

Summary and conclusions

A combined effort to combat XTC

Final evaluation of the XTC policy document

In May 2001, The Dutch Government published a policy document entitled 'A combined effort to combat XTC' [*Samenspannen tegen XTC*], with the objective of tackling the problem of the illegal export of XTC tablets produced in the Netherlands, chiefly to surrounding countries and the United States. This was considered a serious problem - the more so abroad than in the Netherlands - since XTC is a drug that puts the health of users at serious risk. An amount of 90 million euros was made available for the measures to be put in place in respect of the policy document's 2002-2006 project phase. The policy was intended to tackle every aspect of the XTC problem. Various departments are involved in the fight against XTC, such as the Public Prosecutions Department (OM), the Police, the Fiscal Information en Investigation Service - Economic Investigation Service (*FIOD-ECD*), Customs, the Royal Military Constabulary (*KMar*) and the Netherlands Forensic Institute (*NFI*). The multidisciplinary Synthetic Drugs Unit created in 1997 was to be strengthened, and police XTC teams were to be created. The organisations and investigation services involved were to receive extra staff and equipment. Considerable attention was also given to the improvement of collaboration between these organisations. Although the policy document targeted every aspect of the XTC chain, particular emphasis was placed on the most prominent parts of the "front" of the process: the illegal import of the chemical raw materials (precursors), the production facilities required (hardware such as pressure vessels and equipment for producing tablets), production in laboratories and the smuggling of XTC out of the country. All of the organisations involved were to be accountable to their own ministries. Management of the process as a whole was placed with a steering group chaired by the Ministry of Justice.

Three assessments evaluate the policy efforts initiated by the policy document 'A combined effort to combat XTC'. The first assessment and the intermediate assessment related to the period from 2001 onwards, the year preceding the implementation of the policy document, until mid 2004. The current report relates to the third assessment (mid 2004 - mid 2006) and also the final evaluation of the policy document. Based on an extensive preliminary study, numerical indicators were selected for the three assessments. This mainly relates to details from the records of the organisations involved. As was already apparent during the preliminary study, it is difficult to obtain full data for a number of indicators. For example, information on seizures and the specific deployment of manpower against XTC is incomplete, there is no overview of information on XTC-related dumping and it is unclear which suspects were involved in XTC crimes.

The first sections of this report present the problem definition for the evaluation, and also discuss the policy theory implicitly present in the policy document. The reasoning that forms the basis of the policy document was formulated as follows:

“The ever increasing production of and trade in XTC is a problem. This must be reduced. *If* input is provided in the form of extra financial resources, manpower and specific services and *if* collaboration and the exchange of information improves, the enforcement activities *will then* increase, *as a result of which* the production of and trade in XTC in the Netherlands will see a considerable reduction”.

On the basis of this reasoning, four categories of indicators were developed for this study, which in its turn formed the basis of the report: as a result of the policy document, extra resources are being deployed (*input*) in specific work processes and collaborative arrangements (*process*), thus developing specific activities (*output*), with the ultimate objective of considerably reducing the production of and trade in XTC (*outcome*). In respect of the outcome, in particular, it proved to be difficult to translate the objectives into measurable indicators. In this context it was noted that the activities set in motion and reinforced by the policy document were not the only factors influencing the production of and trade in XTC, but that there are many more, such as the availability of precursors, the efforts of other countries to combat XTC and the popularity of XTC among users in different parts of the world. A number of external developments have also been noted. The creation of the National Crime Squad [*Dienst Nationale Recherche*] following the policy document 'Towards a safer society' turned out to be a significant factor for the course of the processes. On an international level, 9/11 led to a shift in priorities for a certain period, which according to those involved also affected the combat of XTC.

The input, process, output and outcome related to the policy document are discussed below, followed by a final conclusion.

