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Contents

Charting Illicit Trade: OECD Task Force In Action

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I –What Do We Know? What Do We Want? What Can We Do?

1. Wide-ranging Agreement on the Problem

A. The OECD provides a suitable medium to tackle the persistent and complex problem of charting illicit trade, organised in the context of the OECD High Level Risk Forum, which seeks to "increase societal resilience to pressing global threats such as national disasters, pandemics, financial crises, terrorism and cyber attacks" via the Task Force on Charting Illicit Trade (TF-CIT).[1]

B. The scale of the damage resulting from illicit trade worldwide gives TF-CIT members cause for concern with respect to the "Illegal economy... criminalized markets, their consequences and harms… disruption to supply chains... weakening of market activities... distorting local economies... fuelling conflicts... undermining the rule of law... corruption... threatening the health and safety of communities... significant damage to the world financial system... exploitation of weakly governed territories, etc."

"Illicit trade infringes the rules, laws, regulations, licences, taxation systems, embargoes and procedures that countries use to organise trade, protect their citizens, raise the standards of living and enforce codes of ethics... In the coming years, global illicit trade is expected to become even more extensive and complex... Illicit trade as a growing global threat, a quickly evolving global risk."

It is now clear that illicit trade—more than other forms of cross-border crime—represents between 8% and 15% of global gross domestic product (GDP) (as a result of activities such as trafficking in human beings, drugs and counterfeit consumer goods[2] as well as crimes against the environment[3]), and that such activities significantly handicap world trade, governments and the global human environment:

World trade: increased surveillance of supply chains; compliance; costs related to the health of consumers (legal proceedings); tarnished reputations; infringement of copyright; insurance; heightened security; etc.

Governments: loss of tax revenues resulting from smuggling/counterfeiting (cigarettes, etc.); stripping natural resources (wood, minerals, fishing, etc.); invoice fraud leading to loss of capital; etc.

[1] This quotation and all those that follow are taken from documents issued by the TF-CIT since autumn 2012: *Mapping of the illegal economy*, 23/10/2012, OECD High Level Risk Forum; *Factors driving illicit trade*, 25/10/2012, OECD High Level Risk Forum; *Statement prepared for the OECD High Level Risk Forum*, David Luna, State Departmen0t, 26/10/2012; OECD Task Force on Charting Illicit Trade, 2-3/4/2013; OECD-TF-CIT chair's update, November 2013. See also: WEF, 22-25/01/14, *Out of the shadows, why illicit trade and organized crime matter to us all*; and The Independent (Irl.), 28/10/12, *Illegal trade costs state €860 million in lost revenue.*

[2] Counterfeiting involves the production of illegal copies of legal goods (food, cosmetics, etc.).

[3] [UNODC, World Drug Report] "Illicit drugs alone represent more than 400 billion a year... Hundreds of billions of illegal revenue from these activities are estimated to flow through the global economy every year."

[4] Ireland provides one concrete example, where revenues from cigarette smuggling are valued at €3 million *per week*; a container of 7.5 million cigarettes generates a profit of €1.3 million. Trafficking is just as big a burden on the Irish medical and sportswear markets.

Global human environment: counterfeit drugs, fertilisers, health products; forced labour; theft of protected animal and plant species; etc.[4]

C. There is extensive agreement on who is responsible for illicit trade and who benefits from such practices: Who runs this illicit trade? Is this illegal economy a spontaneous generation phenomenon? No, "transnational networks… criminal entrepreneurs…illicit traders."

The various documents analysed here clearly identify those responsible for undermining the global economy: "Actors involved in illicit trade activities…illicit/criminal transnational networks/traders… lethal nexus of organized crime, narco-trafficking and terrorism…transnational organized crime, etc."

As for the reasons for the phenomenon: "Economic globalization created opportunities for criminal networks to increase profits… both the scale and the geographical scope of this phenomenon being unprecedented… A clear and present danger."

D. There is also general agreement on the end goal of the TF-CIT: "Make things better in the future… counter or mitigate the operations of transnational organized crime… Identify and quantify risks and harms related to illicit trade activities…We must shut down the illegal economy and criminalized markets and put criminal entrepreneurs and illicit networks out of business…reduce, monitor, control or otherwise prevent illicit trade, at the level of production, transit and consumption."

E. There is also broad agreement on the manner in which the TF-CIT should achieve its end goal and diagnose the situation in a timely manner: "[We need] to identify and quan-

tify risks and harms related to illicit trade activities that generate revenue for a global illegal economy… a clearer understanding of the economic, geographic, technological and policy conditions that drive or enable it… tools to combat illicit trade and transnational networks."

(a) *Diagnoses:* "Identify the broad scope of illicit trade activities, of vulnerabilities… evidence-based research…quantify the market value of illicit trade activities…Fill the knowledge gaps…measure the true economic cost of illicit trade to business… Enhance detection capabilities…map, measure, monitor, manage and mitigate future harms of the illegal economy."
(b) *Action:* "Further international efforts and coordinate forces…Exchange of information…Data & information sharing… Concrete actions."

2. Areas Requiring Further Expansion and Greater Clarification

According to the available literature on "illicit trade activities"—and on what the concept covers and causes, what it stems from and why it is currently so successful—it seems appropriate to go beyond the aforementioned initiatives to add a number of more detailed points designed to help the TF-CIT avoid subsequent analytical problems in terms of mapping illicit trade and in defining relevant punitive measures.

The TF-CIT targets the "global illegal economy and transnational criminal markets", which are "trafficking drugs, arms, toxic waste, stolen natural resources, counterfeit goods, protected animal parts, etc."

However, *illicit* trafficking of *illicit* goods is only part of the problem. The issue is also compounded by *illicit* trafficking of

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[5] *The Mortgage Introducer,* 7/02/13—"Latest fraud figures should sound alarm bells."

licit goods and services including tobacco, alcohol, human beings and prescription drugs not used for their intended purpose. In addition, many offences in the business world are committed not by criminals but by the companies' own employees and executives: according to the UK fraud-prevention service (CIFAS), 43% of thefts committed in 2012 in the work environment came from inside, rather than outside, the workplace.[5]

According to specialist economists, the matter of illicit trade and the "llicit economy" is not a black-and-white issue: it cannot be dissected neatly with a scalpel under the watchful gaze of students; it cannot be taken apart like an engine at the hands of skilled mechanics. In contrast, illicit trade and the "illicit economy" are aspects of the informal economy: a complex spectrum with a wealth of different shades and hues, from the pale grey of undeclared labour to the pitch black of heroine deals, with every imaginable illicit practice in between.

It is helpful to expand on this point in terms of the definition of the shadow/informal economy.[6]

The first point of note is that this is a vast issue: "At the end of the twentieth century, up to 30 million people performed shadow work in the EU and up to 48 million in the OECD... Shadow economy varies between less than 8% of national income, and over 30% [of the same], in OECD countries... there is no exact measure of the size of the shadow economy (*op. cit.*, note 5)."

Definition: "Market-based production of goods and services, whether legal or illegal, that escapes detection in the official estimates of the GDP... Activities, and the income derived from them, that circumvent or otherwise avoid government regulation, taxation or observation."

Grey economy: illicit, untaxed, unregulated; moonlighting; undeclared bonuses and benefits, bartering and odd jobs (babysitting).

Black economy: licit products stolen or sold not for their intended purpose (buying and selling tobacco and alcohol to take advantage of tax differentials); drug pro-duction and trafficking; prostitution; illegal gambling; counterfeiting/smuggling; fraud, trafficking in human beings and arms. While there is no real working drawing for the illegal economy, things are no clearer or immutable in terms of its key driver, organised crime. On the contrary, organised crime is in a constant state of flux as a result of myriad different factors (such as opportunism) that fall outside the scope of this study.

In just the past decade, criminal entities have expanded into the illicit trade in waste and cheap labour,[7] match-fixing and corruption in professional sport, and trafficking in human organs and legal/counterfeit pharmaceuticals. More recently, these same criminals—and others—have infiltrat-

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[6] *The Shadow Economy,* Friedrich Schneider & Colin C. Williams, Institute of Economic Affairs (IEA), Westminster, London, 2013.

[7] *European Parliament resolution of 11 June 2013 on Organised crime, corruption and money laundering:* "The total number of forced labourers in the Member States is estimated at 880,000, of whom 30% are estimated to be victims of sexual exploitation and 70% victims of forced labour exploitation."

[8] In April 2013, the Italian government confiscated $1.7 billion dollars in mafia assets, including 43 companies operating solar arrays and wind farms, all linked to the Sicilian mafia boss, Vito Nicastri, aka "the Lord of Wind". Such practices hold huge appeal for the mafia as a result of huge grants, minimal regulation and installation of alternative energies such as sun and wind in southern Italy. See OilPrice.com: "Renewable energy, the mafia's newest playground."

ed a wide array of trades and professions, including public works, transport, mass retail, adult entertainment,[8] alternative energy and even private security.

