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Variantské scénáře vybraných druhů kriminality

Alternative scenarios for selected types of crime. Research report.

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Summary

The long-term research into the probable development of selected types of crime is part of an attempt to forecast crime in the European region. The project has been coordinated since the mid-1990s by the Police Academy in Bratislava. In one phase, implemented between 2003 and 2007, we drew on a comprehensive prognosis of the probable development of specific types of crime that had occurred in the period from 1998 to 2000. As in previous years, and based on the coordinator's terms of reference, the subject of research remained the following types of crime: property, violent and immoral, economic, organised and drug-related.

We did not aspire to produce a comprehensive prognostic research; instead we restricted our focus only to those facts that may have a positive or negative effect on the development of crime. We tried to take into account the development of all phenomena that might influence crime. We wanted to produce a more detailed description of variants deriving from the many methods employed in resolving problems and apply to them probable scenarios. In order to achieve the aim of our research we first sought to identify in the life of society (specifically in the areas of politics, the economy, law, public administration, social structure and culture) those problems whose solution would contribute towards fighting selected forms of crime successfully. The second step was to find the probable causes of a problematic situation in the monitored areas of social life. The third step was to specify the variants which could occur: if the problem was successfully resolved, or if it was not resolved. Finally, for each type of crime we tried to create two scenarios which should in aggregate describe the situations that might arise if the problems were successfully treated or if they were neglected. The scenarios concentrate on certain specific variants of situations that might occur under certain pre-conditions. They cannot be understood as a complete prognosis which would take into account all circumstances.

The main result of the research efforts are the scenarios for individual forms or methods of perpetrating crime. These are described in the study's text. In the concluding summary we assess how social circumstances can play a role in deciding whether the future will be, not perhaps worse, but invariable, or whether it will turn for the better. We look at those factors which currently impact on the problems and whose impact may play a material role in deciding the future development of crime. For each factor we summarise how it is limiting and may be detrimental, and how it is developmental and may have a positive effect.

The state and development of crime in the Czech Republic is – and increasingly will be – influenced by **international contexts**. Especially terrorism, organised crime and economic crime will mostly be carried out on a worldwide scale. A limiting factor in the future incidence and nature of crime will be the increasing disparities between advanced countries and backward, impoverished regions. This will lead to a constant escalation in the smuggling from backward to advanced countries of drugs, prostitutes, cheap labour, various raw materials and artefacts, and from advanced countries to backward regions of financial means to support fraudulent practices, stolen vehicles, hazardous waste, and the inflow of sexual tourists. We can expect increased migration levels, which often means that together with the migrants to advanced countries come criminals, illegal goods, money from criminal activity and for criminal activity, and criminal groups.

If advanced countries continue to export to less advanced countries a consumer lifestyle which mostly revolves around unnecessary consumption and a use of spare time which is sometimes also based on goods and services that are not necessarily lawful, the numbers will increase of people who consume illegal goods and services, or will obtain the funds to satisfy their needs in an illicit fashion. Mass culture is also exported alongside a consumer lifestyle. This may result in a decline in people's spiritual life, a deterioration in interpersonal relations and the devastation of values. This may also then have an effect on the rise in crime.

The criminal world may also exploit various regional, ethnic and religious conflicts which weaken state systems. In terms of international contexts, a certain role may be played by persisting institutional and personal links, inherited from past times, to countries of Eastern and Central Europe. As a result of these links certain people might also be attached to criminal

organisations in these countries. The Czech Republic offers an advantageous geographical position for crime. In all movements, generally flowing from east to west, it has become a major transit country and it can also be expected to become a destination country. If international crime groups were better rewarded from crime in the Czech Republic, and if they sensed a greater benevolence on the part of law enforcement authorities, the Czech Republic could become a paradise for crime.

Among the stimulating, positive factors which may have an unequivocally beneficial effect on reducing crime we can include the activities of international communities: the UN, Council of Europe, and especially the EU, which work to harmonise legislation, create activities for victims of crime, foster cooperation between security branches, create information systems on crime and offenders, unify measures against organised crime and terrorism, pass information on transnational crime and offenders, as well as harmonising conditions in police and judicial practice. Also stimulating should be participation in what is termed the Schengen system, and to a certain degree the initiative by NATO, which includes in its doctrine defence against serious crime.

Among the **internal social factors** concerning the Czech Republic we can begin by summarizing the basic facts, which comprise various areas. For example, the overall standard of relations between politics, economics and law testifies to the viability of the state and society as a whole. The standard of the governing political body, quality of law and functioning of the economy can, among other things, be assessed according to how these solve crime-related problems.

