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Project name
Distribution of funds
to tackle subversive
crime

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Appendices
2

*Please state the date and our
reference in your reply.
Please address only one case
in your letter.*

Date 4 October 2021

Subject Additional investments in the comprehensive offensive against subversive
crime

Before the summer, following the adoption of the Eerdmans motion¹, I promised
your

House to send a letter about the additional resources required in the fight against
subversive crime. By way of this letter, I am fulfilling that promise, also on behalf
of the Minister for Legal Protection. In addition, I am in this fashion responding to
the request of the Parliamentary Standing Committee on Justice and Security to
inform your House about the distribution of funds to tackle subversive crime.² I am
also implementing the Kuik/Bikker motion³ on the progress of the bans on laughing
gas and New Psychoactive Substances (NPS). The letter also contains two policy
responses: to the report *Tackling Organised Drug Crime, A Look Back at 25 Years
of Policy and Implementation*, which was presented to your House on 30 June⁴, and
to the report *From stories to reports; an exploratory study of the strategy against
subversive drug-related crime in the North Sea Canal Area and the port of
Amsterdam*.⁵ The main text of the letter addresses them only briefly; the
appendices contain a more detailed response.

In this letter, I look back at the policies that have been implemented over the past
25 years to combat organised drug crime, the lessons that can be learned and what
this means for the future strategy against organised drug crime. I will incorporate
the lessons learned into the next step I take in the broad offensive against
subversive crime, using the extra money that will become available in this
connection from 2022.

In recent times, the subversive impact of organised crime on our country and our
rule of law has become increasingly visible, the recent murder of Peter R. de Vries
forming the current nadir. The evaluation of 25 years of fighting drug crime shows
that our efforts in the past have often been too naive, too incident-driven, and too
fragmented. While organised crime prefers to move in the shadows and under the
surface, it is necessary for the government and business sectors to jointly keep it in
the spotlights. A coherent approach to prevention, resilience, disruption, and
repression is

¹ House of Representatives, session year 2020-2021, 29 911, no. 323.

² As requested by the Parliamentary Standing Committee on Justice and Security on 29-09-2021, reference
2021Z16732/2021D35979.

³ House of Representatives, session year 2020-2021, 35 564, no. 22.

⁴ House of Representatives, session year 2020-2021, 29 911, no. 318.

⁵ An exploratory study of the strategy against subversive drug-related crime in the North Sea
Canal Area and the port of Amsterdam (NZKG) (2021). Y. Eski, M. Boelens,
A. Mesic, H. Boutellier. *Politiekunde* 112.

important to ensure that we do not continue to try emptying the ocean with a thimble.

The protection and safety of the people in the frontline is key to arming ourselves against the relentless violence that criminals use to bend things to their will.

25 years of fighting organised drug crime

In the report *Tackling Organised Drug Crime, A Look Back at 25 Years of Policy and Implementation*, the DSP Group and Tilburg University describe how much has changed since the 1990s in our appreciation of and fight against drug-related crime. When the tolerance policy was introduced, it was estimated that the backdoor of coffee shops would mainly be supplied by home growers. This was a misconception, as cannabis cultivation turned out to be an incredibly lucrative business for increasingly professional criminal networks. These networks expanded their activities to include other substances, such as ecstasy and cocaine. The government responded by developing a substance-specific approach. Over the years, it became clear that this was not enough. Drug crime was found to be connected to a number of other phenomena and to the increasing misuse of legal structures and processes, causing legitimate society and the underworld to become intertwined. From the 2000s onwards, a combination of criminal, financial, and administrative measures was therefore sought, including the establishment of the RIEC/NIEC system.

From 2017, working on broad social resilience became part of the approach, as we started investing in regional reinforcement under this government's coalition agreement. The researchers have found this expansion to be a positive development. In order to effectively combat organised drug crime, the national government must cooperate with municipal authorities, private partners, and parties active in the fields of education, finance and social work, among others. During an in-depth discussion I recently had with the researchers involved, it became clear that they consider a comprehensive approach, structural attention to the problem, and a clear focus to be important success factors for future policy. For a detailed response to the other conclusions of this report, please refer to the appendix to this letter.

What has been invested so far?