3. *What Can We Do? And How Can We Do It Effectively?*

Based on this new framework, what can we do to better identify and combat illicit trade more swiftly? Efforts in 2012 and 2013 have included identifying the broad scope of illicit trade activities, addressing the need for data and information sharing, identifying vulnerabilities, conducting evidence-based research, combating illicit trade and transnational networks, quantifying the market value of illicit trade activities on a sectoral and global basis, deepening an understanding of the risks presented by transnational illicit networks and the interaction among illicit and legitimate flows of goods, people, capital and information, and the security of the legitimate supply chain.

So what has been the strategy so far?

"Address the lack of good data and information on the impact of organised crime and illicit trade... Fill the knowledge gaps... [Create a] methodology to measure the true economic cost of illicit trade to businesses, markets, economies and governments... [Gather] quantitative data on the market value of illicit trade activities on a sectoral and global basis... [Analyse] the extent to which the legal and the illegal economy intersect in illicit trade... Increase private sector access to open-source data... Data and information sharing... Deepen current understanding of the conditions that facilitate transnational illicit markets... Mapping of the volume, flows and trends of illicit traded goods... quantitative metrics... pragmatic mapping tools, etc."

In short, the TF-CIT must draw up a simple, clear methodology designed to measure illicit trade, sector by sector, providing new tools able to combat the problem. This is clearly an important goal but there is no shortage of obstacles.

As we saw earlier, the criminal world is in many ways *an unknown entity*. Far from the safe, clearly defined, unchanging practices of lawful pursuits, it is constantly shifting and hiding its tracks: it has no long-term view. At any given time, it comprises an unstable mass of opportunist predators, growing through waves of repression and internal struggles; chaotic by nature, it cannot be—and undoubtedly never will be—definitively measurable or quantifiable, even at a fixed point in time.

Given these myriad, sudden changes, it is impossible to extract any variables that could then be compiled into a matrix, modelled using algorithms or reproduced as sophisticated graphs. While regularity and fixity are vital to the licit economy, with its accounts, financial statements and supply chains, these same virtues are, by definition, a deadly threat to any party operating outside the law, on a small or a large scale. Any criminal who becomes definite and stable—and therefore *predictable*—will soon find himself behind bars (prosecuted) or dead (at the hands of rivals).

In short, it would be a mistake to picture global trade as a two-sided coin, with "heads" illicit and "tails" licit. We must avoid lapsing into a dual contradiction that would stymie any progress:

- if we based the real need of the TF-CIT to detect and anticipate solely on the retrospective collection of past data,
- if future TF-CIT diagnoses ignored the (Darwinian) nature of organised crime that leaves little scope for detection and is hard to predict, without the right expertise.

As all experienced criminologists are aware, we have no choice but to recognise the mobile nature of organised crime: it is not a fixed entity but a moving target. Past data, no matter how methodically gathered, will give no indication of future criminal developments. We must predict and prevent, anticipate and identify these developments as early and as quickly as possible.

The European Parliament made this clear in a recent resolution (11/06/2013, op. cit., note 7), after 2 years of work and with the help of Italy's top experts: "In order to defeat organised and Mafia-style crime... it is necessary not only to react to such criminal activity but also to make major efforts to prevent it...[and conduct] analyses seeking to identify emerging organised crime trends."

Mapping and measuring illicit flows is clearly crucial yet is also retroactive. In addition, it is vital that we provide the TF-CIT with a system of early detection of criminal threats defined as anything that already threatens companies and may threaten them further tomorrow. This is a goal that our criminologists are able to achieve. They are naturally at the disposal of the TF-CIT.

Now let us consider the second major field of work for the TF-CIT: analysing and taking account of illicit trade and related challenges for the law.

II–Illicit Trade and the Challenges for the Law

1. What is Illicit Trade?

Crime detection with regard to illicit trade is a challenge to the law in itself as the term initially describes an unwanted phenomenon in first instance. Detecting this phenomenon from a criminal standpoint involves identifying the different manifestations of illicit trade. Part of this process is to mention the diverse fields of activity that range from long-standing practices—such as the trade in drugs, arms and cars—to new, lucrative business areas like the illicit trade in pesticides or medicine. Organised crime is undeniably spreading more and more into these new areas. In January 2012, Europol reported that the trade in illegal and counterfeit pesticides had become one of the fastest-growing areas of organised crime within the European Union (EU), driven by incentives such as the low risk of detection and the high level of profitability.

If the law wants to "sanction" these phenomena, it must provide the necessary tools to do so, with respect to offences under criminal law, investigative powers under procedural law and effective legal assistance for cross-border cases. Tools such as clear offences and investigative powers have already been provided in many countries but, as a general rule, they leave significant scope for improvement. The problem is compounded by the existence of contrasting methods of prosecution between the 28 member states, which makes the fight against illicit trade more difficult. International and European legal requirements are needed to ensure that these tools are provided, which the member states must transpose into national law—a process that can often take several years, which is clearly a problem.

Since criminal law can only be a last resort—*ultima ratio*—in penalising unwanted practices in a constitutional state, other areas of the law should not be disregarded. Trade restrictions must be clearly defined from a civil and administrative standpoint, with violations punishable by fines or criminal prosecution as a last resort. Any specific cases with regard to illicit

trade must be given due consideration. That involves determining to what extent trade in a commodity represents a danger to the civilian population. This danger point must be attributed to the act of a person. At this point, the law is tasked with declaring this action illegal because of its threat and taking the relevant legal measures available. The repacking of pesticides for trading purposes is a focal point in this respect given the high risk that illegal goods be imported under the name of goods that belong to the legitimate economy. The illegal trade in medicine over the internet has also become a profitable operation because of the scope for anonymity and the distance between the perpetrator and the victims. It falls to criminal law to define the threat posed by such practices.

Empirical studies and experiences can help determine whether such practices pose a danger. For example, driving under the influence of alcohol or drugs is dangerous because of the potential harm to others and the risk to other traffic on the road. Similarly, the illegal possession of arms is dangerous because of the inability to control the spread of dangerous weapons; the illegal arms trade is dangerous because of the inherent increase in the uncontrolled spread of dangerous goods. Criminal law can define the threat of these actions with incriminations and it could distinguish between abstract and concrete endangerment offences, for example.

2. Challenges for the Law

There are many facets to this illicit trade, which leads to the primary challenge for the law as it seeks to identify and analyse threat points and then implement solutions. These solutions can range from prohibition on an administrative level to sanctions including criminal penalties. Any legal solution to such problems can only succeed through a holistic approach. That means involving all players—science, practice and economy—in the problem-solving process to prevent the risks related to illicit trade. Involving all stakeholders requires the formation of groups of experts, which should discuss relevant issues, perform risk analysis and develop recommendations. Currently, this approach is not fully enforced. To date, not enough experts have been involved in law-related discussions. Law enforcement and its expertise should be included in research projects. It is crucial to seek joint cooperation to analyse the current threat situation and work out solutions (recommended action plans).

With regard to new forms of illicit trade, such as drug crime, the law has so far been unable to comprehensively present potential risks of abuse due to the increasing availability of mail-order medicine. As a result, it has also been unable to analyse the resulting challenges for law-enforcement agencies or target effective law-enforcement strategies to combat internet-protected pharmaceutical crime.

One reason the law faces difficulties in coping with illicit trade is the partial lack of harmonisation of legislation. At the very least, this affects the ability to process cross-border cases of illicit trade. Generally, legal assistance only comes into effect if the practice in question is punishable according to the "dual-criminality" principle in both the requesting and the requested states. Difficulties are encountered from the outset when investigating authorities are unfamiliar with the relevant laws of other countries. In addition, relevant regulations in some countries are scattered between numerous supplementary laws, which leads to significant fragmentation. However, due to the EU influence on market-controlled regulations, the legislature has chosen to apply highly complex methods of control in some key

areas such as the reference procedure for criminal offences or fines. These methods of control should be called into question, since they endanger "normative clarity" and therefore the deterrent effect of a norm. All of these difficulties have a huge impact on practical law-enforcement activities and may even impair them.

Moreover, current harmonisation measures within the EU also suffer from fragmentation and do not cover basic areas such as the subjective aspect of an offence or the penalty system. Despite significant improvements in legislative resources on an EU level by the European Parliament and Council following the Lisbon Treaty to effectively tackle crime, including computer crime (see Article 83 of the Lisbon Treaty), a unified criminal law within all EU member states is not a realistic prospect in the immediate future due to limitations in harmonising competences on minimum requirements. As a result, comprehensive surveys based on the relevant criminal case norms and comparable law standards will not lose their relevance. Nevertheless, the current harmonisation of competences should be used to achieve an improvement in the legal situation, at least in the EU.

