

Summary

Introduction

In the media and politics there is more and more talk of a possible interweaving of legitimate society and the underworld and a potential undermining of local authority and national security by organised crime. In 2015 the Volkskrant newspaper published several articles about (alleged) malpractices in the Dutch province of Noord-Brabant, involving, among other things, infiltration and threats being used as a means by which organised crime attempted to gain access to local public administration. It was also alleged that criminals are attempting to gain influence over decision-making (processes) by threatening local administrators.

In recent years there has thus been ample attention focused on the bribing of local administrators and on how criminals attempt to influence local decision-making (processes) by using threats or infiltration. This was, however, mainly based on individual cases and on impressions. The nature and scope of the influence exercised by criminals over local public administration has not yet been thoroughly researched.

Concerns about the bribing of local administrators and about how criminals are allegedly attempting to influence local decision-making (processes) by using threats or infiltration formed reason for the Dutch Minister of the Interior and Kingdom Relations and the Dutch Minister of Security and Justice to promise parliament, by letter dated 6 November 2015, to launch an investigation into this matter. This is followed up in this research with a large-scale survey conducted among administrators, councillors and civil servants in local public administration, supplemented by in-depth interviews.

Research question and method

The central research question in this research is:

What is the nature and scope of the influence exercised over local public administrations for criminal purposes, where are the vulnerabilities, to what extent does the influence have an impact on decision-making (processes) and national security and what measures can be developed or tightened to combat this influence?

The following additional questions are defined:

1. What is the nature and scope of the influence gained over local public administrations for criminal purposes?
2. How sensitive are the democratic processes and jobs to influence at local level and where are the vulnerabilities?
3. Is there any interweaving and influence between criminals and local public administrations, if so, to what extent does this undermine local democracy?
4. What is the nature and scope of the direct influence of actors at national level?
5. To what extent does the influence gained over local public administrations for criminal purposes and the direct influence of actors at national level have an impact on national security?

6. What measures are currently being taken to combat the influence gained over the local public administration for criminal purposes?
7. What concrete measures could be developed or tightened?

The research therefore comprises the following sections:

- Nature and scope
- Vulnerabilities (of jobs and processes)
- Impact (on decision-making (processes) and national security)
- Measures

The nature and scope of the influence gained over local public administrations for criminal purposes are primarily identified by way of digital surveys conducted among six groups of respondents: mayors, aldermen, councillors, public order and security officers, registrars and municipal secretaries. In total some 11,385 people were contacted, 3,959 of which replied. The response is shown in the table below:

TABLE 1: RESPONSE TO THE SURVEY

	GROSS POPULATION	FAILED DELIVERY	NET POPULATION	RESPONSE TOTAL	RESPONSE PERCENTAGE
Mayors	390	14	376	225	60%
Aldermen	1,381	74	1,307	658	50%
Councillors	8,513	306	8,207	2,445	30%
Public order officers ¹	350	8	342	209	61%
Registrars	382	10	372	238	64%
Municipal secretaries	369	20	349	184	53%

The aim was to find out to what extent administrators, elected representatives and civil servants deal with influence gained for criminal purposes as a result of their work in the local public administration. This is about the undermining *consequences* of the influence over the local decision-making (processes). Threats with no criminal purpose, for instance in the context of the housing of asylum seekers in the municipality or by a citizen who has a personal dispute with the municipality, explicitly do not fall within the scope of this research.

For the purpose of this research we have operationalized criminal influence into three different forms of influence: threats, bribes and infiltration. These are three broad forms of influence. Threats include all forms of violence or aggression by which criminals attempt to influence (decision-making) processes. (Attempted) bribery involves all forms of temptations by which an administrator, councillor or civil servant is tempted, by way of financial or non-financial advantages, to take a decision that does not reflect the common interest, but the criminal interest. (Attempted) infiltration is understood to involve all ways in which people seek to participate in the local administration with a view to gaining influence over local processes for criminal purposes.

