

Summary

Background

To effectively tackle organised crime an integrated response is needed, combining actions under criminal, fiscal and administrative law. In 2009, 2012 and 2016, surveys were carried out into how municipalities are implementing this administrative response to organised crime. The administrative response to organised crime constitutes the set of measures and deployment of instruments by municipalities aimed at combating, preventing, impeding and frustrating criminal activities, sometimes in cooperation with other partners in an (integrated) response. In doing so, the authorities can deploy a diverse palette of instruments and powers, such as closing premises, imposing penalties, revoking or refusing licences, supervision and enforcement and applying the Administrative Integrity/Public Administration (Probity Screening) Act (Bibob).

Part of the response consists of the Regional Information and Expertise Centres (RIECs). These centres provide municipalities with capacity and expertise in exchanging information, carrying out analyses, advising the authorities and offering support in, for example, the use of the Bibob instrumentarium. In addition, the RIECs aim to ensure continuity and uniformity in the administrative response and contribute to a structural accumulation of knowledge and experience.

Main research question

In the period January-November 2022, Arena Consulting and Pro Facto conducted a fourth survey of the current state of affairs on behalf of the Scientific Research and Documentation Centre (WODC). The main objective of this survey is to provide insight into the administrative response in 2022 and the changes compared to 2016 in order to identify areas of focus for the future. The main research question is as follows:

What is the progress of the administrative response in 2022, how has this developed since 2016, and what factors explain any differences in the progress?

Method

The fieldwork was carried out in the period January-October 2022. The research was based on a series of exploratory interviews at national level, a digital questionnaire distributed to all Dutch municipalities, an in-depth round of interviews with seventeen municipalities (during which interviews were held with Public Order and Safety employees (hereafter: OOV employees) and in seven municipalities also with the mayor) and with the ten RIECs. Finally, a further meeting was organised to reflect on the findings.

Awareness

For most municipalities, as in 2016, tackling drug-related crime is a high priority. This applies to both hemp cultivation and the production and trafficking of synthetic drugs/cocaine trafficking. Across the board, 80-90% of respondents were able to provide an estimate of the extent to which these different crimes occurred in 2022. The most structurally present offences in a large

proportion of the municipalities relate to hemp cultivation (73%), money laundering (54%), criminal individuals or families (54%), synthetic drugs (48%) and (to a slightly lesser extent) human trafficking (40%) and organised care fraud (35%). Relatively few respondents said they are structurally confronted with criminal (motorbike) gangs (19%), organised environmental crime (17%) and violent crime in the criminal circuit (22%).

Awareness of the presence of the various forms of organised crime has increased significantly compared to 2016. Whereas in 2016 more than half of the respondents indicated that they had no insight into human trafficking, real estate abuse or money laundering, in 2022 the vast majority of respondents (more than 95%) are aware of the prevalence of different forms of organised crime in their municipality. In the in-depth interviews, however, it was often pointed out that it is difficult to gain insight into exactly what is going on in terms of organised crime. "You don't know what you don't know." Reports on the extent to which organised crime is intertwined with legitimate parties are hardly ever updated; 90 per cent of municipalities last did so before 2019.

In order to achieve an (overall) view of what is happening, it is vital that data on phenomena or subjects within the municipality are combined and shared with different organisations. Almost all the municipalities identified data sharing as a sticking point.

Role perception

With one exception, all municipal respondents see a role for the municipality in tackling organised crime. Almost all respondents see themselves as integral partners of the police and judiciary in tackling organised crime. The overall picture is that municipalities have taken a slightly more active role view compared to 2016. Many interviewees identified an increasing role for the municipality in fighting organised crime. In doing so, they identify a shift away from criminal law (police, public prosecutor) to administrative law (mayor). Opinions on the desirability of this shift to administrative law differed widely in the interviews.

Compared to 2016, there has been a clear increase in the adoption of policies and policy rules on tackling organised crime. For instance, the majority of municipalities had included tackling crime that undermines society as a priority in the 2018-2022 municipal executive manifestos. Almost all municipalities now have a policy document on integral security and have set rules in the General Municipal Bye-Law (APV) regarding, for example, operating licences or powers. These percentages are much higher than in the previous survey.

Organisational anchoring

In a relative majority of municipalities (43%), 1-2 FTEs are available for the administrative response to crimes that undermine society. On average per municipality, this capacity is about 3.5 FTE. This is more than double that in 2016, when the average per municipality was about 1.4 FTE. The number of municipalities with less than 1 FTE available to tackle crimes that undermine society has fallen very sharply (from 67% to 15%). Despite the growth in capacity, the picture that emerges from the survey and interviews is that municipalities are experiencing a scarcity in capacity across the board. This is partly explained by the fact that in many municipalities, crisis

management (corona measures, reception of refugees from Ukraine) involves the use of OOV employees, reducing the focus on the administrative response. The Minister of Justice and Security has made so-called 'reinforcement funds' for tackling crime that undermines society available to various organisations, such as the Public Prosecution Service, the police and the RIECs. Municipalities do not receive any extra funding to strengthen their response to crime that undermines society.

