



Tackling organized drug crime

Summary

25 years of policy and implementation in retrospect

DSP-groep: Manja Abraham, Bram van Dijk, Daniel Hofstra

Tilburg University: Toine Spapens

Contact information

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DSP-groep:

Manja Abraham

MAbraham@dsp-groep.nl

Bram van Dijk

BvanDijk@dsp-groep.nl

Daniel Hofstra

DHofstra@dsp-groep.nl

Tilburg University:

Toine Spapens

A.C.Spapens@tilburguniversity.edu

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Summary

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The Netherlands is an important production country for cannabis and synthetic drugs, and an important transit country for cocaine. Drug production and trade have profound consequences for society: drug use leads to health damage; criminal money flows become intertwined with the regular economy; an increasing number of people, as perpetrators or facilitators, are (in)directly involved in criminal activities due to financial gain or other mechanisms; bystanders may be confronted with murder and other violence as a result of conflicts between criminal groups and dumping waste from drug production harms the environment. Due to the central role of drug crime within Dutch organised crime, combating it has priority within the broader approach to undermining¹.

To gain a better insight into the approach to organized drug crime and to find starting points for strengthening this approach, the Research and Documentation Centre (WODC) of the Ministry of Justice and Security has commissioned an overview study into the drug crime policy from 1995 to 2020. DSP-groep conducted this research in collaboration with Prof Dr Toine Spapens of Tilburg University.

The central question in the research was: "What can be said about the policy choices made and their execution and implementation concerning the criminal, financial and administrative approach to organized drug crime, the considerations of these choices, and the effectiveness of the approach in the period 1995-2020?" To answer this question, we conducted an extensive document search, interviewed professionals who are, or were, employed by various relevant organizations, and we interviewed researchers in this field. Relevant outcomes were discussed and explained in a focus session with experts. An independent supervisory committee set up by the WODC supervised the research.

In this summary, you will find the main findings and conclusions of this study. We will discuss the following four parts:

- ① Policy choices
- ② Policy implementation
- ③ Results and effects
- ④ Indicators for effects

¹ Undermining refers to a form of organized crime that damages social structures or trust in them.

Policy choices

Substantiation of policy choices

For the 1995-2020 research period, we reviewed various underpinnings for the policy choices made. In summary, we come to three conclusions. The choices in drug policy were strongly determined by the objective of 'control': controlling the negative (health) effects for drug users and restraining drug crime. The underlying idea was, and is, that there will always be a demand for narcotics; therefore, it will never be eradicated entirely. During the 'purple cabinets', these two elements came together in a comprehensive drug policy. Under the Balkenende and Rutte cabinets, the approach of health issues and drug crime increasingly separated. Furthermore, tackling drug crime became part of the fight against organized crime in general. From 2010 it became part of the anti-subversion policy, under the responsibility of the Ministry of Justice and Security. The Ministry of Health, Welfare and Sport continued to lead the policy towards drug users.

The fight against drug crime also became more integral, a development that started in 1992 to disrupt criminal infrastructures using administrative measures. The Synthetic Drugs Unit (USD)² worked following an integrated model, although at that time, no municipalities were involved. This approach gradually broadened, for example, with establishing the Regional Information and Expertise Centres (RIECs) in 2008. Financial tracing and confiscation gained attention from the early nineties, and this remained a focal point throughout the period studied. Finally, from 2018, strengthening social resilience against undermining was high on the agenda, in which the social domain was given an important place. As a result, the number of organizations that played a role in tackling undermining crime grew, and policy became increasingly complex. In 2020, a (temporary) Directorate-General for Undermining was formed at the Ministry of Justice and Security for coordination.

Factors that influenced policy choices

Various factors can be identified that have influenced the (major) policy choices at a national level. These factors were largely interrelated.

- ② *Increasing drug crime.* From the late nineties, national policy developments were, among other things, a response to the growth of drug crime, for example, the problem of drug couriers, increasing drug tourism and the large-scale production of hemp and synthetic drugs in the Netherlands itself. From around 2010, concerns about organized drug crime and its debilitating consequences grew, which also significantly influenced national policy choices.
- ② *Research.* Various (scientific) policy studies, such as the study into organized crime in the Netherlands within the Parliamentary Inquiry Committee Investigation framework, have perceptibly influenced the agenda-setting of the problem at a national level. The National Drug Monitor, which has been published annually since 1999, also provided insight into developments in the drug markets. In addition, from 2004 onwards, the 'threat assessments' of organized crime produced by the police provided insight into developments in the main drug markets and expectations for the near future.

