

EASY TO RECOGNIZE, DIFFICULT TO COMPREHEND
A MULTI-AGENCY APPROACH TOWARD 1%-MOTORCYCLE CLUBS:
CHARACTERISTICS AND DIFFICULTIES

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Easy to Recognize, Difficult to Comprehend

A Multi-agency approach toward 1%-Motorcycle Clubs: Characteristics and Difficulties¹

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Abstract

This article highlights the problem that Law enforcement agencies are not always able to fight Outlaw Motorcycle clubs in a successful way. Scientific literature combined with documentation of Police investigations were used to describe different characteristics of 1%-Motorcycle clubs that impede the multi-agency approach toward 1%-MCs. These characteristics explain why tackling 1%-MCs has been troublesome on several occasions. To fight Outlaw Motorcycle clubs in the Netherlands, the Ministry of Security and Justice prioritized a multi-agency approach toward 1%-MCs. However, despite the need for cooperation, it seems that partners have not fully integrated this procedure into their demeanour yet. Interviews with different partners revealed insightful information about the key bottlenecks for the multi-agency approach toward Outlaw Motorcycle clubs. This research exposes these kind of problems in order to improve the multi-agency approach. Simply stated, better cooperation between different partners may contribute to a more effective way of preventing organized crime. The author also poses some critical questions to the present approach toward Outlaw Motorcycle clubs, which seems to be based on the assumption that 1%-MCs are criminal by nature. While the author conducted his research mainly in the province of 'Noord-Brabant' in the Netherlands, this research may have an impact on national and international level as well.

Key words

Organized crime, Criminal Organisations, Outlaw Motorcycle Clubs, Multi-agency approach, cooperation

*"When I see a bird that walks like a duck, swims like a duck
and quacks like a duck, I call that bird a duck."*

- James Whitcomb Riley (1849-1916)

1. Introduction

This year, the City Council of Maastricht received several indications of a possible take-over of the clubhouse of football club 'RKBFC Bosscherveld' by the Satudarah Motorcycle club. As a result, the city of Maastricht refused to provide another permit to the football club for this year's competition (www.delimburger.nl, 2013). At the same time, the club denied to

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have any connection with the Satudarah MC and explained that their withdrawal from competition was only due to a lack of players. However, the Mayor of Maastricht concluded this was not the case. The Police stated this was the first time an Outlaw Motorcycle club was planning to take over the clubhouse of a football club (www.delimburger.nl, 2013).

Earlier this year, the Satudarah MC has also been successfully banned from a business premises in Eindhoven (ww.nu.nl, 2013). That is, the Court of Justice concluded the use of the premises in question was not in line with the area development plan and therefore, the Outlaw Motorcycle club was obliged to leave the area. Recently, the City Council of 's-Hertogenbosch also instigated new house rules for bars and clubs in the city of 's-Hertogenbosch. These house rules prohibit guests to wear clothing that can be related to any Motorcycle club (Brink, 2013).

So while Outlaw Motorcycle clubs are looking for different ways to get together, municipalities are trying to prevent these clubs from establishing in a certain area. City Councils aim not to provide a platform for Outlaw Motorcycle clubs or 1%-MCs² to organize different activities. Besides administrative measures, the Public Prosecution Service has tried to prohibit the Hells Angels MC by use of the Dutch Civil Code (article 2.20 Dutch Civil Code). In this case, the Hells Angels were believed to act alien to the public order and should therefore be dissolved. Moreover, some members of the Hells Angels MC have been indicted on suspicion of membership of a criminal organization (article 140 Dutch Penal Code). However, in both cases the Public Prosecutor was unable to provide enough solid proof to either dissolve the 1%-MC as a whole or indicate the 1%-MC as a criminal organization.

These examples are believed to be the result of the policy raised by the Ministry of Security and Justice in the Netherlands. Over the past few years, the Ministry set goal to reduce the existing problems with the 1%-Motorcycle clubs and its members in the Netherlands (Ministerie van Veiligheid en Justitie, 2012). The Dutch National Police believes that 1%-MCs disrupt the public order and have consistent links with organized crime (KLPD, 2010). As a result, a strong focus on tackling these 1%-MCs is present in the Netherlands. In this respect, it is believed that two important conditions for a successful approach toward 1%-MCs should be present.

First, an integrated input of all the available tools is needed. That is, different partners (e.g. the Police, municipalities, the Public Prosecution Service and Tax authorities) have to cooperate in their approach toward 1%-MCs in order to fight crime more effectively. Secondly, to be able to fight (organized) crime, a solid insight into the nature and extent of the criminal activities is needed. To put it simply, only a solid understanding of the criminal activities in question enables one to approach a problem successfully. (Stuurgroep Geïntregerde aanpak Ondernemende Criminaliteit, GOC, 2013).

However, from several conversations with the Dutch National Police it was apparent the multi-agency approach toward 1%-Motorcycle clubs has proven to be troublesome and certainly not self-evident. Moreover, Law enforcement agencies do not have a complete

² The terms 1%-Motorcycle clubs (1%-MC) and Outlaw Motorcycle gang (OMG), as well as 1%-ers and outlaw bikers, will be used interchangeably throughout this article.

comprehension of the modus operandi of 1%-MCs and thus, lack intelligence of their criminal activities.

This article aims to pinpoint the reasons why this is the case and thus, why combating 1%-Motorcycle clubs can be such an arduous task. On the one hand, different features of the 1%-MC itself cause difficulties for Law Enforcement while on the other hand, different bottlenecks arise when considering the cooperation between different partners alone. All in all, numerous reasons can be denominated why a multi-agency approach toward 1%-MCs cannot be taken for granted. In sum, this research aims to provide an answer to the following research question:

What circumstances impede the (multi-agency) approach toward Outlaw Motorcycle clubs in the Netherlands ?

This article is divided into eleven sections. After the introduction, the used method and data will be explained in section two. Thereafter, the article summarizes what an Outlaw Motorcycle club is and how these clubs are generally organized (section three). The fourth section will provide an overview of the present approach toward Outlaw Motorcycle clubs and explain on what theoretical grounds this approach is based. Next, in section five, a brief overview on the present approach toward 1%-MCs in three foreign countries is presented. This section shows whether the difficulties accompanied with these types of clubs are only present in the Netherlands. Section six pinpoints important characteristics of 1%-MCs that hinder combating Outlaw Motorcycle clubs. This research will also reveal some complications that impede the cooperation between the partners responsible for taking on Outlaw Motorcycle clubs (section seven). In section eight, a short overview on the approach toward football hooliganism is presented in order to put the approach toward 1%-MC in contrast. The conclusion of this research will be presented in section nine, followed by a summary in section ten. The discussion in section eleven will add a critical note to the present approach in order to instigate a debate about today's combat toward 1%-MCs.

2. Method & Data

The research question stated above was originally brought up by the Police region of 'Oost-Brabant'³. While the original question focused on the multi-agency approach toward organized crime in general, the research question has been changed and operationalized more to prevent the research from getting too broad. Because of current developments concerning

³ Since 1 januari 2013, the Dutch National Police is divided into ten regional units. The Police region of 'Oost-Brabant' is positioned at the eastside of the province 'Noord-Brabant'.

the presence of 1%-MCs in the province of 'Noord-Brabant'⁴, this subject provided an interesting topic to focus on.

This research was facilitated by the Dutch National Police. The possibility of conducting this research at a Police Department proved to be a great asset to this research. To take one example, it was feasible to gather relevant information and get in touch with relevant partners. This also made it easy to get in touch with relevant people, for example by making use of the in-house mailing service. Besides working at the Police Department in the police region of 'Oost-Brabant' for four months, two weeks were also spent at the Regional Intelligence and Expertise Centre in the city of Oosterhout (RIEC Zuid-West Nederland).

During this research, different types of data were used. First, 19 people from different organisations were interviewed by using semi-structured interviews. The interviews were held with people working at the Dutch National Police Force, municipalities, City Administration, the Public Prosecution Service, the RIEC, Dutch Tax Authority, and the Ministry of Security and Justice. Two researchers were interviewed as well, due to their expertise in this subject. To get in touch with relevant respondents the snowball sampling technique was used, i.e. every participant was willing to refer and propose other relevant interviewees. This made it easy to get in touch with relevant and interesting respondents. The interviews took place from July until October (2013) and each interview has been summarized using the notes made during the interviews.

Subsequently, within the context of this research eight different meetings and private briefings were attended. Meetings attended by the municipality, Police, Tax Authorities, RIEC and the Public Prosecution Service helped to understand the present multi-agency process whereas meetings with the CIE (Crime Intelligence Service) gave insight into issues with the 1%-MC in the province of 'Noord-Brabant'.

Although most results are based on interviews with different partners, other data sources were also used. Scientific literature about Outlaw Motorcycle clubs was used in order to get a general overview on the present knowledge concerning this topic. More scientific literature, e.g. research by the Research and Documentation Centre (WODC) was explored to gain insight into criminal organisations and organized crime in general. Furthermore, various governed Police sources were inquired. For example, the Dutch National Police provided access to a research foreclosed by Europol concerning the worldwide organisation of an Outlaw Motorcycle club. Besides, a research of the Dutch National Police about 1%-MCs in the Netherlands was used to gain insight into the character and size of 1%-MCs in the Netherlands. Moreover, relevant information concerning 1%-MCs has been accessed through the restricted Police intranet site. Finally, several public sources such as newspapers and policy documentation were used as well. Although most open source documents were found on the internet, some paper documents were provided by the different organisations.