Before starting the digital survey exploratory interviews were held with administrators and experts on the subject, with the aim of collecting additional information regarding the survey subjects to facilitate drawing up the survey. Following the survey we talked to nineteen

¹ The public order officer in each municipality who acts as contact person for the centre of information and expertise (RIEC) was contacted for the survey. There are 10 RIECs, which support the local public administration in its administrative strategy with regard to organised crime.

respondents who had indicated in the survey that they had been faced with an attempt to influence them and who were willing to talk about this further. In the second research phase we discussed the results of the survey with representatives of interest groups and investigation services. An expert meeting was also held to reflect on the research results and to further interpret the findings of the survey.

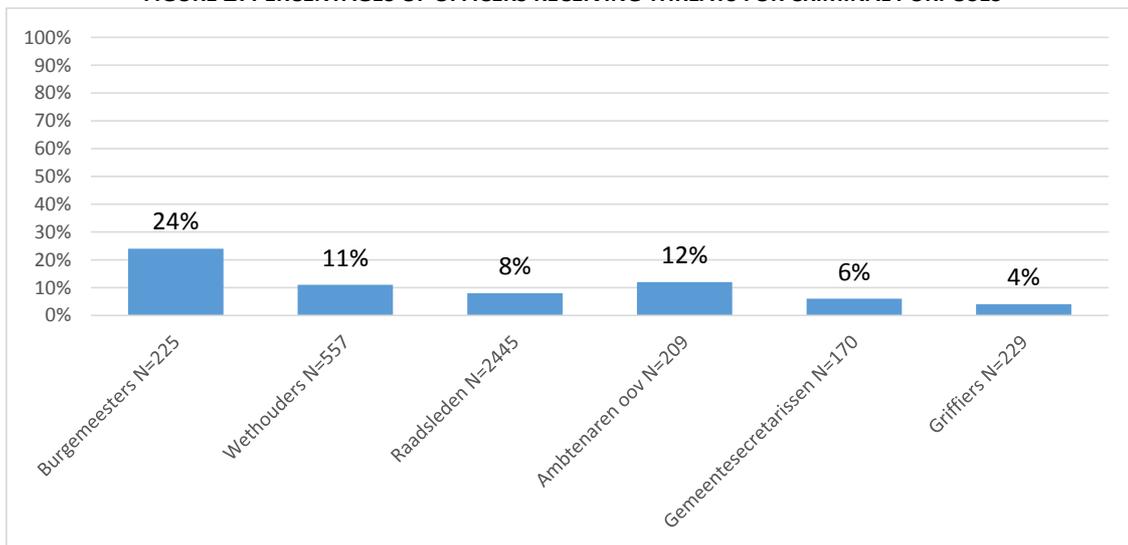
Nature and scope

As indicated we define three types of influence, specifically, threats, bribes and infiltration. It was up to the respondents themselves to decide whether the influence was sought for criminal purposes.

Threats

The figure below shows how many respondents indicated they had received threats in their current job.

FIGURE 2: PERCENTAGES OF OFFICERS RECEIVING THREATS FOR CRIMINAL PURPOSES



[Mayors, Aldermen, Councillors, Public Order and Security Officers, Municipal Secretaries, Registrars]

Mayors most frequently indicated they had received threats for criminal purposes. Threats are received throughout the country; amongst one group (for example mayors) threats for criminal purposes might be relatively commonplace in a particular province while in the same province be relatively uncommon amongst another group (for example councillors). When looking at all the groups together it emerges that threats are received throughout the country and are not limited to a few provinces. There are no differences according to municipality size, except amongst mayors; mayors in larger municipalities receive relatively more threats for criminal purposes.

There are clear gradations with regard to the nature of the threats, ranging from genuine threats (to life) to anonymous threats on social media that one mayor might perceive as threatening and another not. In practice there have been no threats with physical violence; inasmuch as we were able to establish in this research no local administrators, elected representatives or civil servants have actually been mistreated or experienced any other kind of physical violence.

