

## SUMMARY

### *Setting course. Lessons from strengthening the approach to organised drug crime*

In 2018, the *Toekomstagenda Ondermijning (Future Outlook Subversive Crime)* stressed the urgency of strengthening policies against subversive crime<sup>1</sup> in the Netherlands. One year later, a one-off 100 million euros and structurally 10 million euros per year were allocated to this *Future Outlook*. This resulted in a multi-year reinforcement programme (2019-2021) in which relevant actors at the local, regional and national level collaborated to address the problem of subversive crime. This reinforcement movement was built on the principles of learning organisations. It aimed for project partners to actively internalise success factors and bottlenecks; not only at the end but also during the three-year implementation period of the reinforcement plans (2019-2021).

Since mid-2019, a research team from Maastricht University (UM)/Erasmus University Rotterdam (EUR), commissioned by the Scientific Research and Documentation Centre (WODC) of the Ministry of Justice and Security, has closely followed these developments. The research questions were: (1) What are the experiences (*good* and *bad* practices) with and the perceived impact of the strengthening of the approach to organised, subversive crime by local, regional and national parties in the period 2019-2021, based on the financial resources allocated in 2019? (2) What learning experiences can be crafted and which lessons can be drawn from this general reinforcement movement during the implementation period for the benefit of the governance partners and the Ministry of Justice and Security?

The research design was divided in two phases, both of which relied on a mix of qualitative research methods. The first, exploratory phase lasted until the selection of thirteen projects that would be closely monitored during the second, in-depth, phase. The exploratory phase of the research included a literature review, a document analysis, a survey and exploratory interviews which together aimed for getting acquainted with the field. The literature review drew from criminology, public administration and management and organisation studies and resulted in an

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1 Subversive crime is the translation for 'ondermijnende criminaliteit', or 'undermining crime'. In this *Future Outlook*, the priority lies with organised drug crime.

analytical framework that was used throughout the research to analyse the operational logic, success factors and bottlenecks of the various projects. This exploration allowed gaining an understanding of the whole of the reinforcement movement and assessing the individual reinforcement plans. The exploration allowed us to narrow our focus to thirteen projects for the second phase of the research. The in-depth phase of the research relied on a combination of research methods including document analysis, interviews, observations and reflection meetings with the participants in the thirteen projects. Throughout this in-depth phase, our findings were both presented to the partners involved in the individual project and were also brought back to the meta-level of the reinforcement movement. The research thus combined an action-oriented approach with a process evaluation. This implies that the researchers not only gathered information from the projects and partners, but also shared insights and learning experiences with them in reflection meetings. In addition to these reflection meetings at project level, the research team carried out a process evaluation across the various projects. The emphasis was on the mechanisms, processes and preconditions that are essential to furthering the approach to subversive crime. The first findings of the evaluation study were presented in an interim report in mid-2021 (Nelen et al., 2021a). The final report assesses the overall approach taken to address subversive crime in the period 2019-2022. In this way, the report aims to contribute constructively to strengthening the approach to subversive crime.

#### LOTS OF ENTHUSIASM AND DEDICATION

In strengthening the approach to subversive crime, many work together with enthusiasm and great commitment to raise barriers and to develop and implement innovative interventions. Given the complexity of the problem, the need for a multi-pronged approach to organised crime – for example criminal law approach, administrative approach, tax interventions, preventing youth from growing into crime, or strengthening public-private partnerships – is widely recognised. The projects financed with the reinforcement funds have therefore strengthened a development that had already started. Despite the temporary nature of the funding, which was in principle provided for three years but to which a structural extension was granted in 2021, a lot has been set in motion in a relatively short amount of time. For example, some projects overcame legal barriers, while other projects developed strategies and interventions that can be successful in the long run. At the same time, it has proven very difficult to set up sustainable forms of cooperation in the everyday approach to subversive crime. This research identifies six major challenges that give rise to several dilemmas and fields of tension. The final report describes and explains these dilemmas and fields of tension, but also illustrates how they have been dealt with in the various projects, and beyond, and what can be learned from these developments. This analysis starts at project level, but gradually expands to the policy and administrative environment in which the projects were embedded

and then to the reinforcement movement in the broadest sense. In what follows, the six challenges are summarised.

