

Tackling financial economic crime: Unity in versatility

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Summary

Introduction and objectives

Financial and economic crime (FINEC) is a widespread and multifaceted phenomenon, combating which involves a wide variety of approaches and actors. The term FINEC is used to refer to a range of criminal activities, which generally include the equally broad categories of fraud, environmental crime and money laundering. FINEC causes great harm to individuals, businesses, the government and the environment. FINEC occurs in every sector and affects citizens, institutions and society as a whole. While crime figures have fallen in recent years, the number of cases of FINEC is increasing.

Despite the significant social and financial damage caused, criminal law enforcement options are restricted due to scarce resources and limited capacity among organisations within the criminal justice system responsible for investigating, prosecuting and adjudicating criminal offences. Choices must always be made regarding the use of criminal law in the fight against FINEC. This requires knowledge about the effectiveness, or efficiency, of interventions.

In the field of FINEC, a hybrid or integrated approach is increasingly being proposed, whereby criminal law is applied in conjunction with other interventions, such as regulatory interventions, security, surveillance and control, disciplinary law, private law and administrative law sanctions, and non-legal interventions, such as care or assistance. This means that FINEC's approach has a wide range of different types of interventions at its disposal, which can be used to pursue various objectives, including retribution (settling the offender's debt to society, i.e. a punitive response), general prevention (detering potential offenders and reinforcing social norms), special prevention (preventing recidivism), and reparation (restoring the unlawful situation). In doing so, the optimal method of enforcement must always be sought, with the aim of achieving a meaningful resolution for the offender, the victim and society.

In order to gain insight into the range of interventions available in the fight against FINEC, the Public Prosecutor's Office (FP), the Centre for Crime Prevention and Safety (CCV), the Intelligence and Investigation Service of the Netherlands Food and Consumer Product Safety Authority (NWVA) and the Special Investigation Services Platform have developed a web application: JUSTIA. JUSTIA provides a description of the various intervention options and insights from scientific research on their effectiveness. The overview provided enables users to gain a clearer picture of the desired effect and which partner currently has the best resources at their disposal to achieve it. It can also contribute to solutions for problems relating to capacity and lead times.

Across the entire broad field of judicial policy, the Dutch government aims to ensure that interventions to combat crime are evidence-based. This means that interventions should be based on scientific insights into the causes of criminal behaviour and on the results of scientific research into the effectiveness of those interventions. A scientific basis serves to justify the use of scarce enforcement capacity towards citizens and society. Given that the capacity of enforcement agencies and the judiciary is limited and the means to intervene are scarce,

efficiency cannot be viewed separately from effectiveness. Moreover, practice shows that the effects can be unexpected and even contrary to the intended goals, and that there may be undesirable side effects.

In order to demonstrate a causal link between the implementation of an intervention and the resulting outcomes using empirical research, an experimental research design is required. In practice, however, enforcers considering an experimental study encounter ethical, methodological, and practical challenges. A plan evaluation, in the form of reasoned plausibility and insight into the underlying theoretical mechanisms, is a workable and pragmatic alternative. In addition, a process evaluation provides insight into the practical feasibility of an intervention, which is an essential condition for achieving the intended goal and thus ensuring effectiveness.

This study focuses specifically on evaluating interventions to combat the three main forms of FINEC: fraud, money laundering, and environmental crime. The aim of the study is threefold. Firstly, we seek to gain insight into how and under what circumstances criminal law interventions can be used most effectively in tackling fraud, environmental crime and money laundering, both in relation to natural persons and legal entities. Where possible, we take into account possible combinations with administrative, civil, fiscal, disciplinary, and non-legal interventions, always with an eye to the nature and problems of the specific case. Secondly, the aim is to provide insight into the legal and practical conditions and circumstances under which these interventions can be used effectively and efficiently in the perception of the chain partners involved. Thirdly, we identify experiences, good practices, bad practices, and obstacles in the use of interventions in tackling FINEC.

