Cross-Border Organised Crime Assessment 2012
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Foreword

Cross-border co-operation remains a key factor in the successful investigation of organised crime gangs. The existence of a land border does not impede on the operations of organised criminal networks, and in some instances it may even be used to help facilitate criminal activities.

Law enforcement agencies on both sides of the border enjoy a healthy working relationship at all levels, with regular contact, joint training and parallel investigations being carried out by officers and staff. This report highlights some of the areas in which organised crime can impact on both jurisdictions. In some areas of activity the criminality will vary, whereas in others the similarities are clear. In general, organised crime gangs by their very nature, will work across borders; whether through the existence of a large network, or through partnership working and mutual assistance with other criminal groups. Organised crime gangs are often fluid, with members working between a number of different groupings.

The Cross-Border Organised Crime Assessment provides an overview of organised crime in both jurisdictions, highlighting similarities and differences and giving examples of just some of the cross-border success that has been achieved by law enforcement agencies on both sides of the border working in partnership.

The annual Cross-border Organised Crime Seminar also provides agencies with an opportunity to share experiences, ideas, best practice and plans for future operational activity. Organised crime remains a challenging area of work for law enforcement working throughout the island, however we will continue to work together to tackle the issues whilst building upon existing relationships and enjoying continued success against organised criminal gangs.
The Role of the Public

Organised crime harms communities on both sides of the border. An organised criminal gang’s main objective is to make money and they have no respect or consideration for those who live in their own communities. Organised criminal gangs supply illicit drugs and dangerous goods to our friends and families and their activities have a negative impact on legitimate business. Information received from members of the public can help law enforcement agencies determine the scope of criminal activity as well as identifying those involved. If you have any information about organised crime please contact –

<table>
<thead>
<tr>
<th>PSNI</th>
<th>0845 600 8000</th>
<th>AN GARDA SÍOCHÁNA CONFIDENTIAL</th>
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<td>CRIMESTOPPERS (NI)</td>
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<td>HMRC HOTLINE</td>
<td>0800 59 5000</td>
<td>REVENUE COMMISSIONERS</td>
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Introduction

An Overview of Organised Crime Gangs

In general, higher level organised crime gangs (OCGs) on both sides of the border appear to co-operate rather than compete over territories. Crossovers between OCGs are frequently observed as groups attempt to expand their contact network. The existence of extensive association networks facilitate these criminals by allowing them to be involved in a number of different ventures.

The fluidity of OCGs within Ireland and Northern Ireland is highly evident at the present time. Within the criminal fraternity on both sides of the border, a number of facilitators exist who operate niche roles necessary for the operation of a criminal enterprise. These include services such as money transportation and laundering services and supply of fraudulent documents.

A large proportion of OCGs active in Northern Ireland and/or Ireland are linked to the illicit importation, distribution and supply of drugs. The economy, as well as the international drugs market, tends to dictate the extent and type of involvement by the OCGs in this area. Criminals are highly diverse and react swiftly to the drugs demands in the market.

Despite publicly denouncing organised criminality, dissident republican groups remain largely dependent on organised crime to fund their terrorist activities. Some dissident republicans are generating significant sums of money from fuel laundering and tobacco smuggling. In addition there has been suspected dissident republican involvement in a range of other criminality in the past year, including armed robbery, fuel and cigarette smuggling, extortion, money laundering, drugs supply, burglary, tiger kidnaps and counterfeit currency.

Acknowledgements

The involvement of the following agencies in the production of this report is gratefully acknowledged –
An Garda Síochána
Criminal Assets Bureau (CAB)
HM Revenue and Customs (HMRC)
Police Service of Northern Ireland (PSNI)
Revenue Commissioners
Serious Organised Crime Agency (SOCA)
United Kingdom Border Agency (UKBA)

International Associations

Local OCGs continue to forge and develop links to international criminal networks. Holland, Spain and Great Britain (GB) remain the key locations for these liaisons, mainly due to established drug transportation routes. OCGs on both sides of the border have been noted working with Chinese and Eastern European criminal networks. Associations between Irish and Russian organised crime groups have also been observed and they work together on drug and cigarette ventures. The presence of Russian OCGs operating in Spain is also influencing the activities of Irish criminals there. This growing international network of locally based OCGs is enabling them to embark on importation ventures from beyond central Europe as their transportation capabilities and importation methods have improved.

Methodologies and sources of information

This report draws on information provided specifically for this undertaking by the agencies listed here as well as material already held to inform other strategic projects and open source research.

Where amounts of money have been quoted, the exchange rate of €1 to 0.79GBP or 1GBP to €1.26 has been used.
Alcohol Fraud

Alcohol fraud mainly occurs through the smuggling of alcohol from countries with lower alcohol tax rates, excise duty fraud and production/distribution of counterfeit spirits.

Counterfeit alcohol can contain harmful substances such as methanol, a dangerous substance that can cause breathing difficulties, liver damage, blindness and also isopropyl alcohol, commonly found in nail varnish remover.

There is undoubtedly cross-border activity related to counterfeit alcohol. Firstly, counterfeit alcohol may be transported between jurisdictions for onward sale. There are also indications that labels/boxes resembling legitimate products may be imported into one jurisdiction and subsequently transported to the other jurisdiction, where the production/distribution chain continues.

Armed Robbery, Cash-in-Transit Robbery, Tiger Kidnapping and Large Scale Theft

Tiger kidnap\(^1\) incidents have reduced in Northern Ireland in recent years, however substantive attacks have resulted in the loss of cash and other commodities. Some of the incidents in the past two years have involved the use of firearms and were clearly carried out by experienced organised crime gangs. However there were other incidents that were less well planned and where no hostage was actually being held which appear to have been attempts by less experienced gangs. 2011 saw a spate of tiger kidnappings in the south, however there were none between October 2011 and August 2012. During the spike in 2011, there was an incident whereby the OCG involved attempted to exploit the border. In one case, victims were taken hostage in Belfast and they were found in a house in Co. Monaghan the following day.