#### CAPACITY AND COMPETENCES

The reinforcement funds have provided government organisations with more possibilities to invest capacity to intensify the fight against subversive crime. In recent years, the awareness about the seriousness of subversive crime increased. This was identified as a key ambition by politicians, policymakers and professionals who were consulted by the researchers. In addition, awareness increased about the need to tackle the problem of subversive crime together, in an integrated approach. The collaboration between divergent partners in various projects led to new working methods and interventions in the approach to complex problems at high-risk locations, in vulnerable areas, as well as to the strengthening of administrative and societal resilience and to exposing financial structures and facilities that are misused for criminal purposes.

Despite these positive developments, various stakeholders remained critical, because crucial resources – hence also the approach in its entirety – had a project-based and therefore temporary character. Recently, the financing became more structural, but in the period covered by this research, the temporary nature of the funding significantly impacted the projects. Moreover, it has proven difficult to sustainably connect crucial expertise in the fields of data analysis, intelligence, finance and leadership to the projects. Moreover, the reinforcement efforts increased the caseload of other law enforcement agencies (e.g. public prosecutor's office). The fact that a substantial part of the reinforcement funds was used to hire consultants, data analysts and other specialists is an indication that at least the public partners are not self-reliant yet. This reiterates what research has repeatedly warned for over the past twenty-five years. Albeit a hopeful sign that the police, municipal departments and other government departments increasingly hire experts with a higher vocational training or university background, this development is too slow-paced. The difficulty of building and retaining specific expertise seems to be the biggest challenge facing various organisations in the strengthening of the approach to subversive crime.

#### SUPPORT

A necessary pre-condition to achieve an integrated approach to subversive crime is that organisations and partners involved support the usefulness and necessity of this approach as well as the ambition to collaborate for this purpose. As previously mentioned, critical awareness about the problem among the partners has certainly increased. They increasingly realise that collaboration means that they depend on each other and need to be willing to look beyond their own immediate interests.

This also applies to developments in public-private partnerships. Despite such positive advances, this research shows that the foundations for the approach to subversive crime remain relatively shallow. Most projects were 'supported' and lifted to a higher level by a relatively small number of highly motivated and committed individuals. This makes the approach vulnerable, especially in combination with the previously mentioned challenge of finding and retaining expertise and the high employee turnover.

Various police and public prosecutor's office executives still believe preventive (administrative) measures and disruptions of the logistical criminal process can be valuable additions to the available instruments, but are convinced that real strides are made by criminally prosecuting the leaders and other key actors within criminal networks. Municipalities increasingly invest in prevention and disruption-oriented approaches, but there remain particular areas where such an awareness needs strengthening. Because of the growing mistrust of politicians and the government in general among a part of the population, it is increasingly difficult to create broad societal support and successfully call on societal actors to take up responsibility in the approach to subversive crime.

#### PUSHING AND PROTECTING BOUNDARIES

The research indicates that partners involved often over-estimate the possibilities of big data and do not sufficiently account for the limitations of the available information. Databases are often 'contaminated' with unstructured and irrelevant information, while across databases information is logged differently using a variety of IT systems, making data unsuitable for the initially intended *intelligence* purposes. Another field of tension discussed in several projects was the concern that an intelligence-driven approach can lead to tunnel vision and to *labelling* or even discrimination of certain groups in society. In practice, when developing and implementing intelligence led approaches, such critical issues are only discussed to a limited extent.

Innovation-oriented projects need both creative pioneers who push the boundaries – and sometimes stretch them a little – and those who ensure that legal and ethical boundaries are not systematically crossed. The research shows that several pioneers from the first hour have been surrounded or replaced by 'border guards' who mainly focus on the *governance* structure and a careful procedural development. This often affects the dynamics of the partnership. While it is not possible to give a blueprint of how to maintain the balance between the influence that those who push boundaries and those who protect them can have on the progress of projects, finding that balance between innovation and experimentation on the one hand and safeguarding the legal and ethical boundaries on the other is essential.

