

CRIMINAL STRATEGIC INTELLIGENCE

Abstract

The aim of this paper is to define strategic intelligence gathering conducted by law enforcement units based on the major documents determining strategic intelligence. Both the European and the Hungarian examples of strategic intelligence gathering – made with the purpose of combating organised crime – will be listed.

Key words: organised crime, strategic intelligence gathering, criminal intelligence

Introduction

According to the Police Act and the implementation regulations, criminal intelligence is the activity of law enforcement units which applies special assets (resources, tools and methods), with the primarily aim to reconnoitre, prevent and track specific crimes in a direct manner. Secondly, with the use of supportive crime analysis and the facilities of public administration, it helps – in an indirect manner – to prevent and stop specific crimes, and is aimed at finding solutions to fighting against serious and organised crime as well as terrorism.

The goals and scope of criminal intelligence are normally connected to specific crimes. Apart from few exceptions, in some special areas (steps against terrorism, organised crime, integrity checks, personal and property protection), it *may be conducted to filter and investigate these but exclusively within the constraints provided by law*. The term 'criminal intelligence' is classified as "gathering" (secretly and openly obtaining information) and not "collection" due to its specific nature (suspicion concerning the crime or criminal activity), as opposed to the secret and open information collection of the national security services, which is carried out with the particular purpose of filtering and investigating.

Naturally, in the above-mentioned exceptional criminal intelligence areas, the information is both obtained and collected in order to reach the goal specified by the relevant legal acts.

The goal and criterion of both national security and criminal intelligence are the following: first, they must be time-wise relevant, second, they are to *fill the information gaps* of (political, financial, internal security and judicial) stakeholders; in other words, it has to *meet the information requirements* of the stakeholder in question. Should either of these criteria not be met, obtaining information becomes self-centred, irrelevant and obsolete.

The information requirements of stakeholders are fulfilled by strategic intelligence, while the information requirements of implementers are met by tactical intelligence (operation-bound).

The various models of strategic planning allow the elaboration of the national security strategy of a country, which is a long-term one (10-15 years), and forms the basis for the government security policy. Based on security political principles and the tasks of national security services, the national security strategy can be created and intelligence priorities can be established.

The tasks of law enforcement forces – and more specifically – the strategic intelligence activity of the police are possible primarily on the grounds of up-to-date strategic intelligence and crime analysis.

1. The guiding points of strategic intelligence

Hungary's geopolitical features, security environment, its NATO-membership and its National Security and Military Strategy are the basic national security guiding points of the strategic goals of intelligence, whose continuous assessment requires strategic intelligence gathering. Of course, for strategic criminal intelligence, the agreements of the European Union and the international collaborations are vital, which predict the most significant and topical challenges, threats and dangers at an international level. It is enough to mention the international assessment and prediction systems of OCTA, SOCTA (Serious Organised Crime Threat Assessment) or TE-SAT (Terrorism Situation Report) and the operational action plans.

The European Union sets up five-year programmes (Tampere, The Hague and Stockholm) and formulates *security strategies*, which set long-term strategic goals for the member states. The formulated strategic goals are broken down to *action plans*¹.

Based on the Treaty of Lisbon², the guidelines of the Stockholm Programme and Action Plan³, the European Union has the possibility to take definite action in response to the growing threats, thereby increasing the security of Europe's citizens and enterprises.

In the Internal Security Strategy adopted in 2010⁴ challenges, basic principles and guidelines are defined. In accordance with this strategy, the following most urgent challenges must be addressed by the intelligence, prevention and crime combating organisations of the EU.

¹ European Union Action Plan to Combat Organised Crime, OJ C251, 15 August 1997 Council Resolution on the prevention of organised crime with reference to the establishment of a comprehensive strategy for combating it, OJ C 408. 29 December 1998, Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice, OJ C 19/1, 23 January 1999. Millennium'Action Plan on Organised Crime, OJ C 124, 3 March 2000.

² Treaty on European Union and the Treaty on the Functioning of the European Union

³ The Stockholm Programme – An open and secure Europe serving and protecting the citizens, 17024/09; Delivering an area of freedom, security and justice for Europe's citizens Action Plan Implementing the Stockholm Programme - COM (2010) 171.