In 2009/2010, a spate of ATM burglaries occurred on both sides of the border and a parallel investigation was initiated. Following successful law enforcement interventions, OCGs have halted their involvement in this activity with the last ATM burglary in the south occurring in May 2011, and only one such incident (involving the use of stolen plant machinery) occurring in the north in the whole of 2011. Some organised crime groups were believed to be operating on both sides of the border and law enforcement agencies in both jurisdictions worked together on these investigations.

In Ireland, there has been a noted increase in cash-in-transit (CIT) robberies in 2012. Trends such as an increase in the targeting of cash deliveries and the increased use of shotguns are being observed. CIT robberies involving cash deliveries tend to involve cash-dense targets such as ATMs and Post Offices. There has been an increase in CIT ATM targetings in 2012 compared to last year. In Northern Ireland there has been a slight increase in the number of CIT attacks in 2012 to date, however the number of incidents remains low, the arrest rate remains high and the subsequent recovery of stolen cash has seen a significant increase on previous years.

\(^1\) “Tiger kidnaps involve the abduction or holding of a hostage (or the claim of having done so) with the intention of forcing another person to facilitate the immediate theft of valuables or concede some other form of ransom from an institution or business organisation.”
In 2010, prices for copper and steel rose substantially and peaked in late 2010/early 2011. Since then, there has been a downward price trend. During the period when prices were high, metal theft emerged as a serious problem on both sides of the border. In Northern Ireland, there have been a wide range of groupings identified as becoming involved in metal theft. These include young people (usually on a small scale, however sometimes working with older facilitators), individuals also involved in low level criminality (such as burglary, theft and street level drugs supply) and a small number of organised crime gangs, although it is often unclear whether metal theft is part of the wider organised criminal enterprise or if it is a ‘side venture’ for some individual members. In Ireland, drug/cigarette orientated OCGs were identified as becoming involved in the theft of metal.

In recent months, a number of incidents involving the theft of religious artefacts and relics have occurred in Ireland. OCGs involved in such activity see the potential profit to be made from such commodities through either onward sale or the demand of money for the item’s return. An increase in the theft of rhino horns from museums is also being reported across Europe and an Irish criminal grouping is believed to be involved in this activity. Substantial profit is being generated from this, with the main market for this commodity being Asia due to religious attributions.

**Case Study**

Goods stolen on either side of the border are sometimes distributed by criminals in the other jurisdiction in efforts to evade law enforcement. One such example occurred in July 2011, when five males were arrested in Dublin and approximately £100,000 (€126,000) worth of jewellery seized. The goods were believed to have been stolen in an armed robbery in Belfast a few days before. Of the five males arrested, two were from Ireland and three from Northern Ireland.

**Cybercrime**

Cybercrime presents a lucrative opportunity for criminals and, like technology itself, is an area that is rapidly evolving. Cybercrime can manifest itself in many ways, depending on the skills and objectives of the perpetrator. Crimes can range from bank or e-commerce fraud, data theft or manipulation, identity theft, hacking, child pornography, planning of terrorist activities and copyright crimes. These activities often have an international dimension. The current ‘information society’ has resulted in substantial amounts of credit card data, business related transactions and personal information being passed over the internet. Cybercrime poses a threat to both society in general and also to international security.

PSNI and An Garda Síochána continually work towards developing expertise to tackle the area of cybercrime. The Gardaí are currently leading the EU ‘ISEC’ 2010 Cybercrime Training Programme. The PSNI are amongst eleven other European law enforcement agencies that are partnering in this. This project aims to upgrade and restructure the European Foundation Course in Forensic Computing and Network Investigations, which was first developed in 2004. Members of the PSNI’s e-Crime Unit will be trainers during the piloting of this course in 2013. It is envisaged that this course will be accredited by the University of Dublin’s Centre of Cybersecurity and Cybercrime Investigation and will be made available to law enforcement agencies worldwide.

Furthermore, PSNI and An Garda Síochána are members of the Irish Bankers Federation Hi-Tech Crime Forum (IBF HTCF). This group meet frequently throughout the year to discuss the current threats and future risks of cybercrime against online banking in Ireland.

**Case Study**

In mid 2012, a computer-based scam involving police logos was reported across numerous European countries, including Ireland and Northern Ireland. The scam misuses police logos in an attempt to extract money from victims. Victims are locked out of their computers and then an official looking page appears demanding payment of a fine to have it unlocked. This page uses the local law enforcement agency’s logo and contains a message accusing the victim of having committed an illegal activity.
Drugs

Cannabis

The cannabis market presently dominates the drug scene on both sides of the border. Statistics from the 2010/2011 Drug Prevalence Survey show a notable increase in lifetime prevalence for cannabis in Ireland whereas Northern Ireland rates have remained more constant since the previous survey (see tables below).

Cannabis resin traditionally held the majority market share with regard to the form of cannabis consumed in Ireland. However, there is a growing use of domestically produced herbal cannabis and there are indications that the herbal market may have overtaken the cannabis resin market since 2009. In Northern Ireland herbal cannabis remains more commonly seized than cannabis resin, however there was a significant increase in cannabis resin seizures in the 2011/12 financial year when compared to the previous year (up from 87.1kg in 2010/11 to 191.5kg in 2011/12).

Large-scale, sophisticated cannabis farms were first seen in Northern Ireland in 2007. Since then, increasing numbers of organised crime gangs, involving both local and foreign national principals, have gained a level of expertise in this area. Due to low start up/running costs and the potential profits, there is strong interest amongst organised crime gangs in this area of business. Despite the disruption of a significant number of large operations on both sides of the border, domestic cultivation remains a resilient criminal enterprise. This trend of ‘import substitution’ is being experienced across Europe with particular acceleration observed in some countries over the past two years. The lucrative profits from this industry will potentially result in the growth of OCGs as proceeds can be invested in additional criminal activities and thus allow the group to become more resilient to law enforcement efforts. In Northern Ireland, large cultivation enterprises are predominantly found in residential properties, however in Ireland warehouses and industrial units are being utilised also. In 2011 in the south, OCGs were seen to be looking for more diverse ways to run such enterprises, including moveable containers, tents and underground bunkers.

In Northern Ireland there have traditionally been strong links seen between large-scale sophisticated cannabis cultivation and members of Chinese OCGs. More recently there is increasing involvement by indigenous OCGs who have gained a level of expertise in this area. In 2010, Vietnamese nationals were mainly involved in the running of grow houses in the south. It now appears that Chinese nationals are predominantly involved in such operations in Ireland. Links between groups operating in the UK and Ireland have also been seen.

