

# Summary and conclusions

## **A combined effort to combat XTC** Interim evaluation of the XTC policy document

In May 2001, the Dutch Government published a policy document entitled 'A combined effort to combat XTC' [*Samenspannen tegen XTC*], with the object of tackling the problem of the illegal export of XTC tablets produced in the Netherlands, chiefly to surrounding countries and the United States. This was considered a serious problem, since XTC is a drug that puts the health of users at serious risk. An amount of 90 million Euros was made available for the measures to be put in place until the end of 2006. The policy was intended to tackle every aspect of the XTC problem. Various departments are involved in the fight against XTC, such as the Public Prosecutions Department (OM), the Police, the Fiscal Intelligence and Economic Investigation Service (FIOD-ECD), Customs, the Royal Netherlands Military Constabulary (KMar), the Transport Division of the Transport and Water Management Inspectorate and the Netherlands Forensic Institute (NFI). The multidisciplinary Synthetic Drugs Unit created in 1997 was to be strengthened and police XTC teams were to be created. The organisations and investigation services involved were to receive extra staff and equipment. Considerable attention was also given to the improvement of collaboration between these organisations. Although the policy document targeted every aspect of the XTC chain, particular emphasis was placed on the most prominent part of the process: the illegal import of the chemical raw materials (precursors), the production facilities required (hardware such as pressure vessels and equipment for producing tablets), production in laboratories and the smuggling of XTC out of the country. All of the organisations involved were to be accountable to their own ministries. Management of the process as a whole was placed with a steering group chaired by the Ministry of Justice.

Three assessments were planned to evaluate the policy efforts initiated by the 'A combined effort to combat XTC' policy document. The present report is the result of the second assessment, otherwise referred to as the interim evaluation of the XTC policy document. As the title indicates, this document constitutes an intermediate assessment made during the policy document's term, which commenced in July 2002 and will end in December 2006. The interim evaluation follows on from the first measurement, which related to 2002 and the period preceding 2002. This report will include data extending to mid 2004. As such, it is only possible to report full year-data for 2003. The numerical indicators on which data are collected in the three assessments have been elaborated on in the indicator study<sup>1</sup>. As this study revealed, it is difficult to obtain full data for a number of indicators. For example, information on seizures and the specific deployment of manpower against

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<sup>1</sup> Snippe et al., 2002.

XTC is incomplete, there is no overview of information on XTC-related dumping and it is unclear which suspects are involved in XTC crimes.

The first sections of this report presented the problem definition, and also discussed the conceptual framework implicitly present in the policy document. The structure of the report is derived from the above framework: as a result of the policy document, extra resources are being deployed with the ultimate object of achieving a substantial reduction in the production of and trade in XTC (outcome). The intention was to achieve this object by deploying resources in specific work processes and collaborative arrangements (process) and, within these arrangements, to develop specific activities (output) to facilitate the achievement of the objectives set. In this specific context, it was noted that the activities set in motion and reinforced by the policy document were not the only factors influencing the production of and trade in XTC, but just some of many.

The pattern described above has been followed in the various sections of this report: policy document input, process, output and outcome are dealt with in this order. Section 5 reports on the work processes, on the basis of semi-structured interviews with a number of members of staff in key positions. This Section provides an insight into the development of the processes set in motion by the policy document, with an emphasis on collaboration between the organisations involved.

#### *The deployment of people and resources*

During the first assessment (2003), it was found that the resources made available under the policy document had already been allocated. Both the staff and material resources earmarked had been put in place in 2002. Viewed as a whole, the staffing capacity of the organisations involved in the XTC programme was found to have remained at the same level in 2003. However, a certain reduction in the number of police staff deployed for XTC prevention was observed in 2004. According to information obtained from the interviews held, this situation had arisen as a result of the reorganisations with which the police were confronted through the creation of the National Criminal Investigation Department [*Nationale Recherche (NR)*]. The Core Team South Netherlands/ Synthetic Drugs Unit and the XTC teams are now merged into the NR. In 2004, the first steps were taken towards the continuation of the USD's multidisciplinary approach in NR's South Unit, particularly in its Knowledge and Expertise Department. The special investigation services and the Royal Netherlands Military Constabulary are withdrawing to their central tasks, as a consequence of which the Royal Netherlands Military Constabulary, Customs and the FIOD-ECD are seeking to achieve a transition to a more project-based approach. In 2004, staff vacancies took longer to fill in connection with the limited period remaining until the expiry of the policy document and uncertainty in relation to the prolongation of the resources made available under it. In 2004, the five XTC teams were merged into the NR. The object was for the capacity reserved for XTC by the NR (18% of total capacity) to be deployed on a project basis as of 2004. Since this point, team leaders have been the only members of staff still specifically allocated to an XTC-related role. In 2004, the XTC teams found themselves in a transitional

situation: most team leaders attempted to maintain their teams by generating a sufficient number of XTC investigations in order to allocate the capacity involved. However, a (sometimes considerable) number of the original members of the XTC teams have not transferred to the NR, but have either returned to their own districts or have gone elsewhere. In this interim evaluation, the extent to which these members of staff have already been replaced by new members of staff and the extent to which these new members of staff then function as members of the XTC team and are deployed in XTC projects has not become clear. The period ahead will show how commitment to XTC will take shape within the NR.