The above objectives will be addressed by means of the following research questions:

1. What does existing effect evaluation research, where available, say about the effectiveness of the interventions?
2. In what manner, under what legal and practical conditions, and in what circumstances are (combinations of) criminal and non-criminal interventions used in the approach to fraud, environmental crime, and money laundering by natural persons and legal entities?
3. In what manner, under what legal and practical conditions, and in what circumstances can interventions be used most effectively and efficiently in the perception of the actors involved?
4. In the opinion of the actors, how can the effectiveness and efficiency of the use of interventions be enhanced? How can the role of the actors themselves be strengthened?
5. What are the experiences, good practices, bad practices and obstacles with regard to the use of interventions in tackling fraud, environmental crime and money laundering?
6. Which interventions (or combinations thereof) are relevant and/or potentially effective in areas other than those in which they are currently used, particularly in tackling organised crime (including drug-related crime)?

The study consists of two phases. The first phase of the study provides a broad exploration of available interventions for addressing FINEC and of the knowledge about their application and

effects. The second phase consists of an in-depth study of eight selected specific interventions. It examines the presumed mechanism behind the interventions and their application and experiences in practice.

Phase 1: Exploration

In order to obtain a general overview of the interventions to tackle FINEC, a comprehensive study was first conducted. The aim was to gain insight into the current knowledge about the approach to FINEC and the instruments available for this purpose. To this end, a literature review and a systematic analysis of parliamentary papers and policy documents were carried out. In addition, an empirical description at an aggregate level of a large number of FINEC interventions was produced. The JUSTIA web application, which is not itself the subject of evaluation in this study, is a very important source of data and information for this part of the study.

Literature review

The first step in the exploratory study is a systematic literature review of national and international evaluations of the effect of interventions in the field of fraud, environmental crime or money laundering. The focus was on empirical studies published between 2007 and 2024 for which primary data had been collected. Literature was searched for via the electronic database WorldCat using Dutch and English search terms. The snowball method was also used to find relevant publications. The literature lists of publications found and review studies were searched. To ensure that no studies were missed, the AI tool “Research Rabbit” was also used. The search resulted in 1,131 publications. Based on the title and abstract, 66 publications were initially considered relevant. After detailed examination, 38 studies were found to meet the inclusion criteria.

The majority of the studies concerned interventions to tackle environmental crime (n=25). The remaining 13 focused on interventions to tackle fraud, two of which could also be applied to tackle the laundering of criminal assets. The vast majority of studies were conducted in the United States. The sample sizes in the studies ranged from 13, for a study involving in-depth interviews with imprisoned fraudsters, to hundreds of thousands. The three largest studies covered all criminal investigation activities by the US tax authorities during a specific period, all environmental cases in a number of German states, and all waste crime in a number of Italian regions.

Taking the results of the 38 studies together, the most consistent and convincing evidence appears to be for the effectiveness of increasing enforcement through inspections (environmental crime), increasing the threat of enforcement (fraud and environmental crime), and ensuring informal social control (fraud and environmental crime). It should be noted that this systematic literature review is based on a relatively small number of studies, some of which are rather dated. In addition, virtually all studies focus on the effectiveness of a single intervention. The effect of different interventions in combination has, to our knowledge, not been studied, and comparisons between two types of intervention are rarely made. Another

limitation is that most of these studies were conducted in the USA. This makes it difficult to determine their relevance to the Dutch context. This systematic literature review also showed that, to date, no empirical effect studies have been conducted on the effectiveness of many interventions. The conclusion is, therefore, that the empirical evidence for the effectiveness of interventions to tackle FINEC is very limited.

Policy analysis

A policy analysis was conducted to examine the practical and legal conditions and circumstances under which criminal and non-criminal interventions (or combinations thereof) are used to combat FINEC. This provides insight into how interventions can be used to combat FINEC in the most effective way. This is necessary if the limited resources available are to be used effectively and efficiently, important procedural rights and human rights are to be guaranteed, and there is to be meaningful redress for the perpetrator, victim and society. In doing so, consideration must be given to whether the seriousness and nature of the offence, the effectiveness of the intervention and the interests of the perpetrator, the victim and society are taken into account in the choice of a particular intervention. This has been investigated on the basis of parliamentary documents and policy documents.

Parliamentary documents and policy documents were searched for using (combinations of) search terms via the open access website <https://open.overheid.nl>. After selection based on relevance, 474 policy documents remained. Due to the large number of policy documents found, a random weighted sample of 70 documents was taken. Using *Atlast.ti*, the documents were openly coded and systematically analysed. Based on the analysis, an initial picture was obtained of the policy choices underlying the use of the various interventions in the field of FINEC. On this basis, a number of practical and legal conditions for deployment were identified. Furthermore, a number of circumstances were identified for the deployment of (combinations of) interventions from different areas of law.

