources of energy** (nuclear energy, photovoltaic power sources, transportation and processing of natural gas and oil), **the transportation sector** (transportation infrastructure), **the agriculture and food sectors** (subsidies and investment, development and exploitation of natural resources), and **the information technologies sector** (cybercrime, data analysis).

With regards to specific activities, an increase can be expected in economic and financial crime, especially in the field of **fiscal crime** (taxes, state budget expenditures, state subsidies and grants, public procurement), **cybercrime** (internet fraud, theft of personal and sensitive data), **money laundering**, and **corruption**.

Law enforcement authorities register the activities of outlaw motorcycle gangs, which match the criteria of criminal groups (well organised, motivated by profit) and which are involved in a number of serious crimes within the Czech Republic (arms trade, drug trafficking, prostitution, vehicle theft, among others). It can be assumed that especially violent crime committed by members of these gangs may escalate in the future, with the particular risk posed by the possibility of recruitment of a high number of affiliates from neighbouring countries.

In the future, criminal groups will strive to operate on the verge of legality, which they will try to circumvent – with the help of consulting agencies – rather than to break. In this context, it is necessary to support the activities of inspection authorities and to strengthen their collaboration with the Police of the Czech Republic.

## **2.2 Fight against organised crime**

### *2.2.1 Institutions involved in the fight against organised crime*

**The fight against organised crime is the responsibility of the government.** It is ensured by public authorities at several levels: strategic, analytical, operational, and supportive.

**1) The strategic level is overseen by the Ministry of the Interior in cooperation with other ministries.** Since 1995, the Security Policy Department of the Ministry of the Interior has been drawing up and submitting the Strategy to Fight Organised crime to the Government, and its employees have been representing the Czech Republic at meetings of national policymakers at both international and European Union forums. The Security Policy Department also participates in the analytical level of the fight against organised crime in cooperation with other departments of the Ministry of the Interior, departments of the Police of the Czech Republic, and the intelligence services.

**2) The analytical level is managed by the Police Presidium in collaboration with other units of the Police of the Czech Republic and the intelligence services.** Organisational departments of the Service for Criminal Police and Investigation are responsible, among other things, for carrying out analyses. Within the scope of their competencies, these units monitor the current situation, analyse possible threats, identify the risks and evaluate information pertinent to preventing and combating organised crime. In addition, they process and evaluate the data necessary for the analysis of criminal cases and propose measures based on their findings. They regularly assess the organised crime situation and anticipate its development.

**3) The operational level is administered by specialised departments of the Police of the Czech Republic and the Customs Administration in cooperation with other authorities.** Within the Police of the Czech Republic this mainly concerns the Organised Crime Unit, the Unit for Combating Corruption and Financial Crime, and the National Drug Squad, which carry a joint responsibility for detecting, documenting, and investigating organised crime with the support of two special operations units. All of these specialised departments have experts focusing on asset forfeiture. Within the Customs Administration the relevant departments are the investigations departments of the General Customs Directorate and the Customs Directorate, which operate with the support of an operational documentation unit, an operational deployment group, and a technical support group of the General Customs Directorate.

- The main tasks of the **Organised Crime Unit** are to acquire, store, analyse and utilise information relevant to the fight against organised crime in order to detect and investigate the perpetrators of various forms of organised crime. Individual departments of the unit specialise in the investigation of violent crime, illegal trafficking, illegal migration, criminal structures, terrorism and

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extremism, forgery of means of payment, and serious property crime (vehicle thefts). Regional departments may also address specific issues (e.g. motorcycle gangs, trafficking in endangered flora and fauna).

- The **Unit for Combating Corruption and Financial Crime** focuses on the most dangerous forms of corruption and serious economic and financial crime. It carries the main methodological responsibility in the field of asset forfeiture.
- The main task of the **National Drug Squad** is to investigate crimes pertaining to the illegal production and distribution of narcotic and psychotropic substances, poisons, and anabolic precursors, especially with regards to activities of international criminal groups.
- The two **special operations units of the Police of the Czech Republic** are responsible for performing special operations for the benefit of competent police departments. One of the units is entitled, during criminal proceedings, to perform feigned transfers (§ 158c of the Criminal Procedure Code), deploy undercover agents (§ 158e of the Criminal Procedure Code), place witnesses under protection (Act 137/2001 Coll.), and provide cover documents. The other unit is entitled, among other things, to intercept and record telecommunications traffic (§ 88 of the Criminal Procedure Code) and to survey persons and goods (§ 158d of the Criminal Procedure Code).
- The **investigations departments of the General Customs Directorate and the Customs Directorate** focus on investigating serious economic crimes (e.g. excise duty cuts for selected products), environmental crimes (e.g. illegal trade in endangered flora and fauna), infringement of intellectual property rights (e.g. illegal import or production of counterfeit textile products), and crimes in the area of illegal handling (import, export, transit) of narcotic and psychotropic substances, poisons, and anabolic precursors.
- The **operational documentation unit**, the **operational deployment group**, and the **technical support group of the General Customs Directorate** provide support for the investigations departments of the General Customs Directorate and the Customs Directorate, specifically surveillance of persons and goods (§ 158d of the Criminal Procedure Code), cooperation during feigned transfers (§ 158c of the Criminal Procedure Code), and detaining dangerous offenders.

**4) An important supportive role is played by all the central administrative authorities and local government authorities, government departments and state funded organisations.** The participation of courts and prosecutors in the fight



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against organised crime is also significant, especially where the capacities of these authorities to appropriately evaluate the danger of organised crime are concerned.

**The key to successful prevention, detection, and prosecution of organised crime lies in the cooperation of all the abovementioned authorities. This is conditioned by smooth communication, the sharing and timely exchange of information, and joint procedures against the activities of criminal groups.**

### *2.2.2 Main instruments to fight organised crime*

The range of instruments to fight organised crime comprises a variety of legislative and administrative measures. These can be divided into strategic, operational, preventive, and supportive instruments.

1) The **Strategy to Fight Organised Crime**, drawn up by the Ministry of the Interior, is the overarching **strategic** instrument for combating organised crime. The purpose of the Strategy is to formulate measures creating suitable conditions for long-term work of law enforcement authorities in order to prevent, detect, and prosecute organised crime in the Czech Republic.

Alongside the Strategy, several other strategic materials deal with specific issues related to the activities of criminal groups:

- the Government Strategy to Combat Corruption,
- the National Anti-Drug Policy Strategy,
- the National Strategy for Combating Trafficking in Human Beings, and
- a document titled The Issue of Prosecuting Vehicle Thefts in the Czech Republic.

2) The tools to fight organised crime at the **operational** level are invested in the powers of law enforcement authorities, which are entitled to detect, document, and prosecute activities of criminal groups, as defined in **Act 40/2009 Coll.** (the Criminal Code), **Act 141/1961 Coll.** (the Criminal Procedure Code), and in **Act 273/2008 Coll.** (on the Police of the Czech Republic).

**Act 40/2009 Coll.** (the Criminal Code) sets out offenses pertaining to activities of criminal groups. In addition to defining a criminal group in § 129, it also defines the offender of a crime committed for the benefit of a criminal group in § 107. Such a crime must not be confused with the offence of participating in a criminal group, as defined by § 361, which is a crime that is to some degree “preparatory” in character. Concomitant application of both § 107 and § 361 is prohibited by law. The use of

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special provisions, effective repentance (§ 362) and impunity of agents (§ 363) are allowed only in cases of criminal offences falling under § 361.

**Act 141/1961 Coll.** (the Criminal Procedure Code) defines the terms of use of selected repressive means by law enforcement authorities. It specifies the conditions for intercepting telecommunications traffic (§ 88), carrying out feigned transfers (§ 158c), surveying persons and goods (§ 158d), deploying undercover agents (§ 158e), and others. These acts can only be carried out with the consent of a judge or prosecutor, and it is therefore desirable that these fully understand the severity of organised crime and hence the importance of these tools.