⁴ The Netherlands is divided into twelve provinces. The province of 'Noord-Brabant' is a province positioned between the cities of Rotterdam and Antwerp and the German Ruhr area.

The access to several restricted documents and the possibility to speak with people from all relevant partners have proven to be an added value for this research. However, this research is also based on confidential intelligence. As a result, not all the available information can be used for this research and are thus, openly available. For example, this research used information from a document originating from Europol, which is only available for Law Enforcement and Judiciary. While scientific research entails providing full insight into the used documents of a research, this research cannot fully comply with this requirement.

Also, due to the position of some interviewees and the highly sensitive intelligence exchanged during interviews, some data has been deliberately left out of this research. During one interview for example, a Police officer gave a presentation about the problems with 1%-MC members in a specific Police region. Information received during this presentation was left out of this article due to security reasons. What is more, because of the fact that cases of possible suspects were discussed during attended meetings, information or documents originating from these meetings are not disclosed and are therefore not available.

This lack of transparency can be regarded as a downside of this research. However, the consequences of this problem are avoided by discussing the issue of 1%-MCs in general rather than focusing on Outlaw Motorcycle clubs specifically. Therefore, this research will – with a few exceptions – approach 1%-MCs in general and ignore specific differences between clubs in different regions. As a result, there was no need to use sensitive intelligence perceived from interviews or meetings. Finally, information originating from openly available documents were used as much as possible to compensate for the use of restricted documents.

Scientific literature and Police documents about the crimes and the modus operandi of 1%-MCs usually focuses on the national or international level. For instance, a research by the Dutch National Police (2010) regarding 1%-MCs focused on 1%-Motorcycle clubs in general rather than the problems with the clubs in one specific region. Although it is certainly important to keep this in mind, this is not considered to be a great disadvantage for this research. That is, the broadly described characteristics of 1%-MCs in these documents are generally believed to be equally present for the 1%-MCs in the Police region of ‘Oost-Brabant’ and accordingly should provide enough and solid insight into the difficulties of approaching them. Therefore, the term 1%-MC will be used to refer to Outlaw Motorcycle clubs in general. Thus, although differences between 1%-MCs are believed to be present, for the convenience of this research, no distinction is made between different types of 1%-MCs.

On the other hand, this research is based solely on the cooperation between partners within the Police region of ‘Oost-Brabant’. Therefore, only people working at institutions within this region were interviewed. As a result, this research does not cover the issues concerning the multi-agency approach in other parts of the Netherlands. Nevertheless, the issues concerning the cooperation between partners in this region are likely to be existent in the rest of the Netherlands as well. This is because other Police regions aim to work more or less in the same way and importantly, with the same partners. Moreover, the approach to combat a 1%-MC in this region is based on a nation-wide policy. For this reason, the situation

in 'Oost-Brabant' does not have to be peculiar for only this region, but could also be existent in the rest of the Netherlands.

Because of these two reasons it is decided to pose the research question as stated above. Although different problems could be present in other Police regions, the circumstances that impede the multi-agency approach toward 1%-MCs in the Police region of 'Oost-Brabant', might be present in the rest of the Netherlands and perhaps, in other countries as well.

3. An introduction to Outlaw Motorcycle clubs

After a short introduction to Outlaw Motorcycle clubs in general (paragraph 3.1), 1%-MCs will be further introduced by explaining how these clubs are organized or structured (paragraph 3.2). Consequently, the involvement of 1%-MCs with (organized) crime will be discussed in paragraph 3.3. Important to notice, this section describes 1%-MCs in general and therefore, does not particularly describe the 1%-MCs in the Police region of 'Oost-Brabant' (unless stated otherwise).

3.1 1%-Motorcycle clubs

In the Netherlands – as well as in several other countries - Motorcycling associations form a broad spectrum ranging from more conventional Motorcycle clubs to the so called 'one percenters'. The latter group is also known as Outlaw Motorcycle clubs or 1%-MCs (Quinn, 2001). The term 'one percenters' was adopted after it was first promoted by the American Motorcycle Association (A.M.A.) in 1947. This happened after several incidents between Motorcycle clubs in Hollister, California (Barker, 2005; KLPD, 2010). After these incidents, the chairman of the A.M.A. stated that only one percent of all Motorcycle clubs had tarnished the public image of motorcyclists (Huisman & Jansen, 2012). In response, clubs such as the Hells Angels MC quickly adopted this disclaimer (1%-MC) as a mark of distinction, which eventually lead to the spread of this term to other Motorcycle clubs as well (Quinn, 2001).

Most 1%-MCs with worldwide branches are founded in the United states whereas the Hells angels MC, Bandidos MC, Outlaws MC and Pagans MC are believed to be the largest, as well as the most radical of all 1%-MCs. These four 1%-MCs are also known as the 'Big Four' clubs (Quinn, 2001; Barker & Human, 2009; KLPD 2010). The following eleven 1%-MCs are present in the Netherlands: The Hells Angels MC, Satudarah MC, Spiders MC, Demons MC, Black sheep MC, Rogues MC, Veterans MC, Rebel crew MC, Trailer trash Travellers MC, No Surrender MC, and the Animals MC. Whereas the vast majority of all Motorcycle clubs are dominated by conservative members, some can be characterized as to be radical (Quinn & Koch, 2010). Quinn (2001) stated that groups are consistently radical or conservative over long periods of time whereas the hegemonic radicalism in 1%-MCs serve as a determinant of its eventual commitment to organized crime.

Within the present scientific literature, policies and documentation of the Police, there seems to be consensus regarding the idea that Outlaw Motorcycle clubs are involved with organized crime (KLPD, 2010; Quinn, 2001; National Police Directorate, 2010). Thirty years after the initial appearance of 1%-MCs, Law enforcement agencies in the United States also acknowledged the entanglement of Outlaw Motorcycle clubs with organized crime. Moreover, The U.S. Attorney General described the Hells Angels as one of the most notorious crime cartels in the nation (Quinn, 2001). A research by the Dutch National Police stated that almost none of the 1%-MC members have conventional jobs and when they do, those jobs are believed to act solely as a cover-up for their criminal activities (KLPD, 2010). This is contradictory to research by Quinn (2001), who concluded many 1%-ers still maintain normal jobs.

Huisman and Jansen (2012) declared that during the last decades, the meaning of being a 'one percenter' has changed into much more than being only a rebel; it can be characterized as a lifestyle. The authors stated that the main reason for 1%-MCs to exist is their 'Outlaw' lifestyle, which is not compatible with life in the conventional society. Quinn and Forsyth (2011) also interpreted the life of a Hells Angels member as not being segmented into work, home and other roles, but in which e.g. recreation and business are fully integrated. In other words; being a member of the Hells Angels MC entails one-hundred -percent devotion to the organization.

3.2 The organization of an Outlaw Motorcycle club

Outlaw Motorcycle clubs are well known for their strict and formal organizational structure. This organizational structure is believed to be uniform both on national and international level (KLPD, 2010; Europol, 2012; Huisman & Jansen, 2012; Quinn, 2001; Quinn & Koch, 2003). Every Outlaw Motorcycle club usually has different 'charters' or 'chapters' which are regulated by the rules of the organisation. For instance, the Hells Angels MC has 17 sub-organizations (referred to as chapters) in the Netherlands (www.hellsangels.nl, 2013). These chapters report to the higher level of the organisation at regional, national and global level (Europol, 2012).

Europol (2012) and the Dutch National Police (KLPD, 2010) have extensively described how different rules and bylaws give 1%-MCs their structure. That is, every chapter is regulated by the rules of the organization. When considering the Hells Angels MC; world rules, europe rules and bylaws act as strict guidelines for chapters all over the world. For example, a rule exists that obliges its members to wear their vests or 'colors'. These logos and 'colors' are of great importance for 1%-MCs (Europol, 2012). For instance, each rank within the club corresponds with a different patch on a member's vest. Besides ranks, the 'colors' of a member also give insight into the name of the club, club symbols, and the name of the chapter. Some members wear extra patches concerning specific individual actions or proven loyalty to the club. The rule that prevents black people from joining the club is another example of a world rule (KLPD, 2010; Europol, 2012).

Thus, members within 1%-Motorcycle clubs have specific roles and positions. Moreover, Motorcycle clubs like the Hells Angels MC are organised by a 'vertical paramilitary structure' which is reflected in different types of functions within each chapter. For instance, the 'President' has full authority on the business within a chapter and is the decision-maker on fields in which the chapter is involved (Europol, 2012). An individual usually starts his involvement in a 1%-MC by becoming a 'hang-around' of the club. These individuals are not yet considered to be 'full-color' members but are first obliged to prove their full loyalty to the club e.g. by committing criminal acts (Europol, 2012; KLPD, 2010). While all future members thus start as 'hang-around', some get promoted to 'prospect' member afterwards and subsequently, become a 'full-color' member after a prescribed amount of time (Europol, 2012). Considering the Hells Angels, it usually takes at least a year before a 'hang-around' member can become a 'full-color' member of the club (Europol, 2012). 'Hang-around' and 'prospect' members do not have the same rights as 'full-color' members. For instance, 'hang-around' and 'prospect' members do not have the right to vote at meetings of the club.

Interestingly, Morselli (2009) showed that although the network of the Hells Angels MC did mirror a hierarchy within the organization, high-level club members have less direct contacts with other members than lower-level club members. Consequently, the higher ranked members remain more or less at a distance from the lower-ranked members.

