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Cyber capabilities of German law enforcement agencies – Can we
keep pace with developments?

Abstract

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CYBER CAPABILITIES OF GERMAN LAW ENFORCEMENT AGENCIES – CAN WE KEEP PACE WITH DEVELOPMENTS?

The presentation will begin with a description - including practical examples - of the special technological, personnel-related and structural problems law enforcement/prosecution authorities are faced with. In addition to giving a general description (keywords: big data, encryption, internationality), it will also, and in particular, elaborate on the question to what extent the legislator does react to investigative shortcomings and has provided law enforcement authorities with investigative instruments (interception of telecommunications at terminal devices, online searches) the use of which is, however, not possible at present and will pose an enormous challenge to us. Another issue which is going to be addressed in this connection is the question if outsourcing, especially on the technological level, will be necessary or even inevitable and what risks this may involve.

In respect of the requirements to be met by personnel, the presentation will furthermore deal with the question to what extent cybercrime and the pertaining legal, technological and tactical particularities are taken into account in current police and legal training and to what extent related shortcomings can be compensated by basic and advanced training programmes. In this connection, the presentation will also address the issue of trainee recruitment for the field of cybercrime. In addition, the question will be posed if working in this field of criminal activity is actually "attractive" for the staff and how to retain high-performing colleagues in the long run.

Moreover, the presentation will illustrate by the example of the present and the future structure of the Central Unit for the Suppression of Internet Crime - ZIT (Zentralstelle zur Bekämpfung der Internetkriminalität) how flexible the organisation of units must be to come to terms with the rapid change of phenomena and, thus, to guarantee effective cyber-crime control.

Subsequently, the structures of anti-cybercrime units of police authorities, public prosecutor's offices and courts, both at Land and federal level, will be highlighted.

Besides the immense "split-up", which often causes "players" involved to have no idea in which fields other colleagues are working, what information they have and to what extent a transfer of know-how is possible, attention will also be drawn to the problem of inefficiencies resulting from double / multiple prosecution in different Länder for a lack of information exchange or even from withholding knowledge as an instrument of domination.

The chances, but also the difficulties linked with trans-Länder investigation teams will be

examined by the example of the pilot project "EG Fuma" (investigation team Fuma).
Finally, approaches to a more efficient prosecution of crimes will be outlined.