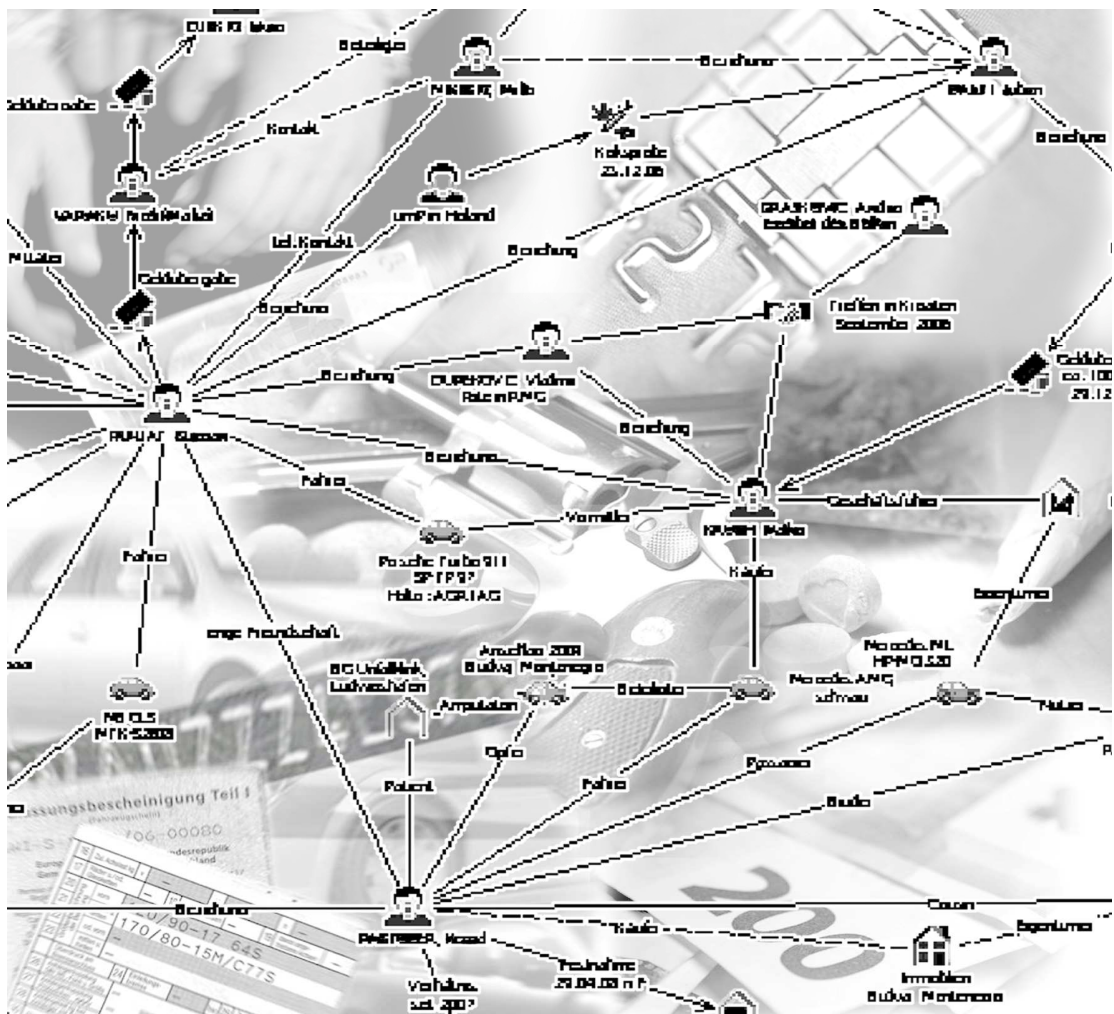




ORGANISED CRIME

National Situation Report 2009

- Press-Release Summary -



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2009 National Situation Report

- Press-Release Summary -

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1. Preliminary remark

The National Situation Report on Organised Crime (OC) contains information about the current situation and developments in the field of organised crime in a concise form.

The report is drawn up by the Bundeskriminalamt (Federal Criminal Police Office - BKA) in co-operation with the Landeskriminalämter (State Criminal Police Offices - LKAs), the Zollkriminalamt (central office of the German Customs Investigation Service - ZKA) and the Bundespolizeipräsidium (Federal Police Central Office), on the basis of the definition of "organised crime" (see 3.1.2) formulated by the Working Party of Police and Judicial Authorities (AG Justiz/Polizei) in May 1990. Data on the OC investigations conducted during the year under review are compiled by applying the same set of criteria throughout the country.

2. STATISTICAL OVERVIEW

	2009	2008
<u>Number of investigations</u>	579	575
Initial reports	305	271
Completed investigations	283	286
<u>Total number of suspects</u>	9.294	9.472
Newly identified suspects	4.026	4.251
Total number of nationalities	108	112
Percentage of German suspects	38,3 %	41,7 %
Percentage of non-German suspects	61,7 %	58,3 %
Including:		
⇒ Turkish nationals	9,2 %	9,4 %
⇒ Italian nationals	3,5 %	2,0 %
<u>Heterogeneous offender structures</u>	75,5 %	78,4 %
<u>Homogeneous offender structures</u>	24,5 %	21,6 %
<u>Armed suspects</u>	4,1 %	3,7 %
<u>Groups operating in more than one area of crime</u>	28,3 %	32,2 %
<u>Losses identified</u>	1,37 Mrd. €	691 Mio. €
<u>Estimated profits</u>	903 Mio. €	663 Mio. €
<u>Provisionally seized assets</u>	113 Mio. €	170 Mio. €