In addition to expanding by creating new chapters, 1%-MCs are also known for exploiting other existing clubs; known as supporter clubs (Europol, 2012). This is done either by integrating them to the 1%-MC or by keeping them under the umbrella of the club. The Red Devils MC for example is known to be the biggest supporter club of the Hells Angels MC. The Red Devils MC is settled in 15 different countries and has over 120 chapters worldwide (www.reddevilsmc.be, 2013). Thus, supporter clubs have their own official name but are supporting another (usually larger) 1%-MC. Europol (2012) stated that these supporter clubs are used to gain profit out of criminal activities in a certain territory, but also as a way to recruit new members ('hang-arounds' and 'prospects'). Members of a supporter club are also used for carrying out criminal activities (National Police Directorate, 2010).

3.3 Outlaw Motorcycle clubs and Crime

The Dutch National Police distinguishes three types of crime: (1) common crimes (e.g. vehicle theft), (2) high impact crime (e.g. murder) and (3) crime with an undermining character (e.g. human trafficking, cybercrime) (Kop, 2012). When considering the criminal activities of Outlaw Motorcycle clubs, the Ministry of Security and Justice often denounces these types of crimes as having an undermining effect on society (*Kamerstukken II*, 2012/13, 29911, no. 79.; Ministerie van Veiligheid en Justitie, 2012). In other words, the activities of 1%-MC are believed to threaten the integrity of a democratic society. This effect of crime can be linked to what Dorn and Van de Bunt (2010) categorize as 'systematic damage'. This effect includes the social destabilization which crime inflicts on society. Two other examples of such crimes are racketeering and corruption (Dorn & Van de bunt, 2010).

Within this context, there are indications that within several municipalities in the Netherlands, 1%-MC members play a dubious role in demanding protection money at bars and clubs. Members act (either with or without certifications) as attendants in bars or clubs and demand a percentage of the profit in return. Due to acts of intimidation and threats, owners of clubs and bars are bound to act upon these requests. In this sense, 1%-ers are acting both in the licit as well as the illicit market.

Although Huisman and Jansen (2012) acknowledged that little research has been done on the involvement of 1%-Motorcycle clubs with organized crime, several sources of information suggest that the entanglement of 1%-MCs with organized crime cannot be denied. That is, according to the literature 1%-MCs are undoubtedly linked to all sorts of illegal activities (McDermott, 2006). Quinn and Koch (2003) even stated that crime is endemic among 1%-MC members. Thus, research suggests that a broad spectrum of different types of crime are present with 1%-MCs.

Research by Europol (2012) and the Dutch National Police (2010) into 1%-MCs gave an extensive view on the nature of the crimes committed by 1%-MCs in Netherlands. The Dutch National Police differentiates between internal and external violence, drug related crimes, money laundering and offences related to the possession of weapons. Moreover, Quinn and Forsyth (2011) divided 'biker criminality' into four categories, namely: (1) spontaneous expressive acts, (2) planned expressive acts, (3) short-term instrumental acts, and (4) ongoing instrumental enterprises. Whereas the more expressive acts can be characterized as impulsive acts of violence, the instrumental acts are more sophisticated criminal acts where a greater deal of cooperation with other criminal groups takes place. (Quinn & Koch, 2003). Instrumental crimes are usually committed by cliques within the motorcycle club. These members use the club's reputation, resources, and network to facilitate their practices (Quinn & Forsyth, 2011).

Honor, territory and financial issues lead to inter-club warfare more than once (Quinn & Koch, 2010). 1%-MCs usually define their territory in terms of entire cities or even states. When several 1%-MCs are established relatively close to each other, a certain amount of tension between these 1%-MCs might occur (Quinn, 2001). This tension almost inevitably leads to suspicion and consequently, encourages the expansion of the Motorcycle clubs in question. As a result, the need for domination over other Motorcycle clubs increased the dependence on organized criminal activities. For instance, Quinn (2001) stated that the tendency to stockpile weapons and protect property motivated the involvement with organized crime. In this way, striving for more territory came to be equated with economic profits as well as power (Quinn, 2001). As a result, organized crime networks are build in order to compete with other chapters. Therefore, 1%-MCs are believed to have clustered with several types of criminal groups (Quinn and Koch, 2003). It is because of this network and the status of the club that contribute to the ability to claim and hold territory (Quinn, 2001). Club expansion and conflicts between different 1%-MCs evolved from a desire to dominate rivals. Therefore, Quinn & Koch (2003) discussed that the pursuit of power has a cardinal role throughout all the activities of 1%-MCs.

In the Netherlands, there are several examples of hostages and murders that can be related to 1%-MC members. Research by the Dutch National Police even stated that involvement of 1%-members with murder cases is the rule rather than the exception (KLPD, 2010). The same research also revealed a structural involvement of some Hells Angel members in the cultivation of hemp. Although 1%-MCs usually can be linked to the importation and sale of marijuana, amphetamine and cocaine, it is said that Outlaw Motorcycle clubs usually do disassociate themselves from heroin (the National Police Directorate, 2010). More recent research conducted by the Dutch National Police concluded that 1%-MCs have gained a sizeable part within the production and exportation of synthetic drugs (Boerman, Grapendaal, Nieuwenhuis & Stoffers, 2012). Finally, possession of weapons also seem to be common within 1%-MCs. Weapons are used to threat or intimidate outsiders. In the Netherlands, several fire weapons were found in clubhouses, cafes and houses of the 1%-MC members (KLPD, 2010).

Internal violence is linked to the strict rules within a 1%-MC (KLPD, 2010). There are instances of internal violence known in the United states where members were killed because of problems with drugs and debts. Police investigations in the Netherlands more or less revealed the same image; members who act alien to the interest of the Motorcycle club are punished by other club members. To take one example, a member of a 1% MC disappeared since he was last seen with another club member. While the former member was never seen again, the other members of this chapter never reported the missing member to the Police. Remarkably, after the disappearance of the club member, some members started to wear the 'filthy few' patch, which suggests that those members killed someone for the benefit of the club (KLPD, 2010).

But there are also several known examples where 'outsiders' were assaulted by members of a 1%-MC. The KLPD (2010) divided external violence into overt violence, threats, extortion, providing protection, taking hostages and murder. Several examples of overt violence are known with the Dutch National Police; for instance, Hells Angel members once attacked two people who were filming a Hells Angels clubhouse. The use of extortion is another example of external violence by a 1%-MC. Simply stated, members of a 1%-MC provide protection to other (criminal) organizations in change of a percentage of their (illegal) profit. Due to the criminal nature of the latter organizations itself, it is highly unlikely these enterprises will report this extortion of 1%-MCs to the Police. As a result, 1%-MCs do not have to be afraid they attract police attention while extorting other criminals or criminal collaborations.

Quinn and Koch (2003) described two views on how 1%-Motorcycle clubs are organized. One view considers that the life's within 1%-MCs can be characterized as a life of intense hedonism and violence. They argued that the life of the 'one percenter' is centered around bar fights and violence. From this point of view, the members are characterized to have a impulsive mentality and moreover, the committed crimes are believed to lack finesse and structure. 1%-MC members are, on the other hand, also regularly portrayed as being part of a sophisticated and well-organized criminal organization. Quinn and Koch (2003) stated that

this view mostly originates from the media and Police sources. Media and the Police focuses mainly upon the organized aspects of a 1%-MC, while Quinn and Koch (2003) argued that the more spontaneous acts (e.g. violent acts) are topmost in the minds of 1%-MC members. As stated above, little research has been done on the entanglement of Motorcycle clubs with organized crime (Huisman & Jansen, 2012). But at the same time, Quinn & Koch (2010) emphasized that the view of a 1%-MC as a well-organized criminal organization might cast a shadow over spontaneous violence and minor thefts associated with bikers and 1%-Motorcycle clubs.

Morselli (2009) also puts a question mark on the assumption of a 1%-Motorcycle club as the embodiment of organized crime. Particularly, in political, media and Law Enforcement circles, the image has grown that the Hells Angels are a social threat and are believed to govern criminal markets.

All in all, because of the characteristics of 1%-MCs mentioned above, the following definition of an Outlaw Motorcycle club will be used in this research:

'A group of persons with a hierarchical structure; close personal ties, little willingness to cooperate with the Police and own strict rules and regulations. Their unity is displayed by the public display of uniform-like clothes and insignia' (Europol, 2012).

4. Situational Crime Prevention and the Multi-agency Approach _____

This section will focus on the present approach toward 1%-MCs and will discuss the Theoretical background of the present combat of 1%-MCs. First, situational crime prevention as an approach to fight organized crime will be explained in paragraph 4.1. Paragraph 4.2 will further explain why different authorities need to cooperate in order fight organized crime more effectively. Moreover, some recent developments in the Netherlands will be described in order to clarify what is meant by the administrative and multi-agency approach (paragraph 4.3). Thereafter, the role of the Regional Intelligence and Expertise Centres (RIEC) in the Netherlands will be explained in paragraph 4.4. Finally, paragraph 4.5 will describe and summarize the present (multi-agency) approach toward 1%-MCs in the Netherlands.

4.1. Situational crime prevention

Situational crime prevention provides a different way of approaching organized crime (Kleemans, Soudijn & Weenink, 2010). This approach differs from other criminological approaches in that situational crime prevention focuses on the crimes *an sich* to explain crime, instead of concentrating on the criminal (Bullock, Clarke & Tilley, 2010). Thus, situational crime prevention targets the near causes of crime events (Van de Bunt & Van der Schoot, 2003). It tries to analyze subsets of offences in order to pinpoint the modifiable conditions or opportunities that facilitate crime (Bullock et al., 2010). Van der Schoot (2003) referred to the

opportunities that facilitate crime as so-called 'red flags'. These 'red flags' are believed to address the moments where preventive measures can be taken.