The Stockholm Programme is the EU's programme for justice and home affairs for the period 2010-14

⁴ Council Document, 5842/2/2010, Internal Security Strategy for the European Union: Towards a European Security Model.

As the Internal Security Strategy states; serious and organised crime may have various forms: human trafficking, drug and gun trafficking, money laundering as well as illegal waste transportation and disposal within and outside Europe, selling counterfeit or dangerous goods, terrorism, cybercrime and the management of the external borders. These usually organised criminal actions require harmonised Europe-level measures. The main objectives of the Internal Security Strategy of the European Union are the following:

- disrupting international criminal networks;
- prevention of terrorism, radicalisation and recruitment;
- raising levels of security for citizens and businesses in cyberspace;
- strengthening security through border management.

Hungary had been lagging behind its Western European and Transatlantic partners regarding strategy making. The Hungarian government adopted the new National Security Strategy in 2012, which differs from the previous communications on strategy in several aspects. Compared to the strategies adopted in 2002 and 2004, there was an apparent growing similarity to western, especially to US strategy making practices both in structure and content.⁵

The objective of the National Security Strategy is to provide guidance for the government sector in issues of security policies. Ideologically, it therefore represents a comprehensive and whole-of-government approach. Having considered the values and interests of the country and having analysed the security environment, the mission of the Strategy is to define the national-level objectives, challenges and comprehensive government assets by which Hungary is able to reinforce its national security interests in an international political and security set-up.⁶

The National Security Strategy declares that „all government institutions have to be tasked to continuously evaluate – in their own area of responsibility – the elements of national and international security and the exposures to threats, and to take steps necessary to manage and avert them.” The Strategy puts special emphasis on *security political tasks of national security and criminal intelligence services*.

„Intelligence and national security are important elements of the implementation of Hungary’s security strategy, the protection of the country’s sovereignty and its constitutional order.”

For this purpose, the following have to be available:

- It is indispensable to render available protected and classified information of foreign nature or origin that is necessary to identify and avert risks and threats in a timely manner and

⁵ Petra Kiss: A magyar stratégiai gondolkodás változása a nemzeti biztonsági stratégiák tükrében. Hadtudomány ,XXII. Évfolyam 2012/3-4.szám. 68-79.p

⁶ Hungary’s National Security Strategy 1035/2012. (II.21.) Government Decision 20-21 p.

to support government decisions. There is a need to examine changes and potential variations in the external environment and in the integration processes, as well as threats against Hungarian institutions abroad and Hungarian troops and experts participating in crisis management and peacekeeping missions.

- The asymmetric threats posed by terrorism, organised crime and other illicit activities, as well as the global, regional and internal challenges and the protection of political, military and economic information require Hungary to rely on strong intelligence and national security capabilities.

- In response to the security challenges affecting Hungary, in addition to the coordinated activities of the respective domestic agencies, a closer cooperation must be developed and maintained with the intelligence and national security services of allied countries and, on certain issues, with the services of other countries pursuing similar security policy objectives. Maintaining internal security, as well as Hungary's responsibilities for the management of challenges threatening the security of NATO and the EU require the strengthening of the structure of law enforcement and crisis management institutions and the improvement of the quality of intelligence-gathering, the sharing and assessment of information on internal and external threats, as well as the further development of their respective structures. The capabilities of law enforcement agencies, required to guarantee internal security, need to be strengthened through institutional and resource development, more effective crime prevention, as well as through international cooperation, in particular with the EU, taking into account the contents of the EU Internal Security Strategy. International cooperation should also be used to chart new criminal trends, identify new types of criminal activities and to adopt best practices.”⁷

The above communications formulate a continuous, comprehensive well-coordinated strategic planning and respective intelligence gathering capabilities.

2. Strategic Criminal Intelligence

Strategic Criminal intelligence can be derived from the classical strategic crime analysis⁸ and its updated versions. What are the objectives of strategic crime analysis?