Based on the results, we concluded that at least the following practical conditions play a role: the availability of policy instruments, cooperation with chain partners and/or gatekeepers, the presence of an escalation ladder, existing bottlenecks or obstacles, recourse options, and the promotion of compensation for damages. Legal conditions that play a role in the use of interventions in the field of FINEC determine in which cases a particular (type of) intervention is considered. Legal conditions that emerge from the systematic analysis include the punitive or preventive nature of the intervention, the possibility of using criminal investigation powers and coercive measures, and international or EU legal obligations. Finally, a number of other circumstances also play a role in the choice of (a combination of) interventions. The systematic analysis reveals, among other things: the efficiency and effectiveness of the intervention, the nature and seriousness of the offence, the blame attached to the perpetrator, the person of the perpetrator, special and general prevention, the impact on society, and the extent of the damage.

Empirical description of FINEC-instrumentarium

In order to provide an overview of interventions, both criminal and non-criminal, that can be used to combat FINEC, an empirical description has been made of the interventions included in the JUSTIA web application. Based on this, clusters of interventions and any gaps in the

range of interventions can be identified. In addition to the legal and policy context, we provide an overview of the practical and organisational context in which these interventions are applied. We also provide information about the implications for perpetrators and victims and about any broader social implications of the application.

In April 2024, 303 interventions were recorded in JUSTIA. As some interventions were not considered relevant to FINEC in terms of sanctions, rehabilitation, or the prevention of recidivism, they were excluded from consideration. In order to arrive at an empirical description of the remaining 283 FINEC interventions, a scoring instrument was developed. The scoring instrument contains (groups of) variables relating to the legal and policy context, the practical-organisational context, and the criminogenic context in which the intervention is employed.

Using the scoring instrument, information was systematically collected on all 283 interventions. Data on the legal and policy context was extracted directly from JUSTIA using the classification frameworks and categories built into the web application. The information on the practical-organisational and criminogenic context of the interventions was mostly derived by the researchers from the descriptions in JUSTIA and supplemented with online sources where possible. Reducing the rich data in JUSTIA to figures in this way does not do justice to this wealth of information, but nevertheless offers a number of interesting insights.

Most interventions are broadly applicable, both for minor offences and serious crimes, and can often be used for both natural persons and legal entities. Approximately one-fifth of the interventions are non-legal, which indicates a diverse range of alternative measures. The range of interventions focuses primarily on prevention and control; objectives such as damage repair or policy influence are less common. The majority of interventions can be combined legally.

The Public Prosecution Service works with a broad network of partners, including the police, special investigation services, municipalities, and border control. There are interventions for all steps of the so-called escalation ladder. This offers opportunities for proportional deployment. The interventions are largely applicable to all three types of FINEC offences: fraud, money laundering, and environmental crime. Most interventions are aimed at legal entities. For natural persons, the majority of interventions are applicable to all types of perpetrators; a smaller number are aimed at specific professional groups or functions. The scope of most interventions is limited, meaning that the intervention brings about little change outside of the perpetrators or victims. Only a small proportion of interventions aim to have a broad social impact.

The aggregated description of the interventions for tackling FINEC shows that the range of interventions is rich and diverse, with a wide range of legally and organisationally embedded measures that can complement each other. It is a complex field due to the large number of organisations that may be involved, both prior to the imposition of the intervention, at the time of its imposition, and during its execution. The complexity of the field can provide flexibility, for example due to the large number of partners involved or intended objectives. Complexity can offer opportunities. This is also reflected in the number of interventions at the bottom two steps of the escalation ladder. The wide range of options for capacity building and social control, combined with the fact that there are relatively few obstacles to combining

interventions, points to a set of instruments that offers many possibilities for tailoring to the needs of specific contexts and cases.

Phase 2: In-depth analysis

Eight interventions were selected for the second, more in-depth phase of the study. Each of these eight interventions was individually subjected to a plan evaluation. A process evaluation was then carried out for each of these eight interventions.