This view is originally based on the 'routines activities theory' that adopts the belief that a criminal is a reasoning actor (Cohen & Felson, 1979). The authors argued that crime occurs when a motivated offender, a suitable target, and the absence of a capable guardian come together in time and space. During its daily activities, a motivated offender will decide to commit crime on the basis of a 'cost-benefit' analysis. Within this process of decision-making the offender considers different circumstances in a specific situation in order to come to a decision on whether or not to commit a crime. For instance, the absence of the Police (capable guardian) in a given situation might convince an offender to revert from committing a crime. At the same time, the absence of any suitable targets might be a good reason for a criminal not to commit a burglary. Simply stated, the absence or presence of any of these three elements (a motivated offender, a suitable target and the absence of a capable guardian) might help to influence criminal behavior (Cohen & Felson, 1979).

Although Von Lampe (2011) described different reasons why the application of this framework is not exactly the same for organized as for non-organized crime, the author believes this framework is able to illustrate how organized crime can be the result of the presence of opportunities within a certain area and time. Situational crime prevention helps to pinpoint the circumstances that possibly facilitate crime and could therefore also help to think about more successful interventions. For instance, reducing rewards or increasing risks should reduce the opportunity to commit crime (Clarke, 1995). Criminals are believed not to commit a crime when the expected reward is low and the risk of getting caught is high. Therefore, by influencing the circumstances or opportunities to commit crime, one is able to change or influence the decision-making process of criminals and consequently, prevent crime (Von Lampe, 2011).

Over the years, this approach has been used to think about different ways to prevent crime. In sum, the present techniques of situational crime prevention fall under the following five labels: reduction in reward, increase in difficulty, increase in effort, reduction in provocation, and removal of excuses (Bullock et al., 2010). For instance, improving street lighting might increase the risk of getting caught and therefore, might countercheck a criminal from stealing a car in a particular street (increase in difficulty).

In line with this, the element of 'crime facilitators' is also relevant for the present research. That is, a facilitator could also be an essential element for committing crimes (Von Lampe, 2011). For instance, a criminal might need the help of a financial expert in order to conceal their illicit money flows. Therefore, situational prevention might comprise of removing the facilitating conditions that allow an offender to launder money (Bullock et al., 2010). Equally interesting for this research are so-called 'social facilitators'. In short, these facilitators are considered to be the persons who encourage or enhance a legitimate excuse to conduct crimes (Von Lampe, 2011). In the present case, a 'full-color' member of a 1%-MC can act as a social facilitator for another 'prospect' member, i.e. the former usually encourages prospects to commit crimes if they aspire to become a 'full-color' member (KLDP, 2010).

Solely focusing on criminal investigations without acknowledging the presence of these so-called opportunity structures is considered to be far from effective (Huisman, 2010). As a result, Law enforcement agencies should focus on opportunity structures in order to prevent organized crime more effectively. For instance, not granting a permit to a 1%-MC for organizing a party or event might indeed reduce the opportunity for members to come together and plan, or even participate in organized crime. In this way, the opportunity to conduct any criminal activity has been taken away.

In order to use situational crime prevention to combat organized crime involves deconstructing the complexity of crimes. Such an analysis should isolate promising preventive pinch-points (Bullock et al., 2010). Therefore, the most successful way to identify the role for situational prevention is to concentrate on the exact nature of the crime committed (Van de Bunt & Van der Schoot, 2003). In order to create barriers or obstacles one should try to understand how, when, where, and with whom crimes are committed. As a result, analyzing the modus operandi and opportunity structures of crimes should prevail over the need to make an arrest because an arrest cannot always disrupt and prevent criminal activities in the future. Thinking about crime in this way should lead to an approach based on prevention instead of repression (Huisman, 2010).

4.2 The Multi-agency and Administrative approach

An important difference between the repressive and the preventive fight against organized crime lies in those who execute the policy. Whereas repressive policies are executed by investigative Police Services, preventative policies are mainly carried out by a combination of other services (Van der Schoot, 2003). Ayling (2013) stated that repressive Law Enforcement strategies have proven not to be very successful in stemming the growth of organized crime. Although Law Enforcement has dominated the way of thinking on how to respond to organized crime (Levi & Maguire, 2004), since recent times the attention is slowly shifting toward a different approach (Ayling, 2013; Von Lampe, 2011).

Criminals are to a certain amount dependent on the licit world and therefore organized crime has negative effects not only to the public order, but also on (legal) economic infrastructures. For instance, criminal collaborations are believed to use haulage companies to transport illegal goods and financial companies for money laundering. In this way, criminals use legal entities in order to commit or disguise their illegal activities and invest their illicit money (Kruisbergen, Van de Bunt, Kleemans, & Kouwenberg, 2012).

Therefore, besides a nation-wide approach toward organized crime, interventions of local authorities to combat organized crime are believed to be just as important. Resultantly, the combination of an intensive cooperation between different authorities (e.g. by sharing relevant intelligence) and integral government actions to combat organized crime is believed to be essential for a decisive combat toward organized crime (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 2008).

To take one example, research by Holvast and Van der Meij (2011) revealed that the

cooperation of relevant partners is of pivotal importance in the process of disputing human trafficking. Huisman (2010) also stated that the combination of exchanging intelligence with an integrated coordination of interventions is seen as an effective way of approaching organized crime. Moreover, Van der Schoot (2006) stated that two basic conditions for combating crime are honesty and being well-informed. Therefore, it is important that all partners and services are aware of the problems present within different areas and as a result, necessary intelligence should be shared between the Police, Judiciary and Tax authorities. In this way, relevant authorities gain insight into the specific problems present in one specific region. Moreover, administrative control can provide relevant intelligence for criminal investigations (Holvast & Van der Meij, 2011).

Van der Schoot (2006) stated that an inadequate understanding of a crime issue may lead to ineffective or exaggerated measures. A solid insight into a problem is especially important for understanding the relation between causes and the outcomes. For instance, focusing on the problem of 1%-MCs; apprehension about the way in which 1%-MCs earn illicit money is essential to be able to prevent money laundering. Combining intelligence from different partners makes it easier to gain a more complete picture about the nature of a problem. For instance, Tax authorities can provide the Police with useful intelligence on the financial background of certain 1%-MC members. The combination of intelligence thus helps to alter the opportunity structures present with organized crime in a more adequate way (Van der Meij & Van der Leun, 2010).

The need for cooperation between different organizations is based on the idea that a negligent civil service apparatus facilitates the interconnectedness of the legitimate environment and organized crime. Increased control of economic dealings decrease the opportunity for criminals to benefit from their illegal businesses (Van der Schoot, 2006). Again, an approach only based on Law Enforcement has a limited effect on organized crime (Van der Schoot, 2006). Accordingly, focusing on prevention instead of repression almost inevitably means that partners, other than Law Enforcement, come into play (Huisman, 2010). So, in order to tackle organized crime, all different services have to be in order and act together. Thus, the multi-agency approach toward organized crime depends on the cooperation between different authorities, instead of solely relying on the interventions of the Police (Huisman, 2010).

Local authorities also play an important role in fighting crime (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 2008). That is, municipalities have ample (administrative) measures to fight organized crime. For instance, while criminals or criminal networks are depended on State Administration for receiving permits, local authorities have the power to reject or withdraw these permits. In this way, local authorities can prevent criminals from starting an enterprise which they might use as a way to launder money. State Administration could also buy certain premises in an area to prevent certain criminal influences in that area. Such an approach offers a way of discouraging criminals to establish in a certain area and alongside, can repulse residing criminals (Centrum voor Criminaliteitspreventie en Veiligheid, 2011).

Thus, while Law enforcement agencies like the Police and the Public Prosecution Service are normally seen as the appointed authorities to combat crime, local authorities are anything but powerless in its fight to control organized crime. An administrative approach has a wide variety of measures with both repressive and preventative dimensions. In line with the previous paragraph, an administrative approach is linked to situational crime prevention because most of these measures aim to reduce opportunities to commit crime (Bullock et al., 2010). The next paragraph will present some more examples of the administrative approach in the city of Amsterdam.

4.3 Toward a Multi-agency approach in the Netherlands

In 1992, the Dutch Government emphasized that a government should never facilitate any interference of the illicit with the licit world and as a result, accentuated the responsibility of local governments in fighting organized crime (*Kamerstukken II 1992-1993, 22 838, no. 2.*). This line of thought changed the way of thinking about how to combat organized crime. This point of view especially emerges when considering the approach to organized crime in the city of Amsterdam.

In 1997, the Red Light District in the city of Amsterdam was believed to be a fertile breeding ground for criminal activities. Therefore, a so called Red Light District manager was appointed to improve the prevention of organized crime in Amsterdam (Nelen, 2010). The parliamentary committee of inquiry under supervision of Maarten van Traa concluded that it was necessary for the Police, Public Prosecution Service and State Administration to exchange sensitive intelligence in order to combat organized crime in Amsterdam more successfully (Nelen & Huisman, 2008). After the development of a methodology to tackle the problems in the Red Light District by the Red Light District Manager, the Van Traa project was launched in the year 2000. This project concluded that due to the presence of a certain criminal infrastructure, an approach solely based on Law enforcement is insufficient. Because of this, the Van Traa team developed an administrative approach that included all relevant partners (e.g. Tax authorities and City Administration). As a result, the Van Traa team coordinated different measures to combat organized crime in Amsterdam (Nelen, 2010).