In its coalition agreement, this government already agreed that it would spend a one-off sum of €100 million and a structural sum of €10 million on regional reinforcements.⁶ The murders of the brother of the key witness and the lawyer of the key witness in the Marengo trial underscored - in a gruesome way - that much more is needed. At the end of 2019, a one-off sum of €110 million was made available to start up a broad offensive.⁷ In the 2020 Spring Memorandum, this amount was adjusted to €88 million for 2020, €141 million for 2021, and a structural sum of €150 million from 2022 onwards.⁸ Prevention, apprehension, and confiscation was (and still is) the core motto. The money made available was used to make much-needed investments in our surveillance and protection system and to set up the Multidisciplinary Intervention Team. In addition, we have been able to put money into prevention projects and further regional reinforcement for a few years.

⁶ House of Representatives, session year 2017-2018, 29 911, no. 207.

⁷ House of Representatives, session year 2019-2020, 29 911, no. 254.

⁸ House of Representatives, session year 2019-2020, 29 911, no. 275 and no. 281.

The Rule of Law Pact⁹ called for a ten-year programme to

significantly reduce the subversive drug industry that has established itself in our country. This must be done under a strategy by which all parties involved act as one government and coalitions are forged with social and private parties. The strategy I intend to follow with these new investments broadly follows the approach proposed in the Pact.

The next step in the broad offensive against subversive crime On Budget Day, it was announced that this government will make a sum of **€524 million** available for tackling subversive crime in 2022, **€434 million** of which will be structural funding. This means that we can strengthen, broaden, and vigorously pursue the offensive that we started in 2019. The fight against subversive crime is a long-term one. This investment breathes additional life into this strategy.

The investments for the coming years are divided into three pillars: (1) resilience of our society and economy, (2) strengthening enforcement, (3) safety measures. We for example take a coherent approach to preventing organised crime, ensure that we are better able to fight crime, and make sure that the guardians of the rule of law are more resilient and better protected.

In addition to the structural funds, the distribution of which is discussed in this letter, one-off funds have also been made available. In the months to come, I will work out the details of the distribution of all these resources in close consultation with the Strategic Council on Subversive Crime and its affiliated partners.¹⁰ I will deploy resources where they are most needed, to maintain focus and avoid dilution.

I will keep your House informed of the process and the progress made.

1 Resilience of our society and economy

Prevention of the recruitment of youths & judicial presence in the neighbourhood **- €82 million**

Together with the Minister for Legal Protection, I am committed to prevention using authority. In order to prevent young people from ending up in crime, we offer them more prospects in vulnerable neighbourhoods, for example by employing social (behavioural)

interventions and by providing training opportunities and job placements. In addition to offering opportunities, it is important to set boundaries. By investing in more visible formal authority in vulnerable neighbourhoods and making agreements with judicial organisations in the neighbourhood, a clear deterrent is provided that will result in prevention using authority.

⁹ *The Rule of Law Pact - A sharp decline in drug crime within ten years*

- P.G.A. Noordanus, LL.M. (Chair, Strategic Council on Subversive Crime), 2020.

¹⁰ The following parties are represented in the Strategic Council on Subversive Crime: the Police, the Public Prosecution Service, the Association of Netherlands Municipalities (VNG), the G4, the G40, the Regional Mayors, the Royal Netherlands Marechaussee, the Council for the Judiciary, the Special Investigation Services Platform, the Tax and Customs Administration, the National Information and Expertise Centre (NIEC), and the Ministries of the Interior and Kingdom Relations (BZK), Social Affairs and Employment (SZW), Health, Welfare and Sport (VWS), and Education, Culture and Science (OCW).

Strategy with respect to logistical hubs - €24 million

Our excellent infrastructure is abused by criminals, for example for exporting cocaine and (raw materials for) synthetic drugs. This is what we are fighting against. This includes criminal activity in the port of Rotterdam and at Schiphol Airport, but also at other major logistics hubs.

In cooperation with parties like municipal authorities, Customs, the Police, the Royal Netherlands Marechaussee, the Public Prosecution Service, the Fiscal Intelligence and Investigation Service, the National Police Internal Investigations Department, the RIECs and private partners, I am developing a plan of action.¹¹ The cooperation with international partners will also be strengthened in this context.

In the appendix to this letter, I have included my policy response to the investigation into subversive crime in the North Sea Canal area, such in accordance with the request of the Parliamentary Standing Committee on Justice and Security. I will already elaborate on this response in this plan of action.