Selection of interventions for in-depth analysis

The interventions that were subject to a plan and process evaluation in the in-depth phase of the study were selected on the basis of a number of criteria. First, a combination of **criminal**, **non-criminal** and **non-punitive** interventions was chosen so that the potential of alternative interventions outside the criminal justice system could be examined alongside the existing arsenal of criminal interventions. Second, focus was on interventions that are **currently underused**. Third, it was decided that the selected interventions should together represent all steps of the **escalation ladder**. Fourth, the selected interventions had to collectively address **all three forms of FINEC**: fraud, money laundering and environmental crime. Finally, interventions that have the potential to meet the objective of **raising awareness in society** were included, as this is a general ambition when taking action against FINEC.

Based on the empirical description of the FINEC instrumentarium, a list was compiled of interventions that might be suitable for the in-depth phase. This list, in which the interventions were grouped according to each step of the escalation ladder, was presented together with the criteria to four experts: three employees of the Public Prosecution Service and one employee of the ILT. The central question in these discussions was whether these interventions could be promising for an effective and efficient approach to FINEC. The respondents reflected on the suitability of our suggestions in light of the selection criteria and came up with some alternative suggestions. The members of the supervisory committee were also consulted. Ultimately, the following eight interventions were selected on this basis:

1. Campaigns to increase risk awareness and willingness to report on regulation and law breaking
2. Administrative signal
3. Taking and keeping websites offline by investigative organisations
4. Norm-enhancing conversations and warning letters by environmental agencies
5. Rapid environmental settlement (SAM) procedure by water and environmental agencies
6. Administrative report
7. Asset recovery fine
8. Disciplinary interventions via the Banking Disciplinary Committee, Dutch Association of Tax Advisers, Accountants Chamber, and Dutch Association of Administrative and Tax Experts

Plan evaluation

For each intervention, the legal framework, where available, was first described. Subsequently, a literature review was conducted for each individual intervention. Both grey literature and academic literature were collected for this purpose. The grey literature provided information on the objectives and assumed application of the interventions. The academic literature provided information on the assumed effectiveness. Unlike the previous literature chapter, the study not only examined applications of the selected interventions in the field of FINEC, but also included research on the application of these interventions in other areas. After identifying the nature and scope of the problem each of the eight interventions addresses, the intervention's model for change and the (scientific) theory supporting this model were identified. For each of the selected interventions, the intended causal mechanism was described and subsequently evaluated. The study examined whether the intervention is logically structured and whether the alleged causal relationships are supported by knowledge from the literature or practice.

The plan evaluation of the eight selected interventions revealed several overarching themes relevant to determining their potential effectiveness. These themes emerged from the identified models for change and the empirical evidence for the interventions as described in the literature. The analysis shows that the theoretical underpinnings and empirical evidence for the eight interventions vary considerably, both in terms of quality and context in which they are employed. As previously noted, effect research is scarce. Where studies are available, they often show variable or limited effects. This is particularly true for campaigns, rapid settlement procedures, and fines. Effectiveness appears to depend heavily on contextual factors such as the target group, implementation quality, and combination with other measures. Campaigns that merely convey information or incite fear rarely lead to lasting behaviour change. In contrast, studies show that interventions that address social norms and offer alternative courses of action are more likely to be successful. This underscores the importance of a sound theoretical basis for design and implementation.

The academic literature offers two dominant theoretical frameworks: the rational choice model and social learning theories. Interventions such as fines, asset recovery fines, and rapid settlement procedures are assumed to deter crime through a cost-benefit analysis: a higher probability of detection and a higher penalty are thought to discourage criminal behaviour. However, empirical evidence for these mechanisms is mixed. Fines often prove too low to have a substantial deterrent effect, especially for legal entities. Moreover, the probability of detection plays a crucial role: without a realistic probability of detection, the severity of the penalty becomes meaningless. In contrast, interventions such as disciplinary law and norm-enhancing conversations rely primarily on social norms and procedural justice. These mechanisms appear particularly effective in a professional context where reputation and internal culture determine compliance.