3. Ways to Solve Legal Problems

Each legal regulation must be based on a comprehensive database including all types of illicit trade. That means compiling information on the current legal reality in terms of key perpetrators and their structures in given areas of illicit trade. In Germany, for instance, the land office of criminal investigations or the federal criminal police office could establish such a data bank on a national level. Europol could compile the same resource on an international level. The introduction of an indicator on forms of illicit trade would help to monitor relevant effects. This would involve identifying factors such as perpetrator structures, victim structures, damages, related resources and distribution channels. This is empirical research. The purpose of the database is to enable a targeted, efficient and sustainable fight against illicit trade.

Relevant standards governing crimes and criminal procedure must also be described, compared and evaluated through a three-tier approach comprising (1) national level; (2) level of the 28 EU member states; and (3) international level. In addition, alternative models for prevention in the fields of public law and private law must be established and evaluated. Cooperation with the private economy is essential, given its importance in providing and developing effective security technologies. The private economy can play a special role in expert groups and develop technical solutions (e.g. databases): we should use its "know-how" to combat illicit trade. For example, tamper-proof labelling can help to hamper the illicit trade in some products.

Incentives for those involved in illicit trade stem from the low risk of detection and the high level of profitability. Any attempt to change the circumstances in this area must start at these two facts: trading must be made unattractive; transactions must no longer be worthwhile and profits no longer reinvested. Such practices must be rendered unprofitable. Practical legal regulations need to be created to eliminate profits from illicit trade and remove them from the economic cycle. It is still possible to impose commercial sanctions like the prohibition of further trade activity.

There are already legal instruments to achieve these goals and the EU has passed laws to prevent abuses. However, these tools have proven too ineffective and their impact on organised crime is uncertain. They need to be adapted according to demand.

Illicit trade stretches beyond the borders of the EU. Aspects such as criminal structures, which can easily develop, and less prosecution favour illicit trade outside of the EU. Therefore, it is of particular importance that we implement a human rights treaty on an international level and establish a common legal framework, as well as developing preventive models and strategies. To prevent the various forms of illicit trade, it is essential that prosecutors cooperate closely on a national and international level.

III – Illicit Trade and Public Policies

The way in which policymakers respond to trafficking is often undermined by official hypocrisy. For many years, offshore platforms were used to circumvent taxes and to support commissions and kickbacks, while masking assets linked to criminal activities. Since deregulation in the nineties, there has been an acceleration in the collapse of financial sectors and the emergence of new contributors to the shadow economy.

Despite—or perhaps because of—the 2008 crisis, criminal activities have become increasingly profitable. Illicit business is little affected by economic shocks and is free to select its markets, invest in R&D, offer incentives to its top salespeople, develop catchment areas and reap significant margins while learning the tricks of active investors. The only difference is that its approach to dealing with competitors is somewhat more "definitive" than in the conventional economy.

Through the "Yakuza recession" of the eighties, the US Savings & Loans crisis of the same period, and subsequent events in Mexico, Russian and Thailand, a series of financial crises with criminal overtones has rattled the world's biggest nations. All of this has happened under the nose of seemingly oblivious central regulators, despite the fact that though the International Monetary Fund estimates dirty money to represent somewhere between 1% and 5% of global GDP. The criminal underworld has become a key player in international finance.

Criminal organisations started small, to test the market. They began with a few hundred thousand francs before ramping up to the theft of several thousand billion euros after 40 years of honing their practices. Just like the Ponzi scheme that will soon celebrate a century of swindling and seems more effective than ever. What next?

With these different misappropriations of funds on a massive scale and the creation of the Bank of Credit and Commerce International (BCCI),[9] the criminal sector had firmly established itself as a key economic player.

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[9] The Bank of Credit and Commerce International was founded in Pakistan in 1972 by Agha Hasan Abedi, from a Shiite family, with ties to the richest Arabic and Pakistani families, including Saudi Arabia's Bin Mahfouz family, Pakistan's Gokal family and Abu Dhabi's Gaith Pharaon family. BCCI Holding SA was registered in Luxembourg in 1972. BCCI SA was registered in the Cayman Islands in 1975. In 1988, the BCCI subsidiary in Tampa, Florida, was implicated in drug trafficking. In July 1991, BCCI filed for bankruptcy. Time magazine called it the "dirtiest bank of all". During its investigation into the Noriega scandal, the Senate commission chaired by future US presidential candidate Senator John Kerry noted that the BCCI was helping to launder money from the cocaine trade under General Noriega, president of Panama. In December 1992, senators John Kerry and Hank Brown, a Republican from Colorado, published *The BCCI Affair*, which covers the scandal and gives evidence of links between the BCCI and terrorist organisations. The report suggests the involvement of the Justice Department, the Treasury, customs and the Fed, along with influential lobbyists and the CIA (*The BCCI Affair*, Report to the Committee on Foreign Relations, United States Senate, Senator John Kerry and Senator Hank Brown, December 1992).

Here and there, stretching to the borders of the Balkans, the United States, Lebanon, the Persian Gulf and the UK, we are discovering or at least seemingly discovering bank branches, subsidiaries and organisations that are almost entirely used not only for conventional laundering and manipulations of markets and indices, but also criminal investments.

An "official" industry used to finance crime is now a reality. It draws on the methods and tools of conventional financial systems. None of these is really an isolated issue. Even if there is probably no centralised crime organisation in place today, methods of cooperation are developing and the influence in Europe of criminal organisations based outside of Europe is growing.

More recently, the Europol's Organised Crime Threat Assessment (OCTA) underscored the increasingly important input of financial experts on matters related to criminal activities, given the extent to which the race for profits extends beyond pure legal or moral considerations.

The increasingly hybrid nature of criminal organisations, their ability to morph into conglomerates covering more and more sectors, their impact as a key player in times of crisis, their ability to create new opportunities and their new fields of activity are all contributing factors. There is no longer a single "grey area" somewhere on the periphery: we now face a Criminal Enterprise that has gone global and has succeeded—by slipping through all the chinks in the old world armour of backward-looking state control to establish itself as one of the most powerful economic operators on the planet. Moreover, "al-Qaeda tunnel vision" has long handicapped the campaign to combat organised crime.

The process of corruption and wilful blindness on the part of many global financiers is now visible and more often than not penalised. Yet it is done so through settlements that have little real effect on future practices. The close ties between criminals and their banks, the oft-ignored or underestimated fraudulent aspect of financial crises for at least half a century… all of this is now coming to light. Crime accompanies, amplifies and, at times, provokes financial crises. US Attorney General Michael Mukasey's 2008 warning that organised criminals have penetrated the markets should be taken as a clarion call.

Crime and finance no longer simply coexist side by side. Global finance is no longer solely the victim of armed attacks or the theft of information. Some have chosen to be in bed with criminals and sometimes even engage in criminal activities. The potential for profit has become a powerful incentive for the growth in illicit activities, well beyond the scope of traditional "tax optimisation" which, for many well-established banks, was enough to warrant the existence of offshore financial centres.

Drawing up effective public policies requires an initial consensus on the underlying issues that always impact on political decisions. We cannot successfully deal with tax havens without first addressing the problem of commissions and kickbacks, especially from the arms trade.

No tax haven can long withstand the determined action of major countries that are the victims of such "optimisation", now a fancy euphemism for fraud. However, that also means ensuring that these countries do not also have their own offshore/inshore operations and have enough foresight to check what is on their own doorstep.

Dangerous fakes are part of the problem. There are three types:

1. The "real-fake" (a genuine product stolen from its usual distribution network, generally with the help of the manufacturer, to avoid paying taxes, which mainly threatens the public purse);

2. The "fake-real" (a fake product made to look like the genuine article, generally to avoid paying fees with regard to copyright and trademarks, which mainly threatens the original manufacturer);

3. The "fake-fake" (a fake product that is useless or dangerous, which mainly threatens the consumer).

Each of these fake products requires a different response, along with interest groups whose make-up cannot on the face of it anticipate the bona fide nature of all participants. That means moving away from ready-made public policies applied in a copy-and-paste fashion in favour of more tailored policies, which will naturally involve taking into account specific local requirements.

Public policy is not a lesson in morals or ethics. Governments are not (yet) NGOs and are forced to juggle conflicting priorities. Should they build fewer diesel engines to protect citizens' long-term health or—to prevent a crisis in the immediate future—grant major tax breaks for diesel vehicles and pump prices to protect an ailing automotive industry? This is just one of countless issues to be tackled.