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2 All prevalence rates in this section have been taken from ‘Drug Use in Ireland and Northern Ireland. Drug Prevalence Survey 2010/11: Regional Drug Task Force (Ireland) and Health and Social Care Trust (Northern Ireland) Results.’ Treatment data has been taken from ‘Trends in treated problem drug use in Ireland 2005 to 2010’, published by the Health Research Board in 2011 and NISRA Northern Ireland Drugs Misuse Database statistics.

3 Lifetime prevalence rates refer to proportion of sample who have ever consumed the drug in their lifetime.
One of the main issues of concern in relation to cannabis cultivation is the potency of the cannabis available and the psychotic consequences for its users. The level of the psychoactive substance tetrahydrocannabinol (THC) is higher in domestically grown cannabis and the level of the anti-psychotic substance cannabidiol (CBD) is very low. The Forensic Science Lab in Ireland reports that the quantity of THC in cannabis products has been rapidly increasing in recent years. These trends are concerning as they present a higher risk of psychosis.\(^4\)

This risk to society is echoed by the Irish Health Research Board’s report on drug treatment. The proportion of cases whereby cannabis is the main problem drug has shown an increasing trend since 2007 and accounted for 25% of all cases in 2010. In 2010, cannabis was the most common main problem drug amongst new treatment cases, which pushed it ahead of opiates for the first time since 2005. Cannabis also continues to be heavily abused as an additional substance for those individuals seeking treatment. In Northern Ireland, the 2010/11 Drug Misuse Database indicates cannabis as the most commonly reported main drug of misuse and accounted for 40% of individuals presenting for treatment.

Criminals seeking to increase their profit may artificially increase the weight of herbal products using chemical fertilisers and pesticides as well as adding products to visually improve the drug, thus allowing it to be perceived as higher quality.

The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) warn that the involvement of organised criminals in this market, above non-commercially orientated growers, will have a rolling effect on violence and general organised crime activities.\(^5\) Violence and intimidation tactics may be used to push other growers out of the market. Such activity, although not commonplace, has already been seen in both jurisdictions. Alongside organised crime violence and mental health risks, public health risks also exist such as damage to property and the fire hazards associated with the unsafe production methods, e.g. wiring, water installation.

\begin{table}[h]
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\begin{tabular}{|c|c|c|c|c|c|c|c|c|}
\hline
\textbf{CANNABIS PREVALENCE RATES IN IRELAND} & & & & & & & & \\
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\textbf{Lifetime use (\%)} & \textbf{Last year (\%)} & \textbf{Last month (\%)} & \textbf{Lifetime use (\%)} & \textbf{Last year (\%)} & \textbf{Last month (\%)} & \textbf{Lifetime use (\%)} & \textbf{Last year (\%)} & \textbf{Last month (\%)} \\
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17.3 & 21.9 & 25.3 & 5.1 & 6.3 & 6.0 & 2.6 & 2.6 & 2.8 \\
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\textbf{CANNABIS PREVALENCE RATES IN NORTHERN IRELAND} & & & & & & \\
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\textbf{Lifetime use (\%)} & \textbf{Last year (\%)} & \textbf{Last month (\%)} & \textbf{Lifetime use (\%)} & \textbf{Last year (\%)} & \textbf{Last month (\%)} & \textbf{Lifetime use (\%)} & \textbf{Last year (\%)} & \textbf{Last month (\%)} \\
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16.8 & 24.7 & 24.0 & 5.4 & 7.2 & 5.1 & 2.9 & 2.6 & 2.7 \\
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\(^4\) The potency of THC in cannabis products, produced by Collette Arnold and published by the National Advisory Committee on Drugs.  
\(^5\) Cannabis Production and Markets in Europe, published by the European Monitoring Centre for Drugs and Drug Addiction, June 2012.
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In 2011, a joint operation between the PSNI and An Garda Síochána targeted one particular OCG and resulted in three separate drug seizures amounting to 337kg of cannabis resin accumulatively worth over £1.58 million/€2 million Euro. Five individuals were also arrested as part of this investigation.

On 25th May 2012, Gardaí seized 78kg of herbal cannabis, worth approximately €1.5 million Euro (£1.2 million). Investigations indicate that these drugs had been trafficked into Northern Ireland and transported onwards to the Republic of Ireland.

In 2011, PSNI and An Garda Síochána conducted an investigation into a grouping based in the Republic of Ireland that was actively involved with criminals based in Northern Ireland. Co-operation between the two law enforcement agencies led to the seizure of 70kg of cannabis resin and 10kg of cannabis herb on 30th March 2011. Five individuals were arrested in total.

Psychoactive Substances

New synthetic psychoactive substances are being rapidly developed in pace with new control measures and this continues to pose challenges for law enforcement on both sides of the border. The EMCDDA report that 49 new psychoactive substances were recorded in 2011, the largest number in any single year, representing a 100% increase on 2009 figures. In general, these new drugs are either marketed as another drug (for example, miscellaneous tablets being sold as ecstasy) or are sold in ‘head shops’ and online as a ‘legal high’. In the south, as a result of new legislation in 2010, the number of head shops has seen a dramatic reduction – down from 102 in 2010 to three in July 2012. However, psychoactive substances are still available, predominantly through internet sources. When being sold as a ‘legal high’, the drugs will often be packaged as plant food, bath salts or pond cleaner however the manufacturer, the shop/person selling the item and the user will usually all be complicit in its intended use. It is suspected that many substances packaged and sold as ‘legal highs’ actually contain illicit substances. An example of this was seen recently in Northern Ireland when PSNI seized a quantity of ‘ocean snow’. Forensic testing proved it contained paramethoxymethamphetamine (PMA), a ‘Class A’ drug which has similar but significantly stronger effects to ecstasy and can lead to muscle spasms as well as dangerously increased blood pressure and pulse rates.

Amphetamines and Crystal Methamphetamine

The EMCDDA warns that whilst amphetamine consumption in Europe has been relatively stable for the past number of years, growing sophistication in manufacturing methods and increased production is being reported. Globally, methamphetamine seizures increased 100% between 2008 and 2010.