	2009	2008
<u>Offences with international links</u>	88,8 %	87,7 %
<u>Fields of crime</u>		
⇒ Drug trafficking and smuggling	40,9 %	38,6 %
⇒ Property crime	14,3 %	13,7 %
⇒ Crime associated with the business world	13,0 %	16,9 %
⇒ Tax and customs offences	9,2 %	8,0 %
⇒ Facilitation of illegal immigration	6,4 %	5,6 %
⇒ Counterfeiting/forgery	5,2 %	4,3 %
⇒ Crime associated with nightlife	3,5 %	4,9 %
⇒ Violent crime	3,5 %	3,8 %
⇒ Environmental crime	0,9 %	0,3 %
⇒ Arms trafficking and smuggling	0,3 %	0,7 %
⇒ Others	2,8 %	3,2 %
<u>Investigations including:</u>		
Money laundering activities acc. to section 261 of the German Penal Code	172	186
Witness protection measures	39	43
Confiscation of assets	156	155

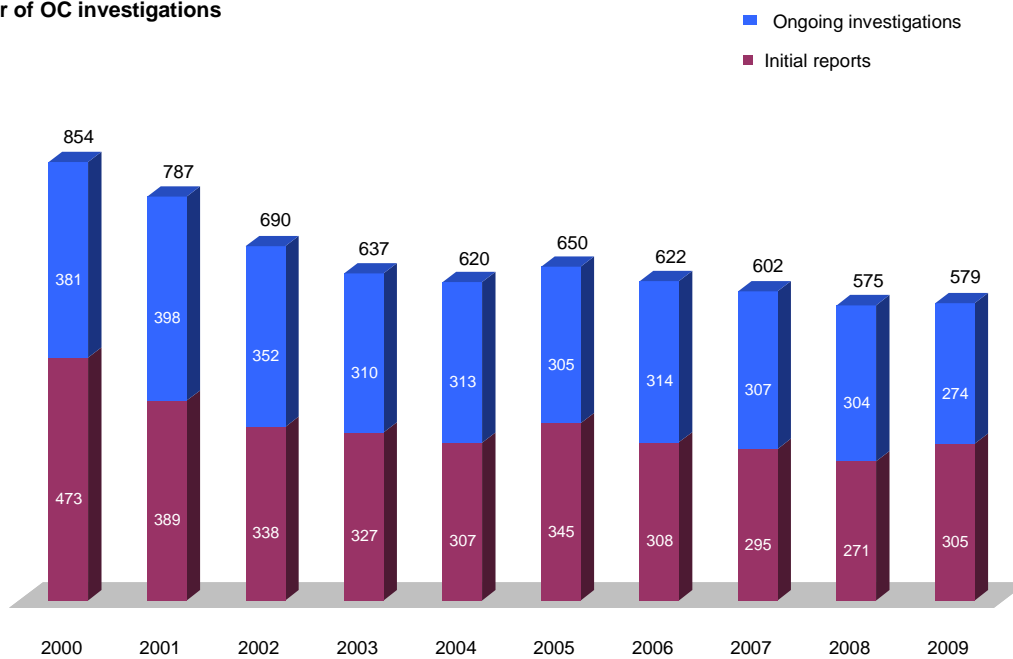
3. THE CRIME SITUATION IN GERMANY

3.1 Investigations

3.1.1 Number of investigations

In the year under review, 579 OC investigations were handled in Germany. A total of 305 of these investigations were initiated in the year under review (initial reports) and 274 were ongoing investigations instituted in previous years. 283 investigations were completed during 2009.

Number of OC investigations



In comparison to the previous year, the number of OC investigations increased by 0.7 %. The number of initial reports increased by 12.5 %.

The table below illustrates the regional distribution of the OC investigations. Assignment of the investigations conducted by the federal authorities to the federal states is based on the location of the respective public prosecutor's office.

	Fed.State	BKA	Fed.Pol	Customs	Total
Bavaria	82	2	5	7	96
North Rhine-Westphalia	65	11	0	12	88
Berlin	62	6	5	8	81
Hesse	38	8	2	11	59
Lower Saxony	38	3	3	11	55
Baden-Württemberg	34	3	2	4	43
Hamburg	28	1	1	5	35
Saxony	14	0	4	8	26
Rhineland-Palatinate	21	0	2	0	23
Schleswig-Holstein	18	1	3	0	22
Brandenburg	9	0	2	7	18
Saarland	11	0	0	0	11
Saxony-Anhalt	8	0	0	2	10
Mecklenburg-West.-Pommerania	4	0	1	0	5
Thuringia	3	1	0	0	4
Bremen	3	0	0	0	3
Total	438	36	30	75	579

A significant increase in the number of investigations conducted in Bavaria is seen alongside with a partly considerable decrease of investigations in Baden-Württemberg and Hamburg. The numbers for Berlin and the Saarland have remained unchanged. The numbers of the federal authorities also show inconsistent trends (Federal Police: +8, Bundeskriminalamt: -7, customs authorities: +1).

3.1.2 OC relevance of the investigations

The working definition of "organised crime", formulated by the Working Party of Police and Judicial Authorities (AG Justiz/Polizei) in May 1990, serves as the basis for the selection of the OC investigations relevant for the National Situation Report on Organised Crime.