The deployment of people and resources

During the first assessment, it was found that the resources made available under the policy document had already been allocated. Both the deployment of staff and material resources earmarked had been put in place in 2002. At most departments, the staffing capacity of the organisations involved in the XTC programme seem to have remained at the intended level since 2002. However, the interim evaluation demonstrated a certain reduction in the number of staff deployed for XTC prevention. According to information obtained from the interviews that were held, this situation arose as a result of the reorganisations with which the police were confronted through the creation of the National Criminal Squad [*Dienst Nationale Recherche (DNR)*]. Both the *KTZ/USD* [Core Team South /Synthetic Drugs Unit and the XTC teams have merged into the *DNR*. In the course of 2004, the staff designated for deployment in the XTC teams and the *KTZ/USD* staff previously earmarked for XTC became part of the total capacity of the *DNR*, with the

agreement that 18% of the total *DNR* capacity would be used for XTC investigations. Starting in 2005, a different method was introduced, which no longer applied specific norms for the different types of (trans)national organised crime that form part of the *DNR*'s sphere of activity: all capacity of the *DNR* is to be deployed flexibly for those investigations that are of the highest priority. These changes in method make it difficult to make a comparison with the *DNR* figures of the previous years concerning the deployment of resources made available under the policy document 'A combined effort to combat XTC'. Only the former XTC team leaders are still labelled as a 'contact person' for the XTC programme, and some Units have had new contact persons appointed who were not a member of an XTC team. The fight against synthetic drugs still is one of the six priority areas of the National Criminal Squad.

In 2004, the number of staff at the Knowledge and Expertise department of the Unit South Netherlands decreased. As a result of the reorganisation at the *DNR*, new employees had to be recruited and trained. At the same time, the Special Investigation Services (Customs and FIOD-ECD) and the Royal Military Constabulary withdrew to their central tasks, as a result of which these organisations were seeking to achieve a more project-based approach instead of putting employees under *DNR* command as happened previously in the USD. In 2006, a number of vacancies had been filled and the department merged with the Knowledge Group Precursors of the *FIOD-ECD*, under the new name Expertise Centre for Synthetic Drugs and Precursors. Although total capacity, measured in fulltime equivalents (fte), has slightly decreased compared to the two former knowledge departments, 2006 has seen a properly functioning Expertise Centre as is evidenced by the interviews.

Implementation of collaborative arrangements and information exchange

According to the policy document, the increased deployment of people and resources was to coincide with an improvement of the collaboration and information exchange between the organisations involved, which we refer to with the term *process*. Chapter 4 reports about this on the basis of semi-structured interviews with a number of employees in key positions, which interviews were held in 2004 and repeated in 2006, partly with the same persons. New respondents were added also, thus involving more organisations in the final evaluation, also from neighbouring countries. This evaluation provides a picture of the course of the processes initiated by the policy document, with the emphasis on the collaboration between the organisations involved. The main conclusions can be summarised here in the order applied in the policy document 'A combined effort to combat XTC'.

XTC sector analysis

The periodic analysis of the XTC industry provided for in the policy document is right on track, embodied in Crime Pattern Analyses (*CBAs*). Earlier, two separate KTZ/USD *CBAs* had been published about synthetic drugs, and one about precursors by the FIOD-ECD. Partly as a result of the

aforementioned merger of the relevant departments, there will be a single CBA on synthetic drugs and precursors as from 2005, published by the DNR. All CBAs published so far mention the availability and comparability of data as a point for improvement.

Strengthening enforcement

Form the interviews held during the interim evaluation, 2004 emerged as a turbulent year for the organisations involved in the fight against XTC, particularly for the police. The recently created XTC teams and the USD were incorporated in the DNR. With the creation of the DNR, renewed thought had to be given to XTC as an area of attention, while the South Netherlands Unit (UZN) was to retain an important role. Judging by those interviewed during the final evaluation, the area of attention within the DNR is now a properly functioning one. 'Helmond', i.e. the UZN, is again regarded as the international point of contact of the police when it comes to synthetic drugs.