If we are to summarise the limiting factors by which all of society is threatened by crime, we must realise that the existing problems originated as a result of the pertaining political, economic and social trends. Crime, and especially organised crime, exploits a social system that is inadequately protected and systematically attempts to influence those persons who due to their positions may, in whatever fashion, be of use to it. For this purpose it directs its attention towards politicians, leading figures in commercial circles, officials, lawyers, journalists and others.

In the sphere of **internal politics** the prevalent negative factor might be poorly planned administrative approaches to the issue of crime which only treat the immediate situation and do not take into account its long-term consequences. Examples of wrong practice are separate campaigns which do not achieve the desired solution, or high-profile populist initiatives which often tend to restrict freedom and human rights. If political parties placed their own strategic interests ahead of the public and voter interest, this would intensify the discordance between political representation and citizens, and society's ability to take action in countering crime would be diminished. Another limiting factor would be establishing links between the economy and politics. This would create an environment conducive to legalising suspicious companies, a situation which could then be exploited by someone who gained access to elite political figures and managed in some way to place them under an obligation.

Another disadvantageous factor is the frequency in politics of attempts to discredit political opponents. Politicians who are either naive or driven by self-interest may be blackmailed, may disclose confidential information or pursue measures that are open to exploitation. Crime can exploit such a climate against both politicians and citizens.

A positive feature of the fight against crime is the way that analysis is used to develop plans, structure strategic measures, define the participants and allocate their tasks. Activity is coordinated and successes and shortcomings are reviewed on an ongoing basis. Mechanisms are put in place which protect the system and its officials, and rules are defined on how to act when attempts are made to violate it, for example through corruption or blackmail. Moreover, there are greater demands for ethics in politics and for politicians to be answerable for their proven lapses. This may also improve the effectiveness of actions taken against crime in general and against serious property crime in particular. A major influence in reducing crime may also come from bringing about a calmer political scene, measures taken to deal with unemployment, the handling of basic migration problems, solutions to legislative problems with prostitution and drugs. The possibility of abusing the system of financing political parties should be better addressed and consistently monitored. Migration and asylum policy should be devised so that it cannot be abused to allow entry by foreigners who are involved in criminal structures and intend to perpetrate crime in our country.

Only citizens of integrity should be able to enter politics so as to avoid past lapses being used against them, and also people who are so familiar with the possible risks that in their own interest they do not commit any misdemeanours and do not allow themselves to be provoked into committing them.

A possible limiting factor in the **economic system** is the introduction of practices which are typical for the criminal environment. Criminals who penetrate financial circles under the guise of legal business use money in the legal economy which was acquired illegally, increase the so-called “grey economy” and cause major losses to the state budget’s income as a result of unpaid taxes and levies. If illegally acquired money finds its way into legal financial circulation, those who have successfully “laundered” it can obtain a competitive advantage in economic competition with companies that operate legally.

The world of crime seeks to use proceeds from crime for massive corruption. By so doing it attempts to obtain requisite information, create networks of contacts, and secure immunity from prosecution. The fact that the corruptor obtains a certain favour in return for a bribe, or that there is a certain exchange of favours between the corruptor and the corrupted, means not only that the principle of equal opportunity is violated, but that the very principle of democracy is threatened – the equality of citizens. If the business environment is destabilised by corruption, the untaxed money coming from crime becomes the main factor for decision-making. Illegal business practices, suppressing competition with illegal funds and even violent elements in business – blackmail, intimidation, customs and tax evasion – can result in honest entrepreneurs not being able to compete.

Transfers of assets to third parties are also used to legalise profits from crime or to conceal corruption. Fictitious and front companies can obtain unauthorised advantages thanks to large funds invested for their not entirely legal development and performance in a market environment. The creation of fictitious companies is also often used for purposes of tax evasion.

A direct connection between political power and economic power can also be a limiting factor. The existing interconnection between the economy and politics can contribute to the legalisation of suspicious companies and suspicious transactions.

The following have been demonstrated to act as effective countermeasures: stable economic growth, a functioning control system, transparency of the state budget, of all forms of business and of public contracts, legislative improvements in the economy, and the demarcation between regulation and deregulation in society and in relation to the market. In an entirely privatised economy this should chiefly involve the contact between business entities and the state system, i.e. the area of taxes, benefits, all subsidies and grants, public contracts etc. an effective measure would be to improve ethics in business: a subject that repeatedly violates ethics should be excluded from the system of granting public contracts, subsidies etc.