Priorities include hybridisation, drug addiction, food quality, fiscal traceability, operational intelligence on a local level, etc. These issues are handled with varying degrees of courage and willingness depending on the date of the next election (which always seems too close). However, when the crisis erupts, we need to move with a sense of urgency. This provides a small window of opportunity to move forward and make up for lost time or a lack of action, resulting from weakness or fear.

In this respect, new technologies have a crucial part to play. To validate or in-validate the human intuition that is the only means of detecting and unearthing new developments and moving away from the retrospective approach that involves preparing for the previous battle (already lost) instead of the next.

Today, the scale of the crisis has closed that window of opportunity. We place restrictions on legal financial transactions while shadow banking expands unchecked. We tax transactions and shadow trading thrives. This all occurs quite openly, of course, since governments are accustomed to helping with one hand what they hold back with the other. When both hands move with the same sense of purpose, then the time for law and order will return.

To plan a consistent approach, the introduction of an international agreement between major powers directly dealing with fraud would pave the way for a virtuous cycle of initiatives. The United States, China, India, Russia, Germany, the UK, France, Italy, Turkey, Saudi Arabia, Canada, Brazil and South Africa could—at the request of the OECD—create an interest group to combat fraud and encourage international organisations to introduce a binding system of international negotiations, backed by a tool for early analysis and monitoring of these issues, while at the same time removing those systems that currently make it possible to escape government control.

Does Policing Have an Impact on Homicides?

Maurice Cusson[A]

Traditional police sociology has shown little interest in the police's relationship with crime rates. Sociologists have acted as if police and crime were two separate planets with no connections between them. These sociologists have studied police culture and the use of force by law enforcement officers, but it has never occurred to them to ask: What works in terms of policing? Only with Sherman's research did the question "What works?" start to be asked and answered with statistics (Sherman and Berk 1984). Since then, research on the effectiveness of policing has increased. And we now know better what works to reduce crime, and what does not, as well as why (see the assessments by Sherman and Eck 2002; Braga and Weisburd 2010; Cusson 2010; Blais and Cusson 2008; Sherman 2013).

In this article, I will review the current state of knowledge related to the impact of policing on homicide rates. These rates are a good indicator of the ability of police organizations to have an effect on violent crime. Homicide is the most serious and most statistically measured of all crimes. Its different forms generally occur in tandem with other serious crimes, such as armed robbery.

Most researchers who have studied the effectiveness of policing have limited their research to a single country (most often the United States) and over a relatively brief period. Their results are not always conclusive because they lack a way to measure the quality of policing and because the variations are not significant enough both in terms of homicide rates and the variables of policing. It is therefore important for researchers to broaden their horizons to see what is happening in several countries and over several time periods. The variations in policing and in homicides can thus become much more significant.

The present article will answer to the question posed in the title in four parts:

- The first part will present the results of a transcultural comparative analysis that relates an indicator of police performance measured in 77 countries with the corresponding homicide rates.
- The second examines the main results of research into the remarkable decline in homicide rates in New York following the well-known reorganization of the New York City Police Department (NYPD).

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[1] On this crisis see (in French) Jean-François Gayraud, "*Crises Financières: la Dimension Criminelle*" (Financial Crises, the Criminal Dimension), *Défense Nationale et Sécurité Collective*, December 2008; Jean-François Gayraud, "*La Dimension Criminelle de la Crise des Subprimes*" (The Criminal Dimension in the Subprime Crisis), *Diplomatie*, Special Edition No. 8, April–May 2009 and (in English) Kitty Calavita, Henry N. Pontell, and Robert H. Tillman, "*Big Money Crime, Fraud and Politics in the Savings and Loan Crisis*", University of California Press, 1997.

[2] On this crisis see Jean-François Gayraud, "*Le Monde des Mafias, Géopolitique du Crime Organisé*" (The Mafia World, Geopolitics of Organized Crime) (Odile Jacob, 2005 and 2008); Jean-François Gayraud, Crises Financières: *la Dimension Criminelle* (Financial Crises, the Criminal Dimension), *Défense Nationale et Sécurité Collective*, December 2008.

- The third part will look back in history to ask: What effect did the establishment of two major police organizations, in Paris in the seventeenth century and in London in the nineteenth century, have on homicides?
- The fourth and final part will list the reasons for the failure of policing and the conditions that can make it effective.

I - Global Homicide Rates Vary in Inverse Proportion to Police Performance

Working with the "World Homicide Survey" team, Paul-Philippe Paré (2013) wanted to know if homicide rates were related to a police performance indicator inspired by the Van Dijk indicator (2008). He examined the homicide rates per 100,000 inhabitants for the years 1998 to 2002 (data from the United Nations Office on Drugs and Crime (UNODC)). The indicator measuring police performance was drawn from the responses obtained from international surveys of victimization and other surveys of corruption on the perception of the police, and on the percentages of crimes reported to the police by victims. Responses to five questions were combined to create this indicator of police performance:

1. Corruption: Do police officers in the country ask citizens for bribes?
2. Public satisfaction: "Are you satisfied with the way your local police force does its job?"
3. Victim satisfaction is measured using the same question.

4. Police reliability: "To what extent do you trust your police service to enforce the law?"
5. Percentages of crimes reported to the police by victims, a sign that people trust the police.

Indicators of underdevelopment are known to correlate closely with homicide rates in the world. For this reason, Paul-Philippe Paré used a United Nations indicator of socioeconomic development in his analyses, using the median income of citizens adjusted to the price of goods and services, life-expectancy, and access to education.

First observation: the five elements that make up the indicator of police performance are in correlation with each other and with homicide rates, with strong correlations from 0.59 to 0.74. Second observation: a multiple regression analysis that includes the indicator of socioeconomic development in the model shows that police performance presents a significant explained variance of 0.52 and the indicator of socioeconomic development ceases to reach the level of significance.

The correlations and regression analysis confirm the hypothesis that the police can reduce homicides if they are honest and gain the trust of citizens. When citizens have a favorable attitude towards the police, they are more inclined to call 911 when they are the victim of a crime and to cooperate with the police. As a result, police officers receive regular information from victims and the general public about crime rates. And clearance rates will also tend to be high, which has a deterrent effect on individuals who might consider killing someone.

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[3] On this transition see Joseph Stiglitz, "*Quand le Capitalisme Perd la Tête*" (When Capitalism Loses its Head) (Fayard 2003); Joseph Stiglitz, *La Grande Désillusion* (Globalization and its Discontents) (Fayard 2002).

II - New York's "Success Story" Can Be Explained by the NYPD's New Strategy

In terms of police effectiveness, one of the most remarkable and most analyzed evolutions is the significant drop in crime rates in New York during the 1990s and 2000s. During this period, the rates of robbery, breaking and entering, rape, and homicide dropped by almost 80%. In 1990, homicide rates in the city were at 30.7 per 100,000 inhabitants; in 2009, they had fallen to six per 100,000 inhabitants. It is also true that crime rates dropped in the United States and in Canada over the same period. Be that as it may, New York City is distinct in having a drop in crime rates that was twice as great as other American cities (Zimring 2012, 5, 16, 29, 36; Zimring 2006).

The leading criminologists who have studied the drop in crime in New York attribute it to the reorganization of the city's police force under the impetus of its chief, Bratton, who took office in 1994. The new commissioner entered his post with the goal of fighting crime, a priority that was taken all the more seriously because both Giuliani, the mayor of New York, and Bratton agreed it was possible to reduce crime rates despite structural factors. The new commissioner put in place a style of leadership that gave responsibility to the commanders of local precincts. During meetings where the criminal problems of each precinct of the city were examined with the aid of the CompStat system—which allowed for real-time representation of movements in crime rates and their distribution—very precise targets were identified. Performances were evaluated and police officers who dragged their feet were demoted. Crime hot spots in the city were identified and studied (Silverman 1999).

Several studies have demonstrated that improved police performance was at the origin of the drop in crime rates in New York. Zimring (2006 and 2012), after eliminating all other hypotheses for the drop in crime rates, related it to five police improvements: 1) vigorous police action against crime hot spots and drug markets; 2) "aggressive" policing; 3) the questioning and frisking of suspects caught for disorderly conduct or minor offences, which led to disarming criminals who carried firearms; 4) the increase in the size of the police force; and 5) the implementation of CompStat (a system for the rapid analysis and visualization of the distribution of criminal activity in time and space).