**Act 273/2008 Coll.** (on the Police of the Czech Republic) establishes the general rights and obligations of the Police of the Czech Republic. It deals with, among other things, the status and management structure of the police, the fundamental obligations of its members, the restriction of personal freedom and the use of force and weapons, data analysis and national and international cooperation.

**Act 185/2004 Coll.** (on the Customs Administration) lays down the organisation and competencies of the General Customs Directorate, the Customs Directorate and Customs Offices, and standardises the conditions for processing personal information by the customs authorities.

**Act 13/1993 Coll.** (the Customs Act) sets out the obligations, rights and instruments of tax collecting authorities, including the use of supporting operational instruments (cover documents and equipment, safety equipment, special funds, the use of informers), where customs authorities are given law enforcement powers with regards to the fight against organised crime (illegal manufacture, import, export, and trade of selected commodities).

3) The **prevention** of organised crime is vested in the system of crime prevention, which has three tiers:

- **Social prevention** consists of measures encouraging socialisation and social integration, along with activities aimed at changing negative social and economic conditions, which are considered to be the key causes of crime.
- **Situational prevention** builds on the experience that certain types of crime occur at certain times, in certain places, and under certain circumstances. It aims to minimise criminogenic factors through measures of regime, physical, and technical protection.
- **Prevention of vulnerability and assistance to victims** is based on the concepts of safe behaviour, differentiated with respect to various criminal situations and the psychological preparedness of vulnerable persons.

4) The **supportive** level consists of the sum of activities that indirectly contribute to the prevention, detection, and prosecution of organised crime. These activities include the collection of relevant information and the drafting of analytical reports, the assessment of the situation with regards to specific organised crime fields, drafting of reports on the activities of criminal groups, the organisation of seminars, and security research. The annual reports of the specialised units of the Police of the Czech Republic also fall within this category, as does the annual Report on the Security Situation in the Czech Republic, put together by the Ministry of the Interior. What is missing is a document that would unite the sum of information contained in these materials and present them in the form of a comprehensive assessment of threats to national security, after the example of the Organised Crime Threat Assessment compiled for the European Union by Europol.

**In the future, it will be necessary to dedicate more attention to the administrative approach to the fight against organised crime.** This approach should consist of cooperation (particularly the exchange of information) of all central administrative authorities and local government authorities, government departments and state funded organisations with law enforcement authorities as a means of fighting organised crime through a concerted effort. This requires that employees of the abovementioned bodies are duly informed and appropriately responsive to the (latent) manifestations of organised crime activities.

\* \* \*

Organised crime cannot be successfully fought using only the reactive method applied to “traditional” forms of crime. The proactive approach, which is as yet insufficiently developed in the Czech Republic, of all public authorities responsible for detecting, documenting, and prosecuting organised crime, is therefore of significant importance.

The proactive approach requires that employees of public authorities are adequately informed about the threat of organised crime, competent in the field of detecting and documenting it, capable of evaluating the information they collect, and of communicating efficiently with other government authorities as mentioned in chapter 2.2.1. Above all, employees of all law enforcement authorities should be sufficiently qualified with regards to the main activities of organised crime groups as mentioned in chapter 2.1.2.2.

Officers of the Police of the Czech Republic often lack sufficient expertise related to investigating financial and economic crime and cybercrime, and are not adequately versed in foreign languages. Moreover, the technology used by the special

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operations units of the Police of the Czech Republic is not up to par with the challenges that the Police of the Czech Republic must face, especially considering the high level of technology being used by criminal groups.

### 2.2.3 *International cooperation in the fight against organised crime*

International cooperation is a key tool for combating organised crime. Organised crime is rarely contained within national borders and most criminal groups cooperate with partners abroad in order to ensure the smooth movement of goods, people, and finances between countries. The accession of the Czech Republic to the EU and the subsequent abolishment of regular checks at international borders and within the Schengen area enabled criminal groups to smuggle goods and people more quickly and more safely, thus increasing the scope of their opportunities. This has resulted in higher demands on operational cooperation with law enforcement authorities in partner countries, especially with regards to information exchange.

The existing contractual framework for international cooperation in the fight against organised crime is vested in the **List of International Treaties Managed by the Ministry of the Interior**, a document of the European Union and International Law Department of said ministry. The document lists those treaties that are to be negotiated, in addition to those that will expire, and is updated annually. International cooperation is further facilitated by national legislation, particularly Act 273/2008 Coll. on the Police of the Czech Republic.

#### 2.2.3.1 Multilateral cooperation

The Czech Republic is a member of several international organisations whose primary or secondary objective is to foster cooperation in the fight against organised crime.

#### **United Nations**

**As member of the United Nations**, the Czech Republic signed the **United Nations Convention against Transnational Organised Crime** at the time of its publication, in 2000, along with two of its three additional protocols<sup>8</sup>. The convention falls within the responsibility of the Ministry of the Interior. In 2005, the Czech Republic signed the **United Nations Convention against Corruption**, which falls within the responsibility of the Ministry of Justice. Though both of these documents have been signed by the Czech Republic, neither has been ratified due to the **absence, in**

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<sup>8</sup> The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air were signed by the Czech Republic in 2002. The Protocol against the Illicit Manufacturing and Trafficking of Firearms, Their Parts and Components and Ammunition, has not yet been signed.

**national legislation, of a corporate liability provision, which is required by both conventions<sup>9</sup>. It is in the best interests of the Czech Republic to adopt such a provision as soon as possible, so as to meet its international obligations in the fight against organised crime. In 1988, The Czech Republic signed and ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which falls within the responsibility of the Ministry of Public Health.**

The Czech Republic is a candidate for membership in the 40-member United Nations Commission on Crime Prevention and Criminal Justice for the term 2013 – 2015. The Commission, among other things, supervises the work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organised Crime and the United Nations Convention against Corruption, and manages the United Nations Office on Drugs and Crime in Vienna. Activities relating to the Commission fall within the responsibility of the Ministry of the Interior, which cooperates for this purpose with the Ministry of Justice, the Ministry of Finance, and the Ministry of Foreign Affairs. Currently, the Czech Republic attends the Commission meetings as an observer.

### **Council of Europe**

**As member of the Council of Europe, the Czech Republic has signed and ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime in 1990, which falls within the responsibility of the Ministry of Justice.**

### **European Union**

**As member of the European Union since 2004, the Czech Republic is engaged in the fight against organised crime within various European Union forums.** The issue of the fight against organised crime is addressed, at the European Union level, by the Stockholm Programme, which maps out a general framework for the strategic activities of the European Union in the area of justice and home affairs. It is complemented<sup>9</sup> by other European Union documents, such as the European Union Internal Security Strategy, the Strategy for the External Dimension of Justice, Freedom, and Security, the Council conclusions on the creation and implementation of a European Union policy cycle for organised and serious international crime, the European Action Plan to combat illegal trafficking in so-called “heavy” firearms, and

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<sup>9</sup> A draft of the respective provision has been approved by Government Resolution no. 134 on 23 February 2011 and, after its approval by the Parliament, should be effective from 1 January 2012.

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the European pact to combat international drug trafficking – disrupting cocaine and heroin routes.