#### *Implementation of collaborative arrangements and information exchange*

The periodic analysis of the XTC industry provided for in the policy document has been performed in part. It has been found that information provision still poses a considerable problem. Both of the crime pattern analyses published report difficulties where data availability and comparability is concerned. This problem is acknowledged by the NR, where, according to the people interviewed, steps are being taken to improve this situation.

One of the most important aspects of the XTC policy document was the strengthening of the Synthetic Drugs Unit (USD) and the creation of five XTC-teams under the regional Core Teams for criminal investigation. The XTC teams were created with some delay, since development of the division of tasks and coordination took some time to achieve. In 2002 and 2003, most XTC teams did, as planned, chiefly perform short-term investigations. Several teams also took on large investigations.

From the interviews held, 2004 emerges as a turbulent year for the organisations involved in the fight against XTC, particularly for the police. With the creation of the NR, renewed thought will have to be given to XTC as an area of attention, while South Unit will retain an important role. The obvious question, i.e. whether the organisational changes made will have a favourable effect on performance, cannot be answered in this interim report. Developments are still too much in flux at this stage for this to be possible.

In order to promote the fight against trade in precursors, the FIOD-ECD has created a precursors knowledge group [*Kennisgroep Precursoren*], which, despite the limited data, delivered a precursors crime pattern analysis in 2004. In collaboration between the organisations involved in the precursors, an important role is played by the precursors coordination commission [*Coördinatie Commissie Precursoren (COCOP)*]. Incidentally, the COCOP was created at an earlier stage.

The signing of a Memorandum of Understanding with China is important as part of efforts being made to combat trade in precursors. In this Memorandum agreements have been made on the extent to which collaboration is possible in criminal investigations. Administrative data are made available to China, which can be used in criminal investigations. Given the human rights situation in China and the possibility that drugs suspects

will receive the death sentence, China is not given any data pertaining to specific individuals. The policy document's intention to tackle the trade in tableting machines via commercial policy measures has proved infeasible at EU level.

The combination of the powers available to Customs (inspection) and the Netherlands Military Constabulary (investigation) within the 'team outbound' on Amsterdam Airport [*Schipholteam Uitgaand*] is unique. The team has achieved good results in its fight against the smuggling of synthetic drugs out of the country.

The XTC policy document announced the creation of a number of regional teams for dismantling of production facilities. Ultimately, it was decided to opt for the creation of a national dismantling support facility [*Landelijke Faciliteit Ondersteuning bij Ontmanteling (LFO)*]. Although the LFO was only officially created on 1 November 2004, it has actually been providing support since the start of 2003. The creation of the LFO was a time-consuming process, since discussions were necessary on the tasks and responsibilities of the organisations involved. Besides the police, these organisations include the fire brigade and local authorities. The Netherlands Forensic Institute is not represented in the LFO, but does make its expertise available on the scene for all dismantling operations. As announced in the XTC policy document, besides its operational work, the NFI has also strongly profiled itself as an international *centre of excellence*.

The intentions formulated in the XTC policy document as regards international collaborative arrangements have been implemented. Generally, these collaborative arrangements had already been made before the publication of the policy document. As regards bilateral collaboration, emphasis is placed on the relationship with the United States. Various existing international collaborative arrangements have been continued. One initiative that is a direct result of the policy document is the stationing of a Counsellor and two police liaison officers in the United States.

Although formally the NR has created a new structure for international contacts, in which the most important role is played by the International Networks Service [*DIN*] from the National Police Agency [*KLPD*], in practice some of those interviewed perceive the 'loss of the USD' as a direct point of contact as a setback.

Initially, the structure created to coordinate implementation of the XTC policy document was geared towards setting the implementation process in motion. The consultative bodies created have not met since 2002. None of the parties involved outside the ministries have been notified of any clear decision in this respect. Incidentally, the interviews conducted reveal that various organisations are engaged in bilateral consultations with the drug policy coordination office [*Bureau Coördinatie Drugsbeleid*].