This project clearly shows in what way the multi-agency and the administrative approach go hand in hand. While the Van Traa team first collects intelligence from local authorities, The Dutch Police and Tax authorities, it consequently implemented (administrative) measures based on this combined source of intelligence. Examples of such measures are the withdrawal of permits and the closure of establishments (Nelen, 2010). In this way, the Van Traa team is able – in cooperation with other relevant partners – to use all kinds of different measures to obstruct organized crime. An important tool that supports this administrative approach in Amsterdam is the Public Administration Probity Screening Act, also known as the BIBOB Act. This act makes it possible (after the screening of the applicant) to refuse or withdraw approval decisions and refuse the participation of possible criminals in public tenders. As a result, this act helps local governments to detain from facilitating

criminals with permits that might be used to conduct criminal activities (Huisman, 2010).

Furthermore, in 2007, 'Project Emergo' was instigated in order to come to a formal collaboration between the municipality, the Public Prosecution Service, Tax authorities, Ministry of Internal Affairs and the Ministry of Security and Justice. This collaboration aims to map out and consequently, tackle criminals in the city of Amsterdam (Huisman, 2010; Van der Schoot, 2006; Bestuursdienst/OOV/Van Traa-team, 2007). Thus, in the City of Amsterdam, a collaboration of different authorities aim to erect barriers to criminals by use of traditional measures (Law enforcement) plus measures executed by City Administration (administrative measures).

The Dutch policy document '*toward a safer society*' (*Kamerstukken II*, 2002/03, 28 684, no. 1.) stated that clustering the capacity of authorities is a successful way of controlling crime and therefore, a multi-agency approach toward (organized) crime should be paramount. This is done e.g. by making organizations more responsible for problems concerning safety and crime. In line with this, municipalities also have an important role in fighting organized crime (Huisman, 2010).

More recently, The Minister of Security and Justice in the Netherlands again acknowledged the importance of the multi-agency approach in a paper directed to the Dutch second Chamber (*Kamerstukken II*, 2010/11, 29 911, no. 54). In this letter, the Minister emphasized that organized crime undermines the functioning of the democratic rule of law in the Netherlands. The cooperation between the Public Prosecution Service, the Police, local government and Tax authorities is believed to be essential in tackling these problems. Therefore, the minister set out different goals. First, to enlarge knowledge about the presence of organized crime within the municipalities and secondly, to augment the acquaintance with the administrative approach.

Alongside, in another letter the Minister embraced several recommendations originating from the earlier mentioned 'Emergo project' (*Kamerstukken II*, 2010/11, 29 911, no. 55). One example of such a recommendation was to introduce the proactive use of administrative powers. Also, The Minister of Security and Justice argued that the guiding principle for fighting organized crime should be cooperation. This principle should only be abandoned in unique situations. Such a situation could be present in case of a security risk (GOC, 2013). In such a case it is believed to be essential not to share any intelligence of the police with other authorities. In other words, the multi-agency approach toward organized crime should be the standard, while an approach solely based on the power of Law Enforcement should be the exception.

On account of two reports (the National threat assessment 2012: Organized Crime and the fourth report of the Organized Crime Monitor) the Minister of Security and Justice set goal to tackle more criminal collaborations and maintain the instigated multi-agency approach toward organized crime (*Kamerstukken II*, 2012/13, 29 911, no. 79.). This approach can be divided into two parts. The first part entails a focus on phenomena (criminal collaborations) as a whole. By using so called 'barrier models', criminal process should be visualized and

consequently, targeted interventions are set up to disrupt every important step in a criminal process. In this way, opportunity structures are taken away and criminal collaborations can be dismantled. Sharing relevant information and intelligence between all the different partners is believed to be essential in order to succeed in these targeted interventions. In line with this, an important role has been ascribed to Regional Intelligence and Expertise Centres (paragraph 4.4). The second part of this approach focuses on the actual individuals within the particular collaboration. This should help to look beyond the phenomenon and focus on the actual antecedents of the criminals.

Alongside, the present view of the ministry of Security and Justice is that organized crime is solely based on financial gain. As a result, the Ministry has declared that a financial approach to organized crime has the foremost priority in fighting crime. All the different partners are believed to share the same responsibility for retrieving as much illegally-earned money as possible and therefore, a financial approach is believed to be an important part of the described multi-agency approach as well. (*Kamerstukken II*, 2012/13, 29 911, no. 79).

4.4 Regional Intelligence and Expertise Centres

As was already explained earlier in this article, in order to upset the possibilities for criminals to conduct criminal activities, an integrated intelligence position is believed to be essential (GOC, 2013). Therefore, in 2007, the Ministry of Internal affairs emphasized that an integrated approach of all relevant partners was needed to fight organized crime (Ministerie van Binnenlandse zaken en Koninkrijksrelaties, 2007). As a result, in order to support the multi-agency approach, ten Regional Intelligence and Expertise Centres (RIEC) and one National intelligence and Expertise centre (LIEC) were set up in the Netherlands. Although these centres were originally set up to reinforce the administrative approach, it appeared that the RIEC's might also be helpful in supporting the multi-agency approach (RIEC/LIEC, 2012). Moreover, the RIEC stimulates public awareness with municipalities about the possible presence of organized crime in an area. Alongside, the RIEC enlarges the knowledge about what administrative tools can be used in tackling organized crime (Van der Torre, van Duin & Bervoets, 2013).

All the different partners (The Dutch National Police, State Administration, Public Prosecution Service, Tax and Financial authorities) are able to share relevant intelligence within the context of the RIEC. To be more precise, every different partner is able to add a 'signal' about a subject (e.g. a member of a 1%-MC) to the so-called 'information square' at the RIEC. For instance, The Dutch Tax Authority could signal the purchase of an expensive motorcycle by a member of a 1%-MC, while at the same time, the person in question does not have any income. Such a suspicious act might form a good reason to do conduct more research into the daily activities of the individual in question. As a result, other partners could share their intelligence on this member in order to come to a more precise and complete image of the person in question. If necessary, the partners could consequently – in close cooperation – come up with a possible intervention to tackle any (possible) illegal activities of

this member. Consequently, an advice on how to approach this subject is developed by the RIEC and presented to the partners entitled for executing the intervention. When different interventions are presented, the partners give priority to the most effective way of approaching the problem. Finally, the intervention will be executed in cooperation with other partners (GOC, 2013; RIEC/LIEC, 2012).

In this way, a problem can be presented at the RIEC by one partner and as a result – combined with the intelligence of other partners – could result in an overall picture about a particular person or problem. Thus, besides sharing information and thinking about a possible intervention, the different partners also commit themselves to this cooperation by contributing to the execution of an intervention.

To set guidelines about the way of sharing intelligence, an agreement was developed between all partners (Korps Nationale Politie, 2013). This agreement describes the structural basis for exchanging necessary intelligence between partners. Although this agreement does not provide a legal ground on when partners are allowed to exchange information, it does give structure to the cooperation. The arrangement states that, in accordance with existing legal regulations, the different partners obligate each other (if necessary) to exchange valuable intelligence.

The exchange of intelligence takes place under mutual responsibility and on account of the Dutch Data Protection Act (*Wet bescherming persoonsgegevens, Wbp*) (Korps Nationale Politie, 2013). Importantly, this exchange of information takes place before there is any suspicion on account of article 27 of the Dutch Code of Criminal Procedure. Under these circumstances intelligence is exchanged without a reasonable suspicion of guilt of any committed crime. At the same time, when the suspicion of guilt is present, intelligence will be provided by way of the regular process of law. That is, information will be retrieved by the Public Prosecutor on account of article 126 *nd* of the Dutch Code of Criminal Procedure.

4.5 The Multi-agency Approach toward 1%-MCs

In the year 2012, the Dutch Minister of Security and Justice set out the guidelines for a multi-agency approach toward Outlaw Motorcycle clubs in the Netherlands (*Kamerstukken II*, 2012/13, 29 911, no. 59). The Minister stated that 1%-MC members who consider themselves untouchable and moreover, undermine the rule of law need to be stopped. That is, extortion, intimidation, threats, violence and moreover, problems with clubhouses are not to be tolerated any longer. The Minister argued that besides prompt and visible actions, investing in long-term solutions is essential for tackling 1%-MCs. It is suggested that due to a wide range of problems with Outlaw Motorcycle clubs in the Netherlands; administrative, fiscal, and Law enforcement measures must come together in one integrated approach. Due to the idea that victims are usually not willing to report against a 1%-MC member and it has been complicated to prosecute Outlaw bikers in the past, the approach to 1%-MCs enquires a thorough preparation, perseverance and cooperation with all relevant partners (*Kamerstukken II*, 2012/13, 29 911, no. 59).

So, in order to put a stop to the deviant and undermining activities of these 1%-MCs, the Minister gave priority to the approach toward 1%-MCs. All in all, together with Tax authorities, local governments, the National intelligence and Expertise Centre (LIEC), the Regional Intelligence and Expertise Centres (RIEC), the Dutch National Police and the Public Prosecution Service, a broad approach was developed based on the next three key features (*Kamerstukken II*, 2012/13, 29 911, no. 71):

- **Nation-wide agreements: Commitment**

Commitment with all relevant partners both on national and local level is essential and therefore, nation-wide agreements are needed. Several meetings should lead to agreements on one nation-wide approach.