Fighting precursors and hardware

In collaboration between the organisations involved in the precursors, the policy document allocates an important role to the precursors coordination commission [*Coördinatie Commissie Precursoren (COCOP)*]. As evidenced by the interviews, the coordination of activities in the field of precursors runs smoothly in this commission. The fact that a Memorandum of Understanding has been signed with China is important as part of the efforts being made to combat trade in precursors. In this Memorandum, agreements have been made about the exchange of administrative data (not personal data) which can be used in the fight against the illegal trade in precursors. More recently, the collaboration with Russia was highlighted. Like China, this country is the origin of many precursors (mainly for amphetamine). The policy document's intention to tackle the trade in tableting machines via commercial policy measures has proved infeasible at EU level. The interviews demonstrate that the role of Europol in combating hardware is increasingly regarded as important, partly thanks to the database this organisation has set up. This database records data from completed criminal investigations into synthetic drugs.

The fight against smuggling drugs out of the country

In the fight against the export of XTC, the combination of the powers available to Customs (inspection) and the Royal Military Constabulary (investigation) within the Schiphol team is unique in international terms. The collaboration has changed over the years. There no longer is a separate team for the inspection of outbound travellers and cargo, as was the case during the interim evaluation. As a result, capacity can be deployed more flexibly, using any risk signals that may occur.

Dismantling and chemical analysis

The XTC policy document announced the creation of a number of regional teams for the dismantling of production facilities. Ultimately, it was decided to opt for the creation of a national dismantling support facility [*Landelijke Faciliteit Ondersteuning bij Ontmanteling (LFO)*]. Although the LFO was only officially created on the 1st of November 2004, it has actually been providing

support since the start of 2003. The creation of the *LFO* was a time-consuming process, since discussions were necessary on the tasks and responsibilities of the organisations involved. Besides the police, these organisations include the fire brigade and local authorities. The Netherlands Forensic Institute (NFI) makes its expertise available on the scene for all dismantling operations. The *LFO* is regularly used during dismantling operations and has proven to be a valued partner in the XTC investigation chain.

As announced in the XTC policy document, the NFI does not restrict itself to operational activities such as the chemical analysis of samples, but it has also strongly profiled itself as an international *centre of excellence*.

International collaboration

The policy document announced an improvement in the processing of international requests for mutual legal assistance. This has been dealt with, partly by improving the procedures. However, it (still) has not led to all requests for mutual legal assistance actually being honoured. This result is based on interviews, since the registration of requests for mutual legal assistance does not offer the possibility of analysing the processing of XTC-related requests separately.

The intentions formulated in the XTC policy document as regards international collaborative arrangements have been implemented. As regards bilateral collaboration, emphasis is placed on the relationship with the United States. One initiative that is a direct result of the policy document is the stationing of a Counsellor and two police liaison officers in the United States. The direct diplomatic efforts targeted at the United States may have played a role in the decision to remove the Netherlands from the Majors List, the list of countries from where drugs enter the US and which run a risk of being sanctioned.

The policy document specifically mentioned the collaborative arrangements on an EU level, such as the Horizontal Drugs Group and the EU precursor commission. Dutch representatives play an active role in these bodies. According to the interviewees, the collaboration between Europol and the Dutch investigation services has improved since the interim evaluation, particularly so in the field of information exchange, although Europol complains about the scarcity of registration details. The absence of a central registration system in the Netherlands is regarded as a deficiency.

As announced in the policy document, the Netherlands played a role in the Phare project Synthetic Drugs, causing investigations to improve in various East European countries. The NFI and *DNR* both play a role in different international projects; prominent examples are CASE and the successor of CHAIN, of which the *UZN* is the focal point. The objective of these projects is to organise chemical profiling in such a way that consignments of XTC can be linked to each other and to certain production sites.

Management and coordination

Initially, the structure created to coordinate implementation of the XTC policy document was geared towards setting the implementation process in motion. The consultative bodies created have not met since 2002, since the

policy document was implemented according to plan. Those involved do not miss the intensive meetings of the early period. According to the interviewees, the bilateral contacts and contacts in other contexts between the policy makers and the XTC chain partners meet the need for consultation and supervision.