² Multidisciplinary national expertise team focused on detecting and tackling synthetic drug crime.

- ③ *Political pressure from the House of Representatives.* Members of parliament also based their debates with the government on the aforementioned and other policy studies. The House also regularly debated other publications that addressed problems in the approach (examples are 'The caged detective' and 'The rear of the Netherlands'³). Like the ministers, Member of Parliament were also fed by shocking events, media reports and the information they received from the professional field during work visits and other contacts, or knowledge and experiences they gained in a previous work environment. Debates in the House of Representatives on tackling drug crime often focused on specific details and less on fundamental questions about policy direction. In addition, it took a lot of time to accomplish the more significant policy adjustments. This was visible in the discussion about the closed coffee shop chain experiment⁴ and other issues that recurred for years. Discussions about the quantity and quality of the investigation, the problems involved with financial research and "confiscation", and certain aspects of the information exchange within the framework of the integral approach have not yet led to a satisfactory solution.
- ③ *Influence of regional developments.* New developments were often first identified locally and then adopted at a national level. This, incidentally, is in line with expectations. In the Netherlands, the responsibility for investigation and enforcement was primarily assigned at regional and local levels. For example, in the late nineties, this applied to the increase in cannabis cultivation, the 'return' of synthetic drug production around 2010 and the problem of cocaine transport and trade and the violence that accompanied it. The southern Netherlands and Amsterdam usually played a leading role in raising (new) issues at a national level. Implementation remained primarily a local responsibility, with the government facilitating.
- ③ *Political pressure from abroad.* Abroad, with Belgium, Germany and France leading the way, and in the nineties also the United States, people were, highly critical of the Netherlands because a large part of the narcotics that were seized there came from the Netherlands. The liberal views of the Netherlands regarding drug policy, the abolition of fixed border controls as a result of the Schengen Agreement and the failure to take (more) action to curb increasing problems led to irritation and reproaches. Policy action was taken partly in response to political pressure from abroad. In 1996, for example, the Netherlands decided to establish the USD under pressure from Germany and France in particular, and in 2001 the memorandum "Collaboration against XTC"⁵ was drawn up under pressure from the United States. International pressure also played a role in tackling cocaine smuggling during this period.

³ Tops & Tromp (2017). A book about different criminal backgrounds and the influence of the upper world.

⁴ The regulation of the cultivation and sale of cannabis through a closed coffee shop chain, regulating not only the sale but also the supply of drugs to coffee shops.

⁵ Policy plan aimed at gaining a better view of the ecstasy sector, strengthening the enforcement of ecstasy and addressing the infrastructure of synthetic drug production.

Policy implementation

Goals

During the period under study, the results to be achieved (output) and effects (outcome) in national policy were almost always formulated in general terms and only rarely in measurable goals. The House of Representatives has urged on occasion to make the intended effects more concrete, but even when these were adjusted, they still left a lot of room for interpretation. The actual elaboration of the policy was seen as a task for the implementing organisations, especially for (the various departments of) the police organisation and the Public Prosecution Service (OM). When numerical goals were set – by cabinets or executive parties – these mainly concerned the output to be achieved by organisations. The most concrete goals are doubling the number of 'dealt with' criminal organisations and the target amounts for confiscating criminal earnings. As Minister Grapperhaus acknowledged in November 2020, the formulation of key performance indicators to capture the effects of the approach in figures was very challenging. The aim was, therefore, to develop qualitative indicators for this as well.

Resources

From Parliamentary Documents, we can conclude that the additional financial investments in tackling organized (drug) crime were relatively modest until the second half of the 2010s. For example, for the extensive plan such as the memorandum 'Conspiracy against XTC' in 2001, no additional financial resources were made available and neither for implementing the measures in the 'Cannabis letter' in 2004. An exception was the policy to fight drug smuggling via Schiphol, which was started in 2001. However, that money was primarily intended for physical facilities. It was not until 2017 that more financial resources were made available, with a one-off amount of €30 million to strengthen the recovery of criminal assets. This was followed by an investment in the Undermining Fund (€100 million one-off and then €10 million per year on a structural basis) and the allocation of a generous budget to the Multidisciplinary Intervention Team (MIT).

