Summaries

*Justitiële verkenningen* (Judicial explorations) is published eight times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 2, 2011) is *Prevention of organised crime*.

**Putting up barriers to criminal business processes**

*T. Spapens*

Comparing an organized crime group to an ‘enterprise’ or ‘firm’ and its key persons to ‘entrepreneurs’ is only a small step to viewing its illegal activities as a business process. Yet, it took until the early 1990s before criminologists started to study the logistics of specific illegal activities. Since then, the Dutch police have adapted to thinking of organized crime in terms of criminal business processes and to erecting barriers (preferably insurmountable ones) to specific steps in these processes. Firstly, the police analyze logistical processes to find weak spots that can be targeted to hinder illegal activities most effectively, either through investigative action or by means of preventive measures. Secondly, law enforcement agencies consider such an analytical approach an attractive tool to explore the viability of involving other public or private parties in setting up barriers. The Dutch investigation authorities have used this concept successfully in the case of ecstasy production, by aiming at the small number of suppliers of particular chemicals and hardware. As regards large-scale (and indoor) cannabis cultivation, however, the approach is less fruitful, because there are no explicitly ‘vulnerable’ stages in the cultivation process. Furthermore, some of the intended barriers can be deemed rather intrusive, such as a plan to persuade banks to withdraw a mortgage if the police discover a cannabis nursery in a person’s private home. This raises the question to what extent the police and the judiciary may call in other parties to help them put up barriers to illegal activities, instead of using the conventional tool of criminal investigation.
Working together in practice: some considerations
B. van Gestel and M. Verhoeven
The recent approach to combating organised crime in the Netherlands emphasizes the importance of interventions aimed at the underlying ‘facilitating structure’ of crime. A great deal of attention is being devoted to professions, companies and services that – consciously or unconsciously – facilitate crime in a structural manner. In addition to a repressive approach to this type of crime, structural hindrances should also be created to aid in combating organised crime. This means that investigative services have to work closely together with each other and other relevant agencies. On the basis of this perspective, the Public Prosecution Service developed the ‘programmatic approach’. The programma-based approach was first tried out as a pilote in 2006 in the field of Human trafficking (trafficking for sexual exploitation). This article investigates what kind of problems have occurred in practice during the pilote, and focuses on an explanation of why cooperation fails.

Adopting the method of ‘removing excuses’ to financial facilitators
M. Soudijn
Criminals sometimes use so-called financial facilitators to invest their ill-gotten gains without drawing attention to themselves. These facilitators are experts at getting round anti-money laundering procedures. Because of their expertise and unique capabilities they play an important role in criminal networks. It therefore stands to reason that law enforcement focuses on them. That focus often translates in prosecution when laws are broken. However, what can we do to prevent financial experts in breaking the law? In this article the focus lies on the method of removing excuses. This technique is employed in every day crimes but has not been put to the test in the context of organized crime. Interviews with police officers show that the technique of removing excuses could work under certain conditions. However, it turns out that an important differentiation lies in the sort of activities financial facilitators undertake. Not all financial activities take place in the legal financial-economic system. Instead of distinguishing between the three classical phases of money laundering (placement, layering, integration), a two-pronged focus is proposed on those who are involved in cash based transactions and those who construct smokescreens on paper.
Infiltration of the public construction industry by the Italian maffia

E.U. Savona

Using the script approach, this article analyses the different stages that characterise the infiltration of organised crime groups in the public construction industry. Three different Italian local contexts with a high presence of organised crime groups (Sicily, Calabria and Campania) are considered. The Sicilian case is analysed by detail using the script approach and following the dynamic of organised crime action: preparation, enabling conditions, target selection, the acts (of violence and corruption) or ‘the doing’, and the post-conditions or aftermath. The script approach helps in a micro-analysis of organised crime that draws on general knowledge on the topic deriving from the macro-analysis currently undertaken in the literature. Because to date this analysis has mainly produced crime control remedies, the author hopes that the microapproach may help in developing more concrete situational crime prevention measures.

Emissions trading: from a paradise to a fortress

A.P. Maljaars

After a quiet and fluent start, the EU wide environmental policy instrument CO₂ emissions trading has now become a target of hackers and other criminals. The Dutch Emissions Authority (NEa) published a report regarding the fraud. Several fraud types occur, like VAT fraud, hacking and identity fraud. The author analyses the vulnerabilities of the emissions trading system and describes the measures that have been taken to prevent abuse. The emissions trading is in the middle of a transition from a paradise for fraudsters to a safe and secured fortress. It has appeared that cooperation between several expert fields is crucial in order to prevent and solve fraud.

Investigating terrorism and situational crime prevention

A.W. Weenink

The central question of this article is how situational crime prevention (SCP) might be of help in preventing terrorism. Newman and Clarke’s Policing Terrorism is confronted with investigations by the Dutch National Crime Squad, leading to the conclusion that Newman and Clarke have too narrow a scope on policing and preventing terrorism, in particular where it comes to the role of
criminal investigation, which they narrow down to the phases immediately before and after a terrorist attack. Case files show that offender-oriented criminal investigation has a central role in the prevention of terrorism in several respects. First, criminal investigators intervene in earlier phases of terrorist preparation. Second, counter-terrorism targets a wide range of terrorist offences (e.g. terrorist financing and jihad travel) which often have no direct link to a terrorist assault plan. ‘Proactive repression’ seems an adequate term to characterise the preventive work of criminal investigators in this field. In turn, this work offers insights that might be of help in developing an SCP-approach to terrorism. Such an approach should start with recognizing that there is a diversity of terrorist offences and that each offence demands a crime specific script.

Avoiding the arise of opportunities for organised crime

A.C. Berghuis and J. de Waard

The main difference between various forms of prevention of organised crime is between primary and secondary prevention on the one hand and tertiary prevention on the other. The latter is directed at diminishing an already existing problem. This article deals with social conditions which promote the arising of organised crime and with relevant specifically vulnerable factors and sectors (primary and secondary prevention). The authors argue that in a way every society gets the organised crime it deserves. Organising and regulating society often has the side effect of creating opportunities for individuals and groups which gain profit by exploiting the illegal markets that arise as a consequence of regulations. Whether the desire for regulation or the prevention of (organised) crime should prevail is a topic for political and social debate.

Vulnerability for organised crime; a useful prevention concept?

T. Vander Beken

This article describes the development of abstract, theoretic vulnerability analysis vis-à-vis organised crime towards more empirical approaches which take the actual situation in economic sectors as a starting point. Also it incorporates the way workers on the shop floor view vulnerability. The author gathered these data during research among transport and catering companies. He argues that vulnerability should not only be understood in the traditional way (a feeble defense against potential harm/damage/infiltration) but
also in terms of *resilience*. If – despite prevention measures - a company becomes a victim of – and/or is infiltrated by organised crime, the degree of resilience decides whether the company survives or not. Examples are given of factors contributing and undermining resilience.