Last year prevalence rates in relation to amphetamine use have remained largely stable in both jurisdictions between 2006 and 2011, and the involvement of major OCGs in the trafficking of this drug continues.

Europe is the world’s biggest producer of amphetamines and large-scale production occurs in the Netherlands and Belgium with the existence of industrial sized facilities. There are indications of increased sophistication in their manufacturing methods, including the use of custom-made equipment and it is believed this will increase amphetamine yield from 5-8kg per production batch to 30-40kg. Mephedrone is an amphetamine class drug. Unavailability or low quality of other drugs, particularly

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cocaine, amphetamine and ecstasy are among reasons given by users for the consumption of mephedrone.\textsuperscript{10} The majority of mephedrone consumers are reported to be male and are recreational polydrug users.

Crystal methamphetamine now appears to be utilised in Ireland however this has not been seen by law enforcement in Northern Ireland to date. The large scale manufacturing of crystal methamphetamine by organised crime gangs has not been observed in either jurisdiction, however there are early indications in the south that interest exists amongst criminal groups in this activity.

This is a worrying development as it signifies that a market exists and the usage of this drug presents serious social issues. To further support the assertion that a market exists, organisations working with drug users in the south report that they are now seeing this drug being used amongst communities.

Amphetamine production also involves a hazardous process. Whilst the ingredients for its small scale manufacture are easily available, there is a global market for trafficking precursor chemicals required for large scale amphetamine production. Across Europe, Customs officials are reporting significant seizures of the pre-precursor chemical Acetylphenylacetonitrile (APAAN). APAAN is used to produce precursor chemicals\textsuperscript{11} needed to make amphetamine/ methamphetamine. Ireland is not traditionally a transit country for drug precursors but nonetheless, this European and global development is notable.

Cocaine

Despite the recession, cocaine remains a commonly used illicit drug. Over the past year, there have been a number of large seizures on both sides of the border and these highlight that a strong market is still in existence here.

According to the World Drugs Report 2012\textsuperscript{12}, cocaine use both globally and in Europe appears stable. Despite a slight drop in overall cocaine ‘last year prevalence’ rates in both jurisdictions between 2006 and 2011, the market here still remains strong. Whilst Colombia experienced a decline in cocaine manufacture during 2006–2010, coca production in Bolivia and Peru increased, somewhat compensating for the yield in Colombia. The report suggests that there is a change in cocaine trafficking methods and this is consequently leading to a decline in seizures within Europe despite no decline in usage.

A strong cocaine market continues to exist in both Ireland and Northern Ireland. However, there may be changes in individual users’ consumption of it in the south over the past number of years: i.e. amount and frequency. When looking at trends in treatment data from 2005 to 2010, the number of individuals entering drug treatment programmes who reported cocaine and ecstasy as their main problem drugs decreased from 2007 onwards. In 2010, the proportion of cases with cocaine as the primary drug problem (9.2%) dropped to below 2005 levels, following a peak of 13.5% in 2007. In Northern Ireland, the proportion of individuals who entered drug treatment programmes reporting cocaine as their main problem drug has remained broadly stable between 2005/06 and 2009/10, although there was a noted drop in 2010/11.

\textsuperscript{10} EMCDDA, ‘Risk Assessment 9 – Mephedrone’, published 2011.
\textsuperscript{11} Namely, Benzyl Methyl Ketone (BMK) and 1-Phenyl-2-Propanon (P2P).
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In April 2012, following detection of a suspected cocaine shipment concealed within pallets of frozen food, a controlled delivery was arranged between Irish customs and the PSNI. This consignment had originated in the Netherlands and was shipped to Dublin Port where it was then to be transported onwards to Northern Ireland. 17.5kg of cocaine was seized during this operation.

On 26th June 2012, Gardaí made the largest inland drugs seizure in the history of the state with the seizure of circa 425kg cocaine, worth in the region of €29.7 million (£23.4 million). Two individuals were arrested in relation to this. The consignment of cocaine was concealed within a shipment of timber decking and had been imported from Bolivia. It is assessed that some of these drugs were possibly intended for the Northern Irish market.

Ecstasy

Despite a reported drop in prevalence rates for ecstasy on both sides of the border in 2010/2011, there are indications that the market for this drug could be growing again in Ireland. Within Europe, Ireland is reported to be one of the countries with the highest number of individuals who have taken ecstasy in their lifetime.13 In Northern Ireland, there have been increased seizures by PSNI, with twice as many ecstasy tablets seized in 2011/12 than in 2010/11. The overall long-term trend in respect of ecstasy tablet seizures in the north however remains downward, with seizures since 2009/10 well below those seen in the early 2000s.

Globally, trends have indicated that the ecstasy market is in recovery. It is reported that during the period 2005 - 2009, the ecstasy market went into a period of decline due to a shortage of essential chemical ingredients. China was one of the main production centres for these precursor chemicals, which were then trafficked into Europe for ecstasy production. Following increased law enforcement efforts in China, the availability of this element decreased severely. However, it now appears that manufacturers of this drug have developed a new production method and the market is now recovering.14

Synthetic Opioids and Prescription Drugs

Whilst the prescription drugs market would not feature as the core business of the major organised crime gangs in either jurisdiction, OCGs will endeavour to exploit this market as a side venture when the opportunity arises. Organised criminal gangs are diverse and undoubtedly adapt to meet and enhance available markets. Both drug addicts and recreational drug users provide the market for prescription drugs.

The EMCDDA report that there is cause for concern over the increasing misuse of synthetic opioids (e.g. prescription drugs such as codeine, morphine, fentanyl). There are indications this is also a global issue with Australia, Canada and the USA also reporting an increase in the use of opioids other than heroin.15 Some countries in Europe report that synthetic opioid abuse is overtaking heroin.