A recurring finding is that interventions alone are rarely sufficient to achieve structural behavioral change or effective enforcement. Studies show that campaigns only have an impact when embedded in broader enforcement strategies. Collaboration between chain partners and rapid follow-up also prove crucial for administrative reporting and ZSM¹-like procedures. This aligns with theories such as responsive regulation, which state that escalation should only occur

¹ Dutch: Zorgvuldig, Snel en op Maat, English: Careful, rapid and tailor-made

after dialogue and support. The causal mechanism behind this is that timely intervention and tailored solutions not only increase efficiency but can also reduce recidivism through direct confrontation with consequences of rule/law-breaking. The literature emphasizes the importance of an integrated approach, with coherence between measures, tailored to the context and target group, and with clear preconditions for collaboration and implementation.

Process evaluation

The process evaluation examined the practical application of the eight interventions. Information on potential opportunities, bottlenecks, and good and bad practices from the field was collected. In principle, a process evaluation does not address the final effect of the intervention. However, impressions of the effectiveness from practice that sometimes emerged during the process evaluation were recorded. To gather this practical information, interviews were conducted with professionals and employees of enforcement agencies, such as the police and special investigative services. Public prosecutors play a key role in the decision-making process prior to imposing sanctions; their experiences were also gathered through interviews. The 25 respondents were asked about their experiences with the interventions, including opportunities, bottlenecks, and success stories, as well as their perception of the effectiveness and efficiency of the interventions. Most respondents were familiar with one specific form of FINEC.

Respondents cited a norm-enhancing role for virtually all interventions. Whether campaigns, disciplinary measures, administrative reports, or asset recovery fines, the interventions are rarely solely repressive in nature. They explicitly aim to change behaviour, raise awareness, or reinforce societal norms. Examples include campaigns that offer perspectives for action, disciplinary interventions that leverage reputational damage for general prevention, or norm-enhancing conversations with companies aimed at structural behavioural change.

Collaboration is crucial for achieving effectiveness. Interventions that respondents consider effective are characterized by close coordination between public and private parties, such as in the case of taking websites offline (collaboration between the police and SIDN) and in administrative reporting (collaboration between the police, the Public Prosecution Service, and municipalities). In the rapid environmental settlement procedures, good relationships between the Public Prosecution Service, the water boards, and the environmental services also emerged as essential for smooth implementation. At the same time, respondents mentioned that collaboration is often hampered by fragmentation, capacity issues, legal restrictions, or unfamiliarity. This was evident, for example, with disciplinary interventions. There are opportunities here for more frequent and efficient implementation. Sharing success stories and other experiences is essential for this.

A third frequently mentioned characteristic of effective interventions is customization. Interventions must be well-suited to the context, the target group, and the severity of the problem. This was clearly evident in the norm-enforcing conversations, where the approach varies from company to company, but also in the campaigns, where target group segmentation and timing are crucial. According to the respondents, the effectiveness of interventions depends on the extent to which they can be implemented flexibly and tailored to practical situations.

A recurring bottleneck was the lack of systematic impact evaluations. During the interviews, it emerged that the implementation of almost all interventions faces uncertainty regarding their actual impact. According to the respondents, the reach of an intervention is often observable, but behavioural change or effects on internal standards are virtually impossible to determine. A second structural problem is the capacity and knowledge of various organizations within the FINEC field. Many interventions require specific expertise that is not always available or that is dependent on individuals and therefore insufficiently embedded within the organization. Moreover, there is fragmentation: organizations often work independently, with limited knowledge sharing and no central coordination. A third potential bottleneck in implementation concerns legal and cultural barriers. The application of interventions such as disciplinary measures or administrative reporting is limited by legislation or a culture strongly focused on criminal law. As a result, alternative routes remain underutilized, despite the potential respondents see. Respondents cite unawareness among colleagues, in addition to a lack of curiosity, as reasons for not implementing potentially effective interventions. Furthermore, the political (un)willingness to address certain issues related to FINEC was a recurring theme.