"Organised crime is the planned commission of criminal offences determined by the pursuit of profit and power which, individually or as a whole, are of considerable importance if more than two persons, each with his/her own assigned tasks, collaborate for a prolonged or indefinite period of time,

a) by using **commercial or business-like structures**,

b) by **using force** or other means of intimidation or

c) by **exerting influence** on politics, the media, public administration, judicial authorities or the business sector.

All general characteristics and at least one of the specific characteristics listed under a) to c) of the OC definition must be fulfilled for criminal behaviour to be considered organised crime. With regard to the specific characteristics given in the OC definition, the distribution was as follows in the year under review (multiple recording possible):

- ⇒ 542 investigations: alternative a) applied
- ⇒ 274 investigations: alternative b) applied
- ⇒ 151 investigations: alternative c) applied

As in the previous years, the cases falling under c) were the smallest group with a share of 26.1 %. The exertion of influence (multiple entries possible) by organised offender groups was aimed at

- ⇒ the public administration in 107 investigations (56 in Germany, 64 abroad)
- ⇒ judicial authorities in 44 investigations (14 in Germany, 31 abroad),
- ⇒ politics in 27 investigations (5 in Germany, 22 abroad),
- ⇒ the business sector in 24 investigations (16 in Germany, 10 abroad),
- ⇒ the media in 15 investigations (12 in Germany, 3 abroad).

The distribution largely corresponds to the previous years but again, the investigations involving influence on the business sector changed places in the ranking with the investigations involving influence on politics.

3.1.3 Losses

The total losses reported for the period under review amounted to approx. EUR 1.37 billion (compared to approximately EUR 691 million in 2008). The significant rise of the total losses results from one single investigation in which a loss of more than EUR 675 million was established in connection with investment offences committed by an OC group dominated by Canadian nationals. As in previous years, the highest losses were caused by crimes associated with the business world (approximately EUR 1.08 billion). These were followed by tax and customs offences (approximately EUR 150 million) and property crime (approximately EUR 52 million).

3.1.4 Profits

The profits made by criminal organisations were estimated at about EUR 903 million (compared to approximately EUR 663 million in 2008). The largest profits were yielded by tax and customs offences (approximately EUR 455 million), by crime associated with the business world (approximately EUR 185 million) and by drug trafficking and smuggling (approximately EUR 87 million). With approximately

EUR 656 million, German OC groups yielded the highest profits), in particular by tax and customs offences and economic crimes. In an investigation concerning forged delivery notes used for sugar exports, a profit of EUR 373 million was reported. OC groups dominated by Russian nationals made profits amounting to approximately EUR 37 million with one money laundering investigation alone accounting for a profit of EUR 28 million.

3.1.5 Confiscation of assets

With approximately 27 %, the percentage of cases where measures to secure assets were taken was identical to the previous year. In this context, assets totalling approximately EUR 113 million were provisionally seized (compared to EUR 170 million in 2008). In this context, it should be noted that in case of long-term investigations, provisionally seized assets are included only once in the situation report and are not updated. The largest amounts were provisionally secured in connection with investigations into crimes associated with the business world (approx. EUR 81 million). The highest individual assets amounting to approximately EUR 32 million, EUR 15 million and EUR 12 million were provisionally seized in the course of investigations into crimes associated with the business world that were committed by groups of offenders dominated by German nationals.

3.1.6 Money laundering activities

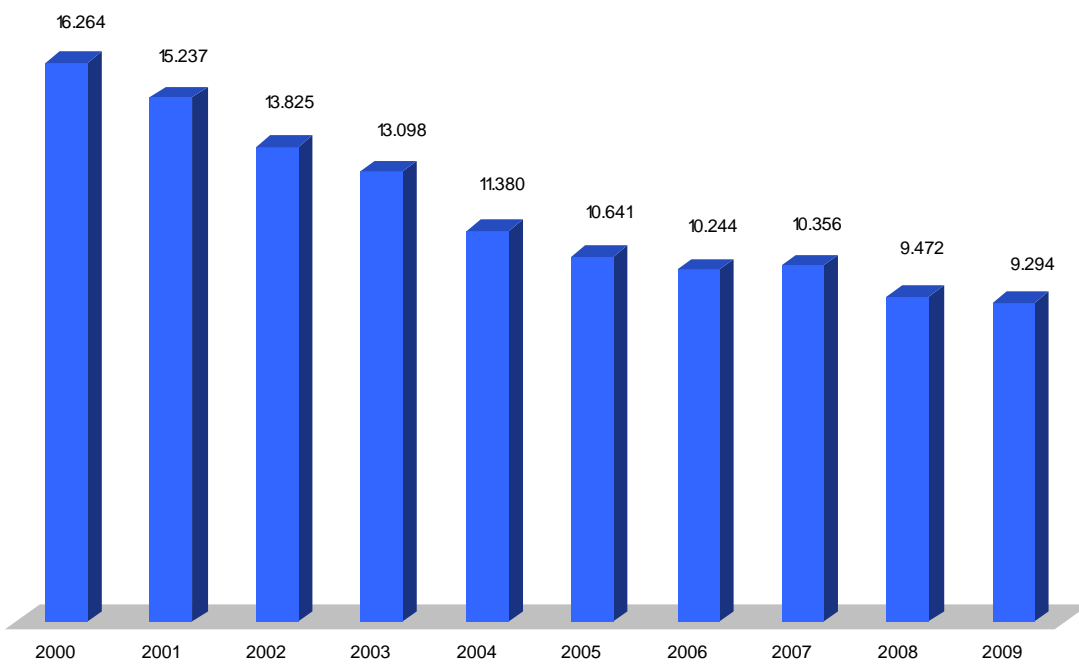
In 180 investigations, information suggesting money laundering activities was obtained. In 172 cases, investigations were conducted into money laundering pursuant to section 261 of the German Penal Code. In 95 investigations, a total of 556 suspicious transaction reports were filed pursuant to section 11 subsection 1 of the German Money Laundering Act.