Besides Zimring, two teams of criminologists attempted to answer the following question with the help of statistics: Have police operations against disorders reduced crime rates in New York? Rosenfeld et al. (2007) established that, all things being equal, the more penalties for disorders increased in a precinct of a city, between 1998 and 2000, the more homicides and robberies tended to decline. For their part, Messner and his colleagues (2007) were able to obtain data broken down for 74 precincts of the city for the years ranging from 1990 to

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[4] On this crisis see a number of articles by Jean-François Gayraud: "*La Dimension Criminelle de la Crise des Subprimes* (The Criminal Dimension of the Subprime Crisis), *Diplomatie*, Special Edition No. 8, April–May 2009; "*Crises Financières: la Dimension Criminelle Un An Après*" (Financial Crises, the Criminal Dimension One year On), *Défense Nationale et Sécurité Collective,* December 2009; "*Capitalisme Criminel: Subprimes ou Subcrimes?*" (Criminal Capitalism: Subprime or Subcrime?), Cité, No. 41, PUF, March 2010.

[5] See Noël Pons, "*La Crise des Subprimes: une Aubaine pour les Criminalités?*" (Subprime Crisis: A Bonanza for Criminals), Cahiers de la Sécurité, No. 7, January–March 2009.

1999. Their analysis of the changes in each of the variables examined year by year and neighborhood by neighborhood showed that the increase in the number of penalties for disorders reduced the number of robberies and homicides committed with a firearm, but had no influence on homicides without firearms.

How did the strategy implemented by Bratton have an impact on homicides? First, by disarming armed robbers, dealers, and other criminals, they then committed many fewer murders during robberies, arguments, or fights. Second, targeted police operations disrupted criminal networks. Third, heightened pressure from increased police checks probably led many delinquents to abandon their criminal career or at least commit fewer misdemeanors and crimes.

III - Between the Seventeenth and Nineteenth Centuries, the Emergence of Strong Police Organizations Was Followed by a Drop in Homicides

It is now common knowledge that homicide rates decreased considerably in Europe between the fifteenth and twentieth centuries. The sizeable volume of work by historians and criminologists has established that homicide rates in medieval Europe were at the level of 40 per 100,000 inhabitants, while in Western Europe today it is between one and three per 100,000 inhabitants (Eisner 2003). This progress towards nonviolence has been explained in very broad terms as the civilizing process, the monopolization of violence by the state, the progress of the rule of law, the development of self-control, the rise of humanitarianism, the pacification of conflicts by municipal authorities, the progress of reason and the

Enlightenment, and the criminalization of violence (Elias 1939a and b; Eisner 2003; Muchembled 2008; Spierenburg 2008; Pinker 2011). Unfortunately, these explanations remain at a very abstract level and say little about the way that social actors had a concrete impact on reductions in violence and what institutions contributed to this pacification of manners. Two important moments in the history of European policing, however, give us reason to believe that this reduction in homicides is, at least in part, due to progress in policing.

Thus, the creation in 1667 of the police lieutenancy in Paris under Louis XIV can be seen as a major moment in the modernization of the police and its establishment as a strong institution distinct from the judicial system. Before that time, the sergeants of cities and other personnel responsible for enforcing judicial decisions were few in number, often corruptible, and unable to arrest notorious criminals because power relationships were not in their favor. As soon as the police lieutenancy was put in place, the agents and commissioners of this organization had sufficient numbers and were organized enough to intervene in brawls, prevent criminal behavior (in particular by lighting the streets of Paris), organize an effective information system, and arrest any group of criminals (Saint-Germain 1962; Lebigre 1993 and 2005).

After 1667, the policing model established in Paris spread to the other major cities in France. It is certainly not by chance that homicide rates in France in the eighteenth century were much lower than during the preceding centuries: approximately two per 100,000 inhabitants in the few regions of France for which records were kept (Nassiet 2011, 298).

In England, the policing situation before the nineteenth century was not very different from the situation in France before

1667. There were few constables, they lacked the backing of a strong hierarchy, and they were easily corrupted and often intimidated by determined criminals. The history of the creation of the Metropolitan Police of London in 1829 is well documented. It was a new organization of police officers with better pay and independent of judicial authority. The instructions given to this new police stipulated that its goal was first and foremost prevention. The new constables wore a uniform; they were required to act in a civil manner; they did not carry firearms; and they were sparing in their use of force. Discipline was rigorous and officers were supported by the organization. Over time, these police officers, very present in places where brawls could occur, were accepted by the public (Reith 1952 and 1956; Critchley 1972; Emsley 1983, 1991, and 2005; Rawling 2003). The policing model established in London quickly spread to the rest of England. It is not without interest to note that after this new police was put in place and spread to the rest of the country, crime rates, including homicide rates, recorded a very significant drop (which is very well documented by Gatrell 1980).

IV - Explaining the Successes and Failures of Policing

The research mentioned above demonstrates that police officers who enjoy good standing with the public are successful in reducing homicide rates in some countries and during certain periods, while at other times and in different countries, police with low approval ratings fail at keeping the peace and security. We have also learned that in New York, before the 1990s, the police were being powerless, which led to higher levels of violence. Then, with the reorganization of the NYPD, homicide rates dropped under the pressure of proactive policing. Finally, I asserted that the establishment of the police lieutenancy in Paris during the seventeenth century and, two centuries later, the Metropolitan Police of London were followed by reductions in homicide rates. The reasons for police failures as well as the conditions for police effectiveness can both be identified by taking these results into account as well as other recent discoveries on the subject (Sherman and Eck 2002; Cusson 2010; Braga and Weisburd 2010; and Sherman 2013).

In the following section, I will examine how policing success in dealing with homicides and crime rates in general requires a response to four major problems that the police have faced in past centuries and that they still face today in many countries around the world: 1) police corruption and public distrust of the police; 2) intimidation suffered by the police; 3) the routine passivity of police officers and their hierarchy; and, 4) police resources spread too thin.

1) From Corrupt Police to Intelligence-led Policing

We have seen how Paré's analysis (2013) of the *World Homicide Survey* data established that countries with high homicide rates tend to suffer from police corruption and public dissatisfaction, which leads people to report fewer of the crimes of which they are victim to the police. It is common knowledge that, before 1990, the New York police were rocked by several scandals that called the integrity of NYPD officers into question (Silverman 1999, 31-62). Finally, French and English historians have often mentioned the corruptibility of city sergeants in France and constables in England in the fifteenth and seventeenth centuries, periods that were characterized by their high numbers of homicides.

It is easy to see how corruption correlates to homicide rates. Police officers who spend their time collecting bribes have little time left for fighting crime; they are disdained by citizens who refuse to call on their services, give them information, or cooperate with them. Corrupt police officers cut themselves off from the community. This can be seen in countries like Colombia and Mexico: victims refrain from calling the police, saying that nothing can be expected from them and that they risk being extorted (Gomez del Prado and Cusson 2012). On the opposite end of the spectrum, in a safe country like Japan where the homicide rates are very low, the police have a symbiotic relationship with the community. We know that in this country, small neighborhood police stations (Koban) are spread throughout all sectors of the city and encourage communication with citizens. Police officers are respected; they have excellent relationships with the public, which voluntarily provides any information requested (Bayley 1991; Parker 2001; Uranaka 2010; Uranaka and Cusson 2012).

The exchange of information between police and citizens can be seen as the first step in "Intelligence-led Policing." In fact, the first source of police information remains the information provided by victims, their family and friends, and informants. One of the conditions for this exchange of information is a climate of mutual trust between police and citizens.

In the case of murder, police officers who are in constant contact with the public will have a better chance of receiving useful information to arrest the guilty party. In the case of brawls or if an individual makes serious death threats, a police force that is seen in a positive light by the public will be called in and can put a stop to the violence or neutralize the dangerous individuals.

2) Who Fears Whom?

History tells us that during periods marked by high homicide rates, city sergeants and constables were in a weak position compared with criminal groups. Thus in Paris before 1667 and in London before 1829, sergeants and constables were few in number, often worked alone, and were not part of a powerful organization. When confronted by a determined criminal group, they were forced to retreat. Moreover, they did not possess enough force to arrest armed and recalcitrant criminals (Lee 1901; Gonthier 1993; Beattie 2001; Gauvard 2005). At the time, the entire repressive apparatus lacked the means to overcome criminal elements. The magistrates were also the object of threats and did not dare pass judgment against criminals protected by powerful men. Still today, in several countries in South America and Sub-Saharan Africa, police officers, judges, and prison authorities have neither the means nor the force necessary to impose themselves on determined and armed criminals. Thus, homicide rates remain high in these countries. In short, homicide rates remain high when police officers and judges are in a position of weakness in relation to criminals and are intimidated by them.

This situation is in contrast with what we know about the police and the justice system in countries with low homicide rates. These countries have structured and disciplined police organizations with sufficient numbers of personnel, who can be mobilized to provide an advantageous show of force in the event of clashes. Under these conditions, police officers are able to solve many crimes, arrest the perpetrators, and exercise a deterrent effect.