The 2010/2011 Drug Prevalence Survey illustrates society’s use (not necessarily misuse) of opiates other than heroin. The category ‘Other Opiates’ includes codeine, fentanyl and buprenorphine, amongst a

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number of other substances. Fentanyl is a drug developed for cancer and more potent than heroin and buprenorphine is utilised clinically for chronic pain. In Ireland, one in three individuals used such a drug in the past year, with highest usage amongst women aged 25-34. Whilst these statistics do not reflect the abuse of ‘Other Opiates’ it does highlight that these drugs are have been consumed by a considerably high number of individuals. Consequently, susceptibility to abuse could be present. In Northern Ireland the ‘last year prevalence’ figures were significantly lower however there has been a noted increase in the illicit supply of prescription drugs, in particular benzodiazepines such as diazepam and temazepam. Northern Ireland already has a significantly higher than UK average prescribing rate for benzodiazepines and organised crime gangs are exploiting a growing illicit market. Prescription drugs enter the illicit market through fraud/theft from the legitimate market or, more commonly, through illegal importation. The most common importation method seen for illicit prescription drugs entering Northern Ireland has been through the postal system. Many of these drugs are imported from countries such as Pakistan, the Far East and Africa and it is suspected that the majority are either counterfeit or unlicensed. Benzodiazepines are the second most commonly reported main drug of misuse in Northern Ireland and there has been a significant increase in cases in Ireland over the past six years.

A recent survey of recreational drug users and clubbers around the world16 revealed that 40% of respondents had taken prescription sleeping pills to enhance their mood. In the UK, opioid painkillers and benzodiazepine type sleeping tablets appeared to be the most commonly consumed prescription drug in the previous year.

Heroin

There remain marked differences in the heroin market on either side of the border. In Northern Ireland it remains limited and is largely contained within specific clusters of users. Although heroin usage in Ireland appears to be stable from 2006 through to 2011, its consumption in this jurisdiction is amongst the highest in Europe and the heroin problem appears to have shown more resilience in the recession. In 2010, it was reported that there was a shortage of heroin at street level in Ireland. However, this shortage has since subsided and as detailed below, opium production is now reported to have increased substantially in source countries.

In the south there is a geographical spread of the problem with heroin use as well as demands for treatment reported to have increased outside of the Dublin area. OCGs’ attempts to meet and expand this market are evident. A number of significant heroin seizures have occurred in recent months and there are indications from operational figures that the amount of heroin seized in 2012 is set to exceed that of 201117.

Afghanistan is the world’s main supplier of opium. In late 2011, it was reported that a steep rise in opium prices was contributing to significant increases in production in Afghanistan and South-East Asia. Furthermore, border controls/trade agreements may make it easier for the drug to enter Europe. The United Nations Office on Drugs and Crime18 warned in 2011 that the removal of EU visa requirements from some South-Eastern European countries and bilateral trade agreements was likely to be exploited by drug traffickers. In April 2012, two Irish nationals were arrested in Bulgaria and drugs were seized as well as a number of weapons and an amount of cash. Turkey is a main transit route into South Eastern Europe for Afghan-grown heroin and most is trafficked onwards from there to Bulgaria and Greece.

16 The Mixmag / Guardian Drug Survey, carried out by the Global Drug Survey published 15th March 2012 – over 15,500 respondents – approximately 7,700 from UK and 3,300 from USA and remainder from other countries.
17 Based on seizure data from the Forensic Science Laboratory, Ireland.
Intellectual Property Crime

Counterfeit clothing, accessories, perfumes, hardware products and medicines, along with digital piracy are the main activities that infringe intellectual property rights. Food fraud is also on the increase across Europe. The growth in the internet and online sales has led to some changes in the traditionally seen counterfeit goods market. In the past, counterfeit goods were most commonly located at car boot sales and markets and these locations remain important outlets for organised criminals involved in this type of criminality. Large-scale suppliers will often visit a number of different markets, sometimes on both sides of the border. The rise in online shopping, however, has also allowed OCGs to expand their potential market size and, in some cases, to act as a distributor for goods being delivered directly to the consumer from overseas. The growth in online shopping has also led to a significant expansion in the types of goods available both north and south of the border. Counterfeit clothing is also available in both jurisdictions, with fake replicas of high-end brands being distributed.

The most worrying trend in the counterfeit arena is the growing risk of harm, and indeed risk to life, posed by a range of fake products now available. These include electrical and battery-powered appliances and pharmaceutical products.

China is reported to be the main source of counterfeit goods entering the EU with 73% of products coming from this country last year. Other countries lead the table in certain product categories, such as Turkey for foodstuffs, Panama for alcoholic beverages, Thailand for non-alcoholic beverages, Hong Kong for mobile phones/computer equipment and Syria for recorded CDs/DVDs. The majority of factories producing such items have no regard for labour rights, quality control or health and safety.

The EU report that counterfeit medicines accounted for 24% of all counterfeit goods seized at EU borders in 2011. Additionally, 28.6% of the seized goods in 2011 were deemed to be potentially dangerous to the health and safety of consumers. This figure is almost 100% higher than in 2010 and the rise is driven by an increase in counterfeit medicine seizures. In Ireland, 2011 saw a 119% increase on the previous year in the number of articles intercepted by Customs for suspected infringement of intellectual property rights.

A Pfizer report in 2010 indicated that one in five people in Ireland admitted purchasing prescription only medicine without a prescription and more than a third of these purchases were made over the internet. It is estimated that between 50% and 90% of such internet purchases are counterfeit.

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21 14.5% in 2010.
23 Cracking Counterfeit: Medicines – The Scope of the Problem, produced by Pfizer, January 2012.
purchases are counterfeit. Interpol-led Operation Pangea IV in 2011 saw 13,000 rogue websites shut down across the globe and led to the seizure of over 150 packages destined for Northern Ireland.

Food fraud is a growing concern in Europe and Ireland. In late 2011, Europol reported that it had seized hundreds of tonnes of fake and substandard food/drink including champagne, cheese, olive oil and tea in a coordinated operation across ten countries. Organised crime gangs are believed to be behind this high profit and perceived low risk activity. Food fraud can involve counterfeit goods, the false labelling of manufactured foods that contain lower grade ingredients or the marketing of lower quality food as prime quality. In an effort to tackle this form of criminality, the Food Fraud Task Force has recently been set up in Ireland and includes representatives from both sides of the border. The most direct impact for consumers is the risk to their health and safety. Counterfeit medicines can often contain too little/much of the active ingredient or ineffective/dangerous substitutes. These can result in a lack of treatment, irreversible health problems and could have fatal consequences. Poison has now been found in counterfeit children’s clothing. Clothes containing quantities of formaldehyde that were 500% higher than safe levels were recently found in one investigation. Formaldehyde gives a permanent press effect to clothing but high levels can cause irritations, respiratory problems, asthma and skin cancer. Counterfeit electronics are highly dangerous and can result in overheating, fire, electrical shock and other bodily harm. The wider impact is that counterfeit products damage the economy through tax evasion and job losses in legitimate businesses.