A limiting factor in the realm of **justice** can be any shortcomings in legislation and the judiciary. The delay in adopting measures against money laundering, and the fact that in the Czech Republic profit from illegal activity remained undefined for a relatively long time after 1990, meant that it was possible, especially for foreign crime organisations, to use these profits to purchase companies or to otherwise launder them. The absence in the Czech Republic of a duty to prove the origin of financial resources, or property, is another limiting factor. The fact that there is no legal provision on assets declarations or a law on the duty to prove the origin of assets means that the confiscation of proceeds from crime is not effective enough. Legal norms are not supportive enough in eliminating the environment of corruption.

Insufficiently severe sentences for the most serious crimes and ineffective witness protection make organised crime, in particular, difficult to prove. Using extraordinary methods is complicated, ineffective and often doubted by the public. Excessively liberal legislation in migration and especially asylum policy enables organised crime to transfer crime group members to the Czech Republic and to traffic in people. The confiscation of proceeds from crime is not effective enough. The international legal assistance system is still very cumbersome and formal.

Apart from the legislature in itself, it is also important how the law is enforced, observed and respected. In this sense the current Czech justice system seems relatively inefficient, especially because criminal proceedings are protracted and too complicated. The enforcement of new legal regulations is difficult and dilatory. In some cases court judgements

are not respected at all, for example offenders fail to pay debts or do not start their sentence. Often they take advantage of the possibility of repeated appeals, accuse the judge of bias or pay bail. The inefficiency of the courts is exacerbated by administrative omissions.

Shortcomings in the work of the courts may engender an increased tolerance for negative social phenomena. If the justice system does not manage to enforce the law, if it is not capable of enforcing debts and property, or enforcing obligations and contracts – faith in justice and the possibilities of the law decline. Moreover, if the public is aware of cases of incompetent behaviour by certain judges it comes as no surprise that the prestige of the courts is low and that confidence in the courts is falling. It would be dangerous if part of the population took law enforcement into their own hands.

One problem is the low level of legal awareness and disrespect for the law. People often are not even aware that they are committing an illegal action. The same tolerance also applies to the illegal actions of others. Insufficient legal awareness on the part of citizens is exacerbated by the adoption of a confusing amount of amendments and additions.

Positive factors include bringing legal norms into compliance with European Union regulations. The concept of a crown witness should be created and the obligation introduced to prove the origin of financial resources and property. Legal norms must effectively assist in eliminating the corruption environment. More severe criminal sanctions for serious violent crime (chiefly murder and robbery) would also be desirable. Domestic violence and violence against children should receive stricter treatment. Another welcome measure is the planned opening of a detention institute for dangerous murderers.

Crime can also be contained by paying more attention to problematic people and recidivists (supervision of their residence and movements, including abroad), and improving the supervision of persons released from prison – improving so-called post-care; greater attention will be paid to supervising delinquents under the age of 18 years.

If the judiciary has enough experienced and professionally trained judges and assistants, advisers etc. who perform research etc. for the judge on a given subject, judicial proceedings should be competent and proceed within the optimal time-limit. Enforcing the

law should be consistent and judicial decisions respected. The courts would then enjoy greater confidence.

In the **public administration** sphere there are several serious limiting factors which reduce its effectiveness and pose the risk that it will be criminally abused. One of these factors is the potential lack of precisely defined clear rules and norms of action and behaviour. In such a situation everyone can do what suits them, regardless of the public interest and the issue of internal security. Another negative factor is the excessive politicisation of public administration. This still lacks specially focused professional training; a further limiting factor may be the low professionalism of public administration officials. This may be apparent in the inconsistent exercise of a function, a careless approach to confidential information, and a tendency towards corruption. Another shortcoming that is open to abuse is the filling of positions in public administration according to connections, favouritism and political influence. Expert positions are taken by non-experts.

If citizens see disorder, the failure to perform basic duties, incompetence, arrogance and haughtiness on the part of public administration officials, as well as other shortcomings, they will not have confidence in public administration and will not be willing to cooperate with it; on the contrary, there's a risk that they will often harbour explicitly hostile feelings towards it.