Conclusion

This research has shown that what is seen in practice as a limitation of the FINEC approach – fragmentation across a wide variety of actors and legal domains – actually proves to be a (potential) strength. Both academic studies and practical experience underscore the need for an integrated and multifaceted deployment of interventions. No single intervention achieves the goal; a combination of interventions offers a greater chance of success. The FINEC field offers an excellent opportunity for combining and deploying interventions in a modular manner. As the description of the interventions from JUSTIA demonstrates, a very diverse and widely applicable range of interventions is available, in which various public and private parties can play a role. This versatility also makes the deployment and implementation of FINEC interventions complex. Legal conditions for the (combined or individual) deployment of interventions must be taken into account, particularly when deploying punitive interventions. Moreover, an integrated and multifaceted deployment requires considerable coordination between the actors involved. The possibility of customization is considered a prerequisite for effectiveness and efficiency. The versatile selection of interventions available offers ample opportunities for this. Clarity about the objectives to be achieved and the formulation of criteria for achieving them are essential for determining effectiveness and efficiency. In various terms, behavioural change (for the purpose of preventing recidivism and discouraging non-compliant behaviour) appears to be both the goal and the most effective mechanism of many FINEC interventions. This complicates the evaluation of their effect. However, respondents emphasize the importance of systematically evaluating experiences with and the effects of interventions, so that insight can be gained into what works, under what circumstances, and why. This is important for building support and motivation among practitioners, but is also relevant for gaining experience with and improving interventions. The lack of an evidence base

due to a lack of methodologically sound effect evaluations of FINEC interventions is therefore not only a conclusion of the review of scientific literature but also a limitation perceived by practitioners in the use of interventions against FINEC.

Recommendations for practice

Based on our findings, several recommendations are made for practitioners and for actors within the judicial system involved in preventing and addressing FINEC.

A key lesson learned from the research is that relatively little attention is paid to the escalation ladder, both in academic research and in practice. In practice, however, it appears that sufficient interventions exist at the various steps of the escalation ladder to effectively escalate or decrease the level of intervention during the enforcement process. Smooth cooperation between administrative and criminal law partners is crucial. This requires not only good coordination but also mutual understanding and knowledge of each other's areas of expertise.

Furthermore, our research reveals that effective communication between organizations is essential for a successful, integrated approach to FINEC. Working in silos hinders the effectiveness of interventions. Organizations need to know what other parties have to offer, what knowledge is available, and how it can be utilized. Where collaboration is still difficult, it is important to actively invest in the relationship. Besides mutual knowledge, short lines of communication and mutual understanding make collaboration not only more efficient but also more effective.

Another focus is on building, accessing, and utilizing knowledge. While a great deal of knowledge exists within the field, it is not always known or accessible where it is needed. Sharing knowledge, both about successes and about problems and obstacles, is closely linked to the aforementioned need for communication: if organizations know who possesses what expertise, they can make targeted use of it. JUSTIA can play a facilitating role in this. JUSTIA appears comprehensive in terms of the types of interventions included, but information on good practices and bottlenecks, the assumed effective mechanisms, and especially the perceived effect is (still) limited for many of the included interventions. It would also be beneficial to pay more attention to possible combinations with other interventions in future versions of this application. As with information about the combining of interventions, the positioning of an intervention on the escalation ladder could also be included in JUSTIA, perhaps even as a selection criteria. Another suggestion for expansion is to suggest interventions one step higher or lower, in addition to the position on the escalation ladder. This way, the intervention can be better placed and understood within the framework of responsive regulation.

Recommendations for future research

The systematic review revealed that the number of empirical studies on causal effect is limited. These studies show cautiously positive results, but are quite dated and primarily conducted in

the USA. It is questionable to what extent these results apply to the current Dutch situation. Another limitation of the empirical impact studies found is that they primarily focus on the effectiveness of specific, standalone interventions. Studies on the effectiveness of interventions used in conjunction are lacking. Almost all interviews conducted for the process evaluation revealed a significant need for knowledge about the effects and impact of various forms of intervention in practice. The need for effect evaluation research is therefore substantial.

However, designing and conducting an effect study is not straightforward. An effect study is often associated with a randomized control trial (RCT). The RCT design can only be applied to research on a clearly defined intervention that is applied uniformly. However, this design is far removed from the reality in which crime prevention takes place. A possible alternative is a vignette study or a quasi-experimental design. A field experiment may be feasible when a new intervention is incorporated into policy plans. Instead of simply rolling out the new intervention, it could be employed only in certain cases and then researchers can observe how the intervention works in practice compared to the old approach.

A first important step in gathering scientific knowledge will be to standardize information on the application of (combinations of) interventions in specific cases. It is important to carefully consider the precise objective and to collect data on the so-called outcome measures. When data is collected uniformly and on a large scale, analysis of this data can provide insight into the effectiveness of interventions in addressing FINEC.