24 Operation Opson, reported in Europol Press Release, dated 6 December 2011
25 Established by the Food Safety Authority of Ireland and includes representatives from An Garda Síochána, Revenue and Customs, the Dept. of Agriculture, Food and Marine, the Food Standards Agency in Northern Ireland, the HSE, the Irish Medicines Board, the Sea-Fisheries Protection Authority and also local authorities.
26 Counterfeit Products: Why buying fakes can be bad for your health (and more), produced by Europol, 2012
Money Laundering and Fraud

Laundering of Criminal Proceeds

The movement of money abroad for the funding of criminal ventures and money laundering purposes is integral to the operation of major OCGs. Wire transfers, such as Western Union and Moneygram, continue to be a commonly used method of transferring money abroad.

The use of pre-paid money cards by organised crime gangs for monetary transfers/criminal payments and as a facilitator in money laundering processes poses a growing threat to law enforcement efforts. Substantial amounts of money can be carried using multiple cards, which can be easily obtained and are difficult to trace. These cards mean money can be easily transported abroad and handed over without the risk associated with carrying the amount in cash.

To facilitate their criminal activity and assist the laundering of money, criminals will open bank accounts using false or fraudulently obtained documentation.

A number of Money Service Bureaux (MSBs) along the border region are believed to be facilitating the laundering of substantial amounts of money generated through criminal activities, including fuel laundering operations. PSNI, HMRC, SOCA, An Garda Síochána and the Criminal Assets Bureau work closely in the investigation of such bureaux.

Fraudulent Schemes

A Ponzi scheme is a fraudulent investment operation that pays returns to its investors from their own money or money paid by subsequent investors, rather than from profit earned by the individual or organisation running the operation. The Ponzi scheme usually entices new investors by offering higher returns than other investments. Delivery of these returns requires an ever-increasing flow of money from new investors to keep the scheme going. Ultimately, this cash flow finally halts with many investors ending up losing all the money they ‘invested’.

VAT Fraud

The European Commission has enacted legislation around administrative co-operation regarding VAT in an effort to combat cross-border VAT fraud. Revenue authorities on both sides of the border use this legislation extensively and provide mutual assistance in their investigations.
Case Studies

In early 2010, a Ponzi scheme was identified operating on both sides of the border. A large number of victims in both jurisdictions had invested. To date, €4.7 million Euro has been frozen by the Criminal Assets Bureau in Ireland and in excess of £4 million has been frozen by UK authorities.

In 2008, Gardaí, with the assistance of the PSNI, conducted an investigation into a group involved in the theft of plant and machinery in Europe and its subsequent resale in Ireland. A number of Irish bank accounts were opened using false documentation for the purpose of laundering the proceeds of this criminal activity. Six items of plant / machinery were recovered by the Stolen Motor Vehicle Unit. In July 2011, a male was sentenced to 7 years in prison for his role in this operation.

In February 2011, the Irish Revenue Commissioners obtained a conviction against a trader who pleaded guilty to five offences resulting from an Intra Community Fraud investigation. The trader had obtained the goods in Northern Ireland at zero VAT rate for export and subsequently sold these onwards in the Republic of Ireland at VAT inclusive prices.

In May 2012, a motor dealer was convicted of Intra Community VAT fraud and sentenced to three years imprisonment. This motor dealer had purchased a significant amount of motor vehicles from UK based dealers at zero VAT rate. The vehicles were imported to this jurisdiction and sold at VAT inclusive prices. The VAT was never remitted by the seller and the VAT loss was estimated to be €270,000.
Oils Fraud

Rebated fuels, such as marked gas oil and kerosene, are available on both sides of the border and are subject to lower duty due to the conditions of their use. Rebated fuels are not suitable for use as a fuel in normal road vehicles and persons found to be using this fuel incorrectly on either side of the border can have their vehicle seized. Organised criminal gangs launder rebated fuel in an attempt to make it appear like legitimate fuel for use by road vehicles such as cars, vans and HGVs. The laundering process involves the removal of chemical markers and dyes and allows the criminals to sell the product at increased profit. Bleaching earth is commonly used to launder fuel, as this requires little or no fixed plant or equipment and can be conducted in a mobile trailer fitted with a tank. Bleaching earth is used to filter out the chemical markers. This laundered diesel is sold to unsuspecting motorists through legitimate fuel stations as well as being distributed through unlicensed outlets. The laundered fuel is possibly also being exported, as highlighted by a recent seizure at Dublin Port.

In 2011, nine fuel laundering plants were dismantled by Gardaí and Customs in the south, with the majority of these along the border region. During 2011/12 HMRC dismantled 30 fuel laundering or mixing plants in Northern Ireland. It is not unusual for multiple oil laundries to be discovered at locations, a trend which is attributed to the mobility of laundries as well as the expertise of the launderers. There has been a general trend towards larger and more sophisticated oils laundering plants on both sides of the border. This suggests an industrialisation of the process as organised criminal groups attempt to maximise their profits.

A number of suspect filling stations have been identified in the south with OCGs controlling some of these. This is a relatively new development but reflects what has been occurring in Northern Ireland for a number of years - a greater involvement by OCGs in the entire production and supply process.

On 31st August 2012, Customs at Dublin Port seized 20,000 litres of laundered fuel that was going to be exported. This indicates that the exportation of fuel laundered in Ireland and Northern Ireland is beginning to occur or is already occurring.

Alongside the cost to the Exchequer and legitimate trade, laundered fuel can be very damaging to vehicles and there is also an environmental risk posed by these operations in their disposal/dumping of waste toxic by-products. Fuel laundering results in large quantities of waste product which has to be disposed of by the launderers. This waste product will usually be dumped or buried and causes significant environmental damage. It can contaminate surrounding land as well as waterways and can lead to extensive clean-up costs.