„Strategic crime analysis focuses on the criminal patterns and long-term trends within a given administrative unit in a given period of time as well as on setting further objectives and tasks. The quantitative investigation of crime in general as well as of individual crimes, the presentation of the structure and dynamics of committing crimes, the description of victimological characteristics, the analysis of law enforcement responses and their implementation are all listed among the tasks of crime analysis. By investigating various tendencies, it facilitates forecasting and criminal prognosis. Doing so, *it plays a vital role in the preparation mechanisms of government policies and the decisions of law enforcement leaders.*

⁷<http://2010-2014.kormany.hu/download/4/32/b0000/National%20Security%20Strategy.pdf>

⁸ 13/2001(X.2) Order of the Hungarian National Police Headquarters on issuing the crime analysis regulation of the Hungarian Police.

Should we wish to simplify and isolate this field of criminal analysis, we could put it like this: Strategic crime analysis performs *situation analysis* and identifies trends necessary for criminal prognosis using the statistical and other data measuring crime as well as the circumstances, conditions (legal, social, financial, geographical, ethnic, etc.). And in accordance with these, it formulates recommendations for the purposes of legislation, implementation and direct organisation management.”⁹

Providing foundation for strategic decision making is the ultimate purpose and mission of strategic intelligence gathering! As a consequence, it must be set apart from operational or – according to the German terminology – “tactical” intelligence, which is dedicated to the *immediate* prevention, management and solution of *individual and specific* crimes.

Initially, crime analysis used to enhance strategic decision making by investigating the scope, structure and dynamics of criminal activities, by identifying the characteristics of perpetrators, by devising the position, resources and efficiency of law enforcement, but it definitely did not use to define police actions ***connected to specific criminal acts***. As the development of cutting edge tendencies in intelligence gathering activities – such as assessment and analysis – the investigation of various elements and the implementation of new methods were inevitable. Leadership strategies providing a solid foundation for the long-term efficiency of the police, it is essential that in the course of strategic assessment activities, *crime and law enforcement should not be regarded in themselves*, but as *parts of social processes*, and should be investigated alongside the social structure and the organisational environment of the police force. During this investigation, the situation of crime must be identified in the given social context, as well as the efficiency of the law enforcement agencies within the investigated organisational external and internal conditions: how efficient are the law enforcement activities of the police force, and what impact do they exert on the social environment – the institutions and the population – in the management of crime on the level of the entire society, and as a consequence, in the reduction of crime.

After more than three years of preparation activities, in February 2002, a new complex assessment system called *Mérleg Projekt* (Balance) was implemented as a parallel assessment tool.¹⁰ The system is complex as in addition to the mere statistical data, two other criteria are analysed: the *financial, human and technical resource exploitation of police agencies, and it takes councils, social organisation and the population opinions on the police into account*.¹¹

The methods of the original, classical strategic crime analysis (analysis of well-known crimes and the data of offenders, the analysis of law enforcement activities, the analysis of self-evaluation and control reports, the analysis of police resources and the efficiency of their exploitation, crime sample analysis, general profile analysis, the analysis of reconnaissance methods) have been extended with the following possibilities:

⁹ L Istvanovszki.:Bűnelemzés a modern bűnüldözésben, Patrocinium, Budapest 2012, 35 p

¹⁰Dr. Tivadar Dormán: Újszemléletű értékelési rendszer Belügyi Szemle 2002/4

¹¹ Dr. László Istvanovszki: Bűnelemzés,titkos információ elemzés a bűnügyi operatív munkában, főiskolai jegyzet 2005

- *situation analysis of crime;*
- *crime risk assessment;*
- *threat assessment*¹².