In brief, homicides become rare during periods and in countries where police officers and judges are free of fear and able to spread fear among criminals.

3) From Passive Resignation to "Problem-Oriented" Policing

In New York, before Bratton's arrival in 1994, most senior officers and officers of the NYPD were resigned to passively witnessing the rise in crime, which they attributed to factors beyond their control, such as poverty, unemployment, and the breakdown of the family unit. High levels of violence were seen as fate, against which they were powerless. With Bratton, this resignation was cast aside and criminality was seen as a problem that could be solved. This reversal was not unique to New York. It also took place in several other cities in the United States and Canada. It was driven by public and government frustration as well as the emergence of "problem-oriented policing."

The fundamental idea behind problem-oriented policing is that police officers should not content themselves with enforcing the law and obeying orders; they should be able to identify problems that pose a threat to the security of their sector, take care to define them clearly, and then examine the solutions that have the best chances of resolving the problem defined. This model of action leads police actors to have a more pragmatic function than a legalistic one (Goldstein 1979, 1990).

Problem-oriented policing has gained a large following in the United States, the United Kingdom, and Canada. The Center for Problem-Oriented Policing widely publishes a series of more than 90 guides, each dealing with a specific problem. The Center's site receives more than 10,000 visits each month. Most senior officials from the police services of the major American cities are familiar with problem-oriented policing and many officers endeavor to apply this method. Evaluations show that when police operations are planned and implemented using this method, results follow (Braga and Bond 2008; Clarke and Goldstein 2002; Weisburd and Braga 2006; Sherman 2013).

We can therefore make the claim that qualified police personnel trained in solving problems can implement solutions that reduce violent crime and other problems which, if they were to degenerate, could go as far as homicide.

4) From Being Spread Thin to "Hot Spot Policing"

Standard practice among most police forces is to distribute police presence relatively equally over an entire city. Excess law enforcement forces are concentrated in a particular area more in response to pressure from interest groups than in reaction to a concentration of misdemeanors and crimes. Often, urban sectors that have the greatest need for a strong police presence receive fewer personnel than other places. This practice has led to an ineffective dispersal of security means and is now subject to criticism. In fact, Sherman et al. (1989) have shown that 50% of calls to 911 in an American city came from 3% of the postal addresses and intersections of the city. Similar results have been reproduced in other American and Canadian cities (Braga 2005; Braga and Weisburd 2010; Nagin 2013).

As a practical consequence of these observations, it is more cost-efficient to target crime "hot spots" and direct more means to them than elsewhere. And the effectiveness of this line of action has been verified: high concentrations of police forces in the form of targeted patrols or even "crackdowns" in areas of high criminal concentration reduce crime rates in a measurable manner (Cusson and La Penna 2007; Braga and Weisburd 2010; Nagin 2013; Sherman 2013).

The targeting principle has been extended to other forms of criminal concentration besides hot spots. It is therefore

recommended to target days and times of increased criminal activity, repeat offenders, and repeat victims (Sherman 2013). Once one of these targets is identified as a priority, it must be analyzed to determine the concrete factors and modalities, then different possible solutions must be developed to determine which is best suited and presents the best chance of being effective.

V - Conclusion: How?

Most criminologists who deal with the impact of policing on crime rates tend to attribute it to high percentages of solved crimes. Yet there is much more involved in policing: prevention, surveillance, inspections, protection of potential victims, and conflict resolution (Cusson 2010).

Prevent. One of the first important initiatives of the Paris police lieutenant under Louis XIV was to light the streets. The change from almost complete darkness to lighting (albeit rudimentary lighting) made bandits vulnerable to the night watch and allowed pedestrians to see potential aggressors coming. On the other side of the English Channel, when the British government decided to create the Metropolitan Police of London, its preventive role was explicitly set out in its mission statement (Critchley 1972).

In New York, Boston, and many other American cities, the police practice of stopping and checking any suspicious individual in a hot spot, and questioning and frisking him or her had two effects: a considerable number of illegally carried firearms were confiscated and criminals developed the habit of leaving their guns at home. The claim "more guns, more homicides" is no longer valid. The more pistols and revolvers are available and close at hand, the more homicides will be committed, which helps us understand why homicides dropped in New York during the 1990s and 2000s and why homicide rates are much higher in the United States than in the rest of the Western world (Cook 2013).

Surveillance and deterrence. The vigilant presence of patrols in high crime areas, frequent stops, surveillance technology like video surveillance, and arrests increase the perceived risk of punishment.

Protect vulnerable people and places. Access controls, bulletproof glass, bulletproof vests, and bodyguards are some of the means used to protect areas at high risk of crime and people exposed to aggression. These means are mainly used by private security companies, but public policing can use them as well.

Resolve conflicts. When police officers dispatched by a 911 call intervene to prevent a brawl, domestic violence, altercations, or a fight from escalating, they are contributing to the peace and can prevent homicides.

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Cyberbanging: When Criminal Reality and Virtual Reality Meet

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In March 2013, two NYPD officers, photographs of whom had been published on Instagram with "Wanted" notices, were offered up for judgment and prosecution by gangbangers. The label read: "The *50z* wants these pigs' heads," and prospective candidates for the murder were encouraged to "empty their magazine into them." This is *cyberbanging*.

In France, there is much talk of cybercrime, less about *cybertactivism*. There is never any mention of *cyberbanging: gangbanging* on the Internet.

Gangbanging is the criminogenic activity of criminal street gangs. *Cyberbanging* is the convergence of the virtual world with the tangible criminality of these criminal gangs.

The criminal world is generally associated with being discreet and secretive, and holding conspiratorial meetings. This is not the case with criminal gangs, and never has been. They have always had a high profile, because each gang-member has to permanently demonstrate his pride in belonging to his gang. Such demonstrations are everywhere, including now on the Internet.

On *Facebook* and *Twitter*, as well as on *Instagram*, *YouTube*, and *MySpace*, we see it all the time: gang-members who are completely at ease with revealing their faces as they show the symbols of gang membership, brandishing firearms, sharing drugs, wads of banknotes, and girls.

It is true that we live in an open digital world, but gang-members as a section of the population operate with a degree of transparency that would surprise the most committed Internet geek, as they terrorize the population in their neighborhoods and conduct their ruthless wars. These have been a reality for years.

We are faced, therefore, with a paradox: criminal activities which require great secrecy in order to succeed, alongside an outlandish need for notoriety for the individual or for the group to which he belongs.

This produces a virtual image of gang life—almost an intimate portrait—which might lead non-members to believe that they are almost a part of it. It can be a short step for noninitiates.

We can also see the benefits of mass awareness in terms of increased "prestige" for individuals, and the degree to which it reinforces the attractions of gang life, but we can also appreciate the intrinsic risks for those who are dazzled by it.

In order to understand this phenomenon, we will first provide an overview of the social media used, then what is found there and why. We will then look at the criminogenic effects of cyberbanging, and finally, what it means for combatting gangs violence.

I - A Brief Typology of Social Networks

While gangs have long used the Internet in the form of websites, the appearance of social networks has given them the opportunity to develop their imagination in other directions.

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Under the heading "social network," we find diverse means of communication which, in broad terms, use the Internet: magazines, forums, blogs, micro-blogs, wikis, podcasts, photo-, video-, and music-sharing sites, to mention a few. The list is almost infinite.

Access to these social networks is made easier with a smartphone, more than using a computer, but this also varies depending on the applications used.

They can be placed in the following broad categories:

– collaborative sites, like *Wikipedia*;
– blogs, forums requiring a password, and micro-blogs, which are often open (for example, *Twitter*);
– information sites, like *Leakernet* and *Digg*;
– video and photo sites, like *YouTube, Flickr, Instagram*;
– networking software, like *Facebook* and *LinkedIn*;
– computer games, like *World of Warcraft*, or system-specific ones, such as *Grand Theft Auto* and *Call of Juarez*;
– virtual worlds, like *Second Life*; and
– systems comparable to conventional telephony, like *Skype* and *Viber*.

These different social networks are not used in the same way or for the same purposes, and only some are used by criminal street-gangs.

These are evidently *MySpace*, the oldest network, which goes back to 2003, *Facebook*, *Twitter*, *In-stagram*, *YouTube*, and *Flickr*. But new competitors are appearing, such as Google+, or thematic ones, which are also of interest to the gangs.

To these we must add a separate category—softwares that enable research into what is being said on the networks. This is clearly important for gangs, who enjoy measuring the impact of their communications, of whatever kind.

One example is *WhoTalking*, which provides instantaneous information on what is happening on the most commonly-used networks, across the world, on any subject, and in any language.