The Cross-border Fuel Fraud Enforcement Group was established in 2008 and continues to be effective in tackling groups involved in this activity, particular those operating along the border area. HMRC and the Irish Revenue Commissioners are also working closely together in the potential development of an enhanced fuel marker.

Case Study

On 31st August 2012, Customs in Ireland seized in excess of 20,000 litres of laundered fuel at Dublin Port. The laundered fuel was going to be exported out of the country when it was intercepted. Twenty Intermediate Bulk Containers (IBCs), each containing in excess of 1,000 litres of laundered fuel, were recovered, along with pumps and a fuel metering system concealed with a 40 ft refrigerated unit. Two males, one from Northern Ireland and one from Ireland, were arrested.
On 1st September 2011, a cross-border multi-agency operation was put into effect in an effort to target one of the criminal groups involved in fuel laundering. This operation involved Gardaí, the Criminal Assets Bureau, Revenue and Customs and HMRC personnel.

A sophisticated laundering plant was uncovered at Corrygarry, Castleblaney, Co. Monaghan, which was capable of laundering 18 million litres of fuel per annum and presenting a potential annual loss of €9 million (£7.1 million) to the Exchequer.

Additionally, co-ordinated searches were carried out at five service stations used for the distribution of the product in counties Roscommon, Galway, Offaly, Westmeath and Dublin. 95,000 litres of product was seized at the laundering site and over 48,000 litres from the service stations.

PSNI and HMRC also carried out a number of searches in their jurisdiction. A substantial amount of money was recovered during one of the PSNI searches. A number of individuals were arrested on both sides of the border.
Organised Immigration Crime and Human Exploitation

The Common Travel Area

A Common Travel Area (CTA) is in existence between Ireland and the UK. Legislative changes made in 1997 mean that now some controls are in effect on arrivals into Ireland from the UK. Immigration officers conducting immigration controls at the land border between Ireland and Northern Ireland may ask questions to establish if a person is an Irish or UK national. Non-Irish/UK nationals are required to be in possession of a passport or equivalent documentation when travelling from one jurisdiction in the CTA to another.

The CTA results in potential for individuals not from the UK/Ireland to attempt to move illegally between the jurisdictions. Individuals may endeavour to exploit the CTA’s existence and also some may have criminal intent. In order to ensure these risks are addressed, a high level of co-operation exists between the UK Border Agency (UKBA) and Garda National Immigration Bureau.

A number of initiatives and groups have been established to address these risks. These include the creation of a working group on Immigration and Counter Terrorism within the CTA and membership of the Northern Ireland Organised Crime Task Force’s sub group examining human trafficking and illegal immigration. In addition to PSNI officers attending human trafficking related training courses hosted at the Garda Training College, efforts have been continuing to promote the Blue Blindfold campaign to the public and raise general awareness about the issue.

Human Exploitation – Human Trafficking and Vice

Currently, a number of OCGs are involved in organised prostitution and brothel keeping throughout the island of Ireland. In some instances this involves acting as a ‘pimp’ and/or providing accommodation. In other instances their involvement is more organised, for example, assisting females into one of the jurisdictions specifically to work in the sex industry, or human trafficking for the purposes of sexual exploitation.

Often the organised crime gangs gaining financially from the brothels have extensive previous criminal involvement. Women are moved between various locations both north and south of the border by these groups.

There may be a mix of trafficked and non-trafficked women within a brothel, however those employed ‘voluntarily’ may also be vulnerable due to their background or may have problems with addiction. Legally in Northern Ireland, Section 15 of the Policing and Crime Act 2009 criminalises the payment or promise of payment for sexual services of a prostitute who has been subjected to force. This is a ‘strict liability’ offence, meaning the defendant can be prosecuted even if they did not know the victim had been exploited. To date PSNI have interviewed six men in Northern Ireland in relation to paying for sexual services from a trafficked victim. In the south, buying sex is not illegal and selling sex in a private place is also not illegal. Some activities associated with prostitution are outlawed such as soliciting in public, loitering in public places, brothel-keeping and living off immoral earnings. In 2008, it became illegal to buy sex from someone who had been trafficked. However, in contrast with UK law, the Act does not impose strict liability to the purchaser, i.e. he/she can use the defence that they did not know that the person from whom they were purchasing sex had been trafficked.

Human trafficking has become a growing public issue in recent years. Whilst human trafficking for sexual exploitation is the most common type of trafficking seen in both jurisdictions, there is an increasing number of cases of human trafficking for labour exploitation being discovered also. Northern Ireland and Ireland are predominantly destination countries however they are also each used as transit countries for traffickers bringing people into the other jurisdiction.

Marriages of Convenience

Sham marriages continue to occur in both jurisdictions. Such marriages usually involve the making of a payment by, or on behalf of, an illegal immigrant who is a non EU national, to a national of an EU Member State, in return for that person entering into
a marriage with the illegal immigrant. The non EU national subsequently claims EU Treaty Rights relating to residency in the EU, based on the existence of the marriage. Under immigration law, if UKBA has evidence of a ‘marriage of convenience’ it can revoke a person’s leave to remain in the country (subject to the appeals process). UKBA and PSNI have carried out a number of investigations into organised criminal gangs who had been facilitating such marriages for substantial fees. People either involved in or connected to sham marriages have been prosecuted and tough sentences have been handed out by the courts.

An Garda Síochána faces difficulties in attempting to prevent sham marriages. Existing regulations do not allow Gardaí to directly object and stop marriages they believe to be taking place as a route to EU Treaty residency rights. However, the European Communities (Free Movement of Persons)(No.2) Regulations 2006 allow for the examination of an existing marriage to test whether it is a marriage of convenience and if this is found to be the case, Treaty rights may be stripped from the offending party. Furthermore, Gardaí have found that in some cases individuals involved in these sham marriages present false / fraudulently obtained documentation to the marriage registrar. The Gardaí actively investigate such activities and prosecutions have been secured by Gardaí under the Civil Registration Act 2004 and also for theft and fraud.