Most of the challenges concern the (im)possibilities of information exchange and data protection, which has been a point of discussion for over two decades. All aspects of this discussion mentioned in the literature – information exchange in a RIEC context, with other public partners and in a public-private context – are also applicable to the projects that were studied. There is considerable consensus among the public and private partners that adjustments to the legislative instruments are necessary to enable them to take the next steps for success collaboration in the approach to subversive crime.

#### INTEGRATED APPROACH

The survey – results were shared in detail in the interim report (Nelen et al., 2021a) – showed a widely shared desire for the reinforcement movement to result in an approach to subversive crime that is better integrated across the national, regional and local level. Integrated refers to the collaboration of various partners (public-private and public-public) based on a shared interest and a shared strategy focused on the common task of fighting subversive crime and thus impacting society. The fact that this ambition resonated among so many partners is a good sign; it reiterates their awareness of the seriousness of the problem. At the same time this also illustrates that ambitions at the start of the reinforcement efforts were likely too ambitious. Although valuable initiatives were developed in the projects and many new forms of cooperation and networking were forged, limited coherence between different approaches within the projects severely hindered a truly integrated approach. Most projects turned out to be multidisciplinary rather than interdisciplinarity; partners cooperate rather than collaborate. Organisations work together towards common objectives that also advance their individual aims and interests, rather than sharing an overarching vision and unique purpose. For the time being, that might be the highest achievable goal, implying that policy ambitions should probably be adjusted as well. For sure, partnerships should not be scaled down immediately, but it does mean that the feasibility of some plans and expectations requires further thought. In the public sector, reflection is needed on a better connection between different initiatives and strategies that were developed in the approach to subversive crime. The discussion should focus less on the existing structures and protocols, and more on the content and objectives that innovative interventions require. These objectives should determine which organisations are part of the cooperation, and not the other way around, as is too often still the case today.

In recent years, important steps have been taken in public-private partnerships in the approach to subversive crime. It took private actors several years before they endorsed the importance and urgency of tackling (drug-related) subversive crime. Today, they are aware of the problem, although not all private actors that become involved in the approach will stay involved. The research shows that public-private partnerships lose strength and dynamism when public parties overshadow private

ones. Therefore, projects could consider having private actors play a more important role in the decision-making and management to avoid the risk of private actors leaning back or quitting altogether. The bureaucratic red tape and slow decision-making in the public sector also impacts private actors' enthusiasm to stay involved. They understand why some processes take time, especially when legislation needs amending, but other obstacles, such as the seemingly endless dialogue, discussion, and coordination between all possible sections of a public organisation, are deemed problematic by private actors whose business models require efficiency. As has been pointed out in several other studies, the pursuit of an integrated approach has led to extremely intricate partnerships and complex *governance* structures, with a great deal of time devoted to consultation and decision-making and less time left for concrete action.

#### MANOEUVRING THE DUTCH CONSULTATION CULTURE

In some projects, the approach to subversive crime is highly differentiated and runs across many levels and organisations. To keep some overview and to promote coordination between (sub-)projects, a lot of consultation is, indeed, required. Sometimes new organisational units are created. The fact that it proves extremely difficult to reduce the number of consultative bodies and to simplify the *governance* structure is no coincidence. The course of events in strengthening the approach to subversive crime has many parallels with the Dutch approach to the Covid crisis, the Groningen gas crisis, the childcare benefits scandal and the climate, nitrogen and drought crisis. In these crises, the overwhelming number of research reports and the frequent consultations do not appear to have resulted in greater decisiveness, but rather in administrative inertia and uncertainty. Similarly, in the approach to subversive crime, many projects have been designed in such complex ways that the sheer number of consultations did not result into concrete action. Networking has become an end in itself, and there is too little reflection about what a new partnership or team adds to existing structures.