- **Off-limits zones: a clear statement and a broad integrated approach**

An integrated approach is needed to make a clear statement that Outlaw Motorcycle clubs and its members are not wanted. This is done by focusing on the opportunity structures concerning seven different areas.

(1) an integrated focus toward 1%-MC clubhouses. Intelligence is gathered to gain insight on the possible use of administrative arrangements. The ultimate goal is to lower the total amount of 1%-MC clubhouses.

(2) an increased focus on 1%-MC related events. In order to prevent an upset of the public order, several measures are allocated to prevent 1%-MC related events (e.g. party's or ride-outs).

(3) the hotel and catering industry as a hot spot. In order to scrutinize the possible weaknesses of companies for any involvement with 1%-MCs (e.g. restaurants, pubs and clubs), partners need to have a solid intelligence position. As a result, this could lead to the withdrawal of permits by the city administration.

(4) an increased focus on security companies. Due to recent indications that 1%-MC members settle security issues inside pubs and clubs, partners need to share intelligence in order to prevent members from undermining security regulations around pubs and clubs.

(5) 1%-MCs and football hooliganism. Information and intelligence derived from the Regional Intelligence and Expertise Centers might provide insight into the possible link of football hooliganism and members of 1%-MCs

(6) tax fraud by outlaw bikers. If indications of tax fraud are present, Tax authorities should be able to verify the income of the member in question.

(7) a focus on outlaw bikers in service of the Dutch government. In most cases, being a member of a 1%-MC is incompatible with working for the Dutch government. Therefore, research must give insight into the possible involvement of outlaw bikers with government services.

- **Criminal Law Enforcement: a quick and gradual approach.**

Besides solid and thoroughgoing criminal investigations, the minister also emphasized the importance of acting, when possible. Consequently, the Public Prosecution Service prioritized criminal investigations into members of a 1%-MC. So, the approach toward outlaw bikers is twofold; first, a focus on quick and short term actions and secondly, hampering the opportunities of the Outlaw Motorcycle clubs by use of long-term approaches.

The Minister pointed out that raising barriers toward criminal activities is part of the described multi-agency approach (*Kamerstukken II*, 2012/13, 29 911, no. 71). A model of possible barriers has been developed in order to explain what steps have to be taken to prevent members from conducting crime. This model assumes that setting up different (opportunity) obstacles might upset the (criminal) activities of outlaw bikers. Besides Law enforcement agencies, other authorities are also capable of raising certain obstacles. For instance, municipalities are able to reject a request for building a clubhouse in one area by virtue of the development plans in that area. Also, municipalities can refuse to provide a permit for big 1%-MC events. Moreover, e.g. cafes have the ability to ban people wearing 1%-MC vests. This can be achieved by changing the 'house rules' within a certain public place. In this way, the RIEC (in the region of the South-West of the Netherlands) described several examples on how to raise obstacles or barriers within the seven areas mentioned above (RIEC, 2012; *Kamerstukken II*, 2012/13, 29 911, no. 71).

All in all, on the short-term, this multi-agency approach aims to come up with different strategies that help to prevent a threat to public order and the public sense of safety. On the long-term, a policy needs to be established in order to contend with the presumed involvement of 1%-MC members in organized crime. Alongside, the approach also focuses on mitigating the image of pretended inviolability of the 1%-MCs. Finally, a so-called 1%-MC 'infocel' has been developed in order to combine all the available intelligence on 1%-MCs and its members. The combination of different sources of intelligence must help to understand the different connections between members of different chapters and gain insight into possible (criminal) networks. As a result, this knowledge must generate more expertise in dealing with the problems around outlaw bikers (*Kamerstukken II*, 2012/13, 29 911, no. 59).

5. Foreign Difficulties and Responses to 1%-MCs

As mentioned before, several Outlaw Motorcycle clubs have chapters all over the world (KLPD, 2010; Europol, 2012). Therefore - when considering the problems with 1%-MCs in foreign countries - it seems that the existing problems with tackling 1%-MCs are not only present in the Netherlands. For instance, in 2009, the Southern Australian Supreme Court decided to strike down control orders restricting the movements of Outlaw motorcycle club members. These orders originally allowed the Police to pronounce individuals guilty by

association with a 1%-MC, which in fact reversed the presumption of innocence. However, when the 'Finks' Motorcycle club challenged these orders, the Supreme Court argued that such control orders were indeed unconstitutional (Kellett, 2009). Moreover, German authorities have tried to overcome Outlaw Motorcycle clubs with organized raids. Nevertheless: *'The main problem is that many members of motorcycle gangs - mostly men aged 40 to 50 with a good education - have regular jobs. They live in inconspicuous small houses with neat gardens. They are well connected and have a strict, self-imposed code of honor'* (Wolfgang, 2012). Because of this strict code of honor, the Police hardly receives any valuable testimonies. Moreover, in Germany, persecuting an 1%-MC requires proof that the crimes in question are typical for the entire club. This is not always evident (Wolfgang, 2012).

To gain insight into the present approaches and difficulties toward 1%-MCs in other countries, this paragraph will briefly summarize the actions being taken in Australia, Norway and Germany.

5.1 Australia

Over the past few years, 1%-MCs have also retrieved special attention from governments in Australia (Ayling, 2011). For instance, some states in Australia established a new legislative approach toward 1%-MCs. Because of the intended targets of the laws in question, these new laws are also known as the 'Bikie laws' or 'Anti-Bikie laws'. The approach aims to target the underlying structures of 1%-MCs by breaking up the clubs and deter new members. While these laws aim to prevent and disrupt the criminal activities of 1%-MCs, these laws have been criticized both by lawyers and academics. This is due to the fact that the 'Bikie laws' deprive 1%-MC members of their liberties solely because of their membership to a 1%-MC, but without solid proof for any involvement with any criminal activity (Ayling, 2011). These laws are thus mostly focused on the club as a whole instead of focusing on the actual misbehaviors of the members. Simply stated, these laws do not necessarily require any connection between a member and a specific crime (Ayling, 2011). As a result, membership of a 1%-MC alone, is believed to be enough to bring the 'Bikie law' into play.

McCulloch and Pickering (2009) argued that such an approach of 'pre-crime' is not based on any objective facts but only, to some extent, on stereotypes. Importantly, pre-crime is not the same as crime prevention. 'Pre-crime measures' criminalize people before they actually commit crimes, without considering social or environmental factors. In this way, being a member of an organization alone, is criminalized by authorities. Crime prevention, on the other hand, is about non-punitive measures that take away the opportunities to commit crime. (McCulloch & Pickering, 2009). Consequently, Ayling (2011) showed that such a response to membership could lead to the punishment of a member, without an actual prosecution or conviction for a specific criminal act.

As was made clear in the example mentioned above, some states in Australia thus decided not to pass laws along this model due to a possible 'clash' with existing human rights. In 2008 and 2009, several states in Australia did enact on laws based on 'the South Australian Model'. In sum, this model tries to *'prevent a person from associating with another person*

who is involved in organized crime as an individual or through an organization' (Ayling, 2011, pp. 254). The basic structure of the laws in question consist of two steps, namely (1) the declaration of an criminal organization, and (2) the imposition of control orders on members of the declared organization in question. An example of such a control order could be to prohibit any association between two members of a 1%-MC. Also, one could prohibit a person from entering a certain place. Because most of these control orders are controversial and have caused a lot of criticism, the implementation of this act has hindered in several states of Australia (Ayling, 2011).

Besides these control orders, several other legislative provisions on 1%-MCs have been developed throughout the years. For instance, South Australia passed the *Statutes Amendment (anti-fortification) act* in 2003. This act made it easier for the Police to prevent the construction of 1%-MCs headquarters and also allow police to demolish existing clubhouses when they are excessive. Then, the government of New south Wales accepted the *crimes legislation amendment (gangs) Act* in 2006. This act made it illegal to participate in a criminal group, whereas the Commissioner of Police - after the order was made by the judge - may declare a 'bikie gang' as a criminal organization. Alongside, the state Victoria has introduced new legislative powers to investigate organized crime more successfully. To take one example, *The surveillance devices (Amendment) Act* in 2004 provided the Law enforcement agencies with a wide array of powers to assist them in investigating organized crime. These powers assist the Police e.g. by telecommunications interceptions (Bartels, 2010).

Besides formulating specific legislations, 1%-MC members have also been banned from wearing their 'colors' in specific locations. Moreover, clubhouses have been inspected on the grounds of fire safety regulations whereas non-compliance with the inspections resulted in suspension of the use of the premises in question (Ayling, 2013)⁵.

Interestingly, Ayling (2013) compared the Australian approach of preventing organized crime with the present approach in the Netherlands. The author described that the Australian approach toward 1%-MCs has been largely limited to policies mandated and implemented by governments and Law enforcement agencies ('top-down'). However, several recent jurisdictions in Australia designed to deal with the 1%-MCs are still based on repressive measures. Therefore, Ayling (2013) typified the Australian approach toward organized crime as 'criminal law plus', which means that the approach is predominantly based on criminal law, whereas the 'plus' represents the extra administrative measures currently conducted by the Australian government. To the contrary, the approach toward organized crime in the Netherlands is believed to be much more focused on the cooperation between all different governmental agencies and private companies. One could say that criminal law and administrative measures in the Netherlands are given equal weight. Ayling (2013) stated that

⁵ Because it is beyond the scope of this article to discuss all the laws on Outlaw Motorcycle clubs in Australia, a complete overview of the status of laws in Australia can be found in a report conducted by the Australian Institute of Criminology (Bartels, 2010) .

the approach in the Netherlands is much more a matter of 'shared responsibility' instead of solely relying on the criminal justice system. Also, while the responses to organized crime in Australia are mainly conducted on state and national level, the response to organized crime in the Netherlands takes place both on local and regional level.