Investigations also reveal that individuals residing in one CTA jurisdiction have attempted to enter into a sham marriage in the other jurisdiction. Intelligence and evidence sharing is ongoing between the PSNI and An Garda Síochána.

Case Studies

In April 2012, following a joint investigation between PSNI and An Garda Síochána, an individual was sentenced following his guilty plea in relation to charges of human trafficking for sexual exploitation, controlling prostitution and brothel keeping. The conviction related to an investigation into a Dublin-based Hungarian organised crime gang and was the first conviction for human trafficking in Northern Ireland. He was sentenced to three years for the trafficking, two x two year terms for controlling prostitution and 18 months for brothel keeping, and has since been deported.

In May 2012, co-ordinated days of action took place involving PSNI and An Garda Síochána. This was part of Operation Quest, which aimed to secure convictions against individuals involved in organising prostitution, brothel keeping and associated offences including money laundering. Real time exchange of information took place between the two police forces and mutual police assistance was sought from various other law enforcement agencies in Europe. A total of 159 searches were carried out both north and south of the border. Five individuals were arrested and three suspected victims of human trafficking were rescued. A large amount of documentation, cash, mobile phones and computers were also seized.

In 2011, PSNI with assistance from Garda National Immigration Bureau (GNIB), undertook an investigation into suspected bogus marriages. This investigation resulted in the arrest of six individuals in Newry on the 1st September 2011. Amongst those arrested were the intended bride, a Latvian female, and the intended groom, an Indian male. It was established that the Latvian female had been living in Dublin for a number of months.
Tobacco Fraud

Organised crime gangs continue to take advantage of rising cigarette and hand rolling tobacco prices in the UK and Ireland by smuggling tobacco products in from countries with lower duty rates and by importing counterfeit brands and ‘illicit whites’27 from overseas.

In 2011, the Irish Tobacco Manufacturers’ Advisory Committee (ITMAC) reported that approximately 24% of cigarettes consumed in Ireland were illegal and anticipated this figure would rise with the price increases imposed last year. Her Majesty’s Revenue and Customs (HMRC) estimate the UK illicit cigarette market share to be between 4% and 16% in 2009/10.

Organised crime gangs on both sides of the border are known to work closely together in the trafficking of counterfeit/contraband cigarettes. As a result, the Cross-border Tobacco Fraud Enforcement Group was established in 2010 and includes representatives from a number of law enforcement agencies. Alongside this, Joint Investigations Teams (JITs) have also been established between Revenue and Customs in Ireland and HMRC in Northern Ireland. These JITs manage controlled deliveries between Northern Ireland and Ireland and vice versa.

The modus operandi for cigarette smuggling into Ireland is varied and includes containerised maritime traffic, roll-on/roll-off freight vehicles, postal importations and individuals travelling through ports and airports. Genuine product (contraband) is primarily trafficked from low duty EU member states. Counterfeit and illicit whites are predominantly smuggled through maritime freight and concealed within various cover loads. Infiltration of the legitimate trade makes it difficult to detect illegal consignments. The majority of cigarettes seized in maritime freight traffic are illicit whites.

Whilst China and Malaysia are the usual sources of such product, there are indications that Irish groups have forged relationships with criminals in Vietnam and Cambodia and are embarking on cigarette importations from there. The third largest seizure in the history of Ireland was made on April 12th 2012, when 38 million cigarettes were seized in Dublin Port. These cigarettes had been imported from Vietnam via Rotterdam. In June 2011, the European Commission’s Anti-Fraud Office reported that gangs in Ireland were working with eastern European OCGs, particularly from Russia, for the purpose of importing counterfeit cigarettes28.

Illegal factories are also being reported in EU member states, particularly Poland and the Baltic States. It appears that it is easier to evade border control when importing the raw tobacco compared to a container of cigarettes. In Northern Ireland there have been seizures of various elements that suggest criminals are filling hand rolling tobacco pouches with loose tobacco after importing the ingredients separately. Seizures made by Revenue Commissioners could suggest the same activity is occurring in Ireland.

Case Study

In December 2011, as part of a multi-agency cross-border operation 9.7 million illegal cigarettes were seized in Co. Monaghan. These cigarettes were ‘President’ and ‘Hatamerr’ brand and had been imported in a 40ft maritime container from Malaysia via Rotterdam.

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27 ‘Illicit whites’ are cigarettes produced entirely independently of the International Tobacco Manufacturers (ITMs) and effectively are brands manufactured specifically for smuggling.
28 Austin Rowen of the European Commission’s Anti-Fraud Office, speaking at a conference hosted by Retailers Against Smuggling on 22nd June 2011.
Vehicle Crime

Organised vehicle theft is a prominent source of income for criminal groups. A practice of ‘steal to order’ continues to be employed by these OCGs and the vehicles are subsequently shipped outside of the jurisdiction where they can be cloned and sold onto unsuspecting buyers. Vehicles are transported within the two jurisdictions as well as to GB, Eastern Europe and also further afield to the Middle East and Africa. Stolen cars in Ireland are also being broken up before the parts are exported.

In reflection of the economic downturn, there is a reduced market in Ireland and Northern Ireland for construction plant. It is reported that there has been a decrease in this kind of machinery theft. In 2011/2012, Gardaí focussed on criminals involved in the theft of tractors on both sides of the border and this was effective in reducing this trend. Some of the stolen plant was sold to innocent purchasers in Ireland and others were exported to Eastern Europe.

An Garda Síochána, in particular the Stolen Motor Vehicle Investigation Unit, and PSNI regularly work closely together on intelligence led operations to target groups involved in this crime.

Case Studies

In August 2011, one of the main suspects in a series of ATM thefts in both jurisdictions in 2009/10 was extradited from Dublin to Belgium to serve a seven year prison sentence. The male was arrested in Serbia in 2008 and extradited to Belgium on offences of plant theft and being a member of an organised crime gang. He was convicted and received a seven year sentence which he later appealed. He failed to attend the Appeal Court hearing where his sentence was upheld.

In 2011, an operation was initiated to target an Irish grouping based in the UK and their network of associates throughout Ireland and Northern Ireland. This grouping was believed to steal commercial vehicles in the UK and sell these on in Northern Ireland and Ireland. This investigation has resulted in the identification of 84 stolen vehicles and a number of arrests were made.