3.2 Suspects

Total suspects

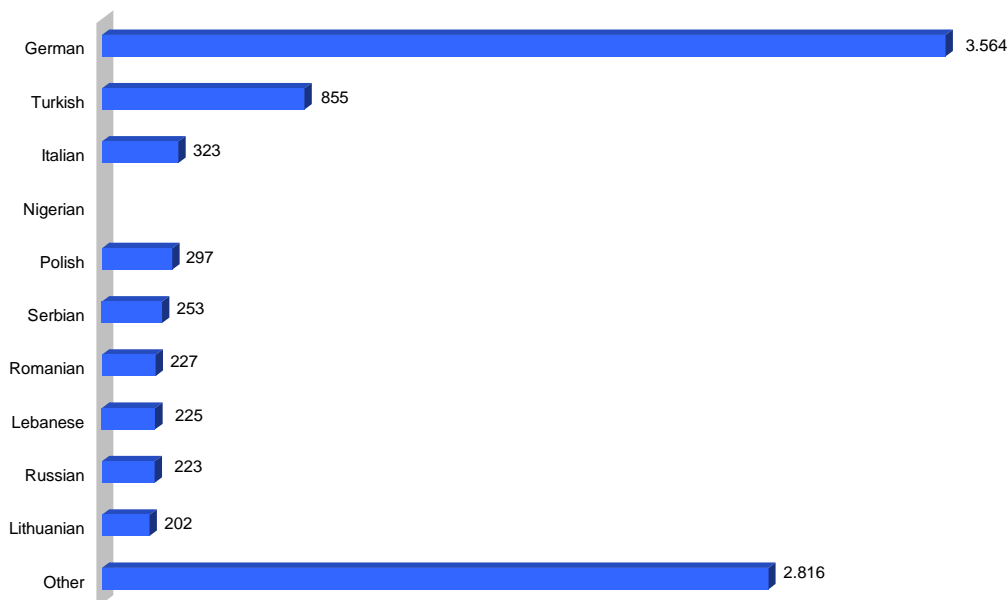
A total of 9,294 suspects were investigated in the year under review (compared to 9,472 suspects in 2008).

Development of the total number of suspects



Consequently, the number of OC suspects dropped by approximately 1.9% compared to the previous year.

Total number of suspects by nationality



With 38.3 % (41.7% in 2008), German nationals continued to make up the largest group among the total number of suspects. 21,0 % (22.3 % in 2008) of the German suspects were born in a country other than Germany.

The following groups of suspects were characterized by significant changes:

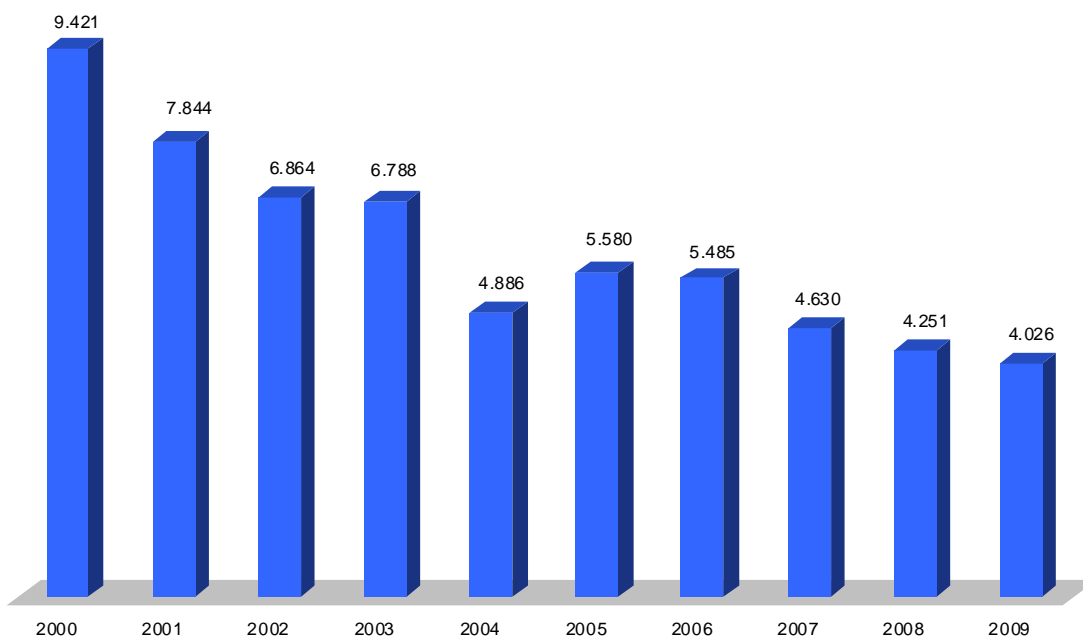
- ⇒ The number of Italian suspects rose from 187 to 323.
- ⇒ The number of Nigerian suspects rose from 261 to 309.
- ⇒ The number of Serbian suspects rose from 111 to 253.
- ⇒ The number of Lithuanian suspects rose from 174 to 202.
- ⇒ The number of Iraqi suspects rose from 133 to 178.
- ⇒ The number of Dutch suspects rose from 139 to 167.

