

Measuring Transnational Organized Crime Threats to US National Security

A Monograph

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2016

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

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1. REPORT DATE (DD-MM-YYYY) 07-08-2016		2. REPORT TYPE Monograph		3. DATES COVERED (From - To) JUN 2015 – May 2016	
4. TITLE AND SUBTITLE Measuring Transnational Organized Crime Threats to National Security				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) COL Marc A. Spinuzzi				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) School of Advanced Military Studies, U.S. Army Command and General Staff College 201 Reynolds Ave., Fort Leavenworth, KS 66027				8. PERFORMING ORG REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) School of Advanced Military Studies; Advanced Strategic Leadership Studies Program.				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT The United States Strategy to Combat Transnational Organized Crime (SCTOC) directs an Interagency Threat Mitigation Working Group (TMWG) to identify which criminal networks present a sufficiently high national security threat to merit a whole-of-government approach to achieve their defeat. The SCTOC does not include any methodology for differentiating between criminal networks. Organized crime typologies do exist, but not all are acceptable for the TMWG. The selected model must follow an organization-based conceptual framework. The most appropriate model must also be simple, support UN common terms, include key SCTOC variables, and address links to terrorists. The United Nations typology proposed in the 2002 "Pilot Survey of Forty Selected Organized Criminal Groups in Sixteen Countries" best meets the needs of the Threat Mitigation Working Group (TMWG). The UN typology is not designed to score TOC networks, so it is not an obvious choice, but it could be easily modified by the TMWG to rank-order TOC networks. The UN typology has the advantage of following the same conceptual model as the SCTOC. It is one of the few assessment tools to directly consider criminal links to terrorist organizations. It is also relatively simple, with clear definitions of all the relevant variables.					
15. SUBJECT TERMS National Security Threat, Transnational Organized Crime,					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT (U)	18. NUMBER OF PAGES 40	19a. NAME OF RESPONSIBLE PERSON COL Marc A. Spinuzzi
a. REPORT (U)	b. ABSTRACT (U)	c. THIS PAGE (U)			19b. PHONE NUMBER (include area code) 1+850-420-4988

Monograph Approval Page

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Monograph Title: Measuring Transnational Organized Crime Threats to US National Security

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Abstract

Measuring Transnational Organized Crime Threats to US National Security, by Colonel Marc A. Spinuzzi, US Army, 40 pages.

In 2011 President Obama released the United States Strategy to Combat Transnational Organized Crime (SCTOC). The strategy identified Transnational Organized Crime (TOC) as a national security threat directed the creation of an Interagency Threat Mitigation Working Group (TMWG). The SCTOC tasked the TMWG to identify criminal networks that posed a sufficiently high national security threat to merit a whole-of-government approach to achieve their defeat. Unfortunately, the SCTOC did not include any methodology for differentiating between criminal networks. Organized crime typologies, models, and assessment tools do exist. However, not all these tools are necessarily suitable for the TMWG. The question was, therefore, is there an existing typology or assessment model that can identify the TOC groups that present the national security threat defined in the SCTOC?

A literature review of existing organized crime assessments identified the three most common conceptual frameworks used to study organized crime. These frameworks are organization-based, activities-based, and harm-based. The SCTOC discussion of TOC most closely resembles an organization-based conceptual framework. Therefore, all activities-based, and harm-based typologies were ruled out. SCTOC also identified specific selection criteria that helped match the SCTOC with an appropriate organization-based typology. The most appropriate model must be simple, support UN common terms, include key SCTOC variables, and address links to terrorists. A number of organization-based typologies were analyzed.

The research found that The United Nations report, "Pilot Survey of Forty Selected Organized Criminal Groups in Sixteen Countries" meets the needs of the Threat Mitigation Working Group (TMWG) best. The UN typology is not designed to score TOC networks, so it is not an obvious choice, but it could be easily modified by the TMWG to rank-order TOC networks. The UN typology has the advantage of following the same conceptual model followed by the SCTOC. It is one of the few assessment tools to consider criminal links to terrorist organizations directly. It is also relatively simple, with clear definitions of all the relevant variables.

Contents

Acronyms	v
Figures.....	vi
Tables.....	vii
Introduction	1
TOC and US National Security.....	6
Conceptual Frameworks for Describing and Measuring Transnational Organized Crime	11
The United States Strategy to Combat Transnational Organized Crime.....	17
The SCTOC Definition of Transnational Organized Crime.....	18
The SCTOC Objectives.....	18
The SCTOC Description of the TOC Threat.....	20
The Interagency Threat Mitigation Working Group.....	23
Summary	25
Assessment and Comparison of Selected TOC Typologies	26
The United Nations Approach	27
SLEIPNIR.....	30
Other Relevant Typologies.....	33
Conclusion	36
Bibliography	40

Acronyms

CRS	Congressional Research Service
DTO	Drug Trafficking Organization
EU	European Union
IPC	Interagency Policy Committee
LEA	Law Enforcement Agency
NATO	North Atlantic Treaty Organization
NSS	National Security Strategy
OCG	Organized Criminal Group
OCN	Organized Criminal Network
ODNI	Office of the Director of National Intelligence
ONDCP	Office of National Drug Control Policy
RCMP	Royal Canadian Mounted Police
SCTOC	Strategy to Combat Transnational Organized Crime
TMWG	Interagency Threat Mitigation Working Group
TCN	Transnational Criminal Network
TOC	Transnational Organized Crime
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
WMD	Weapons of Mass Destruction

Figures

1	Security Risk Assessment Relationships.....	13
2	Structure of CGRAM.....	15

Tables

1	Conceptual Frameworks for Assessing Organized Crime.....	16
2	SLEIPNIR Scoring Matrix	31

Introduction

While organized crime is not a new phenomenon today, some governments find their authority besieged at home and their foreign policy interests imperiled abroad. Drug trafficking, links between drug traffickers and terrorists, smuggling of illegal aliens, massive financial and bank fraud, arms smuggling, potential involvement in the theft and sale of nuclear material, political intimidation, and corruption all constitute a poisonous brew—a mixture potentially as deadly as what we faced during the cold war.

— R. James Woolsey, Former Director
Central Intelligence and Transnational Threats Project Steering Committee, CSIS

In 2011 President Obama released the *United States Strategy to Combat Transnational Organized Crime* (SCTOC). The strategy identified Transnational Organized Crime (TOC) as a national security threat, and promised to apply all elements of national power to protect US citizens and interests. The SCTOC intends to reduce the organized crime threat by accomplishing five objectives. One objective is to defeat transnational criminal networks (TCNs) that pose the greatest threat to national security. Determining which TCNs pose a threat to national security, and why, remains a challenging task for policymakers and academics alike.

Those who now see TOC as a national security threat are responding to recent technological changes that have empowered criminal organizations in new ways. Transnational organized crime is not a new phenomenon, and most transnational crimes are nothing more than smuggling.¹ Nations have struggled with the problem for centuries. The British, for example, dedicated considerable military, economic, and diplomatic resources to fight the international slave trade during the 19th century.² The United States built a navy specifically to fight piracy in the Barbary Wars. Politicians and academics who argue that TOC is significantly more dangerous

¹ Peter Andreas, “Transnational Crime as a Security Threat: Myths, Perceptions, and Historical Lessons,” *A Dangerous World?: Threat Perception and U.S. National Security*, eds., Christopher A. Preble and John Mueller (Washington, DC: Cato Institute, 2014), 99.

² Peter Andreas and Ethan Avram Nadelmann, *Policing the Globe Criminalization and Crime Control in International Relations* (Oxford: Oxford University Press, 2006), 25.

today point out that the stakes are higher now, particularly given the possibility that criminals could smuggle Weapons of Mass Destruction (WMD) across borders on behalf of a terrorist organization.³ Addressing this particular threat, Jennifer Hesterman states “the liaison of criminals and terrorists makes the proliferation of TOC a pressing national security concern.”⁴ Technological changes have also amplified the effects of TCNs, so that the economic and social costs are far more threatening today than they were just a few decades ago.⁵ Globalization has enhanced the power and reach of criminal organizations so that they now present challenges to national security.⁶

US policymakers first identified Transnational Organized Crime as a national security threat during the 1990s. Senator John Kerry argued that international criminal enterprises threatened the very stability of nations.⁷ Susan Strange claimed TOC was “perhaps *the* major threat to the world system.”⁸ President Clinton’s 1997 *National Security Strategy for a New Century* was the first US National Security Strategy (NSS) to identify TOC as a threat to US interests, noting that advances in technology had made the threat from TOC more potent.⁹ Several

³ Robert Mandel, *Dark Logic: Transnational Criminal Tactics and Global Security*, (Stanford CA: Stanford Security Studies, 2011), 63.