Of course, no firm conclusions can be drawn from the above amounts. For example, (additional) investments in the police's approach to drug crime remain hidden in the general police budgets or before 2013 in those of the then regional police forces. Municipalities have also invested heavily in the administrative approach, which is likewise not visible in the national policy documents. In addition, extra staff was made available for the implementation of the various plans. Based on the Parliamentary Documents, we can only give a limited answer to the question of whether this concerned expansions or shifts, after which the vacancies were filled again or not. In addition, these documents only provide insight into the extra cost. Cutbacks were also made several times during the research period, particularly for the police and the OM. Based on the present study, it is impossible to say how these relate to the extra financial efforts with regard to organized (drug) crime.

Main implementation bottlenecks

The main implementation bottlenecks can be summarized as follows:

- ③ *Organizational changes and policy choices in the police force.* As a result of changing organizational choices and setting priorities, and the succession of cutbacks and allocating extra resources due to those changing priorities, specialist expertise was lost. But, this expertise was needed when the problems, such as those with synthetic drugs, started to increase again. An example was the establishment of the National Criminal Investigation Service (NR) in 2004. If entities were dissolved, specialized units were initiated at a national level, such as the USD, the XTC teams, and the so-called Colombia-Paramaribo team (specialized in fighting cocaine smuggling). Although the themes these teams dealt with continued to exist within the NR, investigative capacity was no longer earmarked for them. This policy of deploying capacity for investigation and intelligence more generally and separating them more widely was continued after the establishment of the National Police. The USD model was abandoned. Analysis, contact point for foreign partners with requests for legal assistance and conducting criminal investigations were united under one roof. The recently founded MIT will again (partly) work according to this philosophy.
- ③ *Some comments on the integrated approach.* Although it is now widely recognized that the fight against organized (drug) crime requires a comprehensive, integrated approach, its implementation requires a great deal of effort. A constantly recurring problem is the discussion about the legal possibilities of exchanging information between various partners. In addition, collaboration with many partners can lead to crippling discussions about tasks, revenues and responsibilities. An example is the idea that administrative barriers are more effective than criminal convictions, or the observation that criminals are more afraid of the tax authorities than of a prison sentence. It is easy to forget that the aforementioned partners often depend on criminal information and evidence to be able to take adequate measures quickly in individual cases. In addition, administrative and tax legal proceedings are sometimes just as lengthy and unruly as criminal proceedings, not to mention disappointing results. In addition, the results of integrated approaches are often difficult to quantify, not least because they partly have a preventive character. The warning given by many respondents is that we must guard against 'cooperating for the sake of cooperating'.
- ③ *Financial tracing and confiscation.* Since the nineties, much emphasis has been placed on financial tracing and confiscation. Still, the success of its implementation continues to be a point of attention in evaluation studies and parliamentary debates. There are recurring questions about: whether sufficient qualified personnel is available, whether financial aspects are included from the start of criminal investigations, to what extent estimated criminal earnings are also included by the judges in the confiscation claims imposed, and which assets can ultimately be collected. Moreover, there is doubt as to whether the confiscation claims affect the 'big' criminals or rather the smaller ones, the home growers of weed in particular. In addition, it is precisely the smaller criminals who seem to spend their illegal earnings mainly for consumption, which means that there is little to 'pick' afterwards. Outstanding debts do not promote the abandonment of a criminal existence. This raises the question of whether a more customized approach should be taken when confiscating illegal earnings, for example, by considering the confiscation claim in specific cases as a 'debt to society'

that criminals can gradually repay by no longer committing crimes. The feasibility of such an approach could be further explored.

Main results and effects

The following picture is derived from the available figures about the results of tackling cannabis cultivation, cocaine smuggling and synthetic drugs in the period 1995-2020:

- ③ increase in the number of dismantled cannabis farms until 2014;
- ③ increase in the number of investigations into organized subversive crime and drug crime in particular;
- ③ increase in the number of people convicted of a drug crime;
- ③ increase in the number of dismantled production sites, storage depots and discovered dumps of synthetic drugs.

Interpretation of the above figures is difficult, however, because the context is often lacking. For example, it is unclear whether the decrease in the number of cannabis farms found since 2014 shows a reduction in the volume of cannabis cultivation or reduced efforts in detection, or a decrease in the available budget for the number of dismantling, or a shift in the world behind cannabis cultivation. Although the number of criminal associations tackled increased, the same did not apply to the number of convictions.

We need more background information to draw conclusions about the effects achieved, but background information is often not available. Based on the available information, we can establish that an effect was visible, among other things, in the temporary decline of the production of synthetic drugs between 2005 and 2009. This was mainly the result of a decrease in the availability of PMK and BMK⁶. However, the criminals managed to get around this barrier fairly quickly by switching to other precursors. Strict control of drug couriers travelling via Schiphol also positively affected the number of arrests. However, the question is whether the couriers came to the Netherlands via alternative routes.