The management of internal affairs and security must make strategic decisions in the case of the significant changes that have already occurred or are anticipated in the situation of national and international crime. Strategic criminal intelligence supports this activity. Its main scope naturally covers the various forms of transnational crime, some categories of organised crime (international drug trade, trade of weapons and explosives, smuggling excisable products, human trafficking, smuggling, money laundering, cybercrime, etc.) and terrorism, of course. This does not mean, however, that strategic intelligence has no legitimacy at a national level. The paradigm change of the Coordination Centre against Organised Crime in 2006 proved that crime and national security data related to economic areas influenced by crime could have a direct impact on the national budget and economic security, if they were collected, analysed and forwarded to the stakeholders in internal politics, finance and jurisdiction; and based on them, the necessary policy and organisation changes occurred.¹³

Such strategic intelligence-based risk assessment preceded some changes:

- the transfer of money laundering from the Police to the Customs and Finance Guard;
- the new regulation of the take-over and origin tracking of nonferrous metals by again extending the scope of assignments of the Customs and Finance Guard;
- the unravelling of the usurpation phenomenon and its re-codification accordingly;
- the investigation of connection between EU/government grants and organised crime, by taking the necessary government and legal actions.

There is continuous threat assessment going on regarding the forgery of the Hungarian Forint and the Euro with the help of criminal, national security, European Central Bank and Hungarian National Bank expert and emission information. The objective of this activity is to forecast possible attacks against currencies as early as possible and protect it in operation and administration, if necessary. Based on these intelligence data and expert investigations, the Hungarian National Bank decided to withdraw certain banknote types from circulation and to launch new versions of higher security standards on several occasions. Similar cooperation is exercised with card issuing institutions and companies accepting cards in the area of bank card fraud, which is one of the most popular fields of domestic and international criminal activities and with the expansion of electronic payment possibilities, an issue of the future. The problem of drugs also requires a continuous and particularly strong national and international cooperation in order to find out more about the causes of changes occurring in

¹² Bűnelemzés a modern bűnüldözésben KRE 2012. L Istvanovszki.

¹³ Even though national security risks providing the foundations for the legal act restricting the operation of slot machines (adopted on 2nd October 2012) were made classified, but direct interaction can still be identified.

the area of drug demand and supply, to analyse the aims and directions of possible tendencies, and to present the analysed intelligence to legal and law enforcement implementation (stakeholders of the police force, health care and social system). Crime involving drugs in the past five years, the entrance and increasing use of designer drugs can be regarded as the race of chemistry and legislation.

3. Actions against severe and organised crime with the help of strategic crime analysis and intelligence

The application of strategic intelligence can determine the efficiency of the fight against severe and organised crime, as well as its mid- and long- term action plans. Organised crime is a special priority of both national security and criminal intelligence activities, which is supported by the basic legal acts regulating their activities as well as the National Security Strategy. As a consequence, there must be close collaboration between the police force and the national security services. The nature and target areas of intelligence gathering activities will, however, result in establishing differing intelligence gathering strategies. For the prevention of and the fight against organised crime in the member states, the European Union annually issues a handbook of best practices which provides excellent examples for strategic criminal intelligence.

„The Finnish national bureau of investigation applies a target-selection method which aims to identify individuals and groups that can be considered severe crime targets. The main criterion of the selection is that the offence committed must be a severe crime whose reconnaissance requires the collaboration of several units within the police force or of several law enforcement organs.”¹⁴

Based on the data obtained during the tactical criminal intelligence gathering activities (secret information collection), organised criminal groups, the participants, their number and position in the group, their activity as well as the crimes organised and committed by the group can all be mapped. This method also helps to find out about the distribution, laundering and investment of the acquired money or property. ¹⁵

„In this phase of secret information collection, it is a basic task to map the structural and functional construction of the organised criminal group and to identify the strategic decision makers, the nucleus of the organism as well as to assess the vulnerable point and to determine the possibilities to attack. These possibilities are mostly connected to people, as the goal is to find the weakest link. Consequently, information collection is concentrated on the individual members of the organised criminal group.”

This is the basic principle of the so-called „arboristic” method the Swedish National Bureau of Investigation. According to the Swedish model, organised crime consists of

¹⁴ Ferenc Szendrei- Erzsébet Füzster Balláné-Zoltan Urban: Handbook of Organised Crime, based on Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States (docs. 10899/11) RTF, 2011

¹⁵ Action 42/2000 of the Hungarian National Police Headquarters

individual perpetrators, so the combat against organised crime is in effect a fight against individuals who operate within the framework of a well-constructed criminal network. The arboristic method aims to disclose the relationship between the strategic decision-makers and the operational implementers; the ultimate goal is to eliminate the strategically key participants from the system, who are the branches of the tree that must definitely be cut off.