⁴ Jennifer L Hesterman, *The Terrorist-Criminal Nexus An Alliance of International Drug Cartels, Organized Crime, and Terror Groups* (Boca Raton, FL: CRC Press, 2013), 8.

⁵ Mandel, *Dark Logic*, 25.

⁶ Mark Hanna, “Transnational Organized Crime in an Era of Accelerating Change,” *SOF Role in Combating Transnational Organized Crime*, eds. William Mendel and Peter McCabe, (Macdill Air Force Base, FL: JSOU Press, 2016), 37.

⁷ John Kerry, *The New War: The Web of Crime That Threatens America's Security* (New York, NY: Simon & Schuster, 1997), 14.

⁸ Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (New York: Cambridge University Press, 1996), 121.

⁹ *A National Security Strategy for a New Century* (Washington, DC: Executive Office of the President, 1997), 1.

other nations, including the United Kingdom, Canada, Australia, Belgium, and Germany have also identified TOC as a threat to their national security. International organizations including NATO, the European Union (EU), and the United Nations (UN) have dedicated significant resources to studying and countering TOC. These organizations, like the United States, believe that defeating TOC requires a global response.

Unfortunately, despite international agreement that organized crime is a threat to national and global interests, global cooperation is hampered by the fact that there is very little agreement on how to define or measure transnational organized crime. Even the United Nations Office on Drugs and Crime (UNODC) failed to achieve consensus on either a definition for organized crime or the types of crime that constitute that phenomenon.¹⁰ Similarly, the European Union attempt to define organized crime was a failure.¹¹ Academics around the world complain that “behind this international political consensus on the importance and the threat of organized crime there is, nevertheless, a large and gaping scientific void.”¹² Despite all analysis available on TOC, no studies provide meaningful explanations for the seriousness and threat of organized crime,¹³ or a sound basis for the measurement of organized crime.¹⁴ The lack of a widely accepted definition

¹⁰ United Nations Office on Drugs and Crime, *Results of a Pilot Survey of Forty Selected Organized Criminal Groups in Sixteen Countries* (Vienna: United Nations, 2002), 4.

¹¹ Piotr Bakowski, “The EU Response to Organized Crime,” *EU Library Briefing* (Library of the European Parliament, 2013), 1, accessed 10 Nov 15, [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130625/LDM_BRI\(2013\)130625_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130625/LDM_BRI(2013)130625_REV1_EN.pdf).

¹² Tom Vander Beken, “Risky Business: A Risk-Based Methodology to Measure Organized Crime,” *Crime, Law and Social Change* 41, no. 5 (2004): 471.

¹³ Tom Vander Beken and Melanie Defruytier, “Measure for Measure: Methodological Tools for Assessing the Risk of Organized Crime,” *Threats and Phantoms of Organized Crime, Corruption and Terrorism*, eds. Petrus C. van Duyne, Matjaž Jager, Klaus von Lampe, James L. Newell (Netherlands: Wolf Legal Publishers, 2004), 51.

¹⁴ Klaus von Lampe, “Measuring Organized Crime,” *Threats and Phantoms of Organized Crime, Corruption and Terrorism*, eds. Petrus C. van Duyne, Matjaž Jager, Klaus von Lampe,

impacts coordination between nations and between agencies within the United States government.¹⁵ Without a common definition it is impossible to agree upon methods by which to measure and compare transnational organized crime.

The US Strategy to Combat Transnational Organized Crime (SCTOC) does include a unique definition of TOC, but it makes no attempt to identify the most threatening TCNs. Instead, the strategy directs the creation of an Interagency Threat Mitigation Working Group (TMWG) and directs the TMWG to identify which criminal networks present a sufficiently high national security threat to merit a whole-of-government approach to achieve their defeat. Unfortunately, the SCTOC does not include any methodology for differentiating between criminal networks. The TMWG must select or develop some method to score TCNs by the threat they pose to the United States.

Organized crime typologies, models, and assessment tools do exist. However, these tools are based on a variety of conceptual frameworks that rely on how their creators defined TOC. These different conceptual frameworks result in vastly different assessment tools, not all of which are acceptable for the TMWG. They are all likely to produce completely different results, including different rankings of TOC networks and different recommended counter-measures. The TMWG must follow the SCTOC's unique definition of Transnational Organized Crime while identifying those criminal networks that present a national security threat to the United States. The confusion surrounding the definition of TOC presents an interesting research question for the Threat Mitigation Working Group. Is there an existing typology or assessment model that can identify which TOC groups present the greatest national security threat to the United States as

James L. Newell (Netherlands: Wolf Legal Publishers, 2004), 109.

¹⁵ von Lampe, "Measuring Organized Crime", 85

defined by the SCTOC? If no typology matches the SCTOC requirement, can one be modified to accomplish the task?

A historical review of the concept of national security puts the SCTOC into context and helps explain why US policymakers consider TOC to be a threat to national security. The SCTOC follows an expanded view of national security, popular since World War II, that identifies threats to US economic, social, and political interests to be just as dangerous as military threats. This view of national security results in what Samuel Huntington calls situational security policy. Situational security policy focuses on problems that erode the relative power of the state.¹⁶ The historical context partially explains why the SCTOC identifies organized crime as a threat to national security, and why some TOC groups may present greater threats than others.

In addition to the historical review, three other steps helped match the TMWG mission with an existing organized crime typology. First, a literature review of existing organized crime assessments identified the three most common conceptual frameworks used to study organized crime. These frameworks are *organization*-based, *activities*-based, and *harm*-based. Each conceptual framework is based on a definition of TOC and includes some theory of how to calculate the TOC threat. Most existing typologies or assessment tools follow one of these three conceptual frameworks. Identifying these conceptual frameworks made it possible to organize all the available typologies into three categories that could be compared to the SCTOC definition of TOC.

Second, following the literature review, a study of the SCTOC revealed that it most closely resembles an *organization*-based conceptual framework. This conclusion made it possible to rule out all *activities*-based, and *harm*-based typologies, greatly simplifying the problem. The study of the SCTOC also identified specific selection criteria to help match the SCTOC with an

¹⁶ Samuel P Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Press of Harvard University Press, 1957), 1.

appropriate *organization*-based typology. This step helped to further limit the number of typologies considered. Third, using the selection criteria to compare promising *organization*-based typologies revealed one typology most likely to produce results consistent with the SCTOC.

Comparing the SCTOC to existing *organization*-based models revealed that the United Nations typology proposed in the 2002 “Pilot Survey of Forty Selected Organized Criminal Groups in Sixteen Countries” best meets the needs of the Threat Mitigation Working Group (TMWG). The UN typology is not designed to score TOC networks, so it is not an obvious choice, but it could be modified by the TMWG to rank-order TOC networks. The UN typology has the advantage of following the same conceptual model followed by the SCTOC. It is one of the few assessment tools to directly consider criminal links to terrorist organizations. It is also relatively simple, with clear definitions of all the relevant variables.

The first step to matching the SCTOC with a suitable organized crime typology is a historical review of how US Presidents have described TOC as a threat to national security. This review is important because the TMWG has been tasked to identify the TOC networks which pose the greatest threat to US national security, not which TOC networks are the largest or most violent. Understanding how TOC presents a threat to national security helps identify which TOC attributes generate that threat.

TOC and US National Security

US Presidents have described national security differently over time. A historical review of the concept of national security puts the SCTOC into context and helps explain why President Obama considers TOC to be a threat to US national security. National Security can be broadly defined as “a particular articulation of security priorities and concerns put forward by the political

leaders of a state, at a given time in its history.”¹⁷ These concerns can change over time as the interests of the state’s citizens change or expand. As a result, policymakers often find it difficult to agree on what constitutes the national interest and national security.¹⁸ Within the US, presidents have always described national security in terms of the security of national borders and the preservation of the union of states. However, since the end of World War II presidents have also defined national security in terms of the continued freedom and independence of states worldwide. They have increasingly related US national security to international stability and economic growth, reflecting the opinion that globalization has inextricably linked US interests to the rest of the world.¹⁹ The changing set of security priorities and concerns has resulted in a new kind of security policy.

US presidents have traditionally formulated national security policies to deal with both foreign and domestic threats. However, shortly after World War II a third type of policy emerged. In his introduction to The Soldier and the State Samuel P. Huntington argued, “the aim of national security policy is to enhance the safety of the nation’s social, economic, and political institutions against threats arising from other independent states.”²⁰ He went on to discuss three specific forms of national security policy – military policy to address the threat of external armed forces, internal security policy to address the threat of subversion from within the state, and a third form he labeled situational security policy. Huntington’s situational security policy is “concerned with the threat of erosion resulting from long-term changes in social, economic,

¹⁷ Julian Richards, *A Guide to National Security: Threats, Responses and Strategies* (Oxford: Oxford University Press, 2012), 17.