For example, when a while back we entered the search term "Secte Abdoulaïe" into WhoTalking, we were able to find very specific information about the activities of that large north of Paris gang of the 1990s (and probably later), as well as photographs of some of their "heroes." The document entitled "Sarcelles Storie" (*sic*), retraces their exploits, and gives details of their specialties, the areas of operation, and the periods of activity of "notorious" gang-members… all as told by one of the gang-members. A trip down Memory Lane! Very informative…

II - Developing Influential Communications

Gangs have always needed to make themselves known and express themselves, for a range of reasons. Communications have, therefore, always been an important aspect of this type of organized crime.

At the gregarious level, there is a need to show how powerful the group is, its domination of its neighborhood or territory, to make it known what the gang has done, or what its goals are. Intimidate…

For individuals, it is a matter of showing one's courage by challenging enemies, of earning respect, or establishing one's reputation.

This influential type of communication has been seen everywhere in the form of graffiti. It happens all over the world with this relatively simplistic and spontaneous criminality.

In Los Angeles, graffiti is known as the "journal of the street" and gang-bangers—as well as cops—were used to "read the walls" to understand what was going on. Graffiti can still be found in the streets there, but in general, the police and community associations clean them off after photo-graphing them and adding them to a database, when resources allow, since they still represent use-ful information.

If not replacing graffiti, cyberspace widens and boosts the impact of this communication, without noticeably changing its fundamentals or its aims.

The objective is the same: to transmit information which enhances the group and its members, and let everybody know, especially their enemies, of their mood, intentions, and grievances. Communi-cations may include photos or videos in which they show their weapons in order to demonstrate their strength, but sometimes might also show that a girl from an enemy gang has become the girl-friend of a member of their gang. This is a kind of provocation or intimidation.

They aim to give out information about recent developments involving the gang, the territories it has won, the successes it has had in its operations, and it is often the case that such communications take the form of a "gangsta rap," performed by a rapper in the group, whose job it is to send out messages.

Gang-members also use social media to make it known that they are part of a particular gang, in order to back up their personal reputation, or to secure their place in the group by relating their part in some violent act, or by reporting imminent danger, either from the police or some other source.

While their objective is clearly the same as that of the graffiti, social networks do have a fundamental difference: the speed and simultaneous nature of their broadcasting.

In order to read graffiti, you have to walk in front of it, even if that does not happen by chance; yet the Internet is immediate and inclusive. You can be sure that the information will reach all, or near-ly all, intended recipients immediately.

Large-scale social media are used to channel influential communications from gangs, but so too are all other means of transmission, including, of course, verbal exchanges between people via *Skype* or *Viber*, which are said to be discreet, and more difficult to intercept than the telephone…especially if you keep changing your software, or use protection such as a VPN (virtual private networks) and encryption! All of these enhance criminal activities.

III - Tools for Criminogenic Gang Activities

Gangs have always followed technical developments in their criminal activities, either to use them, or to make a profit from them.

We have seen them equip themselves with pagers or beepers, which were used as tools for organizing the distribution of narcotics as much as for communication.

We have seen them steal and clone early cell-phones, those without SIM cards, in order to sell them or rent them out, but also to organize their operations while using somebody else as cover.

We have seen them use the first Internet telephony systems, with *MagicJack* devices.

Gangs have always been on the lookout for ways to keep in touch in order to coordinate their actions and organize their own protection.

The networks on the Internet have changed the nature of the relationship: not only can gang-members swiftly communicate with each other, but they can also undertake group communication both within their own group and in relation to their enemies, and indeed to wider society—for some, this communication can become genuinely addictive.

Those most "hooked" on it are known as "Facebook *drillers*." In gang slang, to "drill" means to kill someone.

As soon as he wakes up, the *driller* goes on Facebook and gives free rein to his innate violence, starting by insulting people he hardly knows, or people in rival gangs. It is much easier to do this online than face to face. Then another person saves a screenshot of the message and begins to circu-late it. Very soon, the whole criminal galaxy knows about it.

The person insulted must respond in order to save face. At this point, things can degenerate quickly, crossing over from the virtual world to become a reality on the street.

This addiction among those relatively under-occupied people also leads to what is known as *cyber-bullying*: harassment or intimidation carried out using social networks. There is also *sexting*, which involves adding violent sexual images or videos to abusive messages. This is daily life for many gang-members, made much easier because there is hardly any risk.

But there are also some ways in which activity on social networks crosses over into real action—what is known on the west coast of the United States as *flocking*. This is based on the same principle as a "flash mob," whereby gang-members meet up at a location sent to them via a *tweet* or an text message, in order to commit a criminal act, often what is known as *swarming*, in which, for instance, a

store is looted of its entire stock.

In contrast, accolades glorifying the gang are more readily expressed through "gangsta rap" in its aggressive, provoking form.

"Gangsta rap" is the mass broadcasting of gang subculture. Before, there was only MTV, with all its limitations. Now, with *YouTube* or *DailyMotion*, and the easiness of making a recording, it is possible to reach millions of people in a few hours, almost single-handed. This is what is known as a "viral" effect…that can lead to bloody confrontations too.

This, for example, is the story of "Li'l JoJo" and "Chief Keef," in Chicago:

To put it simply, the person known as "Chief Keef" posted a "rap" telling how wonderful his gang was (*the Black Disciples Nationals*), which went "viral," scoring more than two million views on *YouTube*, and making a lot of money.

"Li'l JoJo" is 18, slightly older than "Chief Keef." He is a member of a rival gang, the *Insane BDK (Black Disciples Killers)*, and probably through jealousy, he put out a very aggressive piece about the *Black Disciples*, which was very insulting toward "Chief Keef": he said that he had had sex with "Chief Keef's" mother.

The next afternoon, "JoJo" posted a video of himself and members of his gang in a car, heading towards "Keef's" territory, in which someone is heard to say, "I'm going to kill him." A few hours later, shortly after indicating where he was in a tweet, "Li'l JoJo" was gunned down in a burst of automatic fire.

Yes, indeed, being a rapper, even a young one, is a dangerous and risky business, and there are many examples of murder being treated as something to

show off about. According to available data, at least 63 rappers have met a violent end, or have died of an overdose, which comes as no sur-prise.

"Chief Keef" also sent a tweet making fun of "JoJo" after his death, a lack of "respect," sparking off a wave of violence that lasted months and killed a large proportion of the 500 people who died in gang confrontations in Chicago's wars in 2013.

Gang violence is learned on the street from birth, but is now improved on the Internet through video games in which the player spends whole days killing people. There are no personal consequences, due, most notably, to the fact that in the game he has several "lives" rather than the single chance he has in real life.

Apart from immediate violence, social networks are also an important means of running money-making operations.

There are sites where gang-members can hang out virtually, such as *TheHoodUp.com* (a meeting place for every "Hood") and discuss issues, make deals, and establish alliances, either regionally or nationally, in private chat rooms.

Social networks also allow a considerable widening of the recruitment pool for gang-members, and enable them to spread as they conquer new markets.

Although it was film and television series about gangs that first acted as recruiters for them, the effect is more obvious with social networks, which allow a lot more than just "publicity." The interactive communication now possible aids the process such that candidates already have a very clear idea of what gang life is like, to the point that they even think they are in some way already part of one, not to mention the "dress code"…In this way, recruitment and the commitment to action is much more natural.

We will not discuss here the details of the money-making activities of the gangs, where nothing can be excluded, but it is readily understandable that social networks facilitate all manner of trafficking and dealing.

We have in mind the drug trade, of course, but a newer activity is developing on the West Coast, and it seems ready to spread. Los Angeles is not just a movie and a gang capital; it is also a huge commercial port, turned toward Asia. A noticeable recent trend has been the arrival of large quantities of counterfeit goods of all kinds, and gangs are working hard to gain control of that market. The use of social networks supports this low-risk, weakly-sanctioned diversification in many ways.

In the same way as gangs often have their own rappers, some have their taggers, who themselves need to spread the word about their "exploits." Social networks offer them the means to do so.

Finally, social networks enable gangs to protect themselves from the police by allowing all gang-members to have real time information about its operations and movements.

IV - In the Fight Against Gangs, are Social Networks a Challenge or an Opportunity?

The number and variety of social networks might lead us to think that we are faced with a multiplier effect applied to a form of criminality which is already difficult to combat, and would make the problem impossible to solve. In fact, the dangers of these networks cut both ways.

In using the Internet, various traces are left behind, which often make it possible to track down the author of a message, or the real holder of an account, such as on

Facebook. This is especially true since those involved openly announce themselves, their aim being to assert themselves.

Thus today, the police patrol the Internet just as they patrol the streets.

In order to do this, they have a range of widely available as well as professional tools at their disposal. These have allowed them to refine criminal intelligence, and gain advanced knowledge of a crime, sometimes even to the point of preventing incidents from occurring in the first place.