At the European Union expert level, organised crime issues are discussed in several committees where the Czech Republic is represented by employees of the Ministry of the Interior and the Customs Administration:

- The **Working Group of the European Council for general matters, including evaluations** (GME) deals with European Union policies, cooperation of law enforcement authorities, and future trends in the field of organised crime.
- The **Standing committee on operational cooperation on internal security** (COSI) was established by the Lisbon Treaty (Article 71) to provide support and reinforcement of operational cooperation and coordination between European Union Member States in internal security. Some of its main tasks include ensuring cooperation and mutual assistance between police, judicial, and customs authorities, as well as agencies working in the field of justice and home affairs of the European Union (Europol, Eurojust, and Frontex).
- The **Article 36 Committee** (CATS) represents a specific element within the institutional structure of the European Union, serving as an advisory body to the European Council and coordinating the various working groups that cover police and judicial cooperation in criminal matters (i.e. COSI and GME).
- The **Working group on customs cooperation** (CCWP) discusses possible forms of cooperation and concrete actions of customs administrations in the fight against crime, including organised crime.

General commitments to cooperate in the field of the fight against organised crime have become a standard part of association agreements and agreements on partnership and cooperation, which the European Union concludes with its Member States as well as with third countries.

An important tool of international cooperation is information exchange through various databases. The Czech Republic has access to and draws information from Interpol, Europol, Schengen Information System, and a number of other databases.

### 2.2.3.2 Bilateral cooperation

#### **Contractual cooperation**

Bilateral cooperation between the Czech Republic and its partners is founded on a contractual basis. **The Czech Republic is bound by agreements on police cooperation to a total of 26 countries around the world.** These include 12 European Union Member States (Austria, Bulgaria, France, Germany, Hungary, Italy, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia), 8 non-European Union countries (Albania, Croatia, Macedonia, Moldova, Russia, Serbia, Switzerland, and Ukraine), 1 African country (Tunisia), 4 Asian countries (Kazakhstan, Kyrgyzstan, Turkey, and Uzbekistan), and 2 American countries (Chile and the United States of America).

Contracts on cooperation in the fight against organised crime are in the process of being negotiated with a further 15 countries. An agreement with Belgium is in the final stage of preparation (the conditions for its entry into force have been fulfilled by the Czech Republic and are pending the decision of the Belgian party). A new agreement is ready to be signed with Russia (the Government of the Czech Republic has already approved a proposal of this agreement). Negotiations are underway regarding agreements with Cyprus, Israel, and Montenegro, and regarding a new agreement with Kazakhstan. Negotiations regarding agreements with Bosnia and Herzegovina, Georgia, and Vietnam are in preparation, as are negotiations regarding amendments to agreements with Austria and Poland. The preparation of an agreement with Egypt and the signature of new agreements with Germany, Hungary, Turkey, and Uzbekistan are planned for the long-term.

Liaison police officers represent a significant tool for the facilitation of international cooperation. Czech Police Liaison Officers are stationed at Czech Embassies in Belgrade, Bratislava, Bucharest, Hanoi, and Moscow. A liaison customs officer is stationed in Germany. Several yearly exchange police missions to and from the Western Balkans have taken place within the scope of the Cooperation for Development Programme financed by the Ministry of Foreign Affairs.

With the exception of the Western Balkan region, which is a key partner for the Czech Republic in terms of cooperation to fight organised crime, the national interests and objectives with regards to international cooperation in this field are not being fostered systematically. In many cases, the Czech Republic responds to offers from abroad without initiating relations of particular interest. A more targeted policy with regards to international cooperation in the field of fighting organised crime would allow a more efficient prosecution of international crime groups through the promotion of relations, exchange of best practices, and elaboration of common approaches with

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key partners. In the coming years it would therefore be appropriate to focus, in addition to the continuous tightening of relations with the Western Balkans, on the Caucasus, East Asia, and Northwest Africa.

### **Cooperation with China**

In 2010, the Security Policy Department of the Ministry of the Interior, in collaboration with the Organised Crime Unit, drew up a Proposal for Cooperation with China in the Fight against Organised Crime. The aim of the document is to highlight the non-existence of police cooperation between the Czech Republic and China, and to propose steps to successfully establish at least partial connections between the law enforcement authorities of both countries.

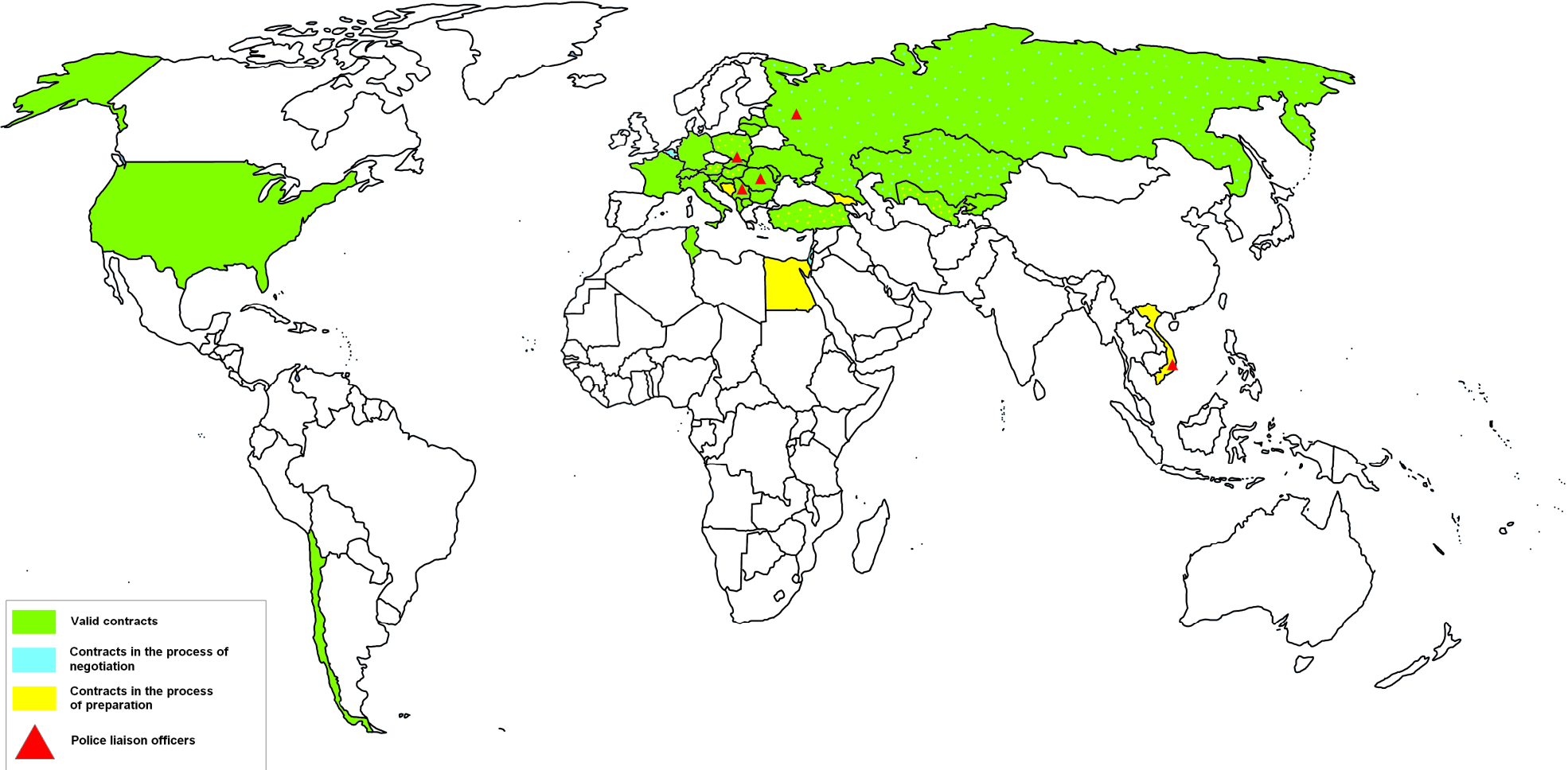
The major long-term problem is the import of Chinese goods into the Czech Republic, where these goods are the object of considerable circumventions of tax liabilities. The result is that goods of an undefined price are imported into the Czech Republic, and because either no taxes, or much lower taxes have been paid for these goods, the national economy suffers a massive financial loss. The damage incurred is estimated by the Unit to Combat Corruption and Financial Crime to be between tens and hundreds of billions CZK. Meanwhile, Chinese authorities have not been giving Czech requests for information due attention.

