**DCJ 715 Brief 3: Methods for assessing TOC threats**

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**Abstract**

This paper examines contemporary methods criminal justice organizations use to assess TOC threats and improve threat assessments. First, the National Institute of Justice NIJ, a part of the Department of Justice DOJ, is reviewed because of its solicited research. The research is focused on transnational organized crime and assesses methodologies and effectiveness of those methodologies to disrupt TOC activities. Next, the role of the FBI and the SEC is discussed. The SEC assesses financial crimes related to the stock market and banking industries. It analyzes trends and patterns that reveal TOC crimes.

Additionally, the FBI's use of local initiative programs in a multiagency approach for slowing smuggling and human trafficking is examined. These initiatives have been demonstrated to slow the scope of human trafficking. The research demonstrates that quantitative data analysis of human trafficking migration patterns or flows reveals relationships between victims and TOC's. Quantitative analysis of court case briefs also reveals relationships and effectiveness of law enforcement methodology to blunt TOC activities. Lastly, criminal justice organizations have demonstrated that community involvement initiatives with the relationship with the FBI have proven to be effective at blunting TOCs' local activities.

*Keywords*: transnational criminal organizations, TOC threat assessments, and methodologies

Current methods and processes used by different nations to assess TOC threats while finding new ways to better their threat assessments examined in this paper must first review the National Institute of Justice (NIJ) office that falls under the Department of Justice (DOJ). NIJ offers objective, evidence-based methodologies to combat transnational organized crime (TOC) as part of its mission. The NIJ supports the DOJ's methodologies to combat the TOC at the state, local, tribal, and federal criminal justice levels. (*Solicitation: research on international organized crime*, 2010).

The NIJ defines TOC as an international organized criminal entity that exists to cultivate power and influence financial gain by obfuscating their actions via illegal means such as violence. The TOC structure may be different from one nation to another. They may exist in small cells or be in clans or networks. These organizations exist primarily for profit through corruption and violence and permanently to hide activities and protect their members and leadership. Due to the dynamic nature and constant evolution of TOC's sufficient and in-depth quantitative research must be ongoing (*Solicitation: research on international organized crime*, 2010).

The NIJ's process to discover and refine to combat TOCs is soliciting different think tanks to submit research on TOC's. The solicitations are usually made by granting funding to the researchers. The NIJ may also negotiate agreements and contracts with researchers or state entities. The solicitations do not accept organizations or research think tanks from foreign countries. (*Solicitation: research on international organized crime*, 2010). Restricting

The research that the NIJ is seeking must be related to areas of focus in the US criminal justice system. The areas of focus are quantification of harm, the penetration of critical sectors, looking for links or relationships between TOC's and terrorism, looking for links between TOC's and US government offices or officials, and the review of TOC countermeasures methodologies and effectiveness. . Submitted research is examined via peer review. Peer review may be either internal to the NIJ or external (*Solicitation: research on international organized crime*, 2010)

The research returned by the think tanks is preferred in a quantitative form for data analysis. The choice of quantitative research is to satisfy the NIJ's goal of scaling the proposed criminal justice fighting methodologies for different sizes of criminal justice departments at the local or up to the federal level. The scalability is critical because lessons learned or suggestions for better tools to combat TOC's can more easily be applied with confidence and repeatability in their effectiveness. These methodologies and findings may be shared with global criminal justice agencies (*Solicitation: research on international organized crime*, 2010).

In the US. Other laws have been passed targeting TOC's by providing funds to law enforcement and criminal justice organizations. An example of such a law is the Omnibus crime control and safe streets act of 1986. This law directed funds to state law enforcement authorities to combat organized crime. The law allowed for a legal means of surveillance of wiretapping suspects. This law laid the groundwork for the current primary law that targets TOC's. The racketeer influenced and corrupt organizations act (RICO) of 1970 against organized crime today (Kaough).

The strength of this law was to target and bring to justice leaders of criminal organizations who had commissioned others to commit crimes on their behalf. Since its inception, there have been a few modifications to the law to add teeth to the prosecution's bite. Asset forfeiture and money laundering were added in 1984. Additionally, the civil asset forfeiture reform Act of 2000 provided a more streamlined and efficient means for prosecutors to seize funds and assets and increase civil penalties for money laundering. With these laws, law enforcement agencies such as the FBI can more quickly combat organized crime and TOC's (Kaough).

The Federal Bureau of Investigation (FBI) has a section of the criminal investigative division called the transnational criminal enterprise section. It investigates crime internationally by breaking it up into three different sections. The first is Italian organized crime. The second is the Eurasian Middle Eastern sections. The FBI works with multiple law enforcement agencies to pursue law enforcement. It is also active internationally. The FBI's method to assess TOC threats is called the enterprise investigation theory (ETI). This method follows sequential steps. The first step involves the accurate and definite identification of the TOC and their illicit activities. The second step involves discovering all financial assets that can be seized (Kaough).

Another agency in the US that combats TOC's is the United States Marshal Service (USMS). This agency uses a model to combat individual gang members who are violent. The purpose is ultimately to capture their additional role in the safe neighborhoods project. The result has been lessening influence from racketeering or gaining presence in the US communities with this program (Kaough).

The primary law enforcement agencies, such as police departments and the FBI, use methods to assess criminal activity specifically for organizations to infiltrate labor unions and impact market slowdowns or strikes. The primary method that these law enforcement agencies use is to create special units that are very focused on the pursuit of organized crime, specifically to uncover relationships between organized crime and labor officials or public officials, such as the office of Inspector General's labor racketeering program that is encumbered many labor-related crimes. Additionally, because New York City has a harbor, the waterfront commission of New York Harbor had to create a special police force that collaborated and cooperated with federal and local law enforcement (Kaough).