¹⁸ *Ibid*, 17.

¹⁹ Ernest R. May, “National Security in American History,” *Rethinking America’s Security Beyond the Cold War to New World Order*, eds., Graham Allison and Gregory F. Treverton, New York: W. W. Norton, 1992), 95-103.

²⁰ Huntington, *The Soldier and the State*, 1.

demographic, and political conditions tending to reduce the relative power of the state.”²¹

Presidents since WWII have regularly expanded their list of national security concerns to reflect situational security policy.

In 1948, President Truman declared, “the loss of independence by any nation adds directly to the insecurity of the United States and all free nations.”²² Less than ten years later, President Eisenhower noted that “national security requires far more than military power. Economic and moral factors play indispensable roles. Any program that endangers our economy could defeat us.”²³ The US increasingly associated its own security with the interests of other independent nations, and with whatever conditions affected US economic prosperity.²⁴ By the late 1990s President Clinton argued, “the problems others face today can more quickly become ours tomorrow”.²⁵ He identified several transnational threats to US interests. These threats were separate from traditional regional or state-centered threats, and included such diverse issues as terrorism, mass migrations, environmental damage, and transnational organized crime. In 1995 President Clinton issued Presidential Decision Directive 42, which formally identified TOC as a national security threat. By doing so, he followed the trend set by previous presidents who considered threats to US economic and political interests to be just as dangerous as direct military threats.

²¹ Huntington, *The Soldier and the State*, 1.

²² David Jablonsky et al., *U.S. National Security Beyond the Cold War* (Carlisle, PA: Strategic Studies Institute, US Army War College, 1997), 11.

²³ Ernest R. May, “National Security in American History,” *Rethinking America’s Security Beyond the Cold War to New World Order*, eds., Graham Allison and Gregory F. Treverton (New York: W. W. Norton, 1992), 105.

²⁴ *Ibid*, 108.

²⁵ *A National Security Strategy of Engagement and Enlargement* (Washington, DC: Executive Office of the President, 1996).

Transnational Organized Crime (TOC) fits well within Huntington's situational security policy category. The SCTOC consistently describes TOC as an external threat that indirectly impacts the United States' economic, social, and political interests. The SCTOC never refers to TOC as an existential threat to the United States. The strategy does, however, recognize that TOC can directly threaten the national security of weaker states by challenging two foundational elements of state authority – the monopoly on violence and control of borders.²⁶ Technological advances have exacerbated the problem by giving criminals new ways to reach across international borders, collaborate, and adapt. This 'dark side' of globalization has resulted in a new breed of criminals who can, theoretically, challenge "the viability of societies, the independence of governments, the integrity of financial institutions, and the functioning of democracy."²⁷ TOC, therefore, threatens US national security indirectly by weakening democratic institutions and economic growth throughout the world.²⁸

Policymakers and academics generally agree that transnational crime presents a threat to national security, but they do not agree on which attributes make some TOC networks more dangerous than others. A large criminal network does not necessarily threaten the national security of the United States. Size and financial resources are obvious indicators of a TOC network's capabilities, but not of any intent to threaten US interests. On the other hand, a TOC network's intent to conduct criminal activities within US borders or against US citizens is not, by

²⁶ Fernando Reinares and Carlos Resa, "Transnational Organized Crime as an Increasing Threat to the National Security of Democratic Regimes: Assessing Political Impacts and Evaluating State Responses," (NATO Working Papers Collection 2, 1999), 69, accessed 11 DEC 15, <http://www.nato.int/acad/fellow/97-99/reinares.pdf>.

²⁷ Phil Williams and Ernesto Ugo Savona, *The United Nations And Transnational Organized Crime* (London: F. Cass, 1996), 2.

²⁸ *Strategy to Combat Transnational Organized Crime* (Washington, DC: Executive Office of the President, 2011), 5.

itself, enough to make it a national security threat. When considered as an element of situational security policy, the most dangerous TOC networks demonstrate more than simply the capability and intent to commit crimes. The most dangerous TOC networks have the political influence necessary to operate under state protection while undermining democratic governance, trade, and stability.²⁹ In weak states, TOC political influence can result in a government that protects criminals instead of prosecuting them. In such a ‘criminalized state’ senior political leadership is aware of and involved in TOC activities. In the worst cases, TOC networks may become so intertwined with the government that crime serves as an instrument of statecraft.³⁰ It is this merger of organized crime and state apparatus that poses a national security threat to the United States.

Situational security policy therefore suggests that *political influence* is a key attribute of the most dangerous TOC networks. Two other attributes closely associated with political influence are *corruption* and *violence*. TOC networks use corruption to undermine the rule of law, and they employ violence to expand their market share by driving away competitors.³¹ Indeed, these three attributes are regularly included in TOC typologies or assessment tools, although they are not always considered any more important than other attributes.

While policymakers and academics may not always agree on which attributes of TOC networks are the most dangerous, they are almost universally concerned with the possibility that TOC networks could help terrorists attack the United States. Jennifer Hesterman addressed this threat when she declared that cooperation between criminals and terrorists makes the proliferation

²⁹ Douglas Farah, *Transnational Organized Crime, Terrorism, and Criminalized States in Latin America An Emerging Tier-One National Security Priority* (Carlisle, PA: Strategic Studies Institute, U.S. Army War College, 2012), vii.

³⁰ *Ibid.*, 5.

³¹ Mandel, *Dark Logic*, 43.

of TOC a pressing national security concern.³² While terrorists and criminals do not share the same goals or ideologies, they do share common tactics to avoid scrutiny by law enforcement and intelligence agencies. Terrorist groups may also turn to crime as a means to fund their activities. The SCTOC refers to this threat as the ‘Crime-Terror-Insurgency Nexus’. From this perspective, TOC is considered a facilitator of terrorism, rather than an equal threat. While criminal organizations tend to pose an indirect threat to governments, terrorists directly oppose and attack governments. The possibility that criminal networks could assist terrorists is considered to be the greatest threat presented by TOC.

A historical review of the concept of national security provides context for understanding why TOC is considered a threat to national security. TOC weakens democratic institutions and impedes economic growth throughout the world, thereby posing a threat to US economic and political interests. Situational security policy also suggests that *political influence* is the most-threatening TCN characteristic, because it provides TCNs with the broad protection of an established state. It also highlights *criminal links to terrorist groups* as a particularly troubling TCN activity. However, understanding why TOC is a threat is not the same as understanding what TOC is. A number of competing definitions for TOC exist, and each definition leads to a different conceptual framework for describing and measuring TOC. The next step toward selecting a TOC typology is a literature review of existing organized crime assessments.

Conceptual Frameworks for Describing and Measuring Transnational Organized Crime

To prioritize TCNs based on their threat to US national security, the TMWG needs some method to measure and compare those networks. The existing literature on TOC includes dozens of proposed typologies or assessment tools to accomplish this task. These typologies tend to fall

³² Hesterman, *The Terrorist-Criminal Nexus*, 8.

into broad categories based on how the author defines Transnational Organized Crime. The three most common conceptual frameworks define TOC as criminal *organizations*, criminal *activities*, or the *harm* TOC poses to national security.³³ These different conceptual frameworks produce vastly different TOC typologies or assessment tools. Selecting a specific typology has significant implications for how analysts measure TOC and for how policymakers choose to deal with it.³⁴

Most law-enforcement agencies (LEAs) define TOC in terms of criminal *organizations*. Criminal organizations may choose to engage in several different criminal activities, or specialize in just one. They seek to increase the wealth, influence, and power of their members. Crimes are simply a means to an end; the organization drives the activity. A politician or researcher who conceptualizes TOC this way would list groups or organizations as examples of TOC; the Sinaloa Cartel, the Yakuza, the Camorra. This conceptual framework leads to the conclusion that the best way to deal with TOC is to arrest and prosecute key members of criminal networks.

The majority of typologies developed from an *organization*-based conceptual framework measure TOC as the *threat*, *harm*, or *risk* resulting from criminal activities. These three terms most often relate to each other as described in the standard risk assessment model in Figure 1.

³³ Beken, “Measure for Measure”, 53.

³⁴ Boronia Halstead, “The Use of Models in the Analysis of Organized Crime and Development of Policy”, *Transnational Organized Crime* 4(1): 1-24, 1.