The document proposes, due to previously unsuccessful attempts by the Police of the Czech Republic to establish contacts with Chinese authorities, to initiate relations on a higher political level, preferably involving the heads of several ministries (the Ministry of the Interior and the Ministry of Finance, and possibly the Ministry of Industry and Trade).



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Map 1: Bilateral agreements with the Czech Republic on police cooperation or on cooperation in the fight against organised crime, including the stationing of Police Liaison Officers at Embassies of the Czech Republic abroad (as of 30 June 2011)



### 3. EVALUATION OF THE STRATEGY TO FIGHT ORGANISED CRIME FOR THE YEARS 2008 – 2011

The Strategy to Fight Organised Crime for the years 2008 – 2011 was approved by Government Resolution 64 of 23 January 2008. **On 6 April 2009, the Government has taken note, via Resolution 417, of the Information on the implementation of tasks arising from the Strategy for the years 2008 – 2011** and tasked the Minister of the Interior with presenting the Government with an updated strategy to fight organised crime by 30 June 2011.

Since 2009, the Czech Republic has seen a significant development in the instruments designed to fight organised crime, though not always for the better. **What can be evaluated positively is the drafting of a law intending to introduce a corporate liability provision into national legislation, which is required by international conventions aiming to fight organised crime.** Based on the analysis that was drawn up by the Ministry of the Interior in cooperation with the Ministry of Justice pursuant to Government Resolution 380 of 30 March 2009, the Ministry of Justice prepared a draft law enabling the criminal prosecution of legal persons. A draft of the respective provision has been approved by Government Resolution no. 134 on 23 February 2011 and, after its approval by the Parliament, should be effective from 1 January 2012. Thus, after a long time, the Czech Republic will be able to ratify a number of international conventions (including UNTOC) to which it has committed itself by its signature or accession.

**Important progress has been made in the fight against vehicle theft.** In 2008, under the leadership of the Ministry of the Interior, a national platform comprising authorities involved in dealing with stolen vehicles was established, along with several working groups within it. In the same year, a specialised department focused on vehicle theft was created within the Organised Crime Unit, and was made responsible for international cooperation and nominated the national contact point for vehicle theft. The Ministry of Transport, within the Schengen Information System, has ensured vehicle registration in a way that stolen vehicles found in the Schengen Information System cannot be registered in the motor vehicle registry of the Czech Republic. If the screening of the vehicle, its registration documents, or its licence plate produces a positive result within the System, the Police of the Czech Republic is informed.

**A negative development has been noted in the field of fighting tax crime.** Although the strategy for the years 2008 – 2011 tasked the interior and justice ministers with coming up with measures enabling more efficient prosecution of perpetrators of tax crimes, the **new version of the law pertaining to breaking tax confidentiality in the Tax Regulation, effective from 1 January 2011, abolished**

**unmediated access of specialised police units to tax data.** This possibility was widely employed by specialised units of the Police of the Czech Republic and was evaluated as indispensable in the fight against specific forms of organised crime. Restoring the access of law enforcement authorities to tax data is addressed by the Government Strategy to Combat Corruption for the years 2011 – 2012.

**The requirement for a more efficient system of exchange of information between law enforcement authorities and the financial sector has not been addressed.** Consequently, Government Resolution 222 of 22 March 2010 tasked the Ministry of Finance to submit to the Government by 30 June 2011 a feasibility study (in technical and economic terms) of possible ways to improve on the current situation, including related impacts, a primary focus on the need for legislative changes, national budget expenditures, and operation costs as compared to savings for both state and private actors. The aim of the feasibility study is to evaluate the possibility of establishing a central register of accounts. This should be an electronically accessible register that would enable authorised institutions to quickly and easily identify in which credit or financial institutions a specific person has financial products in, with specific information then having to be requested directly from these institutions.

**Measures allowing for more efficient prosecution of perpetrators of property crime have not been taken.** For this reason, the present strategy repeatedly lays out the task aimed at adjusting the penalty of asset forfeiture so that assets could be forfeited in more cases than under current legislation. The task is modified and extended so as to allow the systematic seizure of proceeds from crime. In connection with this, **the possible adjustments of the obligation to prove the origin of property have not been sufficiently analysed.** Proof of property origin is a related question dealing with situations where law enforcement authorities are unable to substantiate evidence that the property of the accused originates in crime, but the accused cannot explain the property's legal origin. This obligation cannot be imposed upon the accused in criminal proceedings, where the burden of proof lies solely with the government prosecutor. In the long term, however, several possibilities are being considered: legislation on unjust enrichment, re-examination of the powers of tax authorities and encouragement of their cooperation with the Police of the Czech Republic (information exchange, establishment of joint investigation teams), models from abroad (e.g. in Slovakia, the possibility of imposing an obligation to prove the legal origin of property and its subsequent confiscation in case this obligation is not met). **Most recently, the issue is addressed by the Government Strategy for Combating Corruption for the years 2011 – 2012 where, under point 4.4 the Ministry of Finance is tasked with analysing the possibility of forfeiture of illegitimate assets through non-penal means.**

#### 4. MEASURES FOR THE FIGHT AGAINST ORGANISED CRIME UNTIL 2014

##### 4.1 *Basic principles of the fight against organised crime until 2014*

The fight against organised crime has never yet been accorded sufficient priority status within the Czech political agenda. This is evidenced by a fragmented approach to the fight against organised crime, the absence of functioning mechanisms of cooperation and information exchange between law enforcement authorities, and inadequate forecasting of the future development of organised crime in the Czech Republic enabling the setting of clear priorities.

☞ **Organised crime is a complex and complicated phenomenon posing a serious threat to the internal security of the Czech Republic and requires an integrated and comprehensive approach.**

Consequently, it is recommended that the fight against organised crime take account of measures and prognoses contained in related documents, which treat a variety of issues leading to the elimination of the activities of criminal groups. This concerns specifically strategic documents of the Government and the measures contained within them:

- **Government Strategy for Combating Corruption for the years 2011 – 2012, approved by Government Resolution 1 of 5 January 2011<sup>10</sup>**
  - Specify the institute of the cooperating defendant (task 3.1), deadline: 30 June 2011
  - Enable access of law enforcement authorities to data from tax authorities (task 3.3), deadline: 30 April 2011
  - Strengthen the restitutive function of criminal proceedings, including asset forfeiture (task 3.8), deadline: 30 June 2011, then continuously
  - Strengthen the system of obtaining information by law enforcement from financial institutions (task 3.11), deadline: 30 June 2011
  - Establish a system of lifelong training of the Police of the Czech Republic in the fight against corruption and asset forfeiture (task 3.13), deadline: 30 June 2011
  - Analyse the possibility of forfeiting assets from illegitimate sources by non-penal means (task 4.4), deadline 30 June 2011

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<sup>10</sup> Particularly the tasks in Chapter 3 (Law Enforcement Authorities - Police) and Chapter 4 (Law Enforcement Authorities – Prosecutors and Judges).