These tools, which are themselves evolving very quickly, include:

WhoTalking, which we have already mentioned;

Wheretweeting or *Echosec* which takes geo-thematic approaches; and

SnapTrends, a commercial application, also geographical, but going far beyond just the fight against gangs.

This police work on the Internet is rather successful.

These include arrests. For example, in New York, in April 2013, 41 gang-members were arrested for cocaine trafficking. They had all put photos of themselves on social networks with rolls of banknotes and luxury watches. But the case still took nearly a year to succeed.

Police social media watch can also prevent irreparable damage from occurring. This is what hap-pened in Chicago (you will remember "Chief Keef"). Sometime after the death of "Li'l JoJo," a 12-year-old boy posted some derogatory comments online about him. The police immediately put him under protection away from his home. The next day, gunmen came and circled around his house. They were arrested, which possibly prevented another murder.

Similarly, the FBI was able to close down a ring for recruiting very young prosti-tutes set up by a gang in Fairfax, Virginia. The gang-members would generally spot them on *Facebook*, since it is a network designed for making "friends," and unsurprisingly, it was easy for them to approach their victims. It was generally quite simple given that the language used by all sectors of the population, especially the young one, is usually very crude on this medium. After that incident, the FBI produced a set of documents for parents, with information on the genuine danger posed by using these virtual networks without any kind of precaution.

In Cincinnati and other cities, a specialized division keeps dozens of sites under surveillance, and does not hesitate to intimidate the gangsters by telling them exactly what they did the day before…

But things evolve quickly. For example, there is a software which allows photos to be sent that then disappear automatically after they are viewed: *SnapChat*. If this were to become widely used and spread to text and videos, it might well pose a new problem for the authorities.

However, given the speed of developments, softwares allowing *SnapChat* content to be saved came out almost immediately, such as *SnapChatSave* and *SnapHack*.

On the other hand, the aim of the gangs is to achieve notoriety and glory, which pushes them to be as widely visible as possible. This requires that information lasts and can continue being circulated.

We are, therefore, in a complex vicious circle in which the quantity of instantaneously available information is without doubt the greatest obstacle.

There remain, finally, activities on the Internet that are not intended to be visible, on the Dark Web, for example—activities which will take some time to uncover because these *gangbangers* have far more resources than is generally believed.

Zarqawi's Children

Alain Bauer[A]

ISIS (Islamic Army in Iraq and the Levant), longtime described as an insignificant guerrilla force in Iraq that then attacked the Syrian regime without much success, even as it stymied its "allies" of the Free Syrian Army, has just achieved several spectacularly successful victories and captured territory in northern Iraq and Syria. They have also been in control of Fallujah for several months. All of the Sunni triangle, plus an area somewhat extended beyond this, now appears to be in the hands of groups that are heavily armed and increasingly well trained. In addition, they have also caused the Iraqi "army," which looks increasingly like that of Mali, to flee.

Until today, much credence has often been given to the significant simplifications of analysts who depict an opponent or enemy that corresponds to what the West wants it to be rather than what it really is.

This enemy has been underestimated or ignored, or fables about a lone-wolf group have been made up, in order to avoid trying to understand the dynamic complexity of the hybrid realities on the ground.

Since the Algerian civil war, defining an opponent or enemy of this kind has not been easy.

The nature of terrorism has changed, models have evolved, and although the detection and gathering of intelligence is still of a very high standard, there has been little analysis of this intelligence, a result more due to cultural prejudice than a lack of competence.

The easy option—the temptation of the enemy of convenience who, in spite of everything, is supposed to fit a particular mold—has been adopted all too often.

And there has been very little success in resisting the sophisticated manipulations of the Algerian, Saudi, Turkish, Jordanian, and Pakistani secret services, which for the most part outclass their Western counterparts.

Zarqawi appears to be a major player in recent events, having managed, it seems, to win a posthumous victory over his main opponents, namely Bin Laden and what remains of what is believed should be called Al Qaeda.

According to biographical accounts, which are to be treated with great caution, Abu Musab al-Zarqawi was born Ahmad Fadeel al-Nazal al-Khalayleh in October 1966, in Zarqa, Jordan (hence the last name of his alias).

His family belongs to the Bani Hassan tribe, composed of Bedouins scattered across the Middle East, in particular Syria and Iraq. The tribal element, especially given the complexity of local boundaries and their porosity, is not to be underestimated.

A petty criminal turned street boss, Al Zarqawi was sent to a Koranic school, where he apparently discovered the ideology of jihad and soon, like many other young Muslims, went off to fight in Afghanistan.

Although Al Zarqawi met Azzam, the founder of the Afghan Services Bureau (forerunner to the Al Qaeda network), and Bin Laden, there appear to have been major clashes between their ambitions. He returned to Afghanistan, which was then controlled by the Taliban, and created Tawhid wal-Jihad (Unification and Holy War).

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In 2002, Al Zarqawi moved to Syria after a stay in Iran, according to the confession of his lieutenants who were arrested by Jordanian police.

He then made it to Iraq after the fall of Saddam Hussein. He claimed responsibility for the August 19, 2003, bombing of the building housing UN personnel in downtown Baghdad, in which 22 people were killed, including the representative of the secretary general of the UN, Sergio Vieira de Mello. An attack on the Ali mosque in the Shiite holy city of Najaf on August 29, 2003, claimed 85 victims.

In July 2004, his organization suffered heavy losses during the siege of Fallujah.

On October 19, 2004, his group, Tawhid wal-Jihad, was recognized by Bin Laden as the "*representative of Al Qaeda in Mesopotamia*"—a local emir.

Al Zarqawi would be killed on June 7, 2006, during a U.S. bombing.

A few months later, in October 2006, the Islamic State of Iraq (ISI) was created through the alliance of Al Qaeda in Mesopotamia, other small Islamic groups, and Sunni tribes in Iraq's Anbar province. Its military leader was Abu Hamza al-Muhajir, and its political leader Abu Abdullah Al Baghdadi (born Hamid Dawud Mohamed Khalil al Zawi), supposedly a former police general under Saddam Hussein, and "Emir of the ISI and Prince of the Faith" according to his official designation.

Not only did the group distance itself from Al Qaeda, but it also quickly became a ferocious enemy of Ayman Al Zawahiri, Bin Laden's successor, who never missed an opportunity to distance himself from it, condemn its actions, or call for reconciliation.

Following the elimination of its leader in April 2010, Abu Bakr Al Baghdadi Al-Husseini (Ibrahim Awad Ali Al Badri), a forty-something Iraqi, became leader (the term Al Baghdadi, "from Baghdad" is as common as Smith or Johnson).

In April 2013, ISI became ISIS, installing itself in Syria after absorbing a large part of the Al Nusra Front. Since then, it has been involved in a latent conflict with the Free Syrian Army as well as a legitimist branch of Al Nusra.

However, ISIS's very different nature relative to other Sunni groups on the ground goes beyond the settling of scores that usually takes place between jihadist groups.

In addition to having a structured and internationalized apparatus, ISIS seems to have modeled itself on a synthesis of Hezbollah, the Ba'ath Party, and the Bolshevik Party. Characterized by a true level of organization in a pyramid structure, the implementation of an internal and external reign of terror, and its bringing together of seasoned brigades (Libyans, Chechens, Westerners, and so forth), the structure is best known for its brutality, particularly against its closest enemies, namely militants who have remained loyal to the last leadership group of what remains of Al Qaeda, a network whose swan song was performed several years ago.

In fact, ISIS seems to have completed a perfect hostile takeover of what remains of Al Qaeda in Iraq and Syria, at the same time as attracting increasingly young jihadists from around the world.

The war in Syria againt the Assad Regime is lost, something all the belligerents have known since Syrian loyalist forces won the battle of Yabrud, near the Lebanese border, in mid-March 2014.

But the war in Iraq has only just begun. Fallujah has been held by ISIS since early 2014, and it now holds Mosul, Iraq's second-largest city, Tikrit, the nucleus of Saddam Hussein's family, and perhaps Samarra. Baghdad was almost in range. After the Afghan political disaster, the United

States is preparing for its next colonial defeat. However, we have to look beyond this episode and its mixture of national and anticolonial demands, vengeance against the former Ba'ath regime, and committed jihadists.

For many fighters engaged in jihad look like young Zarqawi. Much more than moving into terrorism, what these petty criminals are preparing for is a return of their criminal world. There have been very few cases recorded of such criminals becoming terrorists since the Algerian civil war.

No one knows who really invented Al Zarqawi: is it a case of manipulation, destabilization, or a Golem invented by the secret services and who inevitably turned bad?

One thing is clear: Zarqawi's children are here. They will be for a long time—and not just in the Middle East.