5.2 Norway

The Outlaw Motorcycle clubs became a problem for the Norwegian authorities at the beginning of the 1990s. Starting from there, the Ministry of Justice and Police in Norway started two initiatives. First, in accordance with the Director of public prosecution, a project was implemented in where the Oslo Police Headquarters collaborated with the National Bureau of Investigation aiming to map 1%-MCs and consequently, prevent the expansion of 1%-MCs. Secondly, a nation-wide strategy was laid down with guidelines to take countermeasures against Outlaw Motorcycle clubs. (National Police Directorate, 2010).

Furthermore, in 1995, the importance of a good intelligence position was recognized. Therefore, the National Bureau of Crime Investigation was allocated main responsibility for intelligence work concerning the 1%-MCs in Norway. Then, in 1997, an action plan to combat Outlaw Motorcycle clubs was developed. In this 'Nordic Action plan' the Ministry of Justice and the Police requested an enhanced coordination of strategies and implementation of measures among central agencies and Police districts. This was done by establishing a national project under the management of the Police District of Oslo. More recently, the National Police Directorate (2011) evaluated another wide plan of action (the Police force's fight against Outlaw motorcycle groups, 2003-2008). Within this plan, ten major cases involving members of Outlaw Motorcycle clubs were settled in where Police collaborated increasingly more with local partners. Nevertheless, the number of Outlaw Motorcycle clubs still increased. As a result, the conclusion of this plan of action was that more know-how of the problems with 1%-MC was needed. Therefore, to actively fight Outlaw Motorcycle clubs, cooperation between the Police and other public authorities is believed to be crucial (National Police Directorate, 2010).

The Norwegian Police force's efforts to combat 1%-MCs can be summarized by the following three strategic goals: (1) reduce the number of existing Outlaw motorcycle clubs, (2) prevent recruitment, and (3) prevent the establishment of new Outlaw motorcycle clubs. These goals focus on the organization and the networks of 1%-MCs, instead of focusing solely on the individual crimes committed by its members. In this way, the Police force of Norway try to hamper the opportunities to conduct crime. Moreover, the Police force, emphasized the importance to remain fully informed on how the establishment of Outlaw motorcycle clubs in each region occurred. Analyzing this type of information might help to understand why the Police were not successful in preventing the ongoing establishment of new chapters on earlier occasions (National Police Directorate, 2010).

Especially interesting for the present research is the collaboration between the Police force and public or private bodies in Norway. It is emphasized that, because the crimes committed by these clubs affect entire communities, the Police force and Public Prosecution

authorities should not stand alone in combating 1%-MCs. Because City administrations are responsible for the establishment of new clubhouses, municipalities are believed to be the most obvious and important partner. Corresponding with the approach in the Netherlands, Tax Authorities are also seen as an important provider of intelligence about possible tax and social security fraud. Cooperating with private bodies provided pleasing results. That is to say, cooperation with bars and restaurants led to a 'color prohibition' in specific locations. This seems to be especially effective because members are obliged to wear their 'colors' on many occasions (National Police Directorate, 2010; KLPD, 2010; Europol, 2012).

As was mentioned before, solely prosecuting members based on criminal law appear to have a limited individual and general preventive effect. This was also acknowledged by the Norwegian Police force. The Norwegian Police force stated that Outlaw Motorcycle clubs also have an ideological aspect (National Police Directorate, 2010). Consequently, by making use of all available instruments and legislation, the Norwegian Police aim to alter the motivation among 1%-ers. The National Police Directorate argued that effective measures *'are those which attack the clubs' lifestyle, ideals and motivation to commit crime'* (2010, pp. 22). Broadly two types of measures are described; the first type of measures target the 1%-MC network by imposing responsibility on the club as a whole. This is done e.g. by seizure of the clubs' funds or by the withdrawal of licenses to sell alcohol. The second type of measures target the 1%-MC membership of individuals. For example, by confiscating the 'colors' or driving license of a member. Alongside, it is also emphasized that knowledge about the finances of 1%-MCs is essential (National Police Directorate, 2010).

Also, an important recommendation of the Norwegian Police force is to introduce measures to combat 1%-MCs in regions where Outlaw Motorcycle clubs are not yet established. This is necessary because there are indications that these clubs are still growing in number (National Police Directorate, 2010).

5.3 Germany⁶

Not surprisingly, 1%-MCs are also present in Germany. Besides the Hells Angels, three other international 1%-MCs present in Germany are the Bandidos MC, Outlaws MC, and MC Gremium (Korps Nationale Politie, 2013). An article originating from Germany's international broadcaster the 'Deutsche welle' stated that at present times, 1%-MCs are pushing the German Police to their limits and moreover, that German law makes banning 1%-MCs far from self-evident (Wolfgang, 2012). At the same time, the Interior Ministry of Branderburg managed to ban a small Outlaw Motorcycle club called the 'Chicanos MC Barnim' two years earlier. (Hartman, 2010). Additionally, in 2011, The Hells Angels were banned from the German city of Frankfurt due to their criminal activities (Kuebler, 2011). Notwithstanding, these local bans do not automatically involve a nation-wide ban of the Outlaw Motorcycle club.

⁶ In 2013, the National Police Department of the Netherlands conducted a research on foreign policies to 1%-MCs. The following description of the German approach can be considered to be a brief summary of this research.

The German government prioritized the combat of 1%-MCs in the years 2009 and 2010 (Korps Nationale Politie, 2013). In general, the German approach is of a twofold nature. In sum, the first focus aims to enlarge German's policing capacity. Secondly, the commission's approach is to ban and disestablish 1%-MC chapters. Importantly, although this approach is considered to be a nation-wide approach, the actual combat to 1%-MCs differs for every different federal state. This is because every state in Germany has its own Ministry of Internal affairs and Police legislation.

Thus, the first focus is to enlarge the capacity of the Police in order to make it easier to raid the clubhouses and homes of 1%-MC members. Also, German Police regularly conduct traffic controls to make sure all the members possess the proper licenses. On the one hand, this is a way of showing 1%-MC members that the Police is keeping an eye on them. On the other hand, traffic controls might prevent ride-outs that possibly disrupt the public order. Law Enforcement in Germany has also prioritized controlling members on the street and during events. Due to this precedence, 1%-ers in Germany can be stop-and-searched up to four times a day (Korps Nationale Politie, 2013).

Secondly, the Commission's approach is to ban OMG-chapters by a prohibition of association on the ground of article 9 of the Basic Law for the Federal Republic of Germany ('*vereinsverbot*'). This article comes into play when a chapter commands, support or tolerates criminal activities. However, proving a chapter at least tolerated the criminal activities of its members, have proved to be rather troublesome in the past. Yet, a successful '*vereinsverbot*' involves that it is no longer allowed to use the name and 'colors' of that chapter. Moreover, legislation makes it possible to confiscate all possessions and bank accounts of the prohibited chapter. When (ex-)members break this '*vereinsverbot*', it is possible to prosecute these members on the grounds of German Criminal Law. Since 1983, A total of twenty-two prohibitions of association have been pronounced (Korps Nationale Politie, 2013).

In closing, cooperation between Tax authorities and the Police in Germany is rare. This is due to a strictly separated and different data management. As a result, the Police is not authorized to retrieve information from Tax authorities. Nevertheless, the latter is able to retrieve information from the Police. Because of this, cooperation with Tax authorities is hard to realize and therefore, somewhat neglected (Korps Nationale Politie, 2013).

6. Distinctive characteristics of 1%-MCs

Without a doubt, every type of criminal activity or criminal group has its own distinct characteristics. This is certainly the case for Outlaw Motorcycle clubs. These characteristics in itself cause troubles for the aforementioned approach toward this 1%-MCs. This paragraph will provide an overview of some important and problematic features that hinder combating 1%-MCs. This paragraph will first explain how 'a code of silence' can hinder Law enforcement agencies in their activities. Thereafter, different countermeasures of 1%-MCs are

described that, as a result, also impede the combat toward 1%-MCs. Alongside, reputation and intimidation are believed to be distinctive trademarks of 1%-MCs that hinder e.g. Police investigations. Finally, it will be explained how and why an 'assumption of crime' with 1%-MCs caused that Law Enforcement ended up empty-handed more than once.

6.1 Features of a 1%-MC

In the third section of this article the theory by Cohen and Felson (1979) has been discussed by saying that crime occurs when a motivated offender, a suitable target and the absence of a capable guardian come together in time and space. Using this way of understanding crime, Huisman and Jansen (2012) explained why members from 1%-MCs prevail in the fields of organized crime. In sum, due to a safe social environment and the absence of a capable guardian, members of a 1%-MC are able to organize crimes. Although this paragraph by no means aims to provide an exhaustive list of relevant features, the following do two features explain why 1%-MCs seem to stay out of reach for Law enforcement agencies.