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- Establish a specialised court and a specialised prosecution unit designated to fight corruption and serious financial crime (task 4.6), deadline: 30 September 2011
- **National Drug Policy Strategy for the years 2010 – 2018, approved by Government Resolution 340 of 10 May 2010**
  - Speed up the legislative process of assigning new substances to the list of controlled substances (amendment to Act 1671/1998 Coll. on Addictive Substances) (task 1.11), deadline: December 2011
  - Limit the availability of illegal substances used to manufacture methamphetamine, especially medications containing pseudoephedrine and red phosphorus (task 6.11), deadline: January 2012, then continuously
  - Identify the measures to reduce sales of components for indoor marijuana cultivation (task 8.11), deadline: January 2012
  - Increase the effectiveness of the Mobile Supervision Groups of the Customs Administration when detecting illegal shipments of licit and illicit drugs (task 2.10), deadline: December 2012
  - Continue in the implementation of thorough customs controls on imported goods based on the use of information from the international New Computerised Transit System (task 3.10), deadline: December 2012

Furthermore, it is appropriate to take account of the following documents:

- **National Strategy for Combating Trafficking in Human Beings** for the years 2008 – 2011, approved by Government Resolution 67 of 23 January 2008
- **National Strategy for Combating Terrorism** for the years 2011 – 2012, approved by Government Resolution 221 of 22 March 2010
- Information on the implementation of measures arising from the document **The Issue of Prosecuting Vehicle Theft in the Czech Republic**, approved by Government Resolution in 2008, along with a new timetable for action
- **Strategy to develop the area of search and confiscation of proceeds from crime and to strengthen the restitutive approach of the police to crimes, including proposed measures at the ministerial level**, approved by the Minister of the Interior on 18 November 2010

Finally, regular publications should be regarded, such as the **Report on the Security Situation in the Czech Republic**, annual reports of specialised units of the Police of the Czech Republic and intelligence services, and reports issued by international

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organisations, such as the **Organised Crime Risk Assessment** and the **Transnational Organised Crime Risk Assessment**.

A successful intervention against organised crime has a high potential to unburden the Czech Republic of a wide range of issues, including financial ones. Extensive economic crime, drug trafficking, human trafficking, and vehicle theft generates unimaginable profits to criminal groups in the Czech Republic, causing the national economy massive financial losses. At the same time, incarceration of responsible criminals has minimal effect unless it is accompanied by confiscation of their illegal profits.

☛ **The strength of criminal groups resides in their immense property, wherefore it is advisable to anchor the fight against organised crime in the Czech Republic in the prevention of legalisation and in the efficient confiscation of proceeds from crime.**

For this purpose, the Minister of the Interior approved on 18 November 2010 the Strategy to develop the area of search and confiscation of proceeds from crime and to strengthen the restitutive approach of the police to crimes, including proposed measures at the ministerial level.

☛ **Given the ever-increasing complexity of organised crime, it is necessary to streamline the tools of law enforcement authorities so as to enable early detection and proper prosecution of the activities of criminal groups.**

In addition to a range of operational tools, the key instrument is the cooperation of law enforcement and inspection authorities. The Customs Administration, tax authorities, the Czech Trade Inspection, the Environmental Inspectorate, and other authorities may have information that could facilitate the uncovering of activities of criminal groups. It is therefore appropriate to facilitate the creation of mechanisms ensuring timely exchange of information between these institutions, as well as their joint practices.

In preparation for future actions to combat organised crime, it is also necessary to consider the development of organised crime. Criminal groups are constantly looking for new markets and taking on new activities, meanwhile, their structure adapts itself to new conditions and their criminal methodology is shaped by available technologies.

☛ **Criminal groups are primarily motivated by the demand for illegal or cheap goods or services. While forecasting the development of the activities of criminal groups in the Czech Republic, it is necessary to monitor trends in this**

field so as to enable the implementation of timely prevention measures curbing the spread of new forms of organised crime.

#### **4.2 Monitoring organised crime in the Czech Republic**

<b>Task 1</b>	<b>Assess the organised crime situation in the Czech Republic</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	30 June 2012
<b>Performance indicator</b>	Submit a written assessment to the Minister of the Interior
<b>Objective</b>	Initiate the regular (annual) compilation of an assessment of the organised crime situation in the Czech Republic
<b>Financial costs</b>	None

Organised crime is a constantly evolving phenomenon. As a result of the development of modern technologies, not only in regards to the opening up of new markets, but also of socio-cultural and political changes, the activities and tools of criminal groups are ceaselessly changing. At the same time, organised crime in the Czech Republic has its own idiosyncrasies that may not be reflected in international and European Union documents. Annual reports of the Police of the Czech Republic and intelligence services, for their part, do not offer an adequate outlook into the future and do not address upcoming threats.

The resulting document should serve law enforcement authorities as a guide to developing forms of organised crime, and relevant ministries as a basis for formulating future actions to combat organised crime. The process of compiling the assessment should include meetings of an inter-ministerial coordination group, convened by the Ministry of the Interior.

#### **4.3 Developing international cooperation**

##### *4.3.1 Multilateral cooperation*

For the Czech Republic, the most important multilateral cooperation partners are found within the European Union (including cooperation mechanisms such as Europol, the Schengen Information System, and others). Although there are other platforms (especially the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe, the Salzburg Forum, the Visegrád Group, Interpol, and others), the European Union demonstrates a greater work dynamic, unites most of the major partners of the Czech Republic, and holds a significant voice in international forums. The Czech Republic actively participates in all bodies of the

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European Union Council, which conceptually address police cooperation, implement complex information exchange mechanisms and prepare criminal legislation drafts.

<b>Task 2</b>	<b>Engage police experts in those European Union activities which, from the point of view of the Czech Republic, represent the greatest potential benefit in terms of police work and cooperation in the fight against organised crime (including an argued list of activities and suitable participants)</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Co-coordinator</b>	Ministry of Justice, Ministry of Finance
<b>Deadline</b>	31 December 2012
<b>Performance indicator</b>	Enhance the exchange of relevant and practical information and experience with European partners, establish regular contacts
<b>Objective</b>	Seek best practices and identify potential risks in the fight against organised crime in the Czech Republic
<b>Financial costs</b>	Mainly connected to travel expenses (of Czech experts abroad or of foreign experts to the Czech Republic) comprising transport and per diem

A poorly developed aspect of the current engagement of the Czech Republic in the European Union is the proactive seeking and exchange of best practices within the police. After the establishment of the Standing committee on operational cooperation and internal security (COSI), European Union Member States were given yet another opportunity to seek solutions to serious threats through their own proactive cooperation. To this day, the Czech Republic, excepting several COSPOL projects, has not joined any specific initiatives, although the costs of such participation are generally low (comprising only travel expenses for short-term trips abroad). Yet, other Member States already have solutions to some of the problems that the Czech Republic currently faces. The Dutch and British proposal regarding the development of methods of cooperation with administrative authorities in fighting organised crime, or projects related to the detection of forged or falsified documents or their forgery and falsification, can serve as examples. These practically oriented activities<sup>11</sup> present not only an occasion to influence European Union policymaking, but also an opportunity to learn from those Member States that pilot specific projects. These projects are superseded by strategic planning<sup>12</sup> within the European Union Policy

<sup>11</sup> See especially documents DS 1487/10 on 29 measures for strengthening the protection of external borders and combating illegal migration, DS 1488/3.10 on COSI projects, or the European Drug Pact 12248/09.

<sup>12</sup> See, for instance, document DS 1316/1/11, which looks for key players that would identify the strategic goals of the European Union.



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Cycle, which directs conceptual activities of the entire European Union in the field of fighting organised crime, among others.

### 4.3.2 *Bilateral cooperation*

The endorsement of the interests of the Czech Republic in relation to international cooperation in the fight against organised crime deserves a more focused and systematic approach. The priority regions for such cooperation, which the Czech Republic should concentrate on in the future, include the Western Balkans, the Caucasus, East Asia, and Northwest Africa.