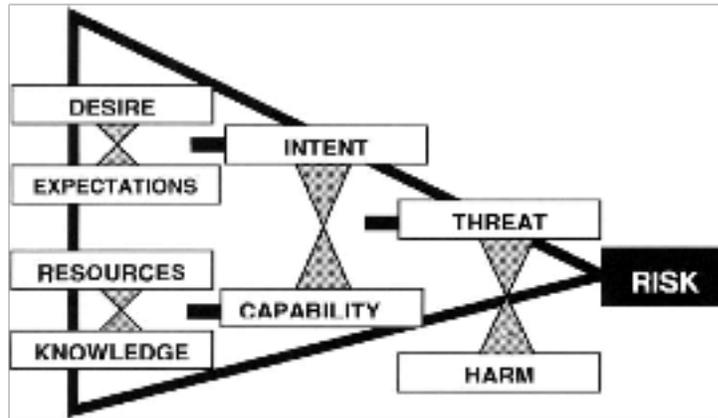


Figure 1: Security Risk Assessment Relationships.

Source: Tom Vander Beken, "Risky Business: A Risk-Based Methodology to Measure Organized Crime," *Crime, Law and Social Change* 41, no. 5 (2004), 484.

In this model, risk is the product of threat and harm, with risk generally measured in terms of the likelihood (threat) and consequences (harm) of criminal activity. Threat is a product of a TCN's intent and capability to commit a crime. Intent refers to a TCN's desire to commit a crime and their confidence that they will be successful, while capability is a function of the network's resources and knowledge.³⁵ Harm, while not clearly described in the model, can be categorized as direct harms (economic, physical, psychological, and societal), and indirect harms (prevention costs, damage to interests).³⁶

An analyst following an *organization*-based approach begins by identifying those attributes which make TCNs threatening. Attribute lists might include characteristics like violence, expertise, discipline, size, or mobility. Analysts add the attribute scores together to determine an organization's overall threat. Using this model, a threat assessment may be

³⁵ Beken, "Risky Business", 484.

³⁶ Andries Johannes Zoutendijk, "Organised Crime Threat Assessments: A Critical Review," *Crime, Law, and Social Change* 54, no. 1 (2010): 63-86, 70.

combined with an assessment of *harm* in order to determine *risk*. Despite including environmental factors beyond criminal attributes, most *risk*-assessments are still rooted in an *organization*-based conceptual framework.

The second most common conceptual framework defines TOC as criminal *activities*. This conceptual framework explains TOC in terms of market dynamics. Crimes exist because there is a demand for a particular product or service, even if that product or service is illegal. In this view criminal *organizations* are the result of criminal markets. Criminal groups come and go, but the criminal activity remains so long as the demand exists. A politician or researcher who conceptualizes TOC this way would list crimes as examples of TOC; drug trafficking, weapons trafficking, trafficking in persons. They argue, “because most trafficking flows are driven more by the market than by the groups involved in them, efforts that target these groups are unlikely to be successful on their own.”³⁷

Conceptualizing TOC in terms of *activities* assumes that illicit markets operate under the same principles as licit markets. This conceptual framework also leads to the conclusion that the best way to deal with TOC is to alter market conditions so that legal activity is more profitable (or at least less risky) than illegal activity.³⁸ Analysts who follow this conceptual framework begin by identifying which criminal *activities* cause the most *harm* to the nation. Policymakers who follow this conceptual framework are much more likely to try to reduce the demand for a criminal activity than to try to reduce the supply.

The third conceptual framework, sometimes referred to as a combination approach, includes elements of both *activities*-based and *organization*-based frameworks.³⁹ This framework

³⁷ United Nations Office on Drugs and Crime, *Globalization of Crime: a Transnational Organized Crime Threat Assessment* (Vienna: United Nations, 2010), 276.

³⁸ Halstead, “The Use of Models in the Analysis of Organized Crime”, 9.

³⁹ Zhivan Alach, "A New Zealand Approach To Prioritising Criminal Groups," *Policing* 35, no. 3 (2012): 491-504, 495.

is more often referred to as *harm*-based because it attempts to determine which criminal activities or organizations have the greatest capacity to cause *harm*. Those who follow the *harm*-based conceptual framework reject the standard risk assessment model (Figure 1) because they believe that “the probability of a harm being realized is as much dependent on opportunity and control factors as it is by the intent and capability of a [TCN].”⁴⁰ *Harm*-based models describe the relationships between threat, harm, and risk differently. The New Zealand Police Criminal Group Risk Assessment Model (CGRAM), shown below, is an example. It defines harm as a function of threat and vulnerability, while redefining risk as a function of harm and police capability.

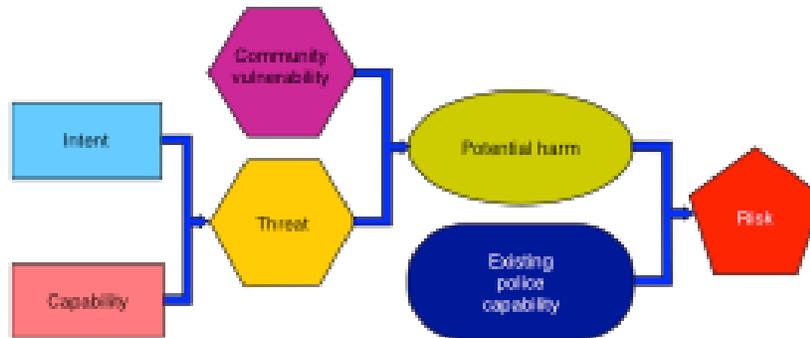


Figure 2: Structure of CGRAM.

Source: Zhivan Alach, "A New Zealand Approach To Prioritising Criminal Groups," *Policing* 35, no. 3 (2012): 491-504, 497.

Harm-based typologies are remarkably diverse, but they generally begin by defining TOC as *activities*, then make measurements in order to determine the resulting *harms*. One significant example, Marvelli’s “Threat of Harm” model, aims to determine which TCNs display the greatest “capacity” for *harm*.⁴¹ *Harm*-based typologies also tend to be more complex than

⁴⁰ Niall Hamilton-Smith and Simon Mackenzie, "The Geometry Of Shadows: A Critical Review Of Organised Crime Risk Assessments," *Policing and Society* 20, no. 3 (2010): 1-23, 6.

⁴¹ David A. Marvelli, “Threat of Harm: A US Based Assessment of Transnational Organized Crime” (PhD diss, Rutgers University-Newark, 2013), 43.

organization- or *activities-*based typologies because they attempt to create a comprehensive assessment of crimes, criminals, and markets.

All three conceptual frameworks, *organization*, *activities*, and *harm*-based, are designed to help determine which criminal organizations or activities are most threatening so that policymakers can prioritize resources. These conceptual frameworks differ from each other in how they choose to define the relationships between TOC *organizations*, TOC *activities*, the *threats* they pose, and the *harms* they produce. Figure 3, below, portrays the three different conceptual frameworks.

Table 1: Conceptual Frameworks for Assessing Organized Crime

TOC Conceptual Frameworks		
	TOC Definition	Measure
<i>Organization-Based</i>	Organizations	Threat
<i>Activities-Based</i>	Activities	Harm
<i>Harm-Based</i>	Activities / Organizations	Harm

Source: Adapted from David A. Marvelli, “Threat of Harm: A US Based Assessment of Transnational Organized Crime” (PhD diss, Rutgers University-Newark, 2013), 43.

Assessments derived from these different conceptual frameworks all calculate scores differently because they begin by measuring completely different things. An analyst who sees TOC as a result of criminal *organizations* will begin by scoring the attributes or characteristics of organizations. An analyst who sees TOC as the result of illicit markets will begin by scoring

criminal *activities* and the resulting harms. An analyst using a *harm*-based tool will begin by scoring criminal activities, then examine criminal organizations to score their capacity for harm.⁴² Without a clear definition of what actually constitutes organized crime, deciding what is and is not a threat is a normative decision.⁴³ However, given a specific definition of TOC, an analyst can determine which conceptual framework is the most appropriate to guide further assessment. Having identified the three common conceptual frameworks used to develop TOC typologies, it is now important to examine the SCTOC to determine which conceptual framework it follows.

The United States Strategy to Combat Transnational Organized Crime

The SCTOC includes four key elements that are clues to the underlying conceptual framework of the strategy. The most important element is the SCTOC definition of Transnational Organized Crime. Two other important elements are the SCTOC's objectives, and the SCTOC description of the TOC threat. Finally, the mission and make-up of the interagency Threat Mitigation Working Group (TMWG) also helps establish what kind of assessment tool would be most appropriate. Closely examining these four elements of the SCTOC (TOC definition, policy objectives, TOC threat, and the TMWG mission) revealed not only which conceptual framework the SCTOC most closely follows, but also four selection criteria to help match the TMWG with an appropriate typology. Identifying the conceptual framework and selection criteria helped to limit the number of TOC typologies that needed to be considered by ruling out those that did not follow the SCTOC framework or failed to meet the selection criteria.