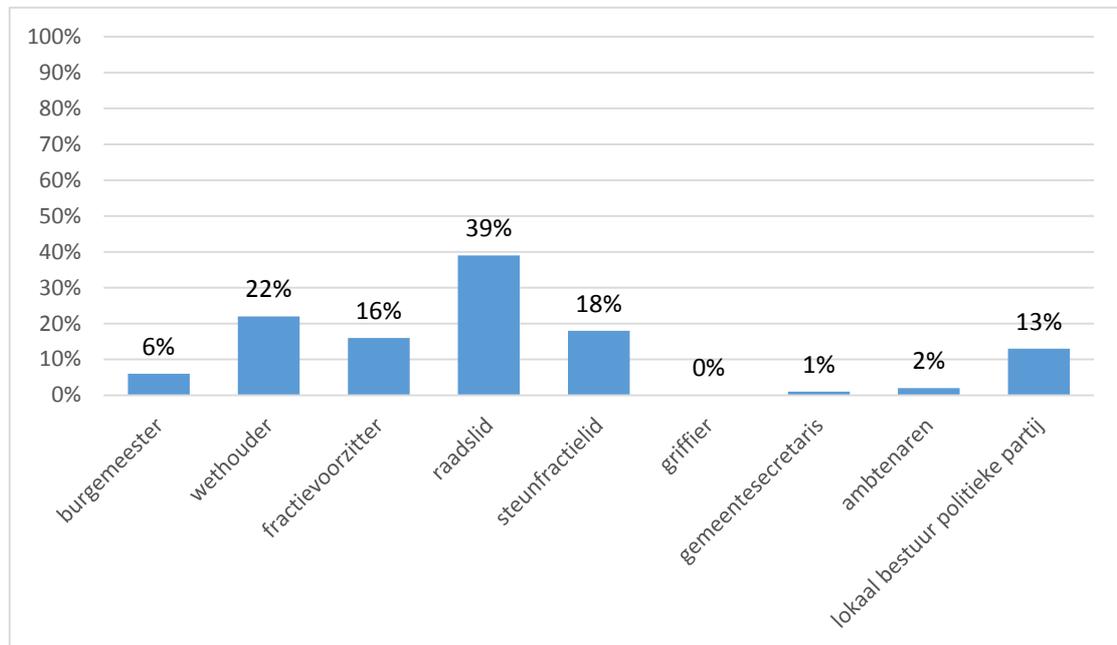
Bribes

Bribes for criminal purposes are much less common than threats. Of the different groups of respondents 0% - 2% indicates that an attempt has been made to bribe them for criminal purposes. As regards the nature of the cases of (attempted) bribery for criminal purposes, this can be classed as being relatively light. The number of cases in which the Public Prosecutor's office has initiated criminal proceedings is very small. And the examples of bribery for criminal purposes stated in the survey and during the interviews usually involved only small amounts.

Infiltration

In the survey the groups of respondents were asked whether they suspect there is or has been any infiltration for criminal purposes in their municipality. In almost one quarter of the municipalities one or more respondents indicated that they know or suspect that in the past five years there has been an attempt to infiltrate the public administration. According to them this mainly involved infiltrating councillors, as is apparent from figure 3.

FIGURE 3: THE JOBS NAMED BY RESPONDENTS IN RESPECT OF WHICH THEY KNOW OR SUSPECT THERE HAS BEEN INFILTRATION IN THE LAST FIVE YEARS² (N=124)



[mayor, alderman, group chairman, councillor, supporting group member, registrar, municipal secretary, civil servants, local government political party]

The figure should not be understood to read that, for instance, 39% of the councillors in the public order have been infiltrated for criminal purposes. The correct interpretation of the figure is that of those who know or suspect that there is or has been infiltration in their municipality, in 39% of the cases this concerned a councillor who has, according to the respondent, infiltrated.

Infiltration for criminal purposes is apparent in all the provinces and in most of the provinces between 20% and 30% of the municipalities has been infiltrated. It is striking that re-

² The percentages in the figure regard the average of the percentages of the answers provided by the mayors, aldermen, councillors and public order and security civil servants in the survey regarding this issue.

spondents in larger municipalities more often indicate that their municipality has been infiltrated than do respondents in smaller municipalities. As regards the nature of the infiltration, in the research examples are mainly given that are based on 'appearances being against them'. So infiltration is defined broadly by the respondents. For example, this might concern the brother of a contractor who is suspected of environmental crimes who has applied for a job as environment policy maker at a municipality, or an intern at the legal department of a municipality who was arrested just before the internship began in connection with large-scale dealing in hard drugs. Proof of infiltration is hard to come by because the purpose for which a person wants to become an administrator, councillor or civil servant at a municipality is not always clear. And yet despite this one third of the respondents who say there is infiltration for criminal purposes in their municipality says they are certain of this. Examples in which it has been irrefutably established that a person wanted to work in the local public administration for criminal purposes are not provided in the survey.