#### 4.3.2.1 Western Balkans

Western Balkan criminal groups are among the most well established and most active in the Czech Republic, and with respect to their internal organisation (based on clan solidarity) are very difficult to infiltrate. In the area of promoting cooperation in the fight against organised crime, the Czech Republic should benefit primarily from its long-term presence in the Western Balkan region and the quality of existing relations with the law enforcement authorities of its states.

<b>Task 3</b>	<b>Develop a long-term programme of cooperation with Western Balkan states in the fight against organised crime</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	31 March 2013
<b>Performance indicator</b>	Submit a written programme to the Minister of the Interior
<b>Objective</b>	Create a strategic framework for cooperation with the region and plan future activities, including calculation of costs needed to implement them
<b>Financial costs</b>	None

The current situation calls for a development of closer cooperation between law enforcement authorities of the Czech Republic and those of Western Balkan states. Current forms of cooperation lack a focused approach and a long-term programme with appropriate financial backing. Such a programme should formulate concrete measures for the next 2 – 4 years aimed at deepening the cooperation and professional ties between law enforcement authorities in the Czech Republic and in Western Balkan states. It should determine the main objectives of cooperation in specific countries and schedule concrete activities, including a calculation of the costs required to implement them.

<b>Task 4</b>	<b>Complete the process of negotiating agreements on police cooperation with Bosnia and Herzegovina (given the current political situation, this will probably be a long-term goal) and Montenegro</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	Continuously in relation to the preparedness of partners
<b>Performance indicator</b>	Signature and entry into force of an agreement on police cooperation
<b>Objective</b>	Enhance the exchange of relevant and practical information and experience with European partners, regular contacts
<b>Financial costs</b>	Mainly connected to travel expenses (of Czech experts abroad or of foreign experts to the Czech Republic) comprising transport and per diem

#### 4.3.2.2 Former Union of Soviet Socialist Republics countries

Russian and Ukrainian (Russian-speaking) criminal groups have been intensively pursuing criminal activities in the Czech Republic over a long period of time. At the same time, their activities have become less visible in recent years due to increased latency and infiltration of the legal sphere. The Czech Republic has a valid agreement on police cooperation with both Russia and Ukraine, and works with the Police Liaison Officer at the Czech Embassy in Moscow. Despite the existing foundation for police cooperation with these two countries, there is a need to promote and further develop these relations.

The activities of criminal groups from the Caucasus (mainly from Georgia and Armenia), which are included in the Russian-speaking criminal groups, are gaining in intensity. These groups use the territory of the Czech Republic mainly for building legitimate business structures that serve to launder proceeds from crime that is mostly, though not exclusively, committed outside the Czech Republic.

<b>Task 5</b>	<b>Initiate the process of negotiating agreements on police cooperation with Georgia and Armenia, with the specification of key areas of cooperation</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	Continuously in relation to the preparedness of partners
<b>Performance indicator</b>	Signature and entry into force of an agreement on police cooperation
<b>Objective</b>	Enhance the exchange of relevant and practical information and experience with European partners, regular contacts
<b>Financial costs</b>	Mainly connected to travel expenses (of Czech experts

	abroad or of foreign experts to the Czech Republic) comprising transport and per diem
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#### 4.3.2.3 Northwest Africa

Nigerian criminal groups are the fastest-growing criminal groups in the Czech Republic. They participate in a wide range of activities and vigorously cooperate with other criminal groups, while also using their own (and influential) diasporas in other European Union countries. Because this trend is expected to evolve, the Czech Republic should seek to establish targeted cooperation with Nigerian law enforcement authorities.

<b>Task 6</b>	<b>Develop a plan for police cooperation with Nigeria</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	30 September 2013
<b>Performance indicator</b>	Submit a written plan to the Minister of the Interior
<b>Objective</b>	Seek best practices and identify potential risks in the fight against criminal groups in the Czech Republic
<b>Financial costs</b>	None

#### 4.3.2.4 East Asia

Citizens of Vietnam constitute the third largest national group in the Czech Republic and Vietnamese criminal groups constitute a firmly established entity, whose activities mainly affect the national economy (especially through massive tax evasions), but which also seems to bear signs of development conduct towards violent crime.<sup>13</sup>

<b>Task 7</b>	<b>Negotiate an agreement on police cooperation with Vietnam, with special emphasis on illegal migration, counterfeit goods and intellectual property, money laundering, and tax crimes</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	Continuously in relation to the preparedness of partners
<b>Performance indicator</b>	Signature and entry into force of an agreement on police cooperation
<b>Objective</b>	Enhance the exchange of relevant and practical information

<sup>13</sup> In May 2010, the Security Policy Department of the Ministry of the Interior conducted an analysis of Vietnamese organised crime in the Czech Republic, which charts the activities of Vietnamese criminal groups in the Czech Republic and proposes measures to prevent and fight them.

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	and experience with European partners, regular contacts
<b>Financial costs</b>	Mainly connected to travel expenses (of Czech experts abroad or of foreign experts to the Czech Republic) comprising transport and per diem

China is a key partner in fighting Vietnamese organized crime in the Czech Republic. Most goods that Vietnamese merchants trade in the Czech Republic are imported from China, and Chinese authorities also have the information (documentation) necessary to fight the activities of Vietnamese criminal groups in the Czech Republic. Chinese authorities do not attach due importance to Czech requests for information, with serious negative implications in the Czech Republic in the field of fighting organised crime. Therefore, it is necessary to send China a clear signal of the willingness of the Czech Republic to cooperate with Chinese law enforcement authorities, in order to establish necessary contacts and appropriate communication channels for future cooperation.

<b>Task 8</b>	<b>Establish contact with Chinese law enforcement authorities through a meeting at the ministerial level (Czech Minister of the Interior and Minister of Finance, possibly the Police President and the General Director of the General Customs Directorate)</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	31 December 2013
<b>Performance indicator</b>	A meeting of Czech and Chinese partners at the ministerial level
<b>Objective</b>	Open the way towards establishing efficient communication channels between law enforcement authorities in the Czech Republic and China
<b>Financial costs</b>	Mainly connected to travel expenses (of Czech experts abroad or of foreign experts to the Czech Republic) comprising transport and per diem

### **4.4 Strengthening national cooperation**

#### *4.4.1 Joint investigation teams*

Cooperation between law enforcement authorities with administrative authorities is a key tool for detecting organised crime. The increasing complexity of organised crime (the involvement of one criminal group in several illegal activities, the circumvention of the law rather than its outright violation) requires a functional communication between the Police of the Czech Republic, the Customs Administration, financial and tax authorities and other administrative authorities that could have access to

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information enabling the uncovering of activities of criminal groups. The Czech Republic still lacks the appropriate mechanisms for effective cooperation between these institutions.

<b>Task 9</b>	<b>Develop and implement a methodology for the functioning of joint investigation teams to detect organised crime</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Co-coordinator</b>	Ministry of Finance, Ministry of the Environment, Ministry of Industry and Trade
<b>Deadline</b>	30 June 2012 (first phase) and 31 December 2012 (second phase)
<b>Performance indicator</b>	Establish functional communication channels and timely exchange of information, establish joint investigation teams focused on specific activities of criminal groups
<b>Objective</b>	Effectively uncover complex organised crime activities
<b>Financial costs</b>	None

The methodology for the functioning of joint investigation teams should be developed and implemented so as to ensure that the cooperation between the Police of the Czech Republic and those authorities whose scope touches on areas in which criminal groups are active. Cooperation between these authorities would be based on a timely and effective exchange of information, whilst the functioning of joint investigation teams should focus on specific issues mentioned in Section 2.