⁴² Marvelli, "Threat of Harm," 43.

⁴³ Zoutendijk, "Organized Crime Threat Assessments," 63.

The SCTOC Definition of Transnational Organized Crime

Given the difficulties in defining organized crime and national security threats, it is important to examine how the SCTOC defines TOC. The Strategy defines TOC as “those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains.”⁴⁴ The definition also identifies characteristics of transnational criminals including, but not limited to: use of *violence*, use of *corruption*, attempts to gain *political influence*, exploitation of the differences between countries, and the use of organizational structure to avoid detection and prosecution. This definition is extraordinarily broad. An analyst has considerable latitude in determining whether a particular group is transnational or organized or self-perpetuating, and has only a basic list of characteristics to consider when making the decision. However, the SCTOC definition does clearly define TOC as criminal *organizations* rather than criminal *activities*.

The Strategy’s definition of TOC includes the three apparently significant attributes implied by situational security policy: *violence*, *corruption*, and *political influence*. The inclusion of these specific attributes is more evidence that the SCTOC definition of TOC follows an *organization*-based conceptual framework. It also suggests a criteria for selecting a typology with which to compare TOC networks. The selected typology must consider *violence*, *corruption*, and *political influence* when determining which TOC networks are more threatening than others.

The SCTOC Objectives

Having established that the SCTOC definition of TOC follows an *organization*-based logic, it is prudent to next determine if the SCTOC objectives follow a similar logic. The SCTOC declares that it “organizes the United States to combat TOC networks that pose a strategic threat

⁴⁴ *Strategy to Combat Transnational Organized Crime*, 1.

to Americans and to US interests.”⁴⁵ The SCTOC’s endstate is to reduce transnational organized crime (TOC) from a national security threat to a manageable public safety problem.⁴⁶ The

Strategy in turn establishes five policy objectives:

1. Protect Americans from transnational criminal networks (TCNs)
2. Help partner nations break the corruptive power of TCNs, sever state-crime alliances
3. Break the economic power of TCNs
4. Defeat TCNs that pose the greatest threat to national security
5. Build international consensus and multilateral cooperation to defeat TCNs

These objectives cover a broad range of actions, but they all refer to targeting, attacking, or defeating transnational criminal networks. Rather than focus on measures to reduce criminal opportunities (as an *activities*-based strategy would) the SCTOC strikes out against criminal networks directly. This is not a trivial distinction. The SCTOC assumes that if the *organizations* are defeated, then the *activities* will be reduced to some less-threatening level. The SCTOC objectives are firmly rooted in the logic of an *organization*-based conceptual framework.

The strategy’s objectives also suggest a second selection criteria to consider when choosing a typology to identify the most threatening TCNs. The SCTOC aims to build international consensus to defeat TOC. It emphasizes building international capacity, cooperation, and partnerships and explicitly notes that the United States will strengthen engagement and expand cooperation with the United Nations.⁴⁷ The strategy also promotes implementation of the UN Convention against Transnational Organized Crime. The TMWG should, if at all possible, look for a typology which has much in common with the UN approach, even if the UN approach itself may not be suitable. Adopting a typology similar to the UN approach would make

⁴⁵ *Strategy to Combat Transnational Organized Crime*, 5.

⁴⁶ *Ibid.*, 1

⁴⁷ *Ibid.*, 26.

cooperation simpler because the US and the UN would operate from a similar set of terms, definitions, and assumptions.

The SCTOC Description of the TOC Threat

With an *organization*-based definition of TOC and an *organization*-based set of objectives, the SCTOC could be expected to also include an *organization*-based description of TOC threats. However, this is not the case. An *organization*-based conceptual framework would define threats in terms of a criminal network's capability and intent to commit crimes. It would establish what characteristics of TOC groups make them more or less threatening. The SCTOC instead describes the "convergence of threats that were once distinct and today have explosive and destabilizing effects."⁴⁸ It lists ten threats that can be organized into three groups. Six threats are specific types of crimes. One threat refers to the role of facilitators in providing services to organized crime groups. The last group includes three broad threats to the nation. Those three broad threats link the SCTOC to the historical expressions of national security interests that first identified TOC as a national security threat. Only one of these ten threats helps determine why one TCN may be a greater national security threat than another.

The six specific crimes are: Drug Trafficking, Human Smuggling, Trafficking in Persons, Weapons Trafficking, Intellectual Property Theft, and Cybercrime. The strategy briefly describes each and discusses the harms associated with them. This list of six crimes follows an *activities*-based logic rather than an *organization*-based logic. An *activities*-based assessment begins with the activity (crime), then considers what harms are associated with the crime in order to determine the threat. However, the SCTOC does not follow through by determining the threat each crime poses to the national security of the United States. For example, in a paragraph on Trafficking in Persons, the SCTOC mentions that victims are often physically and mentally

⁴⁸ *Strategy to Combat Transnational Organized Crime*, 5.

abused. The harms associated with these crimes are real, but the strategy makes little effort to raise them to the level of a national security threat. Because the SCTOC does not prioritize these specific crimes, or fully describe their threat to the nation, this list does not help the TMWG determine which criminal organizations are more dangerous than others.

The SCTOC also discusses the Critical Role of Facilitators as a specific threat. The Strategy notes that facilitators connect the other converging threats. Facilitators provide services to legitimate customers, criminals, and terrorists alike.⁴⁹ These services may include banking and financial services, legal services, or the provision of counterfeit documents. However, there is no further discussion of facilitators in the SCTOC. Not one of the Strategy's five objectives mentions facilitators, nor do any of the 56 priority actions. The identification of facilitators as a threat does not follow any of the three previously identified conceptual frameworks (*organization*-based, *activities*-based, and *harm*-based). The discussion of facilitators does not help indicate which criminal organizations may be more dangerous than others.

The last three threats mentioned by the SCTOC could best be described not as criminal *activities*, but as criminal *harms*. They reflect the reasons US policymakers first identified TOC as a national security threat. These broad threats are: penetration of state institutions, corruption, and threats to governance; threats to the economy, US competitiveness, and strategic markets; and the crime-terror-insurgency nexus. They describe social, political, and economic conditions that reduce the relative power of the state. The SCTOC expresses those conditions in terms of both direct and indirect harms that damage economic growth and democratic institutions worldwide.⁵⁰ These three threats provide continuity between the SCTOC, US national security interests, and Huntington's situational security policy. In terms of the three TOC conceptual

⁴⁹ *Strategy to Combat Transnational Organized Crime*, 8.

⁵⁰ *Strategy to Combat Transnational Organized Crime*, 5.

frameworks, these broad threats could best be described as the harms included in an *organization-* based assessment because they identify the consequences of criminal activity.

While the SCTOC chapter on TOC threats does provide some continuity with historical national security considerations, it also reveals a weakness of the strategy. The SCTOC tends to use the terms threat, harm, and risk interchangeably. For example, the TMWG receives only two mentions in the SCTOC. In one, it is tasked to identify TOC networks which present a sufficiently high national security *risk* to the US⁵¹, while in the second reference it is tasked to identify those which present a sufficiently high national security *threat*.⁵² As a result, it is difficult to correlate the SCTOC description of threats and risks to an existing conceptual framework or assessment tool. Despite the SCTOC's failure to differentiate between threats, risks, and harms, the discussion of the crime-terror-insurgency nexus does identify one characteristic of TOC networks which makes them especially dangerous to the United States. That characteristic is cooperation with terrorists.

The crime-terror-insurgency nexus refers to increasing links between criminal, insurgent, and terrorist organizations across the world. The SCTOC points out that while criminals do not share the same ideological goals as insurgent or terrorist organizations, those organizations commit crimes to obtain financial or logistical support. The criminal facilitation of terrorist activities might include the transfer of Weapons of Mass Destruction (WMD), the use of human smuggling networks to infiltrate terrorists into the United States, or weapons trafficking. For example, the SCTOC concluded that TOC in Mexico makes the US border more vulnerable because it creates illicit border crossings that could be employed by terrorists.⁵³ The possibility that criminal groups might, wittingly or unwittingly, help terrorists attack the United States

⁵¹ *Ibid.*, 1.

⁵² *Ibid.*, 13.

⁵³ *Strategy to Combat Transnational Organized Crime*, 9.

appears throughout the SCTOC. Again, this issue links the SCTOC to the historical concerns that led policymakers to first identify TOC as a threat to national security.