Vulnerabilities

According to respondents, enforcing rules and regulations, granting permits and enforcing public order and security are the most vulnerable processes in a municipality. However, from the explanatory notes to the survey and from the in-depth interviews it emerges that it is not so much specific processes that are vulnerable but the pre-conditions to these processes. For example, the distance between the civil servant assessing the application for a permit and the person applying for the permit. In other words, attention should be focused on the pre-conditions within the organisation and the measures that can be taken to address these rather than on specific processes.

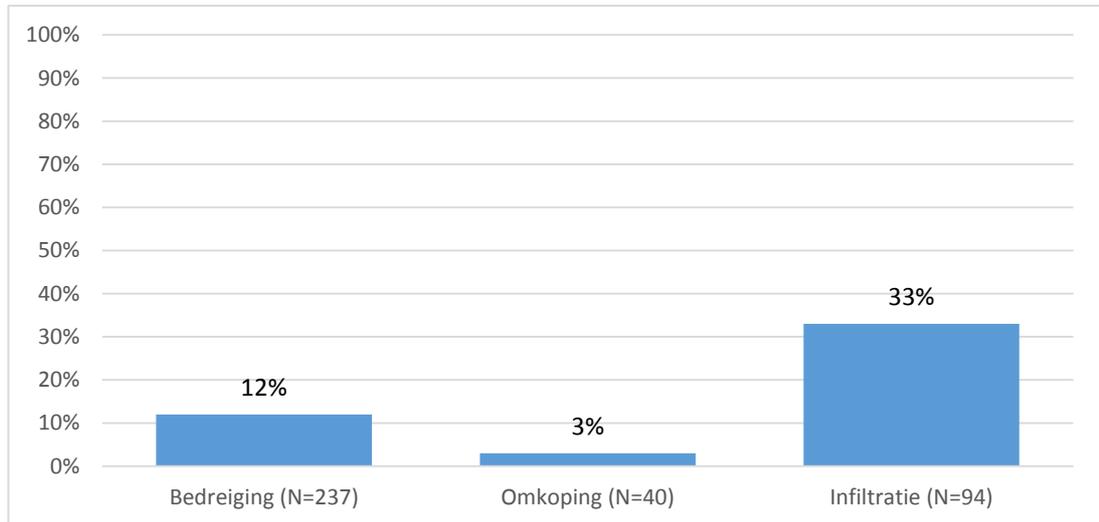
Respondents say that virtually all jobs in local public administrations are vulnerable to attempts to gain influence for criminal purposes. This mainly concerns the mayors, aldermen, councillors and Public Order and Security civil servants. They provide the following reasons for this:

- Mayor: is the figurehead and usually the 'municipality's' best known face. Also has authority that can directly affect criminals when they perform their criminal activities;
- Alderman: has direct influence on decision-making processes, has relatively much room for manoeuvre with regard to concrete files and can be susceptible to social pressure with a view to being reappointed.
- Councillor: able to influence municipal decisions within the scope of his or her role in setting up frameworks; due to short lines to decision-makers such as the mayor and alderman can also exercise influence in individual cases and can be vulnerable to social pressure in order to be reappointed;
- Civil servant: often is in direct contact with external people and has much information that is relevant for criminals. Specifically, public order and security officers support the mayor in the administrative approach to combatting (organised) crime and can therefore create barriers to hinder criminals.

The interweaving of small communities with local public administrations is also mentioned by several interviewees as being vulnerable and problematic. Boards of local organisations and clubs have close ties with politics and the public administration due to family and business connections and (as a result) they cannot always separate the two and consider political-administrative interests properly and with integrity.