In the interviews, many respondents were sceptical about whether we are actually reducing drug crime. Although Dutch policymakers have never had the illusion that drug use and the associated crime can be eliminated entirely, the question, according to respondents, is whether the objective 'control' is still being achieved.

Effect measurement indicators

Sources and indicators used

By far, the most important source available in the Netherlands to monitor developments in drug use and the fight against drug crime is the National Drug Monitor, which has been published annually since 1999 and is the only body to provide longer-term trend data. A scientific committee supervises this instrument, and monitors quality and independence. The National Drug Monitor provides figures and gives a summary

⁶ PiperonylMethylKetone (PMK) and BenzylMethylKetone (BMK); both raw materials for the production of synthetic drugs.

insight into the results of new (international) research, policy developments, and new research methods. The OM, the police and the RIECs and the National Information and Expertise Centre (LIEC) also provided figures in annual reports, but these are mainly intended to account for the activities. These sources - and this also applies to the periodic national threat assessments for organized crime - also provide qualitative insights into developments, but this is not carried out systematically. Finally, (evaluation) studies are occasionally conducted into specific phenomena or policy implementation, but rarely into drug crime in a general sense.

In the period under review, only a single comprehensive evaluation of drug policy was carried out, plus an evaluation of a synthetic drug crime policy programme. Both studies also considered effects. Like the present study, these studies do not justify firm statements about the effects achieved in general. The policy on cannabis cultivation and cocaine was not systematically reviewed in the period 1995-2020.

The numerical indicators focus on the demand and supply side and provide insight into the results of the efforts. Making statements about effectiveness is made more difficult by the hidden and undermining nature of drug crime, in which the underworld and the upper world are interwoven. There is a large dark number, which means that factors such as 'the probability of being caught' or 'the influence on criminal networks' activities' cannot be properly estimated. Moreover, drug markets have a strong international orientation, and Dutch figures provide only a limited picture since many of the intoxicants produced and imported in the Netherlands are (again) exported. Furthermore, there is a dynamic interaction between enforcement efforts and indicators such as seizures, prices, purity and use.

Indicators for the future

Based on the current research, we do not see any new quantitative indicators. However, the current figures can be provided with more context if the supplying authorities are prepared to keep data on them. It is important for the authorities collecting this data to balance desirability and feasibility. This also requires cultivating commitment at board and management level to make the importance clear. Also, a more visible link must be established between registration data and concrete action perspectives. Periodic and targeted (independent) evaluation research is necessary for this. For this, the state of the art scientific insights about evaluation methods could be of good use.

To measure effects, clear goals must be formulated at a policy level. Today, however, policy goals are often expressed in terms of implementing activities, which are easier to achieve than goals formulated in terms of effectiveness. In addition, the image must be adjusted that looking at effects is primarily intended as accountability. This is why some space is accepted at policy level in the formulation of goals and the effects to be achieved. Clear effects rarely occur, and if they do occur, they almost always turn out to be temporary. This argues much more in favour of measuring effects with a forward-looking view, taking social developments into account.

DSP-groep BV
Van Diemenstraat 410
1013 CR Amsterdam
+31 (0)20 625 75 37

dsp@dsp-groep.nl
KvK 33176766
www.dsp-groep.nl

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Dienstverlening

Onze inzet is vooral gericht op het ondersteunen van opdrachtgevers bij het aanpakken van complexe beleidsvraagstukken binnen de samenleving. We richten ons daarbij met name op de sociale, ruimtelijke of bestuurlijke kanten van zo'n vraagstuk. In dit kader kunnen we bijvoorbeeld een onderzoek doen, een registratie- of monitorsysteem ontwikkelen, een advies uitbrengen, een beleidsvisie voorbereiden, een plan toetsen of (tijdelijk) het management van een project of organisatie voeren.

Expertise

Onze focus richt zich met name op de sociale, ruimtelijke of bestuurlijke kanten van een vraagstuk. Wij hebben o.a. expertise op het gebied van transitie in het sociaal domein, kwetsbare groepen in de samenleving, openbare orde & veiligheid, wonen, jeugd, sport & cultuur.

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Neem vrijblijvend contact met ons op voor meer informatie of om een afspraak te maken. Bezoek onze website www.dsp-groep.nl voor onze projecten, publicaties en opdrachtgevers.