In summary, the SCTOC describes TOC threat primarily as specific crimes and their resulting harms. It follows the logic of an *activities*-based assessment. While an *organization*-based description of TOC threats would have simplified the TMWG's mission to identify the most threatening TOC networks, the *activities*-based description does at least suggest one selection criteria by which to identify the typology the TMWG should adopt. The SCTOC implies that the greatest threats from TOC emanate from cooperation with terrorist groups. Therefore, any typology considered to meet the needs of the TMWG must include criminal *links to terrorist groups* as an important characteristic.

The Interagency Threat Mitigation Working Group

The SCTOC, before introducing its five overarching policy objectives, noted that TOC cannot be addressed by law enforcement action alone. Accordingly, it directed the creation of an interagency Threat Mitigation Working Group (TMWG) to identify those transnational criminal networks that present a sufficiently high national security threat to the US.⁵⁴ The TMWG, presumably, will address a significant criticism from the Congressional Research Service (CRS), which found that:

neither the [TOC] definition nor the 2011 Strategy lay out a methodology for somehow differentiating among TOC actors in terms of the potential impact of their crimes—namely, the threat they pose to U.S. national security or public interests. Without a methodology establishing thresholds based on severity, vastly different criminals potentially fall under the strategy's purview.⁵⁵

⁵⁴ Ibid., 13.

⁵⁵ Jerome P. Bjelopera and Kristin M. Finklea, "Organized Crime: An Evolving Challenge for U.S. Law Enforcement," Congressional Research Service Report (Washington, DC: CRS, 2012),33.

The TMWG needs some method to decide which TCNs are the most threatening to US national security. Having already determined that the SCTOC most closely follows an *organization*-based conceptual framework, and having identified three selection criteria for choosing an appropriate TOC typology, it is time to consider the TMWG itself. The organization of the TMWG will impact the use of any selected typology.

The TMWG is an interagency working group which answers to the Interagency Policy Committee (IPC) on Illicit Drugs and Transnational Criminal Threats. Membership in the TMWG includes analysts from the Office of the Director of National Intelligence (ODNI), Office of National Drug Control Policy (ONDCP), the CIA, DIA, DEA, FBI, Treasury, and State Department.⁵⁶ This broad variety of organizations brings a complex mix of skills, agendas, and political concerns to the TMWG. There is a distinct possibility that the TMWG will experience interagency competition for resources, jurisdiction, and prestige while it attempts to establish which TCNs pose the greatest threat to national security.

For example, the DEA is traditionally protective of its position as the lead US agency for targeting and prosecuting Drug Trafficking Organizations (DTOs).⁵⁷ The DEA has the most experience analyzing and targeting DTOs around the world, compared to other US intelligence and law-enforcement agencies (LEAs). From the DEA perspective, adding a DTO to the TMWG list of ‘most-dangerous’ TCNs could result in either an increase in resources (good for the DEA) or a loss in jurisdictional control over the targeting of that particular group (bad for the DEA). The DEA might, therefore, adjust its assessments of TCNs depending on how the resulting

⁵⁶ The list of members of the TMWG is based on the author’s experience attending several US interagency workshops associated with TOC, including the first meeting of the TMWG. The list is not exhaustive, as other agencies may also attend.

⁵⁷ This statement is based in the author’s experience working with the DEA while serving as an analyst for the Office of National Drug Control Policy (ONDCP) from 2011-2013.

rankings might affect DEA control over the analysis and targeting of DTOs. This very problem has been noted in a study of organized crime within the UK. The study found that “differences also stemmed to some extent from politics and gamesmanship, with one force seeking to identify only those TCNs that it felt it had the capacity to deal with, while another force sought to play-up the presence of TCNs within its area in an attempt to attract additional resources.”⁵⁸ The authors pointed out that these differences resulted from poor definitions of the terms “serious,” “significant,” and “organized.” Inexact definitions allowed different agencies to score TCNs differently, according to their own internal politics. To avoid interagency competition, the TMWG will need a relatively simple assessment with clear definitions of all attribute variables. Broad definitions or overly complex assessments may allow interagency agendas to influence the results. The TMWG should also prefer models with fewer attributes because they make collection and analysis more manageable.⁵⁹

Summary

The SCTOC does not specifically adopt one of the three identified conceptual frameworks, but a close examination of the strategy revealed that it most closely follows an *organization*-based conceptual framework. The SCTOC clearly defines TOC in terms of criminal *organizations*. The SCTOC objectives are also entirely focused on defeating TOC networks, rather than on preventing specific criminal *activities*. While the discussion of TOC threats includes elements of an *activities*-based approach, the strategy does not follow-through on that approach. Instead, the SCTOC’s heavy emphasis on targeting *organizations* suggests that the authors deem crime to be a result of criminal *organizations* rather than of market factors. Based on a review of the SCTOC, the TMWG should consider only those typologies derived from an

⁵⁸ Hamilton-Smith and Mackenzie, “The Geometry of Shadows,” 17.

⁵⁹ Beken, “Measure for Measure,” 65.

organization-based conceptual framework (rather than *activities* or *harm*). In practical terms, this means:

When... criminal structures are considered the essence of organized crime, the measurement will focus on factors such as the number, size, composition and structure of criminal groups, while the nature and extent of illegal markets would be treated as no more than contextual variables.⁶⁰

This conclusion does not necessarily mean that the selected typology should ignore market or activity-based assessments. Rather those assessments should only complement an approach grounded in an *organization*-based conceptual framework.

A close examination of four key elements of the SCTOC (TOC definition, policy objectives, TOC threat, and the TMWG mission) also revealed four criteria the TMWG could use to select a specific typology. The selected *organization*-based typology should include *violence*, *corruption*, and *political influence* as significant attributes; include *criminal links to terrorists* as an important characteristic; be as simple as possible (fewer characteristics, clear definitions, an established scoring system); and must follow an approach similar to the UN approach.

Assessment and Comparison of Selected TOC Typologies

Based on the four selection criteria for *organization*-based typologies, there are no existing *organization*-based typologies appropriate for use by the TMWG. None of the available typologies meet all four of the selection criteria without some modification. However, two *organization*-based assessments show promise and could be easily modified by the TMWG to rank-order TOC threats to US national security. The United Nations typology proposed in the 2002 "Pilot Survey of Forty Selected Organized Criminal Groups in Sixteen Countries," and the SLEIPNIR model used by the Royal Canadian Mounted Police (RCMP) both partially meet the

⁶⁰ von Lampe "Measuring Organized Crime," 87.

four selection criteria. Two other models were initially considered but proved to be unsuitable for the TMWG's mission. Peter Klerks' model and Tom Vander Beken's 'risk-based' model are both well-regarded and often referenced in TOC literature, but they would require far too many modifications to serve the TMWG's purpose.

Because any suitable typology must share similarity with the UN approach, it is important to begin with an assessment of that method. That assessment sets the standard for comparison. That standard consists of the most important characteristics of the UN approach. Those characteristics are structural (like *simplicity*) and conceptual (which aspects of TOC have the greatest impact on a TCN's threat to the US). Regardless, the characteristics should be distinct to avoid duplication of the other three identified criteria (inclusion of *violence, corruption, and political influence; links to terrorist groups; and simplicity.*)

The United Nations Approach

The UN conceptualizes TOC in a completely different manner than the SCTOC. The UNODC contends that TOC groups are a result of market conditions. It follows an *activities*-based approach rather than an *organization*-based approach. The UNODC recognizes that some criminal groups have become powerful enough that they must be targeted directly (specifically citing Mexican Drug Trafficking Organizations (DTOs)), but the UNODC is critical of any approach that focuses on groups alone. The UNODC asserts:

the groups themselves have become less important than the markets with which they engage. Today, organized crime seems to be less a matter of a group of individuals who are involved in a range of illicit activities, and more a matter of a group of illicit activities in which some individuals and groups are presently involved. If these individuals are arrested and incarcerated, the activities continue, because the illicit market, and the incentives it generates, remain.⁶¹

⁶¹ UNODC, *Globalization of Crime*, 3.

The UNODC refers to *organization*-based TOC assessments as the “law-enforcement” approach, because those assessments tend to focus on the things that law-enforcement agencies can affect with their own authorities and tools. The UNODC notes that while *organization*-based approaches have shown some national-level success, they simply push TOC activity into other nations less equipped to deal with the problem.⁶² Despite this observation, the UNODC did create an *organization*-based typology. The typology exists because, while the UN failed to achieve consensus on a definition of TOC, it did achieve consensus on what constitutes an organized crime group. According to the survey, members “agreed to focus on the characteristics of actors rather than of acts. The proposal to include an enumerative or indicative list of offences was rejected.”⁶³ So, while the UNODC initially declined to define TOC as criminal *organizations*, it could not agree to define TOC by *activities*. As a compromise, it created a typology based on the attributes of known criminal groups in order to better understand the root causes of transnational organized crime.