Impact on (decision-making) processes and national security

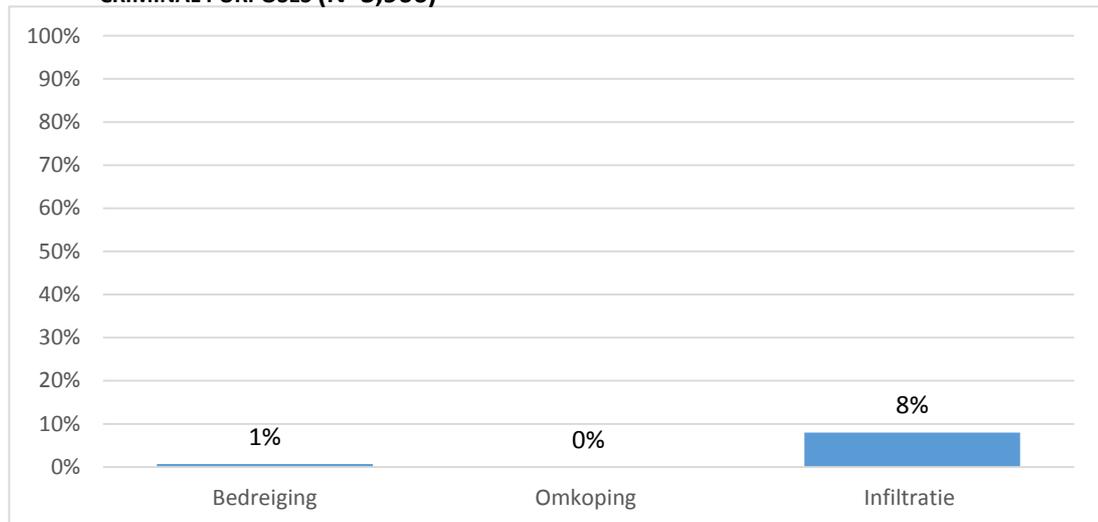
During this research respondents were asked to what extent the threats, (attempted) bribes or (attempted) infiltration undermines local democracy. We also investigated whether influence at local level also has consequences. This is included in the figure below. Threats and bribes concern individuals, infiltration concerns the municipalities.

FIGURE 4: PERCENTAGES IN WHICH ATTEMPTS TO GAIN INFLUENCE HAVE HAD UNDERMINING EFFECTS

[Threats, Bribes, Infiltration]

The above figure illustrates how often the influence has had consequences in the municipality. When we compare these data with the total number of respondents (in other words not only the respondents who have been confronted with influence) we arrive at the following figure:

FIGURE 5: PERCENTAGE OF ALL OFFICERS IN LOCAL PUBLIC ADMINISTRATIONS THAT HAVE WITNESSED CLEAR UNDERMINING EFFECTS AS A CONSEQUENCE OF (ATTEMPTS TO GAIN) INFLUENCE FOR CRIMINAL PURPOSES (N=3,966)



[Threats, Bribes, Infiltration]

I.e. by way of explanation: 1% (without being rounded down, 0.7%) of all the officers working in local public administrations who completed our survey (mayors, aldermen, councillors, municipality secretaries, registrars, public order and security officers) has been threatened for criminal purposes, which has resulted in undermining effects. In 8% of the municipalities, respondents knew or suspected that there were cases in their municipality of officers being infiltrated in the local public administration for criminal purposes and in which this has resulted in undermining effects.

The framework for establishing the impact on national security is set out in the *Strategie Nationale Veiligheid* and the *Nationaal Veiligheidsprofiel* (National Security Strategy and National Security Profile). These include five crucial interests; national security is closely connected to these five crucial interests. The information collected during this research (to what extent are administrators, councillors and civil servants influenced by criminals?), provides information about the impact on 'social and political stability'. When criminals succeed in influencing a local public administration, the functioning of the institutions is impaired, as a result of which the crucial interest and thus national security is impacted.

An institution is impaired in its functioning as soon as the interests of crime weigh more heavily when interests are being considered than they would have done if such influence had never been gained. The impact of national security is greater when the functioning of several institutions (several individuals within the same municipality and/or several municipalities) become structurally impaired. So setting fire to the mayor's car does not constitute impairment. Only when, as a result, the mayor allows the interests of crime to weigh more heavily in his decision-making than he would otherwise have done, is there impairment.