- ⇒ The number of German suspects dropped from 3,951 to 3,564.
- ⇒ The number of Turkish suspects dropped from 892 to 855.
- ⇒ The number of Polish suspects dropped from 503 to 297.
- ⇒ The number of Romanian suspects dropped from 255 to 227.
- ⇒ The number of Lebanese suspects dropped from 237 to 225.
- ⇒ The number of Russian suspects dropped from 270 to 223.

Newly identified suspects

Again, the number of suspects identified for the first time in the period under review declined in comparison to the previous year (minus 5.3 %) and amounted to 4,026.

Development of the number of newly identified suspects



A decline in the number of suspects identified for the first time was recorded inter alia for German (from 1,391 to 1,582), Turkish (from 550 to 427), Romanian (from 159 to 126), Polish (from 193 to 114), Vietnamese (from 110 to 101), Lebanese (from 151 to 83) and Russian (from 115 to 73) suspects. On the other hand, significant rises were established for Italian (from 73 to 198), Dutch (from 79 to 102), Nigerian (from 84 to 95), Lithuanian (from 73 to 88) and Georgian (from 10 to 86) suspects.

Number of newly identified suspects by nationality



3.3 Group structures

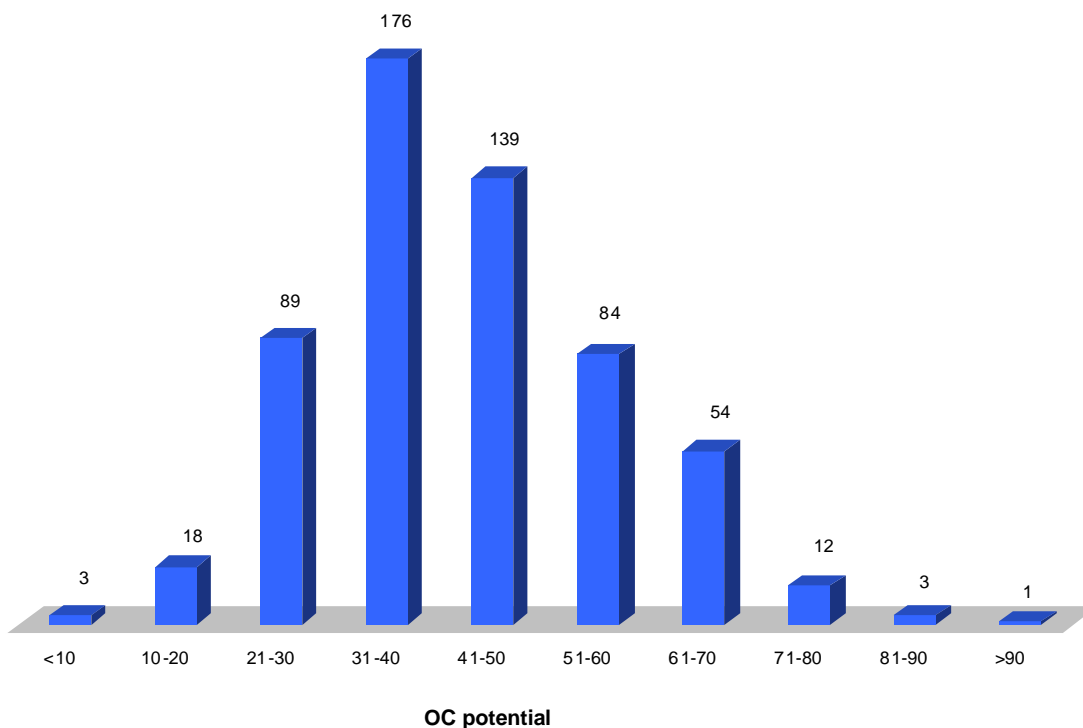
Composition of the groups of perpetrators

The average number of suspects per group was 16 persons (compared to 17 persons in 2008). As in previous years, the proportion of OC groups consisting of more than 50 suspects (26 groups in total, including 10 groups with more than 100 suspects) was relatively small, i.e. 4.5 % (compared to 4 % in 2008).

OC potential of the groups of perpetrators

In addition to checking all reported investigations for OC relevance, OC groups are assessed in terms of their level of organisation and professionalism, which is expressed by the so-called "OC potential". The OC potential is calculated by counting and weighting the applicable indicators taken from the list of "General indicators for identifying OC-relevant cases".