### *Activities undertaken by the organisations involved*

The activities undertaken to combat XTC (output) have generally increased and in some cases have been stable during the period covered by this interim assessment. The investigation services now have more information on XTC, more reports of suspect transactions in precursors and the number of investigations being carried out by Unit South is also increasing. In addition, more project proposals are being produced. The number of FIOD-ECD inspection investigations focusing on XTC precursors is also increasing. The number of foreign, XTC-related requests for mutual legal assistance that are being dealt with by KTZ/USD has remained stable in recent years. Each year, the Netherlands Forensic Institute has taken part in various international projects and also plays a role in ENFSI, a European network in which the various European forensic institutes work together.

The number of questions received about XTC via the Drugs Infoline set up by the Trimbos Institute has fallen strongly in recent years, following a peak in 2001. This may reflect both the reduced popularity of XTC and the small number of incidents with dangerous tablets that have occurred in recent years.

The scientific studies announced in the XTC policy document have all been initiated, with the exception of the so called 'causality study'. This study was to be conducted in an effort to identify the potential detrimental consequences for public health of the activities put in motion by the policy document. This focused primarily on the possibility that less pure XTC would be available or that the user market would see price increases. Neither occurred, removing any reason to perform this study. A study was conducted amongst Dutch XTC couriers in foreign prisons. It showed that these individuals often have criminal records, and are looking for a quick profit. It was found that the sentences imposed abroad on XTC couriers were being underestimated. This result was used in a campaign intended to deter potential XTC couriers. A study conducted into the long-term effects of XTC has shown that its use can affect concentration and memory and that in some cases these effects may be long-term.

### *Interim outcomes*

The XTC policy document is not very explicit on which objectives are to be achieved and when. For this reason, a wide range of indicators have been chosen in order to be able to measure the status of the reduction in the production of and trade in XTC.

As regards the results in terms of outcome, more XTC production laboratories were dismantled in 2002 than was the case in previous years, while in 2003 this number fell to its previous level. The same applies for the number of tablet and XTC powder seizures: in 2002, this figure rose in comparison with previous years, while a fall can be observed again for 2003.

It is not entirely clear how many dismantled XTC production sites abroad involved Dutch criminals. In 2002 and 2003, KTZ/USD received two reports of production-site dismantling in surrounding countries, in comparison with

five in 2001. The quantity of precursors and equipment seized was lower in 2003 than in 2002, with the exception of BMK. Similarly, seizures abroad, but connected to the Netherlands in some way, also fell in 2003 in comparison with 2002. The same applies for the number of instances of dumping of waste chemicals observed in the environment.

The general impression is that in 2002, much was dismantled and seized, more than in the preceding period, while 2003 shows a decrease.

The number of suspects arrested in the Netherlands by special XTC investigative authorities in connection with trade in raw materials or XTC, or the production of XTC, increased in 2003 in comparison with 2002; outside the Netherlands, fewer XTC couriers have been arrested year-on-year since 2000.

Due to the long sentences imposed, the number of Dutch citizens detained in foreign prisons continued to increase until 2002.

The purity of XTC tablets in the Netherlands has remained relatively high and the price has fallen. The prices of the PMK and BMK precursors would also appear to be falling rather than increasing. There are indications that young people are moderating their use of the substance and that visitors to Amsterdam's nightclubs are also using it less.

#### *Finally*

Much has been achieved and existing structures have been strengthened in the period following the publication of the policy document entitled 'A combined effort to combat XTC', which spans the period from 1 July 2001 to the autumn of 2004. Up to and including 2003, input was maintained. In 2004, a reorganisation resulted in redundancies and an input reduction in terms of FTE. The consequences of the imminent reorganisation could already be felt in 2003. In the interviews held, it became clear that the collaboration and information-exchange processes, involving the expansion of existing services and the creation of new ones, which were in the start-up phase in 2001, were operating sufficiently in 2002 and were at full strength in 2003. It took some time before reaching agreement on the team roles of the organisations involved. The respondents indicated that, as a result of reorganisation and the creation of the NR, major changes were introduced in 2004, and uncertainty exists in some areas. The new situation is not 'crystallised out' yet.

It is not yet possible to draw any conclusions on the consequences arising for the collaboration and information exchange processes in the long term. There are signs that the NR's South Unit is getting a number of crucial matters back on track, such as the Knowledge and Expertise Department and operational discussions. Further shape must be given to the new structure. The final evaluation of the policy document in 2006 must show whether everything has 'fallen into place' as regards the structure and the processes and whether the results for 2006 are also in line with the results aimed at in 2001.

The general picture that emerges from the interim results obtained is that developments have taken the direction envisaged in the XTC policy document. Based on the figures obtained in relation to seizures and dismantling operations, it would appear that the production of and trade in XTC decreased in the Netherlands in 2003, particularly in comparison with 2002. However, the price and purity of XTC have not changed. Its use would appear to have peaked. It is uncertain whether these developments are the result of the policy set out in the XTC policy document.