The combat against organised crime requires continuous reconnaissance activities, as criminal groups and their heads are career criminals. Incarceration cannot stop this kind of criminal activity; there are numerous examples for leaders of such groups being imprisoned and still being able to coordinate the group. As a consequence, continuous monitoring and reconnaissance are necessary bound to external (judicial) permission and control to take efficient action against organised crime. In response to this phenomenon, the Serious Organised Crime Agency in the UK devised the method of „life tracking”, which has a wider scope: it covers the continuous monitoring of the individual in question, his financial situation and mobility.”¹⁶

An important element of the combat against organised crime was the implementation of a new methodology assessing its situation.¹⁷

The new methodology to assess organised crime – which had been marked as a main risk among the priorities – brought about new attitudes towards this higher form of crime assessment and law enforcement activities. The new assessment models with the acronyms OCTA, effected two essential changes. First, the new assessment system means a new attitude. It set itself apart from the annual, retrospective type of situation assessment (OCR) applied until 2006, and now a new, proactive, advanced method of threat assessment was introduced, which applies the intelligence priorities of the following year. The identification of security risks and threats *comes from a much larger pool of information*, based on which the Council of Europe – upon the recommendations of the Standing Committee on Internal Security – identifies priority areas. The practical implementation of the projects against criminal threats occurs within the framework of EMPACT projects. In the period of 2012-2013, eight priorities were worded, in seven of these, Hungary also participated; these are implemented based on Operational Action Plans (OAP).

The Belgian University of Ghent devised a similar concept in criminal risk assessment, which they called „vulnerability test”. The vulnerability test explores the weak, legally vulnerable niches of the regulation system of economy, which may give organised criminal groups the chance to let money or property gained by crime seep into certain economic sectors. The above-mentioned research project also emphasises that it is a two-way process; often certain companies seek the business opportunities with criminally involved economic organisations

¹⁶ Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States (docs. 10899/11 and 17600/13)

¹⁷ Action Plan Implementing the Hague Programme (2005/C 198/01)

or directly, with organised criminal groups for investment purposes.¹⁸ The article names the most typically affected sectors: gastronomy, the entertainment industry, personal transport, waste management, etc.

A somewhat modified version of the methodology devised by the University of Ghent appeared in the Tampere Programme in 1999, which aimed to endorse the aspects of crime prevention and *crime proofing process* at the legislation level of individual member states of the entire EU.

The strategic intelligence-based new Den Hague Programme made it obvious that against the changed crime situation new strategic criminal intelligence methodology should be applied.

The so-called *European Criminal Intelligence Model* (ECIM) is built on the gathering and the analysis of operationally based quality information. The strategic aim is to reduce the legal, financial and human resource margin of manoeuvre of organised criminal groups. Based on the intelligence of criminal reconnaissance organs, the data of state administration and other authorisation organisations and analysing agencies are able to prepare accurate group and activity analysis of the structure of the organised criminal groups.

The central cornerstone of the *Stockholm Programme* – the new intelligence strategy – is the even closer collaboration of national and international partner organisations, the elimination of parallel activities, thus the accomplishment of more efficient crime prevention in the areas of organised crime or some new threats such as cybercrime or hacking.¹⁹

One method of establishing an efficient government strategy in accordance with the Stockholm Programme is the construction of an Early Alert System in the priority areas of criminal and national security intelligence. This system facilitates quick reactions and the mid- and long-term strategies by processing and analysing the international data as well as the information from domestic open-access and operational sources.

This method can be applied well to crimes connected to distribution of drugs, to money forgery and to some other forms of fraud, bank card fraud and cybercrime or hacking.

The same problem preoccupies national security and law enforcement forces in connection with another challenge: the terrorism. Regarding the membership in an organised criminal group/terror organisation or concerning a special form of deviance, some method has to be used to indicate the criminal process in an earlier phase. The alert system VICLAS developed by the Canadian Police, which has been successfully applied in several countries of the world, provides a chance to end a criminal life history with sexual aberrations.