An additional area of research that the NIJ has focused on is the area of cybercrime. This is due to the increased effect on financial systems and the citizens of those systems. The study of the relationship between the TOC's and terrorists as they conduct cybercrimes has demonstrated that assessment tools are not strong enough. One of the assessment findings was that researchers are not allowed the level of access necessary to create practical tools. The sharing of data between stakeholders and researchers must be implemented for TOC threat assessments to be reliable (Picarelli, 2010).

The most robust method for impacting TOC's is the IRS's criminal investigative division methodology. This division focuses on Tax and Money laundering Bank Secrecy Act law violations. The methodology leverages tax laws against criminal organizations and their members. Along these lines, law enforcement investigates criminal activity on Wall Street. The Securities and Exchange Commissions' primary focus is security fraud, stock manipulation, and racketeering. In addition, The SEC working alongside the FBI has successfully brought many TOC family members to justice (Kaough).

Another more recent method for assessing TOC threats and imposing changes on their activities is the Department of Justices' safe neighborhoods program. It is a community initiative that combines law enforcement and community organizations in a joint effort to combat gangs and other crimes committed in the communities. The methodology used is increased patrols on the streets of these communities, along with enhanced enforcement and outreach support for the victims of these crimes. Additionally, shaming is used by featuring convictions for gang crimes on billboards and bus signs. Community organizations work together with the clergy and religious groups to encourage and promote a message of anti-violence (Kaough).

The local initiative program uses a multiagency approach and the Arizona Department of Public Safety, immigration, and customs enforcement. These felonies are severe and include kidnapping, assault, and other various fraud, extortion, etc. The primary of this initiative is to combat smuggling. Furthermore, the local initiative programs all communicate with a community relations unit. The methodology used in educating the public encourages community and business involvement to hamper crime (Kaough).

Law enforcement continues to struggle with the problem of witness intimidation by TOC's. The methods used to address this problem are the rapid and intense prosecution of intimidators, support and protection of witnesses, and heightened penalties for anyone who intimidates a witness. Another method used is to place criminal bail for a very high amount (Kaough).

In addition to the methodologies mentioned above, the Department of Justice criminal division also provides the witness security program. This department working alongside the US marshals, provides witnesses new identities, documents, and relocation to a safe environment. Housing, health insurance, and job skills may also be included. These programs and the encouragement of community empowerment provide a measurable reduction in witness intimidation (Kaough).

Of the many crimes of TOC's, human trafficking stands out as one of the more difficult ones to measure and assess. Victims via criminal justice investigations and prosecutions provide the quantitative data set for researchers to review. The problem lies in the number of undetected trafficked victims. Currently, there is no clear and accurate way to measure or assess the number of victims or the scope of the crime. In the Netherlands, the UNODC performed multiple systems estimates (MSE) in 2016 to estimate the total number of victims. This capture-recapture method attempts to extrapolate the number of unreported victims from the number of detected victims. The MSE is cost-effective as it is not very expensive to administer and is easily applied in different countries. One of the problems with this methodology is that of duplicates. The additional problem is that the countries are being examined must keep accurate and reliable data sets. Most countries do not have the technology to do this (*Global report on trafficking in persons*, 2016).

In an additional attempt to calculate trafficked victims level overview track influence our observed. Thirty-four thousand victims of trafficking were detected between 2012 and 2014. In addition, profiles most drafted from 12,500 victims were added to the system. These data amounted to two separate data sets for the use of data analysis care was taken to look for duplicates and account for bias. Calculating for unreported persons is a very complex process in which all results continue to be estimated. Reliable conclusions from the data, however, could be derived. One of these was the demonstration of traffic flow in countries and between countries showing the origin and destination of trafficked persons. The conclusion is either the origin or the destination of a trafficked person. They were even using these data sets. It was not possible to do delineate routes. Another weakness of this methodology is that it in no way counts victims who are not moved from their location of origin. The definition of a trafficked person does not require them to cross a boundary or international borders. It is never counted in the trafficking numbers (*Global report on trafficking in persons*, 2016).

An additional methodology used to evaluate TOC threats and improve threat assessments is a quantitative analysis of court case briefs. The evaluation of these court case briefs may present patterns between criminal groups and trafficked persons. The desire for migration from a person is the first step to consider because those who have no other means may rely on someone to assist with their desire to migrate to another country. Persons who take this route predominantly do not trust law enforcement or official migration routes. Unfortunately, these persons are subject to TOC's victimization. This method has proven helpful for law enforcement research in assessing the TOC threats (*Global report on trafficking in persons*, 2016).

An area of strength for creating assessments has been that the US government has made substantial efforts to increase cooperation between itself and other countries to share reliable data. For example, the international Asian organization crime conference has speakers and researchers that share data with several countries and over a thousand law enforcement officials. These international proactive criminal justice conferences are crucial for assessing TOC's threats and proposing improvements to assessments (Albanese & Reichel, 2014).

In conclusion, the best method for assessing TOC strengths and threats for improving assessments in the NIJ use of solicitation of research. The 90s funding of this research provides a good return on investment as think tanks and scientists submit their findings to the NIJ. Additionally, the FBI's criminal vegetative division transnational criminal enterprise section. The use of enterprise investigative theory provides a quantitative way of assessing and targeting TOC's financial activities. The FBI places for the role by assessing collectivity in organizations that infiltrate labor unions and disrupt relationships between organized crime and labor officials. The IRS and the SEC provide an excellent means for assessing financial crimes in the stock market or banking industries. The most substantial impact is the local initiatives that use a multiagency approach to slow human trafficking and other smuggling-related crimes. Lastly, quantitative statistical analysis of migration flows has greatly assisted in finding relationships between human trafficking victims and TOC's.

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