Earlier we mentioned that according to respondents' own experience the influence of threats, (attempted) bribes and (attempted) infiltration on the local decision-making (process) is insignificant. In this study of phenomena it has, therefore, not been found that structural democratic institutions are being impaired. This does not otherwise mean that there are no problems at local level.

In this study of phenomena, however, several factors have come to light that show that influence over individuals in local public administrations could potentially have a very significant impact. This is mainly because of the risks arising when attempts by criminals to gain influence have more success, such as damage to reputation, undermining of the democratic process and a feeling of insecurity among citizens. On the other hand, it would seem that the interest of criminals in gaining influence via governmental (decision-making) processes is less than the interest of criminals in gaining influence in other societal groups. In addition the resilience of the local public administration and the vulnerability of different jobs are major indicators.

Measures

In approximately one third of the cases involving threats for criminal purposes, a report was made to the police. Hardly any reports are made of (attempted) bribes for criminal purposes. Respondents provided several reasons and motives for not reporting threats. These are the same for all groups of respondents and can generally be categorised as follows:

- the person involved did not consider the threat or bribe to be serious or real enough;
- the threat or bribe was difficult to prove and prosecute in criminal proceedings (partly because of the above);
- discussions have taken place with the individual or individuals making the threats and this was sufficient for the person involved;
- the situation would (potentially) escalate further if a report was made.

Many of the measures or regulations introduced by municipalities regard integrity. For example, between 49% of the councillors and 71% of the mayors say their municipality has an integrity policy for their job that also aims to combat influence gained for criminal purposes (for the other jobs these percentages lie in between) and 53% of the mayors, 64% of the aldermen and 29% of the councillors are screened in relation to integrity. It is striking that the percentage with regard to both screening and integrity policy is lowest in relation to councillors while in 39% of the cases in which infiltration for criminal purposes is known or suspected, involve, as mentioned earlier, councillors. For this reason it is precisely in relation to councillors that emphasis should be on screening and integrity policy.

Within the scope of the research diverse respondents and interviewees provided input for measures. On the basis of the research data it has also become clear that several existing measures could be tightened, as outlined above. Paragraph 8.3 discussed the vulnerable processes. What measures are desirable or useful does not depend on the nature of the processes. They do, however, depend on the phase of the attempt to gain influence. This is shown in table 6.

TABLE 6: MEASURES TO COMBAT TYPES OF INFLUENCE FOR CRIMINAL PURPOSES

PHASE OF THE INFLUENCE FOR CRIMINAL PURPOSES	MEASURES/ACTIONS
Preventing threats	Responsible use of social media Spreading risks (more figureheads)
In the event of a threat	Make and include a report Publicity Application of mediation in criminal proceedings Protocol/directive

Preventing an individual from accepting bribes	Integrity policy, including: Screening Raising awareness Database integrity
Preventing (attempted) infiltration	Screening Raising awareness Database integrity
Preventing influence from have undermining effects	Applying four-eyes-principle Screening Database integrity

Concluding observations

This research is the first in-depth study of phenomena in the Netherlands investigating the nature and scope of the influence gained over local public administrations for criminal purposes. By way of a large-scale survey among mayors, aldermen, councillors, public order and security officers, municipal councillors and registrars we determined the extent to which attempts are made to gain influence over administrators and civil servants for criminal purposes through threats, bribes and infiltration, and what the nature of this influence is. The research provides an initial *quantitative* impression of criminal influence over local public administrations and respondents’ own experiences with the impact that this influence has on the decision-making process.

On the basis of this research it can be concluded that criminals have gained influence over local public administrations, albeit that one form of influence occurs more frequently than another, but there is no evidence of large-scale influence and thus no impact on national security can be established. There is nevertheless, however, a national problem; an impact on local democracy is felt at both local and regional level and this research shows that all provinces, both big and small, have to deal with influence gained for criminal purposes. So when combatting influence it is essential that measures are introduced specifically at this local and regional level.