Joint investigation teams need to be created in the fields of economic crime, money laundering and laundering from proceeds from crime (in collaboration with the Financial Analysis Unit and tax offices, see below), smuggling and illegal production and trade (in collaboration with the Customs Administration and the Czech Trade Inspectorate), environmental damage (in collaboration with the Environmental Inspectorate), and possibly in other areas.<sup>14</sup>

Assuming that unmediated access of the Police of the Czech Republic to tax data will be restored by amendment of the relevant law, it would be appropriate to carry out the task in two phases:

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<sup>14</sup> The establishment of a joint investigation team is subject to a breach of confidentiality provided for in § 52 et seq. of Act 280/2009 Coll. (Tax Code), as amended. It can be assumed that, with effect from 1 January 2012, the confidentiality breach will be renewed vis-à-vis specialized units of the Police of the Czech Republic, as per Act 337/1992 Coll. on the administration of taxes and fees, effective until 31 December 2010.

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- 1) Develop a methodology for the functioning of joint investigation teams in the detection of organised crime (by 30 June 2012)
- 2) Implement the methodology prepared under item 1) above (by 31 December 2012)

This task is closely related to task 11 – the establishment of joint investigation teams comprising the Police of the Czech Republic and tax authorities to detect and uncover specified types of tax crimes – and its implementation is a prerequisite for the successful and efficient implementation of task 11.

### 4.4.2 Cooperation between the Police of the Czech Republic and tax authorities

<b>Task 10</b>	<b>Streamline the cooperation of tax authorities and the Police of the Czech Republic in criminal proceedings through exchange of information</b>
<b>Coordinator</b>	Ministry of the Interior in cooperation with the Ministry of Finance
<b>Deadline</b>	Continuously after 31 December 2012
<b>Performance indicator</b>	Regular exchange of information and consultation procedures
<b>Objective</b>	Streamline the use of authorisation to collect taxes in order to fight organised crime
<b>Financial costs</b>	None

Tax authorities often carelessly react to incentives submitted by the Police of the Czech Republic regarding suspicions of tax evasions that have not been evaluated as offences, and incorrectly evaluate and qualify the submitted information. On the other hand, the information passed on by the Police of the Czech Republic is often rudimentary, this making it impossible to be further processed by tax authorities. Situations also arise where the Police of the Czech Republic, unaware of the precise details of tax regulations, submits information relating to periods for which the tax administrators cannot set a back tax or which does not meet the requirements set out by the law.

A regular exchange of information and consultation of procedures between the two authorities can bring about a fundamental shift both in the collection of taxes and in the fight against organised crime.

<b>Task 11</b>	<b>Establish a joint team comprised of the Police of the Czech Republic and tax authorities to detect and uncover specific types of tax crimes – pilot project</b>
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<b>Coordinator</b>	Ministry of the Interior in cooperation with the Ministry of Finance
<b>Deadline</b>	30 December 2013
<b>Performance indicator</b>	Systematic elaboration of cases pertaining to tax evasions of criminal groups and efficient information sharing between the Police of the Czech Republic and tax administrators
<b>Objective</b>	Speedier and more consistent detection of tax evasion and the related disruption of organised crime
<b>Financial costs</b>	None

Tax evasion is one of the most pressing problems in the Czech Republic, having a devastating effect on the national economy. By establishing a joint team, which would be located at one site and would, during a sufficiently extended period of time, systematically elaborate cases pertaining to tax evasion of criminal groups, the law enforcement competencies of the Police of the Czech Republic would be used in concert with the administrative competencies of tax authorities. In accordance with the law, an efficient system of transfer and sharing of information could be established between the two institutions. The functioning of the joint team should be continually evaluated and examples of good practices should be further disseminated.

### *4.4.3 Cooperation between the Police of the Czech Republic and intelligence services*

With regards to the facts described in the first part of this strategy, it is evident that the activities of criminal groups are still not being efficiently curbed, whilst the environment in which they operate is constantly expanding, and in the context of widely applied corruption it has already permeated the institutional pillars of democratic society. It is essential to assess whether the existing mechanisms of cooperation and exchange of information between law enforcement authorities and intelligence services are being used to their maximum effect in the fight against organised crime.

<b>Task 12</b>	<b>Draft an evaluation of the cooperation between the Police of the Czech Republic and intelligence services in the field of information exchange regarding the activities of organised crime groups in the Czech Republic</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Co-coordinator</b>	intelligence services
<b>Deadline</b>	30 March 2012
<b>Performance</b>	Draft an evaluation and its discussion within the Intelligence

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<b>indicator</b>	Committee of the National Security Council
<b>Objective</b>	Improve the system of mutual cooperation and exchange of information between the institutions in question and the related strengthening of capacity of law enforcement to fight organised crime
<b>Financial costs</b>	None

The evaluation will focus on analysing the existing capabilities of the respective institutions (practical employment, scope, and modalities) and the efficiency of their mutual cooperation, and include proposals for measures aimed at maximising the possible extent of offensive measures against the activities of criminal groups. By definition, it will not be possible to complete this task without the full collaboration of intelligence services and the Ministry of the Interior.

### *4.4.4 Cooperation between the Police of the Czech Republic and the academic sector*

The Ministry of the Interior seeks continued cooperation with the academic sector and maintains long-term relations with its representatives. In the past, it cooperated, among others, with the Philosophical Faculty of Charles University in Prague and the Faculty of Social Sciences of Masaryk University in Brno, it regularly consults reports produced by the Institute for Criminology and Social Prevention. The Ministry of the Interior intends to keep up this trend in the future by supporting existing and new forms of cooperation.

<b>Task 13</b>	<b>Promote cooperation with the academic sector, non-governmental organisations and governmental organisations involved in the fight against organised crime</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	Continuously
<b>Performance indicator</b>	Participation in activities organised by the aforementioned institutions, the involvement of representatives of these institutions in the activities organised by the Ministry of the Interior (where appropriate), presentation of projects to these institutions and their financial support (where possible and appropriate), maintaining of contacts with representatives of these institutions
<b>Objective</b>	Exchange information and obtain new ideas, especially with regards to the future development of organised crime
<b>Financial costs</b>	None



#### **4.5 Seizure of proceeds from crime**

<b>Task 14</b>	<b>Amend the legislation concerning management of seized property, reduce the administrative workload, change the financing of the management and strengthen the possibility to sell seized property for the purpose of economising</b>
<b>Coordinator</b>	Ministry of Justice in cooperation with the Ministry of the Interior
<b>Deadline</b>	30 June 2014
<b>Performance indicator</b>	Submit legislation for approval to the government
<b>Objective</b>	Economise state funds and motivate law enforcement officials to detect and prosecute crime whilst seizing its proceeds
<b>Financial costs</b>	None

Increased emphasis on finding and securing the proceeds from crime places heightened demands on the performance of criminologists, who are distracted from their assigned tasks and are forced to deal with administrative obstructions associated with the management of seized assets. It is therefore necessary to change the concept of the management of seized property in criminal proceedings so as to make it more responsive to the needs of law enforcement authorities and therefore less consuming in terms of time and administration. It is necessary to consider several options, from the transfer of responsibilities outside the realm of law enforcement to the setting of new legal requirements related to asset management. In this context, it is necessary to strongly encourage the sale of property whose value decreases rapidly (e.g. seized vehicles and electronic appliances).

#### **4.6 Deepening the specialisation and increasing professional competencies of the Police of the Czech Republic with respect to criminal group activities**

Currently, the Organised Crime Unit is one of the few bodies within the Police of the Czech Republic claiming to have a sufficient lifelong training system. The nature of organised crime is such that even members of regional departments of the Police of the Czech Republic should be able to identify organised crime and navigate their way through complex and often highly specialised cases. An adequate knowledge of sophisticated subjects is still lacking among the police. It is important to ensure that police officers are sufficiently competent particularly in the fields of economic crime and cybercrime.