Activities undertaken by the organisations involved

The activities undertaken to combat XTC (*output*) generally increased until the interim assessment and have stabilised since that period. XTC-related information made available to the investigation services increased until 2003 and has remained at the same level since that year. Each year, the NFI supplies dozens of chemical descriptions of production sites. The number of reports of suspicious transactions in precursors saw a rise in the first half of 2006 following a couple of years during which those numbers had decreased. The number of inspection investigations carried out by the *FIOD-ECD* focusing on XTC has also risen.

More investigations are held by the *UZN*, but the number of project proposals for the other units of the *DNR* and regional police forces has fallen. The number of international requests for mutual legal assistance in respect of XTC has ranged from 20 to 30 during the past years, except for 2004 when it was lower. No processing data is available for 2003 and beyond. The interim evaluation report raised the question whether the organisational changes at the police would positively or negatively affect the performances during XTC investigations. In terms of the number of investigations carried out, the reorganisation does not seem to have had a negative effect, although those numbers do not disclose everything: both large-scale and small-scale investigations are included.

The number of questions received about XTC via the Drugs Infoline set up by the Trimbos Institute has fallen strongly in recent years, following a peak in 2001. This may reflect the small number of incidents with dangerous tablets that have occurred. Previously, such incidents did lead to many questions being asked via the Infoline. It is also possible that youngsters obtain their information through different channels, such as the Internet and the media. Another possible explanation is that XTC is no longer as popular among youngsters.

The scientific studies announced in the XTC policy document have all been initiated, with the exception of the so-called 'causality study'. This study was supposed to focus on the potential detrimental consequences for public health as a result of the diminished availability of XTC, in the sense that users would start using other drugs that could be more dangerous, such as cocaine. This did not occur however, although the clubbing scene has seen a shift from XTC to cocaine abuse, but this is related to new music styles, according to a study carried out by Nabben and colleagues.

A study conducted among Dutch XTC couriers imprisoned abroad showed that this usually did not involve people who were 'set up' by criminals, but

people with criminal records who were looking for a quick profit. It was found that the sentences imposed abroad on XTC couriers were being underestimated. This result was used in a campaign intended to deter potential XTC couriers. This campaign was never evaluated.

The outcome of the policy document: a substantial reduction in production and trade?

Ultimately, all efforts must lead to a visible result. However, the XTC policy document is not very explicit on which objectives are to be achieved. What a 'substantial reduction' of production and trade is taken to mean and when this should be achieved, is not specified. There is no simple measure to gauge the success or failure of the policy document. For this reason, a wide range of indicators have been chosen to gain an insight into the development of the XTC market and the position of the Netherlands therein. Factors that cannot be controlled by the Dutch policy, such as developments in the international political situation, are not discussed here. The outcome of the XTC policy document is demonstrated on the basis of the combined indicators.

At the end of the term of the policy document 'A combined effort to combat XTC', registered data gives rise to several indicators which could point to a reduction in the production of XTC in the Netherlands and a smaller role of the Netherlands on the international XTC market:

- the number of production sites dismantled in the Netherlands has fallen, while the number of production sites with involvement of Dutch criminal groups dismantled abroad seems to have dropped also
- the quantity of PMK seized has fallen
- the number of registered dumping activities of chemical waste products has fallen
- globally, the quantity of seized MDMA connected to the Netherlands has been falling since 2003
- the number of couriers who were arrested while carrying XTC has dropped.

However, there are also indicators which could point to continued production in the Netherlands:

- during the first half of 2006, the quantity of MDMA (tablets and powder) seized in the Netherlands was equal to that seized in 2004
- the waste dumping activities were low in numbers over the past years, but they did increase in size
- during the final phase of this study, a number of very large production sites were discovered in the country
- according to the Spapens study, the organisation and methods of the XTC producers have not changed, which points to continuous activities.