#### LEARNING IN THE REINFORCEMENT MOVEMENT

Over the past three years, important lessons have been learned in the individual projects. However, across the projects there is a lack of guidance and coordination to bring those learning processes further and to increase the learning capacity of organisations and the approach to subversive crime as a whole. This is not due to a lack of knowledge about the approach to subversive crime. Over the past decade, a vast knowledge industry on how to tackle subversive crime has emerged. This begs the question whether this has also led to the strengthening of the government's learning capacity.

The willingness to learn varies between the different levels at which policies are developed and implemented. Within the projects, the researchers usually met inquisitive and interested people, who were open to the insights and suggestions and were happy to discuss them further. Despite the limitations of digital communication, the reflection meetings were generally experienced as useful and inspiring by both the actors involved in the projects and the researchers themselves. Sometimes it proved difficult to keep the right balance between the involvement that the action-orientedness of the project required from the researchers and the distance that the evaluative character of the research called for. More specifically, the researchers had to navigate between identifying points for improvement and making suggestions in concrete projects and, on the other hand, and providing academically grounded feedback on some of the assumptions underlying the reinforcement efforts as a whole, on the other. Presumably, this area of tension also explains why the insights and feedback were welcomed by those involved at project level or close to it, but less considered at higher policy levels, despite offering to regularly share and discuss the preliminary lessons from the project at higher, administrative levels.

The following lessons can be drawn from the strengthening of the approach to organised drug crime.

### **Lessons from strengthening the approach to organised drug crime**

At projectlevel:

- (1) Ensure that people associated with the project can truly dedicate their time to the project (and don't have to do it on top of their existing workload)
- (2) Ensure the necessary expertise is available; if crucial expertise (analysis, financial, otherwise) is needed that is difficult to obtain, how can that be arranged? Is there a plan B?
- (3) Ensure a communication advisor and communication plan from the start.
- (4) Define success not only in terms of output, but also in terms of learning.
- (5) Which guarantees will be made about the results of the project once it ends?
- (6) How are learning processes embedded in the project?

Between projects:

- (7) How are learning processes between projects arranged? Who is responsible? Have SMART-goals been set?
- (8) Is there any focus on similar initiatives elsewhere in the country? How is cross-fertilisation stimulated? Have time and resources been made available for this?

Across regions:

- (9) Assess initiatives not only on output, but also on learning.
- (10) Develop an overarching vision of how learning processes should be organized
- (11) Develop direction, coordination and the necessary preconditions to make connections and build bridges.

#### CONCRETE RECOMMENDATIONS AND A PLEA FOR RECONSIDERATION

Policy and research have their own dynamics and rationality, which means that research rarely leads to fundamental policy changes. Concrete recommendations, including pleas for more capacity, better communication and training, adjustment of existing consultation structures or another policy suggestions that can be implemented relatively easily, generally receive more support than recommendations that call for a fundamental reconsideration of the course that has been set by policy makers. Nevertheless, the concluding chapter of this report does both. By presenting several lessons that can be drawn from this research, it offers policy and practice several concrete guidelines to improve and refine the approach to organised drug crime. In addition, we call for a recalibration of this approach on fundamental points. The latter explains the title of this report: the results of the research invite setting a new course and making of fundamentally different choices.

We summarise our recommendations below.

#### RETHINK THE UNDERLYING GUIDING PRINCIPLES

For decades, the approach to organised and, more recently, subversive crime has been based on several fixed guiding principles and a set pattern, which are rarely questioned. It is recommended to review and dare to question the cognitive and operational logic of these guiding principles. This does not necessarily mean a drastic break with the past, given that various assumptions are well thought out and scientifically grounded. Nor does this imply that all the principles of the Future Outlook Subversive Crime should be completely abandoned. Rather, some of those starting points should be recalibrated based on both the underlying problem and its approach.