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<b>Task 15</b>	<b>Develop and implement an educational programme for the area of economic crime</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Co-coordinator</b>	Ministry of Finance (General Financial Directorate, General Customs Directorate)
<b>Deadline</b>	31 December 2012
<b>Performance indicator</b>	Register and approve the curriculum
<b>Objective</b>	Ensure adequate knowledge of police officers in the field of economic crime so that they are able to recognise that a crime has been committed and to take appropriate steps to sanction it
<b>Financial costs</b>	Possibly related to the reimbursement of persons ensuring educational activities

The curriculum should provide selected officers from all units of the Police of the Czech Republic with the necessary expertise in specific fields of economic crime. Individual courses should focus mainly on tax law and tax crimes (evasion related to VAT, income tax and excise tax) and analyses of specific cases of tax crimes (including evaluation of police procedures and suggestions for possible improvements in future cases).

The aim of the curriculum is to ensure that police officers can identify sophisticated tax crimes (i.e. committed in a way unidentifiable to nonprofessionals) and to collect appropriate evidence to ensure that the perpetrators of these crimes are duly convicted.

<b>Task 16</b>	<b>Develop a programme aimed at developing the skills of the Police of the Czech Republic in the field of investigating cybercrime</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	31 December 2011
<b>Performance indicator</b>	Submit the programme to the Minister of the Interior
<b>Objective</b>	Define the steps of the development of the skills of the Police of the Czech Republic to investigate cybercrime, including the calculation of financial costs incurred by the implementation of the programme
<b>Financial costs</b>	None

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Information and communication technologies are an increasingly important tool for criminal groups. The capabilities of the Police of the Czech Republic to investigate crimes in a virtual environment are not up to the current requirements.

The programme aimed at developing the skills of the Police of the Czech Republic in the field of investigating cybercrime should propose steps to implement a systemic organisational change within the Police of the Czech Republic so as to ensure the existence of a central office providing timely and quality support services for all units of the Police of the Czech Republic in the given field. This office would also perform the task of a centre for the analysis of cybernetic threats. (It will form part of an existing unit within the Police of the Czech Republic.) The programme should include a calculation of the financial costs necessary for its implementation.

### 4.7 Other

<b>Task 17</b>	<b>Draft an analysis on the possibility of employing persons with permanent residence by law enforcement authorities</b>
<b>Coordinator</b>	Ministry of the Interior
<b>Deadline</b>	30 June 2011
<b>Performance indicator</b>	Present the analysis to the Minister of the Interior
<b>Objective</b>	Define the conditions under which it would be possible to employ persons with permanent residence by law enforcement authorities, or what measures should be taken in order to enable it
<b>Financial costs</b>	None

The current legislation in the Czech Republic does not permit law enforcement authorities to employ persons other than those who are citizens of the Czech Republic. In terms of the fight against organised crime, this makes it substantially more difficult to detect and document the activities of foreign criminal groups in the Czech Republic. Members of specialised units of the Police of the Czech Republic often do not have adequate language skills (particularly in terms of rare languages, dialects, and slang), whilst interpretation and translation services are unavailable in some languages, too expensive in other languages, and in many cases (field work) entirely unusable. At the same time, the Czech Republic has a number of foreign criminal groups that are likely to expand within its territory in the future.

It can be assumed that the employment of persons with a permanent residence permit, bearing in mind the necessary safety measures, could streamline the work of specialised units of the Police of the Czech Republic in detecting and documenting

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the activities of foreign criminal groups in the Czech Republic, and to economise finances spent on professional interpretation and translation services.

The analysis should first evaluate in more detail the benefits of employing persons with permanent residence by law enforcement authorities (e.g. swifter penetration into hostile environments, better communication with foreign communities whose members incline towards organised crime, etc.). It should then describe the conditions under which it would be possible to employ persons with permanent residence in the Czech Republic by Czech law enforcement authorities. Finally, it should propose measures aimed at achieving the desired goal, or to justify why achieving it would not be desirable.

### ***4.8 Financial costs associated with the implementation of the strategy***

Given the current economic situation, the present strategy is designed so that its implementation will not incur additional costs to its coordinators. For those tasks where additional costs have been mentioned, these are items that are already included in the budgets of the specific coordinators (i.e. travel expenses). For those tasks where the calculation of financial costs is included in the assignment, it is a preliminary quantification of financial costs whose allocation will be subject to a government decision in the next budgetary term.

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### 4.9 Schedule of tasks

Table 2: Schedule of tasks arising from the Strategy to Fight Organised Crime for the Years 2011 – 2014

Deadline		Task		Coordinator (Co-coordinators)
Year	Month			
2011	December	16	Develop a programme aimed at developing the skills of the Police of the Czech Republic in the field of investigating cybercrime	Ministry of the Interior
2012	March	12	Draft an evaluation of the cooperation between the Police of the Czech Republic and intelligence services in the field of information exchange regarding the activities of organised crime groups in the Czech Republic	Ministry of the Interior (intelligence services)
		1	Assess the organised crime situation in the Czech Republic	Ministry of the Interior
	June	9	Develop and implement a methodology for the functioning of joint investigation teams to detect organised crime - develop a methodology for the functioning of joint investigation teams in the detection of organised crime (phase 1)	Ministry of the Interior (Ministry of Finance, Ministry of the Environment, Ministry of Industry and Trade)
		2	Engage police experts in those European Union activities which, from the point of view of the Czech Republic, represent the greatest potential benefit in terms of police work and cooperation in the fight against organised crime (including an argued list of activities and suitable participants)	Ministry of the Interior (Ministry of Justice, Ministry of Finance)

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		9	Develop and implement a methodology for the functioning of joint investigation teams to detect organised crime - Implement the methodology prepared during phase 1 of the task (phase 2)	Ministry of the Interior (Ministry of Finance, Ministry of the Environment, Ministry of Industry and Trade)
		15	Develop and implement an educational programme for the area of economic crime	Ministry of the Interior
2013	March	3	Develop a long-term programme of cooperation with Western Balkan states in the fight against organised crime	Ministry of the Interior
	June	17	Draft an analysis on the possibility of employing persons with permanent residence by law enforcement authorities	Ministry of the Interior
	September	6	Develop a plan for police cooperation with Nigeria	Ministry of the Interior
	December	8	Establish contact with Chinese law enforcement authorities through a meeting at the ministerial level (Czech Minister of the Interior and Minister of Finance, possibly the Police President and the General Director of the General Customs Directorate)	Ministry of the Interior and Ministry of Finance
		11	Establish a joint team comprised of the Police of the Czech Republic and tax authorities to detect and uncover specific types of tax crimes – pilot project	Ministry of the Interior and Ministry of Finance
		14	Amend the legislation concerning management of seized property, reduce the administrative workload, change the financing of the management and strengthen the possibility to sell seized property for the purpose of economising	Ministry of Justice and Ministry of the Interior

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continuously	4	Complete the process of negotiating agreements on police cooperation with Bosnia and Herzegovina (given the current political situation, this will probably be a long-term goal) and Montenegro	Ministry of the Interior
	5	Initiate the process of negotiating agreements on police cooperation with Georgia and Armenia, with the specification of key areas of cooperation	Ministry of the Interior
	7	Negotiate an agreement on police cooperation with Vietnam, with special emphasis on illegal migration, counterfeit goods and intellectual property, money laundering, and tax crimes	Ministry of the Interior
	10	Streamline the cooperation of tax authorities and the Police of the Czech Republic in criminal proceedings through exchange of information	Ministry of the Interior and Ministry of Finance
	13	Promote cooperation with the academic sector, non-governmental organisations and governmental organisations involved in the fight against organised crime	Ministry of the Interior