Classification of the groups according to their OC potential

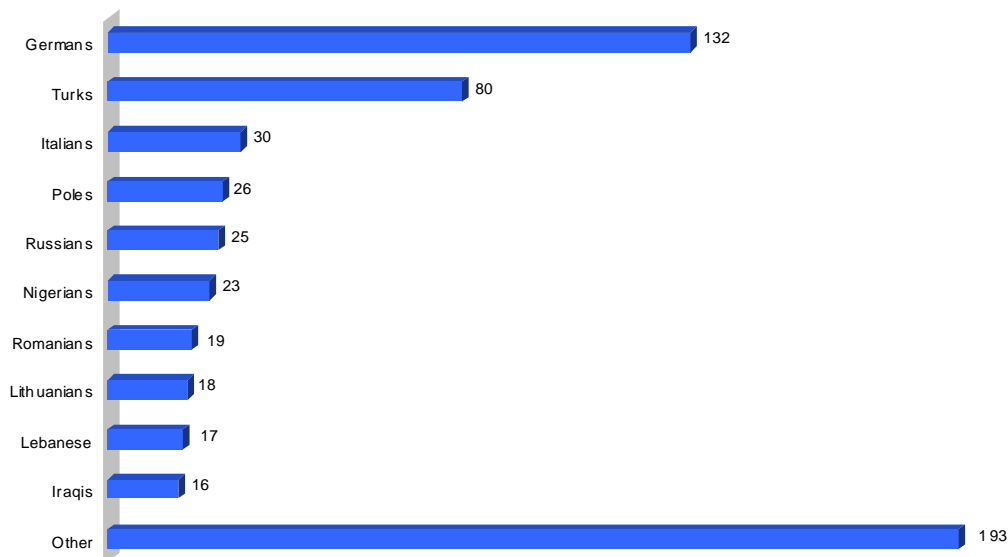


The average OC potential of all groups amounted to 43.2 points and was therefore almost identical to the previous years (43.7 points in 2008, 43.3 points in 2007, 42.9 points in 2006, 42.3 points in 2005 and 41.3 points in 2004). Likewise, the distribution of the values among the different categories has only changed slightly for years. Groups with a medium level of OC potential continue to make up the largest proportion by far. On the other hand, the percentage of groups with a comparatively high OC potential has been relatively low for years.

Dominating nationalities and phenomena

When they are included in the OC Situation Report, the nationality of most suspects is indicated. For classification purposes in the table below, the decisive criterion is the nationality that determines the criminal activity within the groups. However, it does not necessarily represent the majority of group members.

Group structures



As in previous years, organised crime in Germany was dominated by German and Turkish OC groups. These are now followed by Italian and Polish OC groups. The ranking order of the following nationalities frequently changes:

In the year under review, the number of Italian (2008: 18), Nigerian (2008: 23) and Lithuanian (2008: 13) OC groups rose, whereas the number of German (2008: 161), Turkish (2008:81), Polish (2008:33) and Russian (2008: 28) OC groups dropped. In 2009, Vietnamese OC groups (2008: 14, 2009: 15) ranked behind Iraqi OC groups (2008: 9, 2009: 16). Like the Vietnamese OC groups, Dutch OC groups came to notice 15 times in 2009 (2008: 5).

3.3.1 OC groups dominated by German nationals

With 38.3 %, the proportion of German suspects was lower than in the previous year. When considering the percentage of German nationals involved in organised crime, it has to be taken into account that, at birth, a substantial number of German suspects were nationals of a country other than Germany.

In the year under review, 750 German suspects (21.0 %) had a different nationality when born (2008: 22.3 %). As in the past years under review, the Russian Federation (188 suspects), Turkey (127 suspects), Kazakhstan (121 suspects) and Poland (63 suspects) continued to be the most important countries of origin of these suspects.

As in previous years, OC groups dominated by German nationals were mainly involved in drug trafficking and smuggling. In addition, crime associated with the business world played an important role.

21 OC investigations were directed against outlaw motorcycle gangs dominated by German nationals (9x Bandidos MC, 7x Hells Angels MC, 2x Gremium MC, 2x Red Devils MC and 1x Lobo MC). The main activity of the outlaw motorcycle gangs was identified as drug trafficking and smuggling (cocaine and amphetamine) in ten investigations, as violent crime in nine investigations and as arms trafficking/smuggling in two investigations.

3.3.2 OC groups dominated by Turkish nationals

The number of Turkish OC groups (80) nearly remained the same as in the year before (81 in 2008). As in previous years, the criminal activities of Turkish OC groups were focused on drug trafficking and smuggling. Their main field of activity was heroin trafficking and smuggling, followed by cocaine trafficking and smuggling. Heroin was mainly smuggled from Turkey to Germany but also to the Netherlands and the United Kingdom via Germany. The smuggling of cocaine from the Netherlands and from Turkey to Germany was again of importance.

3.3.3 OC groups dominated by Italian nationals

The number of OC groups dominated by Italian nationals (30) rose compared to the previous year (18 groups in 2008). Their predominant criminal activities were cocaine trafficking and smuggling but also crime associated with the business world (fraud offences) as well as tax and customs offences (tax evasion).

7 OC investigations were directed against Italian Mafia groups (5x `Ndrangheta, 2x Camorra). These groups focused on drug (cocaine) trafficking and smuggling. A further 12 investigations were directed against Italian-dominated OC groups showing links to Mafia groups (6x Camorra, 3x Cosa Nostra and 3x `Ndrangheta). Their main activities were identified as cocaine trafficking and smuggling as well as fraud offences.

3.3.4 OC groups dominated by Polish nationals

The number of Polish OC groups (26) dropped in comparison to the previous year (33 in 2008). As in the previous year, Polish OC groups were primarily active in property offences, in particular motor vehicle offences as well as tax and customs offences. Polish OC groups are responsible for the trafficking of stolen vehicles from Germany to Poland. The tax and customs offences primarily refer to the smuggling of cigarettes to Germany via Poland, above all from Ukraine and Russia.