Steps have also been taken in Hungary to create an alert system against organised crime by using the database and computerised analysing software of the Coordination Centre against Organised Crime combined with a special risk analysing method. The task of the method is to

¹⁸ Based on Tom Vander Beken and Stijn Van Daele: Legitimate businesses and crime vulnerabilities. *International Journal of Social Economics* 01/2008; 35(September):739-750.

¹⁹ OJ C 115, 4 May 2010., p. 1.

signal the potential threats of a criminal group turning into an organised criminal group, if specific criteria are met.²⁰

In addition to the alert system, another solution could be to establish *merged national intelligence agencies*, especially in the event of crimes that affect the authority and scope of several national organs: illegal drug trafficking, smuggling of excisable products, human trafficking or money laundering. Considering the fact that the range of activities of organised criminal groups is rather wide, and the measures to be taken against them require a joint work of several national-level forces and inter-agency centres of intelligence, it is necessary to establish close cooperation among these forces and centres, in order to handle the relevant issues efficiently.

In Sweden, this centre consists of ten organs, among others, the tax authority, the immigration office and the Prosecution. The activities of the centre are governed by a shared strategic executive board.²¹

The necessity to eliminate the parallel activities of law enforcement agencies results in the centralisation of responsibilities and duties, which led to the set up of the so-called *fusion centres*.

They were first prompted by the experiences of the 9/11 terrorist attack. The expert investigations disclosing the causes and circumstances of the attack made it obvious that the rivalry between national agencies and the lack of the centralisation, of the timely analysis of and response to intelligence significantly contributed to the tragedy. As a solution, centres of homogenous responsibilities were established, which eliminated the rivalry rooted in the parallel scope of duties and narrowed down the exchange of information to a single channel. Fusion centres contribute directly and indirectly (e.g. through government policies) to the elimination of organised criminal groups and the reduction of the phenomenon of organised crime.

Conclusion

The purpose of strategic criminal intelligence is to provide a solid foundation for strategic decision making. Strategic decision making is necessary because of the significant changes which have already taken place or are to be anticipated both at domestic and international levels. Strategic criminal intelligence and analysis efficiently contribute to the detection of these processes and to the elaboration of appropriate responses to these challenges.

Strategic criminal intelligence facilitates the establishment of crime forecasts and prognoses by investigating various Hungarian and international tendencies. By identifying the suitable practices regarding the European security challenges in the member states of the EU, the

²⁰ László Istvanovszki .- Tamás Kenedli: Új értékelési módszerek alkalmazása a szervezett bűnözésre (Magyar Rendészet 2007/1-2)

²¹ Ferenc Szendrei- Erzsébet Füzster Balláné-Zoltan Urban: Handbook of Organised Crime, based on Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States (docs. 10899/11) RTF, 2011

strategic criminal intelligence plays a vital role in preparing the best decisions to be taken by the governments and the ministries of internal affairs.

The main target area of strategic intelligence gathering and analysis is transnational crime in its various forms, certain categories of organised crime and of course, terrorism. Due to their nature, these forms of crime are priority areas of the analysis and assessment organs of law enforcement and national security forces in the EU countries.

All this, however, does not mean that *at national level*, strategic criminal intelligence has no legitimacy, as is demonstrated by the risk analysis examples of the Coordination Centre against Organised Crime based on strategic intelligence.

In this paper, I have presented the intelligence models of several member states concerning the gathering and assessment of security, crime risks and threats (OCTA, SOCTA, EMPACT, ECIM, vulnerability test, crime proofing processes, early alert system, VICLAS, fusion centres, etc.), based on which, the strategic and specific responses can be elaborated to the problems.

In harmony with the objectives set by the National Security Strategy – based on the European examples – law enforcement organs must establish their own efficient strategic criminal intelligence model and develop their intelligence gathering abilities, which will enable them to cooperate with domestic partner organisations and international police forces.

This collaboration must be extended to the agreement of sector-based intelligence gathering models established on the grounds of government strategies. Such close collaboration must be reinforced in the relevant government organs in charge of actions against organised crime (terrorism).

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