Almost all respondents indicated that the knowledge and expertise within their municipality is sufficient to advise the mayor, and a large proportion said that it is sufficient for internal and external coordination. About half of the respondents indicated that the municipality does not have sufficient knowledge and expertise in house for raising risk awareness, conducting Bibob checks and for supervision and enforcement in relation to crime. Criminological expertise and expertise for making data analyses are lacking in most municipalities, as is the staff capacity. These activities are essentially not a part of the daily routine.

In a majority of municipalities (60%), periodic consultations are held with several departments/teams in which signals that may indicate crime that undermines society are shared, discussed and if necessary, assessed. In addition, in about half of the municipalities ad hoc consultations are (also) held when an issue arises. Periodic security consultations are held in half of the municipalities and less than a third of the municipalities have a protocol for reporting signals. In a quarter of municipalities, there are so-called liaison meetings to discuss crime that undermines society with external parties, often including at least the police and the RIEC and sometimes organisations such as the tax authorities, the environmental service or housing corporations. The interviews revealed that many municipalities are thinking about setting up such liaison meetings with external parties.

Cooperation

Almost all municipalities cooperate with other municipalities, with the police and with the RIEC. Inter-municipal cooperation in particular has increased considerably since 2016. It follows from the interviews that cooperation between municipalities consists of various supra-municipal and regional cooperation structures and consultations, both policy-related and operational.

In the interviews, several interviewees regretted the police's disengagement. Otherwise, there are few changes in the intensity of cooperation compared to 2016. There is, however, a slight increase in contacts with the Dutch Labour Inspectorate (on human trafficking) and the Tax Authorities.

When it comes to satisfaction with cooperation in general and specifically the exchange of information, cooperation with other municipalities, the RIEC, the police and also the environmental services, housing associations and the Centre for Crime Prevention and Safety (CCV) stands out in particular. Of the municipalities, 60% are satisfied with this.

The interviews revealed that, according to municipal interlocutors, a lack of staff capacity at partners such as the police, the public prosecutor's office and the tax authorities hinders effective

cooperation. According to them, this results in some tasks being dropped 'over the fence' and onto municipalities' plates.

Effectiveness of the administrative response

Overall, the Bibob check for licence applications, special laws and APV, the closure of premises (under Article 13b of the Dutch Opium Act (the Dutch Anti-Drugs Act, also known as the Damocles Act)) and enforcement action are the most commonly deployed instruments. This is followed by the use of preventive instruments and the Bibob check for permits under the Environmental Law (General Provisions) Act (Wabo). As one of the most effective instruments, administrative confiscation is mentioned. However, there are still few municipalities that actually use this. In the interviews in particular, the Bibob check is highly praised. It is striking that both the deployment of the social instrumentarium and the integrated area-specific response are considered (reasonably) effective in tackling organised crime by many respondents. This contributes to the recognition that tackling organised crime is strongly linked to other issues affecting a neighbourhood, such as housing & living environment and welfare & care and assistance.

According to a majority of respondents, the response has improved compared to 2016 mainly in preventing the municipality from (unintentionally) facilitating criminals and combating the undermining of society.

Almost all interlocutors report that administrative powers are sufficient to tackle organised crime.

Assessment of cooperation with RIEC

Municipal respondents' appreciation of how RIECs fulfil their roles has increased. In percentage terms, the increases are mostly small, except when it comes to the development of tools that municipalities can use: the percentage of respondents positive about this has almost doubled.

The appreciation for the extent to which the RIECs are familiar with the local situation has improved significantly. It is also noticeable that the appreciation for some areas of expertise has decreased (significantly). In any case, this applies especially to criminological knowledge of priority themes and knowledge and expertise regarding the deployment of Bibob. In the explanation, several municipalities indicate that this is not so much about the expertise of the RIEC employees, but mainly about the availability of knowledge and expertise (when it is needed). Interviews with respondents from municipalities revealed that municipalities mainly need practical support in, for example, dealing with case histories. In the new plans for the period 2022-2024, the reinforcement funds provided to the RIECs for tackling crime that undermines society are partly allocated by almost all RIECs to providing practical support to municipalities.

Conclusions

We come to the following seven main conclusions:

1. Municipalities' awareness of the presence of more organised crime has continued to strengthen, but is not yet organisation-wide.

2. Administrative and organisational anchoring has been strengthened, but the quality and continuity of the local organisation remains fragile.
3. RIEC cooperation has become professionalised and highly diverse.
4. The municipalities' ability to collect information is the Achilles' heel in the continued development of the administrative response.
5. A shift can be detected in the response from case-oriented to prevention.
6. The reorientation of the administrative response also requires a reorientation of the criminal justice system and the state.
7. A fine-tuning of the policy theory behind the administrative response to organised crime is needed.