A positive development should consist of the state protecting the security of citizens, banking and finance and business; it should ensure that defence capability is not compromised and that internal security is guaranteed. Modern public administration must be a system in which there are hierarchically organised structures, precisely defined procedures, a system for delegating powers and defined relations with the environment. The precise definition of powers and responsibilities also has a protective function against crime. An essential prerequisite is the stipulation of precise, compatible rules which protect not only the entire system but also every official, whose conduct and responsibility are precisely defined. A vital element of a functioning public administration is consistent control, whereby shortcomings are not only identified but also result in measures being adopted.

A positive factor could lie in ensuring that there is a high standard of professional training specific to exercising a particular function in public administration. Stable, professionally and morally prepared personnel in institutions could guarantee that problems – including problems with crime – are resolved promptly and properly following a legal route. Qualified employees in public administration, equipped with specific know-how and practical experience in the control of serious forms of crime, are better able to identify and take on insidious forms of crime. The improving language skills of public administration employees will lead to better international cooperation. If we succeed in stabilising public administration, improving the professional training of officials, and enlarging their professional expertise to exercise the relevant functions, we will become a problem-free part of the European Union.

The **police** form a specific part of public administration. A limiting factor in the fight against crime is the Czech Police's lack of information support and analytical activity. Even though the situation is improving, modern facilities are not always sufficiently employed. Corruption in police ranks is quite a common occurrence. Inadequate language skills mean that it has difficulty penetrating international criminal structures and that it struggles to obtain information of an international character. The police do not enjoy much confidence among the public and police officers do not have a great deal of self-confidence.

In order that the situation improves in the future it is necessary to transform the Czech Police into a modern, skilled and effectively functioning system, to upgrade the technical equipment, information support and analytical activity. Police officers' improving language skills means they are better able to penetrate international criminal structures, obtain information of an international character and cooperate with foreign police forces.

In the **social structure** a limiting factor can be detected in the opening gap between people according to property and social status and the possible resulting heightening of hostility between the rich and the poor. Members of the middle classes feel threatened by the ruthlessness of the powerful. Access to positions of power is unequal; the social system also allows success in life to be gained immorally. The higher rungs of the social ladder are also reached by people who attained both their property, and generally the social position that accompanies it in society, unlawfully. The bosses of criminal groups either seek to belong to the elite that defines the rules, or to have good contacts with this elite. They befriend the rich,

powerful and the comfortably-off; due to their acquaintanceship with these people they provide reciprocal services.

Positive development in this sphere is conditional upon the consistently successful detection of organised crime group bosses. Only then can they be prevented from achieving social success and recognition and thereby attaining the highest levels of the social ladder.

As concerns the **population**, negative factors include the public's being insufficiently informed about crime. People should realise the scale of the threat that crime presents to the whole of society; they should not be overly enthusiastic about populist measures; they should not tolerate crime. It is not right if, instead of information on the essence and causes of crime, and how to protect themselves against it, members of the public are presented with various vicarious subjects: scandals concerning troublesome politicians, celebrities, senior public officials, leading police figures. An inadequate awareness of crime means that an undefined feeling of fear and concern prevails among the public. This may cause them to become indifferent to information communicated, thereby weakening social control. As social control weakens, so tolerance increases for anti-social, and sometimes even illicit, behaviour.

An economic downturn, or a massive influx of cheap foreign labour, would make a large part of the population vulnerable to unemployment and falling living standards. This could lead to a rise in certain forms of crime. Economic and property crime can typically be associated with illegal attempts to increase income.

The world of crime also has a negative effect on the population by offering people illegal goods and services. In doing so it not only satisfies but deliberately provokes demand for these goods and services. For some parts of the population, their dependence on illegal goods and services can lead them to cooperate with the world of crime.

If citizens are better informed about crime, they will understand its true nature and realise the dangers by which all of society is menaced. They will appreciate the results of systematic action taken against offenders and on behalf of victims; they will not tolerate crime. Demand for illegal goods and services will decline as people become more aware of the dangers that

accompany drug addiction, or sexual services, or offers of risky financial assistance. This will also reduce the profits of crime groups. A positive role could be played by voluntary and state organisations in caring for victims of crime.

In the field of **culture** (understood in a broader sense as lifestyle, morals, interpersonal relations, family and school, the media and science) there is a host of criminogenic factors. For many citizens the prevailing consumer lifestyle is evident in uncivilised behaviour. An exclusive lifestyle can also be realised by immoral methods, and sometimes even exclusively so. Insatiable greed, combined with a tendency to idleness, is a prerequisite for getting involved in criminal structures. Contacts based on connections play an ever greater role in interpersonal relations. Connections allow people to provide each other with mutual favours. Favouritism and clientilism are rampant. Verbal and physical violence become increasingly common in life. Moreover, the possibility of obtaining weapons legally has risen markedly, and illegal possession is also often tolerated.