#### BROADEN THE SCOPE OF THE PROBLEM DEFINITION

The discussions about subversive crime are almost exclusively about drug-related crime. Because drug crime and all its manifestation touch upon so many other relevant societal issues, this phenomenon should not be observed nor tackled in

isolation. By looking more broadly at the underlying dynamics, the approach can be better connected to the reports of other relevant studies, such as the Organized Crime Monitor and the regional and national subversive crime assessments. These reports do not focus exclusively on the drug problem but instead analyse developments in a broader perspective.

#### LOOK BEYOND BORDERS

Although new steps have recently been taken to strengthen the cooperation with drug-producing countries in Latin America, the cross-border aspects of organised crime and the cooperation with neighbouring countries deserve more attention. A recent study about the Euregio Meuse-Rhine shows that little progress has been made in the past ten years with regard to cross-border problem analysis. Albeit that cross-border cooperation has developed about the topic of smuggling via (sea) ports, it remains underutilised.

#### PART WAYS WITH THE TERM SUBVERSIVE CRIME

To promote cross-border cooperation and to prevent Babylonian confusion of languages within the Netherlands, it is recommended to part way with the multi-interpretable concept of subversive crime. It is a confusing concept because two discourses are intertwined: subversive crime as equivalent to all illegal activities concerning the drug industry or subversive crime as equal to all linkages between the underworld and the upperworld. As such, subversive crime also adds little to the concept of organised crime. Although the concept of organised crime is not free from confusion either, it is on more solid footing – especially in the international debate.

#### PART WAYS WITH THE MANTRA OF INTEGRALITY

The different strategies and initiatives – criminal, administrative, fiscal, civil – that have been developed as part of the government's approach to subversive crime require rethinking. Focus on the content and objectives of specific interventions rather than on the existing structures and the aim of integrating everything. Evidently, actors in various strategies and initiatives should be informed about each other's work, but the objectives should determine which actors collaborate, not vice versa. *Mutatis mutandis*, the same applies to initiatives in the context of public-private partnerships. This prevents partnerships from crippling debates about the demarcation of tasks and about who is responsible for the success. This can also reduce the number of consultation moments – and the associated consultation fatigue.

### DON'T THINK IN EXISTING STRUCTURES

The government approach to crime has long been fragmented. Various actors have tried to coordinate their policies and their implementation better via the Regional Information and Exchange Centra (RIEC) or by forming other coalition. Albeit that cooperation goes reasonably well, it begs the question how sustainable the existing investigative arrangement is: the police, Royal Netherlands Marechaussee and four special investigation services operate in parallel while they increasingly work on each other's terrain. The status-quo remains despite a two-decade long debate about the consequences of their co-existence for governance, management and steering. Similarly, the system of the Regional Information and Exchange Centres (RIEC) and National Information and Exchange Centre (LIEC) should be re-evaluated. Evidently there should be regional platforms to align various strategies and initiatives, but reflection is needed on the way in which these platforms should be set up and how they should relate to other partnerships.

### THE PUBLIC PROSECUTION SERVICE SHOULD BE MORE VISIBLE

The involvement of the public prosecution service in the reinforcement movement has been less visible than the researchers expected. Although the researchers met many enthusiastic and committed prosecutors in the various projects, the Public Prosecution Service was less emphatically involved in its implementation than could be expected based on its mission and role within law enforcement. The Public Prosecution Service is not only charged with the authority over criminal law enforcement but is also expected to fulfil a bridging role about the information that is shared in administrative or civil law proceedings. It deserves further attention to see how the Public Prosecution Service can play a more visible role. This role goes beyond the management of the process, but also involves initiating a normative discussion or societal debate about finding a balance between striving for security and protecting the rights of individual citizens.

### MAKE THE GOVERNMENT A MORE ATTRACTIVE EMPLOYER

In the light of the conclusions about the lack of expertise in several areas that are essential to tackling organised crime, reflection is needed on how to make public sector jobs more attractive. The government simply cannot afford to become increasingly dependent on expensive external forces.