The UNODC conducted a survey of forty known TCNs from sixteen countries. Based on the available data, the UN identified ten key TCN attributes. The attributes are *structure, size, activities, level of trans-border operations, identity, level of violence, use of corruption, political influence, penetration into the legitimate economy, and level of cooperation with other organized criminal groups*. The UNODC clearly defined each attribute and provided a set of options for each. For example, the UNODC defined three levels of trans-border operations: limited (1-2 countries), medium (3-4 countries), or extensive (5 or more countries). The resulting typology is simple and easy to implement.

⁶² UNODC, *Globalization of Crime*, v.

⁶³ UNODC, *Pilot Survey*, 5.

The UN typology includes *violence, corruption, and political influence* as significant TCN attributes. It also defines *links to terrorist groups* as a factor, although not directly. The attribute *political influence* considers whether a TCN supports political terrorism at home or abroad.⁶⁴ However, the survey drew no conclusions regarding the links between TCNs and terrorists, and did not refer to the threat of terrorism in its findings. The TMWG would need to modify the UN typology to better emphasize *criminal links to terrorist groups* in order to meet the TMWG requirements.

The greatest weakness of the UNODC typology is its failure to define a method by which to score and to compare one TCN against another. The UN intended the survey to open a discussion as to how to collect and order data on TCNs, rather than to create an assessment tool.⁶⁵ The TMWG could overcome this shortcoming by assigning a score to each option for each attribute. For example, when assessing the use of *corruption*, the model could assign a value of ‘0’ to little or no use, a score of ‘1’ to occasional use, and a score of ‘2’ to essential to the primary activity.⁶⁶ However, the TMWG would need to conduct a separate project in order to assign values to the ten attributes and their options.

One criteria for selecting a typology for the TMWG is *similarity with the UN approach*. Ignoring elements already included in the other selection criteria (*violence, corruption, political influence; links to terrorists; simplicity*), there remain some relevant conclusions from the UNODC study by which to establish if another typology is similar. The UNODC cross-referenced all ten key attributes in order to reach certain broad conclusions. They determined that three

⁶⁴ UNODC, *Pilot Survey*, 71.

⁶⁵ *Ibid.*, 33.

⁶⁶ *Ibid.*, 25.

variables – *structure*, *violence*, and *identity* – are key factors for defining typologies of TCNs.

The UNODC found *structure* to be the single most important factor, in that:

If structure is correlated across all the other variables the overall result is that the more rigid the hierarchy of any group: the greater the use of violence by the group; the stronger its ethnic or social base [identity]; the greater the propensity for corruption to be central to its activities; the more significant the cross-over between legal and illegal activities; and, the more likely the group in question will engage in trans-border activities.⁶⁷

Structure, then, became the defining attribute for establishing five typologies of TCNs: standard hierarchy, regional hierarchy, clustered hierarchy, core group, and criminal network. A different assessment tool could be considered similar to the UNODC model if it also emphasizes the TCN attributes *structure* and *identity*.

The UN typology meets, or at least partially meets, all four of the selection criteria derived from the SCTOC. However, before it could be adopted for use the TMWG would need to make two modifications. First it would need adjust the attributes to better address *links to terrorist groups*. Second, the TMWG would need to develop a scoring system based on the TCN attributes and their options. Without a scoring system the TMWG would have not means to compare the relative threats posed by different groups.

SLEIPNIR

The SLEIPNIR⁶⁸ model, developed by the Royal Canadian Mounted Police (RCMP), is a threat-measurement technique that uses a set of nineteen criminal attributes to assess TCNs. The RCMP developed SLEIPNIR using a Delphi survey of law-enforcement officials to select relevant organized crime attributes.⁶⁹ The survey also rank-ordered the attributes based on how

⁶⁷ UNODC, *Pilot Survey*, 31.

⁶⁸ In Norse mythology, Sleipnir is Odin's eight-legged horse.

⁶⁹ The Delphi technique is a quantitative option aimed at generating consensus. It solicits opinions from groups in an iterative process of answering questions. After each round the responses are summarized and redistributed for discussion in the next round. Consensus is

much they contribute to a TCN's overall threat. Each attribute receives a score on a four-point scale: high (4), medium (2), low (1), and nil (0) (or 'unknown' if no data is available). Each attribute score is further adjusted by its position in the table. Based on this system, *corruption* is nineteen times more significant to a TCN's calculated threat than is *links to criminal extremist groups*. Finally, the sum of all attributes results in an aggregate score for the TCN. A higher score indicates a higher threat. The SLEIPNIR scoring matrix is shown in Table 2.

Table 2: SLEIPNIR Scoring Matrix

	Attribute	High	Medium	Low
1	Corruption	76	38	19
2	Violence	72	36	18
3	Infiltration	68	34	17
4	Expertise	64	32	16
5	Sophistication	60	30	15
6	Subversion	56	28	14
7	Strategy	52	26	13
8	Discipline	48	24	12
9	Insulation	44	22	11
10	Intelligence Use	40	20	10
11	Multiple Enterprises	36	18	9
12	Mobility	32	16	8
13	Stability	28	14	7
14	Scope	24	12	6
15	Monopoly	20	10	5
16	Group Cohesiveness	16	8	4
17	Continuity	12	6	3
18	Links to other OCNs	8	4	2
19	Links to Criminal Extremist Groups	4	2	1

Source: Niall Hamilton-Smith and Simon Mackenzie, "The Geometry Of Shadows: A Critical Review Of Organised Crime Risk Assessments," *Policing and Society* 20, no. 3 (2010): 1-23, 9.

reached through a process of convergence involving the identification of common trends and inspection of outliers.

SLEIPNIR includes the variables required by the TMWG. *Violence* and *corruption* are the first two attributes in the table. The third attribute, *infiltration*, refers to criminal infiltration of government and law-enforcement agencies. It describes a TCNs ability to influence a nations' policies, legal system, and actions. *Infiltration* is nearly identical to *political influence*. SLEIPNIR also shows some similarity to the UN typology by including *group cohesiveness* (comparable to the UN attribute *identity*), although it does not address criminal *structure*. SLEIPNIR also addresses *criminal links to terrorists* by including *links to criminal extremist groups*. However, *links to criminal extremist groups* is in the lowest position on the SLEIPNIR table. Thereby the SLEIPNER model does not rate this attribute high enough to meet the SCTOC's concern for the convergence of threats in the crime-terror-insurgency nexus.

As for simplicity, the SLEIPNIR matrix is well-regarded for having clearly-defined attributes and a straightforward system with established criteria for each score.⁷⁰ While some of these criteria remain open to interpretation,⁷¹ the SLEIPNIR matrix is far more quantitative than comparable models. Despite the fact that SLEIPNIR includes a total of nineteen attributes, almost double the number of variables included in the UN typology, it is an uncomplicated, easy to understand and easy to implement system.

The SLEIPNIR model still does suffer from some limitations, particularly the inter-subjectivity which results from the Delphi survey used to generate the scoring system. Since each attribute is scored based on its position in the table, the attributes considered to be more important have a vastly greater impact on the final score than those considered to be less important. The SLEIPNIR ranking system "injects a normative concept without an independent evaluation of the

⁷⁰ Hamilton-Smith and Mackenzie, "The Geometry of Shadows," 8.

⁷¹ For example, to receive a 'medium' score on corruption, a group should show 'some ability to infiltrate or corrupt police'. 'Some ability' is not defined in the scoring system.

actual impact of the attributes.”⁷² The SLEIPNIR typology may very well reflect how Canadian law enforcement views the threats TCNs pose to Canadian society, but it is not clear that the system would match the concerns of US policymakers.⁷³

SLEIPNIR meets, or partially meets, all four of the selection criteria for an *organization*-based typology to support the TMWG mission. However, the TMWG would need to make two modifications before it adopted the matrix for use. First it would need to add *structure* as an attribute, bringing the total number of attributes to twenty. Second, the TMWG would need to implement a full review of the relative ranking of each attribute in order to bring SLEIPNIR in line with US national security concerns. At a minimum this would involve raising the positions of both *group cohesiveness* and *links to criminal extremist groups*. However, so long as the TMWG retained the current scoring system, both modifications could be accomplished easily.

Other Relevant Typologies

Two other typologies were initially considered to support the TMWG mission. Both are *organization*-based models often referenced in TOC literature. The typologies are named for their creators: Dutch political scientist Peter Klerks, and Tom Vander Beken of Ghent University in Belgium. Despite partially meeting the requirements of the SCTOC, neither typology is appropriate for the task of determining which TCNs present the greatest national security threat to the US. The TMWG would find them impossible to use without making several significant modifications.

⁷² Marvelli, “Threat of Harm,” 33-35.