3.3.5 OC groups dominated by Russian nationals

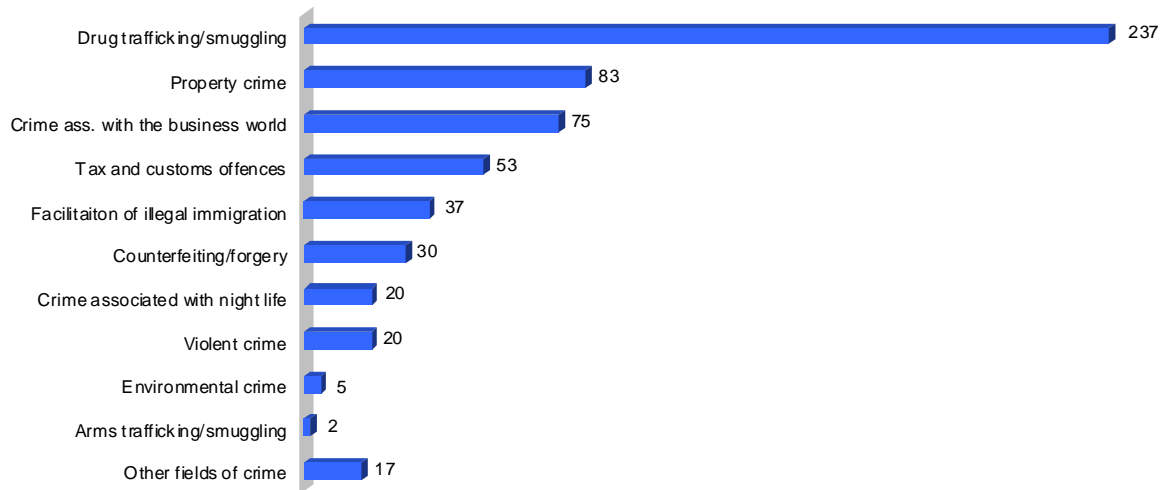
The number of Russian OC groups (25) dropped in comparison to the previous year (28 in 2008). In the period under review, the Russian groups were active in the most varied fields of crime, in particular drug trafficking / smuggling (the focal point being the smuggling of heroin from the Netherlands to Germany) and economic crime (fraud offences). Moreover, tax and customs offences, specifically cigarette smuggling, continued to be of importance.

The following table provides an overview of the most important data concerning the groups of perpetrators dominated by a certain nationality (figures of the previous year in brackets):

Dominating Nationality	Number of groups	OC potential of the groups	Duration of cooperation in years
German	132 (161)	46.5 (46.8)	3.5 (3.9)
Turkish	80 (81)	39.9 (40.5)	2.1 (2.4)
Italian	30 (18)	47.9 (43.4)	4.9 (5.3)
Polish	26 (33)	40.5 (41.4)	2.2 (3.4)
Russian	25 (28)	45.2 (42.6)	3.6 (3.7)
Nigerian	23 (19)	46.7 (44.9)	3.2 (2.7)
Romanian	19 (20)	38.9 (43.5)	2.1 (2.9)
Lithuanian	18 (13)	40.7 (41.1)	3.3 (3.0)
Lebanese	17 (19)	42.3 (41.4)	2.3 (2.6)
Iraqi	16 (9)	36.0 (36.4)	2.6 (1.5)

3.4 Fields of crime

Main fields of crime of the OC groups (number of investigations)



With a percentage of, for the first time, more than 40%, drug trafficking and smuggling continued to make up the largest share of organised crime in Germany. Besides, property-related offences (14.3%) and offences associated with the business world (13.0%) were of particular importance.

The following table provides an overview of the most important data concerning the different fields of crime (figures for the previous year in brackets):

Fields of crime	Number of groups / investigations	Percentage in relation to OC in total	OC potential of the groups
Drug trafficking/-smuggling	237 (222)	40.9 % (38.6 %)	43.2 (43.1)
Property crime	83 (79)	14.3 % (13.7 %)	43.7 (44.1)
Crime associated with the business world	75 (97)	13.0 % (16.9 %)	45.5 (45.8)
Tax and customs offences	53 (46)	9.2 % (8.0 %)	48.0 (43.9)
Facilitation of illegal immigration	37 (32)	6.4 % (5.6 %)	35.9 (38.5)
Counterfeiting/forgery	30 (25)	5.2 % (4.3 %)	31.7 (33.4)
Crime associated with nightlife	20 (28)	3.5 % (4.9 %)	45.0 (47.7)
Violent crime	20 (22)	3.5 % (3.8 %)	50.6 (48.8)
Environmental crime	5 (2)	0.9 % (0.3 %)	29.9 (66.2)
Arms trafficking/smuggling	2 (4)	0.3 % (0.7 %)	48 (34.5)
Other fields of crime	17 (18)	2.9 % (3.1 %)	42.8 (47.2)

Modi operandi

In the year under review, 28.3 % of the groups of perpetrators were active in more than one field of crime (2008: 32.2 %).

Groups active in more than one field of crime continued to display, on average, a higher OC potential than groups active in only one field of crime (49.0 points compared to 40.9 points).

A total of 514 (88.8 %) investigations showed links to other countries, i.e. at least one crime scene was located outside Germany. There were supraregional links in 43 investigations (7.4 %), while merely regional links were established in 22 investigations (3.8 %).