There are also indications that XTC is still readily available on the user market. The price of XTC tablets is still relatively low, while the purity has

remained relatively high throughout the period¹. Prevalence of recent use (the percentage of the population that used XTC in the 12 months prior to the assessment) in the Netherlands may hardly have increased since 2001, but in other parts of the world, such as South-east Europe, the Middle East and Australia, the drug is still gaining in popularity. So demand remains extremely high. There have been recent reports from South-east Europe of seizures of XTC somehow connected to the Netherlands.

The total number of seizures of XTC that can be connected to the Netherlands (figure 6.1) forms an important indication of the role of the Netherlands on the XTC market. This is not to say that this indicator is unproblematic. The number of seizures cannot anyhow be converted into actual production in the Netherlands. Other factors may play a role in the realisation of the figures about seizures, including the setting of priorities by the investigation services and the changes in criminal methods of XTC production and smuggling. Little is known of the relation between the production and trading of drugs and enforcement activities, or the effects of setting priorities in investigations on the illegal drugs market. As a result it is not possible to quantify the role of the Netherlands on the international XTC market.

A specific yet important fact worth mentioning is the shift from production activities to Belgium involving Dutch persons. There are even indications that sometimes they are the ones in control. The extent to which this shift can be regarded as a success of the Dutch policy is open for discussion. During the past years, the Netherlands and Belgium have been bracketed together in international reports about the XTC market, and are thus basically viewed as a single site of origin. This aspect of knowledge production or conceptualisation is a potential point of interest for diplomatic efforts. To what extent Dutch persons are involved in production activities in other regions is not known.

So we have to be careful when interpreting the drop that has been observed since 2003 in respect of the total amount of XTC seized and connected to the Netherlands. Even though it looks like a 'substantial reduction' at first sight, this may not be the actual trend.

The findings for a number of outcome indicators are in accordance with the objectives outlined in the XTC policy document. Apart from the uncertainty as to the figures, it is impossible to say with any certainty that the possible reduction in the XTC production is caused by the increasing investigative pressure - realised through the policy document - on the XTC producers in the Netherlands. After all, other factors such as developments in the international political situation, the setting of priorities by foreign investigation services and changes in the popularity of XTC caused by the rise and fall of certain clubbing cultures in certain parts of the world *can* play a role.

¹ On a European level too, prices for XTC tablets are low. See: EMCDDA, 2006.

Conclusion

Much has been achieved and existing structures have been strengthened, but also (unexpectedly) re-categorised in the period following the publication of the policy document entitled 'A combined effort to combat XTC'. The capacity expansion to be realised with money provided for by the policy document (input) was realised at an early stage and seems to have survived. We must note that it has been unclear since 2004 how much capacity is used by the police for the XTC programme, even though XTC is one of the priority areas of the *DNR*.

The picture that emerges from the many interviews with those involved is that of intensive collaboration in many fields of the investigation into XTC production and trading, which, according to those involved should serve as an example to other departments of the investigation authorities. The data that was made available for this evaluation did indeed show that a lot was achieved in terms of collaboration between the organisations involved. The *DNR*, *FIOD-ECD*, Customs, the Royal Military Constabulary and the NFI all made collaborative arrangements which probably would never have been realised without the extra boost provided by the policy document 'A combined effort to combat XTC'. A good example of this is the Expertise Centre for Synthetic Drugs and Precursors, incorporating the specialist knowledge groups of *FIOD-ECD* and *DNR*.

According to certain indicators, the developments are in line with those anticipated in the XTC policy document. Judging by the figures on seizures and dismantling, the production and trading of XTC in the Netherlands seems to have decreased since the implementation of the policy document, although it is not certain that this is an actual trend. However, the price and purity of XTC have remained unchanged. In certain parts of the western world, the popularity of XTC is past its peak. On the other hand, there are a number of significant emerging markets, so that demand remains high, and with that, the possibility of generating criminal profits from the production of XTC.