It is generally the case that the stabilisation of social conditions helps improve the socio-cultural standard and reduces the incidence of socially negative phenomena. In the cultural sphere a basic condition for improving the situation is increasing the cultural level in all spheres of life. If social life is at a certain cultural level this will guarantee that all activities by individuals and groups will be based on fairness and responsibility. However, a civilised social environment, relations between people and their personal cultural level do not automatically reduce crime. Crime also occurs in advanced countries; indeed, the advanced economies are host to more sophisticated forms of crime.

The **educational role of school and family** also belongs to culture. If the family and school fail to perform the essential educational functions and the educational system does not provide sufficient worthwhile ways in which to spend spare time, a space is formed which should otherwise, both in the lives of adults and more especially of children and juveniles, be filled with meaningful activities.

For the positive development of society it is vital that the educational approach, both at school and in the family, not only warns against the dangers associated with pathological lifestyle forms, but also offers ways to actively use free time. The educational system should

be instrumental in educating people in morals, ethics and a feeling of belongingness with other citizens of this state.

Culture also includes the **media**. In many respects these may have a negative influence on the future development of crime, particularly by treating crime as an attractive subject. When journalists exclusively present crime as something dramatic and exciting which attracts the mass of readers and listeners, they sensationalise it and in fact only describe a virtual reality. In doing so they fail to capture its true character, they trivialise or glorify evil and neglect the greatest risk, which is that rampant crime paralyses society. It is a mistake to depict violence, without sufficient distance, as the only possible way of resolving conflict or as a form of self-realisation. Even when measures against violence and immoral offences are publicly presented, these lose their desired effect if the cases are not brought to their conclusion and the measures are not monitored.

In a certain sense the developing investigative character of Internet political coverage may be a negative factor. Its authors comprise a heterogeneous community; it is symptomatic, however, that much of the information is unverifiable and therefore untrustworthy. In this way many writers can compensate for feelings of dissatisfaction, frustration and futility.

It may also be a negative factor if the media emphasises a **lifestyle** which is quite close in character to unethical and often illegal practices. Television broadcasting which is dominated by unending serials, interspersed with a mass of advertisement, contests oriented on exorbitant profit for the winners, “guaranteed” reports on the private lives of so-called celebrities may cause the media to lose an element of ethical self-control. The press and television may elevate people who have received rewards which are disproportionate to the work they have done. For some people, the media’s use of information on celebrity lifestyles might be another source of frustration and dissatisfaction with their own lives.

The fact that the media have substantial influence on **public opinion** and populist politicians may actually be beneficial for the world of crime. Some criminals might paradoxically be presented as victims of criminal justice. Often this proceeds to the questioning, denunciation and even ridiculing of the authorities and those who fight crime, especially lawmakers, state prosecutors, police officers and judges.

It is unfortunate that the dictates of the market place the media under strong economic pressure. The commercial media in particular are dependent on advertising, making it difficult to retain objectivity if the person generously financing them expects something different.

The media can play a positive role in the fight against crime by analysing its true nature, drawing attention to its danger to society, and by participating in the public control of activities that the relevant institutions develop against it. The mass media are one of the tools of public control. They can play a part in identifying dubious activities by political parties, individual politicians, the management of companies, banks, funds, all existing social entities and individuals. They should also consistently monitor how these cases are resolved and not make the mistake of dropping a subject before it is concluded. In this respect they represent the public, which should be fully informed of all dubious practices.

The media should be investigative in its outlook. Editors should have a certain level of general knowledge about the issue of crime so that they are able to give due weight to the specific information that they work with. If they make a mistake, they should then explain where the mistake lay. The public should be objectively and expertly informed about crime. The media should act preventively in publicising cases in which convictions have been handed out; they should inform citizens how not to repeatedly become victims of crime. The public should be informed that crime does not only do harm through directly menacing lives or property, but that it intrinsically harms the whole of society: it obstructs the political, economic and legal system, violates ethical norms and may destroy everything that people have created by their own efforts.

In the area of broadly conceived culture, qualified **social science analyses**, performed in a European context and in conjunction with the rest of the world, are crucial to the fight against negative phenomena, including crime. The analyses should help produce a strategy to fight crime which is conceived across the whole of society; it should stipulate the role of individual players and the method of controlling the efficiency of the entire process.

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