The international links referred to a total of 122 countries. The modi operandi established involved above all the Netherlands (205 investigations), Italy (115 investigations), Austria (86 investigations), Poland (86 investigations), Turkey (85 investigations), Belgium (83 investigations), France (83 investigations), Spain (81 investigations) and Switzerland (72 investigations). The high number of investigations involving the Netherlands results from the particular role this country plays in drug crime.

3.4.1 Drug trafficking and smuggling

As in previous years, OC groups in Germany were mainly active in the field of drug trafficking and smuggling (40.9%), , the proportion of which continued to increase (2008: 38.6 %).

Drug trafficking and smuggling are still dominated by Turkish and German OC groups, although the proportion of groups dominated by German nationals continues to drop (20.3% in 2009 and 23.9% in 2008).

3.4.2 Property crime

With a proportion of 14.3 % (approximately 13.7 % in 2008), property crime is now the second largest field of crime, followed by crime associated with the business world.

In 2009, vehicle-related property offences (56 out of 83 investigations) prevailed. In most cases, vehicles were stolen in Germany and transported to Poland, Ukraine or Lithuania.

3.4.3 Crime associated with the business world

In addition to drug trafficking and smuggling and property crime, crime associated with the business world also belongs to the dominating fields of crime and accounts for 13.0 % of all OC investigations (in comparison to 16.9 % in 2008). Crime associated with the business world has now dropped to number three of the ranking list while in the previous year it still preceded property crime in terms of its proportion.

In the period under review, losses totalling approx. EUR 1.08 billion (EUR 467 million in 2008) were caused in this field of crime. The profits were estimated at approx. EUR 185 million (EUR 390 million in 2008). During the year under review, mainly investment offences (10 investigations), financing offences (10 investigations), computer fraud (3 offences), offences related to fraudulent account opening (6 investigations), insolvency offences (3 investigations) and other types of fraud offences were

committed. The decrease in investigations concerning investment offences (2008: 19 investigations) should be emphasized.

With approximately 69% of all investigations (compared to 62% in 2008), offence-specific modi operandi are still dominant. On average, groups operating in a specific field of crime collaborate for more than four years.

With 41.3 %, the proportion of German OC groups was significantly lower than in the previous year (49.5% in 2008).

3.4.4 Tax and customs offences

In the year under review, a total of 53 OC investigations were conducted into tax and customs offences (46 in 2008).

Cigarette smuggling continued to be the main activity of OC groups operating in this area. The investigations mainly concerned cigarette smuggling from Russia and Ukraine to Germany via Poland.

Further main activities were turnover tax and energy tax - related offences.

With approximately 81.1 %, the proportion of groups focussing on one specific type of crime dropped compared to the previous year (89.1 % in 2008). In particular, OC groups dominated by German and Polish nationals were of importance.

3.4.5 Facilitation of illegal immigration

In the year under review, 37 groups whose main activity was facilitation of illegal immigration were under investigation (compared to 32 groups in 2008). With regard to group structures, Iraqi (12), Nigerian (4) and Vietnamese (4) OC groups figured prominently.

Accordingly, the illegal entrants involved in the investigations conducted in the year under review were mainly from Iraq and Nigeria. The “most popular” destination countries of the Iraqi illegal immigrants were Germany, Sweden and Denmark. For most Nigerian illegal immigrants Germany was the country of destination.

3.4.6 Counterfeiting/forgery

With 30 investigations, the number of OC investigations concerning counterfeiting / forgery slightly increased in comparison to the previous year (25 investigations in 2008).

A total of 11 investigations (compared to seven in 2008) concerned the production and circulation of counterfeit currency (EURO counterfeits). The counterfeit banknotes predominantly originated from Italy

and Bulgaria. With 10 OC investigations (including four investigations into skimming¹), the significance of payment card crime remained more or less at the same level as in the previous year - (11 investigations in 2008). By far the most payment card offences were committed by Romanian OC groups.

3.4.7 Crime associated with nightlife

In 2009, 20 OC investigations were conducted in the area of crime associated with nightlife.

The investigations focused on trafficking in human beings, especially for the purpose of sexual exploitation, facilitating prostitution, exploitation of prostitutes and illegal gambling.

The victims identified in the course of the investigations mainly stemmed from Romania, Hungary, Nigeria and Russia.

Romanian OC groups dominated crime associated with night life, followed by Hungarian, German, Nigerian and Turkish OC groups.

3.4.8 Violent crime

In 2009, 20 OC investigations were conducted into violent crime (compared to 22 in 2008). The investigations mainly centred on extortion offences (7 investigations), offences against life or limb (6 investigations) and robbery (2 investigations). In 15 investigations the suspects turned out to be armed.

With regard to group structures, German groups (11) figured prominently and were followed at a clear distance by Italian (3) and Russian (2) OC groups.

3.4.9 Environmental crime

In comparison to the previous years, the investigations concerning environmental crime (5) increased (2 in 2008, 3 in 2007, 2 in 2006, 2 in 2005).

4 of the 5 investigations conducted in 2009 concerned the illegal circulation of pharmaceuticals. One investigation was conducted into illegal waste disposal.

This field of crime was dominated by German nationals.

¹ Skimming = obtaining card data by reading out all the data on the magnetic strip of a payment card and copying/transferring them to a counterfeit card.