Regional reinforcements - €50 million

We will ask the Strategic Council on Subversive Crime for advice on the projects carried out over the past period under the strategy against subversive crime.¹² This advice will allow us to gain insight into what works well in practice, and what we should continue, expand, or could roll out elsewhere in the country. The Regional Information and Expertise Centres will be structurally reinforced with coordination and analysis capacity and resources will be made available for the renewal of the information provision for the partners cooperating under the RIEC/NIEC umbrella. In order to make entrepreneurs more resistant to subversive crime, the Safe Enterprise Platforms¹³ will receive structural funding.

Criminal cash flows - €25 million

Crime must not pay. Reducing criminal cash flows, combating money laundering, and confiscating criminal assets disrupts the crucial business processes of criminal networks and destroys positions of power. The money we are now investing in reducing criminal cash flows comes on top of our earlier investments to uncover criminal networks and their revenue models, such as the establishment of the MIT. The additional funds allow us to realise the entire Confiscation Information System project. This facility will give a fundamental quality and efficiency impulse to the chain-wide confiscation process, which also meets the recommendations of the Netherlands Court of Audit. Investments will also be made to effect technological intensification at the Financial Intelligence Unit (FIU-NL), making it possible to work more efficiently when analysing unusual transactions and providing them with a risk indication.

Enforcement with respect to laughing gas & NPS and drug use interventions - €20 million

Drug use has negative health effects and sustains the drug industry. That is why this government is committed to reducing drug use. Working together with the State Secretary for Health, Welfare and Sport, I will do so by banning the use of laughing gas

¹¹ Customs, the Fiscal Intelligence and Investigation Service, and the Royal Netherlands Marechaussee will receive funding for effecting this strategy at mainports. These funds have been included in the Special Investigation Services cost item.

¹² House of Representatives, session year 2020-2021, 29 911, no. 292.

¹³ Within a Safe Enterprise Platform, the Police, the judiciary, municipal authorities, trade associations, and entrepreneurs work together to solve safety problems.

and New Psychoactive Substances (NPS), and by getting a better picture of drug use. In the context of enforcing the ban on laughing gas, extra money is needed for, among other things, storage and transport.¹⁴ The bill banning NPS also involves implementation costs. The financial resources for both legislative proposals were so far not available within the budget of my ministry. In the

Kuik/Bikker motion¹⁵, the request was made to move the draft decisions forward in the legislative process before 1 September, which depended on coverage of these enforcement costs. I am implementing this motion using the funding available to tackle subversive crime. A sum of €14 million has been made structurally available to the Police to enforce the ban on laughing gas, while €4.5 million has been made available to the PPS, the police and the NFI together to enforce the ban on NPS. This means that we can now take the next steps in these important legislative processes, such with a view to introducing the bans in the spring of 2022.

Furthermore, money is made available for conducting sewage measurements to get a clearer picture of drug use in the coming years and to help detect drug labs. Together with my colleague from the Ministry of Health, Welfare and Sport, I will consider which proven interventions to reduce drug use can be used more extensively.

International approach - €4 million

Subversive crime in our neighbourhoods is inextricably linked to internationally organised crime. To tackle subversive crime effectively, we must look beyond the Netherlands. We therefore include the international aspect in various pillars of the strategy against subversive crime. Structural funding is provided to strengthen our international approach, inter alia by way of expanding the network of liaison officers in focus countries.

2 Reinforcement of comprehensive enforcement, investigation, prosecution, and trials A sum of **€60 million** is made available to the Police for the future-oriented reinforcement of investigative capacity. By using modern technology, such as artificial intelligence and interception techniques, the Police can reinforce its investigative capacity, better map criminal cash flows, and improve the exchange of information.

Forensic investigations play a major role in criminal investigations and the provision of evidence in criminal cases. The faster availability of results can allow for more targeted investigations and faster resolution of cases. We are now investing **€30 million** in more and better drug crime investigations, more DNA research, more and better digital research, and optimising cooperation in the chain.¹⁶ The Netherlands Forensic Institute and other parties will receive additional funding for this purpose.

We are also strengthening a number of special investigative services and supervisory organisations that are needed to tackle subversive crime, creating greater supervision and enforcement capacity. For example, a total of **€40 million** is made available to the Fiscal Intelligence and Investigation Service, the Royal Netherlands Marechaussee, the FIU-NL, and the Tax and Customs Administration.

¹⁴ House of Representatives, session year 2020-2021, Appendix to the Proceedings, no. 2610.

¹⁵ House of Representatives, session year 2020-2021, 35 564, no. 22.

¹⁶ As was described in the Vision on Forensics, sent to the House of Representatives at the end of 2018. 29628, no. 819.