⁷³ Zoutendijk, “Organized Crime Threat Assessments,” 80.

Klerk's Model

Dutch political scientist Peter Klerks developed an assessment tool to calculate the threat from TCNs. He proposed his method in his 2000 paper, "Groot in de Hasj: Theorie en Praktijk van de Georganiseerde Criminaliteit," ('Great in the Hash: Theory and Practice of Organized Crime'). His methodology presents a list of twenty-eight attributes by which to score each group's threat in relation to other groups. Klerks includes attributes that describe a TCN's capability and intent, as well as some attributes intended to measure a TCN's social impact, risk, and damage.⁷⁴ Those measures, while not identified as such, represent harm (the consequences of crime.) The Klerks model is fully-developed and could be used immediately by the TMWG, but the model only partially meets the four selection criteria.

Klerks' model includes *violence* as an attribute, but it does not address *corruption* or *political influence*. Klerks does not address *structure* or *identity*, two UNODC key attributes. Nor does his model include *criminal links to terrorists* as a factor. While Klerks' relatively high number of attributes might produce a thorough assessment, his typology avoids several attributes critical for determining threats to US national security. This suggests that his model is based on an entirely different understanding of the threat than the SCTOC's.

Not only does Klerks' model lack some specific assessment variables, the model is also not simple. The Klerks' model includes far more attributes than the UN typology, and has a complicated system of measurements. Klerks personally selected and scored the twenty-eight variables in his model, resulting in a system he admits might lead to serious differences of opinion.⁷⁵ Each attribute has its own unique weight and scale, and Klerks does not explain his

⁷⁴ Beken, "Risky Business," 492.

⁷⁵ Petrus Klerks, "Groot in de hasj: Theorie en praktijk van de georganiseerde criminaliteit" (Doctoral thesis, Erasmus Universiteit Rotterdam, 2000), 449.

scoring options. The method has been criticized for being arbitrary, and for portraying a false sense of objectivity.⁷⁶ The complexity of the variables and the associated scoring system could easily lead to interagency debates and disputes.

Klerks' model, even though it is based in an *organization*-based conceptual framework, is not appropriate for use by the TMWG. The TMWG could modify the model by adding the missing attributes and adjusting the scoring system, but this would require significant work to accomplish. The resulting typology would be even more complex than it is now.

Beken's Risk-Based Methodology

Tom Vander Beken, representing the Institute for International Research on Criminal Policy, Ghent University, Belgium, proposed an ambitious risk-based methodology. He developed a three-part framework: an environmental scan, a scan of criminal organizations, and a sector scan of both licit and illicit markets.⁷⁷ Beken's method is not purely *organization*-based. It includes elements of markets and the environment that most *organization*-based assessments avoid. However, the heart of his method is an attribute-based threat assessment modified from the Klerks and SLEIPNIR models.

Beken selected twenty-one TCN attributes from the Klerks and SLEIPNIR systems, which use completely different scoring systems. He does not further explain his attribute selections and he makes no attempt to develop them into a single scoring system.⁷⁸ Beken's list does include *violence* and *corruption*, as well as *infiltration* (similar to *political influence*). However, it does not include the UNODC attributes of *structure* or *identity*. Beken's list also fails to address *criminal links to terrorist groups* in any way.

⁷⁶ Zoutendijk, "Organized Crime Threat Assessments," 79.

⁷⁷ Beken, "Risky Business," 487.

⁷⁸ Zoutendijk, "Organized Crime Threat Assessments," 81.

Beken's risk-based methodology promises to include market opportunities and vulnerabilities with other environmental factors to provide a comprehensive analysis of TOC. Unfortunately, as a tool to measure organized crime, it is incomplete.⁷⁹ Each of his "scans" appears arbitrary and susceptible to interagency disputes.⁸⁰ His methodology lacks clear instructions on how to complete the three stages of analysis, or how to merge the results into a statement of risk.⁸¹ Before the TMWG could put Beken's model into practice, the TMWG would have to enter into an interagency debate on which attributes were suitable, how to score them, and how to conduct the "sector scans" of licit and illicit markets. Beken's model is not only the most complex of the four tools considered; it would require the most work to implement.

Conclusion

The 2011 US Strategy to Combat Transnational Organized Crime (SCTOC) directed an interagency Threat Mitigation Working Group (TMWG) to identify those transnational criminal networks (TCNs) that pose the greatest threat to US National Security. The SCTOC does not describe a specific method to measure a TCN's threat to the nation; the TMWG must either select an existing method or create one of its own. Selecting a method to measure organized crime provides three benefits – it will provide a basis for rational decisions regarding the allocation of resources, it will identify trends over time, and it will provide the ability to evaluate the effectiveness of counter-measures.⁸²

The literature on TOC includes dozens of potential methods to score criminal organizations, but many are inappropriate for the task because they are based in a completely

⁷⁹ von Lampe, "Measuring Organized Crime," 98.

⁸⁰ Zoutendijk, "Organized Crime Threat Assessments," 81.

⁸¹ *Ibid.*, 80.

⁸² von Lampe, "Measuring Organized Crime," 87.

different conceptual framework than the SCTOC. The SCTOC most closely follows an *organization*-based conceptual framework. As a result, the most appropriate typologies or assessment tools for the TMWG are those that calculate the threat from criminal group attributes. Typologies based in either an *activities*-based framework or a *harm*-based framework would not help the TMWG because they are based in different definitions of TOC and contain different methods for calculating threat.

Based on a review of the SCTOC, the most appropriate typology must also meet four criteria. First, the typology must include the attributes *violence*, *corruption*, and *political influence*. Not only does the SCTOC definition of TOC include these attributes, but a historical review of national security threats also suggests that *political influence* is a key characteristic of the most threatening TOC networks. Second, because the SCTOC directs closer cooperation with the United Nations, the typology must share much in common with the existing UN approach. The UN approach identified the attributes *structure* and *identity* as the most influential TCN characteristics. The UN believed that *structure* influenced almost every aspect of a TCN, including the use of *corruption* and *violence*. Therefore, a typology could be considered similar to the UN approach if it also highlights the role of criminal *structure*. Adopting a typology similar to the UN approach would make cooperation simpler because the US and the UN would operate from a similar set of terms, definitions, and assumptions. Third, any typology considered to meet the needs of the TMWG must include *criminal links to terrorist groups* as an important characteristic. The SCTOC implies that the greatest threats from TOC emanate from cooperation with terrorist groups. This issue also links the SCTOC to the historical concerns that led policymakers to identify TOC as a threat to national security. Fourth, the TMWG needs a simple typology with clear definitions and a readily understood scoring system. Broad definitions or overly complex assessments might allow interagency competition, or disputes, to influence the results. Fewer attributes also make collection and analysis more manageable.

Four promising typologies were initially assessed for suitability for the TMWG's task of identifying which TCNs present the greatest threat to US national security. While none of the selected typologies are appropriate without modification, the TMWG could easily adjust two of them to accomplish the task. Both the UN typology and the RCMP SLEIPNIR model meet, or partially meet, all four of the selection criteria. On the other hand, the Klerks' model and Beken's Risk-Based methodology simply failed to meet the requirements and were excluded from further assessment.

SLEIPNIR partially meets all four of the selection criteria for an *organization*-based typology for use by the TMWG. However, the TMWG would need to make two modifications before it adopted that matrix for use. First it would need to add *structure* as an attribute, bringing the total number of attributes to twenty. Second, the TMWG would need to implement a full review of the relative ranking of each attribute in order to bring SLEIPNIR in line with US national security concerns. So long as the TMWG retained the current scoring system, both modifications could be accomplished easily. However, an interagency review of attribute rankings would, without a doubt, take a significant amount of time. The original SLEIPNIR Delphi survey took over a year to complete.

The UN typology also meets all four of the selection criteria derived from the SCTOC. The TMWG would still need to make one minor modification and one significant modification to the typology before adopting it. First the TMWG would need to adjust the typology to better capture *links to terrorist groups*. While the typology already considers those links, it does not adequately reflect the SCTOC's emphasis on terrorism as a threat to national security. Second, the TMWG would need to develop a scoring system based on the TCN attributes and their options. Establishing a scoring system for ten UN variables would be much simpler than a full review of the SLEIPNIR attribute ranking system of twenty variables.

While no existing typology perfectly meets the requirements of the TMWG, The UN typology best meets the needs of the Threat Mitigation Working Group (TMWG). The UN typology follows the same *organization*-based conceptual model followed by the SCTOC. It is one of the few assessment tools to directly consider criminal links to terrorist organizations. It is also relatively simple, with clear definitions of all the relevant variables. Finally, the TMWG could easily address the UN typology's weaknesses with two modifications.

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