Strengthening the investigative capacity also means that the organisations further down the criminal law chain, for which the Minister for Legal Protection and I are jointly responsible, will have more work to cope with. We therefore make a total of **€29 million** available for the Public Prosecution Service (OM), the judiciary, the Custodial Institutions Agency and the probation service.

3 Safety measures

€67 million has been made available for the protection and safety of professionals who work every day for our democratic rule of law. Last year, more money was already structurally allocated to surveillance and security.¹⁷ We are now expanding on this. In addition to a capacity boost for the surveillance and protection system for the implementation of security measures in the highest threat of violence spectrum, money has been specifically reserved to increase the resilience of people in judicial professions, the resilience of the public administration, and the safety of detainees and staff of detention facilities. I share the responsibility for the resilience measures for people in judicial professions with the Minister for Legal Protection. He has core responsibility for the security in detention facilities, so he will inform you of the progress made with implementing the measures.

Control & monitoring

In order to be able to adequately control, supervise, and monitor the extra investment in the broad offensive, an amount has been made available to fund the national direction by the ministry. The Programme Directorate-General on Subversive Crime, which is currently responsible for providing such direction, has been provisionally set up for a duration of two years. However, overall coordination will continue to be needed in the coming years, given the additional resources made available for the entire chain. In addition, we will establish how best to provide shape to the national coordination in the field of prevention (quality of life in neighbourhoods and preventing young people from being recruited into crime). To this end, the Minister for Legal Protection and I will be in discussion with our colleagues from the Ministries of the Interior and Kingdom Relations, Health, Welfare and Sport, and Education, Culture and Science, and the Strategic Council on Subversive Crime.

The amounts presented represent how we currently believe structural use will be made of the available funds. It is possible and likely that changes will still occur during the elaboration of the individual measures and the precise distribution of resources. I will, of course, inform you of this in good time.

Additional investment in security

During the Parliamentary Debate on the Speech from the Throne, there appeared to be broad support in your House for the Hermans motion¹⁸, which provides for structural investment in security. I am pleased that the additional funds to tackle subversive crime are being supported by a structural investment of €200 million in safety and enforcement. This investment will better equip partners in the security domain for the challenges they face. Your House will be informed of the use of these resources as soon as possible in a separate letter.

¹⁷ House of Representatives, session year 2019-2020, 29 911, no. 281.

¹⁸ House of Representatives, session year 2021-2022, 35925, no. 13.

Finally

The question behind the Eerdmans motion, which has also been raised several times in debates with your House, can be summarised as: are we doing enough? I cannot provide a conclusive answer to that question. Subversive crime is by definition a largely hidden phenomenon. Even without knowing our enemy completely, we will have to continue to fight him.

In fact, the only thing we know for sure is that what we have done so far is not enough. As the study also shows, over the past 25 years, organised drug crime has often developed more rapidly than we could keep up with as a government. And as long as drugs are used worldwide and therefore a lot of money can be made in that industry, this form of crime will continue to exist.

A good start has been made in strengthening our strategy over the past few years, but I have always said that our ambitions go beyond what we have accomplished so far. With the money that will now be made available for our strategy, we will make it more comprehensive and in-depth, and we will also be able to surround subversive crime and fight it at all levels. This means that we do not only take responsive action, but also tighten the noose a little closer with each intervention.

The additional resources for tackling subversive crime provide extra scope for this specific, difficult task. With the extra money granted to security under the Hermans motion¹⁹, the partners involved can also be reinforced in a broader sense. However, this does not, of course, solve all the problems in the field of fighting crime. In addition to the specific investments in the fight against subversive crime and to improve security, it is necessary to keep track of the effectiveness of the commitment to the broad strategy against crime, including prevention, neighbourhood policing, criminal investigations, public prosecution, and the courts. It is important that continuous attention is provided to the preconditions at the base of the parties involved in security and the rule of law, from IT to specific knowledge, skills, and capacity. This is an issue that a new government will have to address.

Bringing this phenomenon, which has been allowed to fester for too long, back under control requires a long-term commitment. It will not happen overnight. If we focus our energy well, realise a solidly linked approach with the commitment of all partners involved and give it structural form - even if criminals are pushed back into the shadows - I am convinced that we will make the Netherlands less attractive to organised drug crime and strengthen the basis of our rule of law.

The Minister of Justice and Security,

Ferd Grapperhaus

¹⁹ House of Representatives, session year 2021-2022, 35 925, no. 13.