6.1.1 'A Code of Silence'

It is strictly forbidden for a member of a 1%-MC to speak or testify about the 'ins and outs' of the motorcycle club and/or their 'brothers' (Huisman & Jansen, 2012; KLPD, 2010; Europol, 2012). As a result, Police interrogations normally will not provide any useful information or intelligence. A research by the National Police Agency (KLPD, 2010) revealed several quotes of 1%-MC members who are determined to remain silent on any occasion, even when that results into incarceration. Remaining silent is thus an important rule for 1%-MCs. But members not only do this because this is a rule or habit within 1%-MCs. Internal pressure also explain the abstention to speak with people from outside the club. Because every member had to provide information about themselves and their families before becoming a member, there are ample reasons not to talk (Huisman & Jansen, 2012). That is, confessing to the Police could as a result, threaten the safety of the member's family (Europol, 2012). One member for example stated that he did not want to make a statement because his family was so dear to him. Another member was afraid of providing intelligence to the Police because he assumed the other members would otherwise kill him afterwards. So although it seems that members will not betray each other because of their strong 'brotherhood', individuals seem to have extra reasons not to testify against the 1%-MC and its members. The following case reveals how this code of silence can trouble Police investigations.

Prosecuting 1%-MC Members

In 2007, the Court of Justice exculpated fourteen members of the Hells Angels MC from murdering three members of the Nomads⁷, a chapter of the Hells Angels (Hof Amsterdam, 15 juni 2007; www.volkskrant.nl, 2007). The three members of the Nomad chapter were found dead and penetrated by bullets (coming from three different weapons) in 2004. The Public Prosecution Service believed the three members were killed by members of the Hells Angels during a meeting inside a clubhouse of the Hells Angels. Normally, full-color members are expected to attend meetings. However, it remained unclear who actually shot the victims and whether the assassination took place inside the clubhouse. The victims were found in a stream near the small village 'Echt' and not in the clubhouse. Although several circumstances pointed in the direction of the suspects, the Court decided too many questions were left unanswered. They explained that a prosecution of these suspects would not be just; they argued they cannot tolerate to convict possibly innocent people.

The simple fact of being a member of the Hells Angels was simply not enough to conclude that these members have had a role in murdering the three victims. The Court argued that more proof about the actual role of each suspect was needed. For instance, in this case it remained unclear who in fact shot the three Nomad members. Also, it remained unclear whether the three men were shot in the Hells Angels clubhouse or somewhere else. Thus, although several circumstances in this case gave the suspects the appearance to be involved in the murder of the three men, the Court stated the suspects could not be held responsible for the murders on the three members of the Nomad chapter (Hof Amsterdam, 15 juni 2007).

The fact that the suspects remained silent during the criminal investigations has proven to be a serious stumbling block for the Public Prosecution Service. Because of the described 'code of silence' and due to the unwillingness to cooperate with Law enforcement, the Police was unable to get a clear picture on what really happened. Importantly, the Court also decided that remaining silent during the investigation as such, could not be used as evidence during trial. Although the Public Prosecution Service tried to regard the members' unwillingness to cooperate as proof for their guiltiness, the Court decided that such a line of thought would be unjust. The latter argued this was not the case because the available evidence was not convincing enough to "call for an answer". Simply stated, there was just not a sufficient amount of evidence for the Police to demand an explanation from the three suspects (Kesteloo, 2011; Hof Amsterdam, 15 juni 2007).

Because the suspects did not speak throughout the investigation, the Public Prosecution Service was dependent on the presence of technical proof and testimonies from witnesses. Despite the fact that the room where the killing might have taken

⁷ Hells Angels also have Nomads chapters which have a special status within the organisation. They are regarded as troops reinforcing chapters in conflict with other clubs. The Nomads do not have a clubhouse, nor have an area assigned to them (Europol, 2012)

place was refurbished, the Police was able to find three blood traces. Nevertheless, these traces were not suitable for identification. Also, the testimonies did not provide conclusive evidence. This might be the result of fear of testifying against members of the Hells Angels MC (Hof Amsterdam, 15 juni 2007) .

Besides the already mentioned 'code of silence', it seemed that the members of the Hells Angels made agreements on how to act in the days after the incident. Because the members already suspected that their telephones were being tapped, they made sure the Police could not pick up anything related to the incident (KLPD, 2010; Hof Amsterdam, 15 juni 2007). In other words, telephone conversations between members were only about day-to-day activities and not about what happened with the three nomads. All in all, the members acted as if nothing happened. This reveals that 1%-MCs are aware of the possible presence of Police investigation measures. This is in line with the notion that 1%-ers have learned to act in a way that impedes direct prosecution (Quinn, 2001).

In sum, although any involvement of the fourteen suspects was probable, if not certainly, the Hells Angels could not be sentenced for these three murders. This verdict clearly revealed the complications present in criminal investigations with members of a 1%-MC. Because of the 'code of silence', the Court was not able to provide solid proof against the suspects. Therefore the judge decided the single fact of being a member of a 1%-MC, cannot act as proof for the presumed involvement of that member in criminal activities.

Besides this 'culture of silence' the National Police squad and Europol revealed some other ways in which 1%-MCs are trying to stay out of reach of Law enforcement agencies and moreover, try to enlarge their awareness with possible threats from outside.

6.1.2. Countermeasures

Besides the code of silence present within these clubs, other measures also entangle the combat against 1%-MCs. In other words, 1%-MCs show great resilience toward Law enforcement agencies (Huisman & Jansen, 2012).

For instance, Quinn and Forsyth (2011) described that outlaw bikers sometimes tail Police officers during their daily activities in order to gain intelligence for possible intimidation efforts in the future. Also, computer hacking and tracking devices are used to monitor authorities. In line with this, Quinn and Koch (2010) also argued that nowadays, mechanical expertise has become less important than computer skills and knowledge about electronics. As a result, webmasters and hackers have become recognized roles within 1%-MCs. The authors even stated that the large 1%-MCs are even better organized and equipped than the Police forces that try to control them (Quinn & Koch, 2010).

Almost every chapter of a 1%-MC has its own clubhouse. These places are used for meetings, social gatherings and to invite foreign club members (KLPD, 2010). Clubhouses are usually enclosed with fences and gates and are sometimes equipped with camera's, motion detectors, floodlights, steel doors and bullet proof glass. As a result, different tactics retard the

entry of rivals, but also that of the authorities. As a result, these measures make it very hard for Law enforcement agencies to keep an eye on what happens inside the clubhouses. Huisman and Jansen (2012) described this situation as a manipulation of their own space in which capable guardians are absent. As a result, these clubhouses provide opportunities for planning or committing crimes.

Research by the Dutch National Police (2010) acknowledged the awareness of 1%-MCs with possible observation and monitoring techniques of the Police. To take one example, it is not allowed for members to talk about sensitive topics over the phone. Also, extra precautions are taken when members noticed the Police started an investigation on one or more club members. Consequently, important topics are not discussed at the clubhouse and members are not allowed to send any e-mails. In the latter case, messages are sent by use of e.g. members of supporter clubs. On some occasions, meetings are even planned in the middle of a wide meadow to prevent the Police from eavesdropping (KLPD, 2010). All in all, these rules and countermeasures are set up to hinder any infiltration by law enforcers and makes it more difficult for the police to gain insight into 1%-MCs (Europol, 2012).

6.2 Reputation & Intimidation

Felson described four goals of intimidation by gangs: (1) to scare off your enemies, (2) to get your personal victims to comply with your wishes, (3) to discourage bystanders from interfering with your criminal acts, and (4) to discourage witnesses from speaking against you (2006, pp. 312). The way in which 1%-ers present themselves as dangerous and outrageous could function as a method of exercising power (Quinn & Koch, 2003) Correspondingly, Huisman and Jansen (2012) argued that besides gangs, 1%-MCs also act in order to achieve one of the latter four purposes.

Von Lampe (2011) explained how intimidation by criminals has a direct influence on so-called 'potential discouragers'. The author stated that in the world of organized crime, capable guardians could not only be absent, but can also fail in their role as a potential discourager. Simply stated, due to fear of retaliation guardians might fail to stop or prevent crime. As an example, in the aforementioned case on the killing of three Nomads, the Court decided the testimonies of two witnesses were not useful because the witnesses withheld relevant intelligence (Hof Amsterdam, 15 juni 2007). Although not proven, this example shows how the intimidation of witnesses by 1%-ers could lead to incomplete or maybe even unjust testimonies. Eventually, this could lead to the acquittal of the suspects, as was the case in the latter example.

The 'bunker mentality' described by Quinn and Forsyth (2011) might act as an interesting explanation for this ongoing intimidation towards the outside world. In short, this bunker mentality can be interpreted as a mental state of 1%-ers which makes them believe that outside forces, like legal authorities, are only fixated on their destruction (Quinn & Forsyth, 2011). As a result, this perception might result in hostilities against outsiders.

Both documentation of Europol (2012) and The Dutch National Police (2010) also ascribed an important role to the reputation and intimidation of 1%-MCs. For instance,

Europol (2012) described a case in which Law Enforcement agencies were intimidated by members for demanding the delay of judicial proceedings. Another strategy is to attend courtroom proceedings with as much members as possible. Because people might regard 1%-MC members as violent, witnesses and courtroom personnel might feel threatened by the presence of members wearing their 'colors'. In other cases, witnesses and victims to crimes of the Hells Angels withdrew their testimonies because of threats by some members of the Hells Angels. Moreover, community members are usually unwilling to testify against members due to fear of retaliation (Europol, 2012).

Their violent reputation also might help to become and uphold a strong position within the criminal circuit (KLPD, 2010). Huisman and Jansen (2012) also emphasized that the reputation of 1%-ers makes them feared players in the underworld. This reputation is maintained by wearing e.g. tattoo's, logos and patches. These symbols show that they are part of a 1%-MC and therefore should not be messed around with (Felson, 2006). This reputation and acts of intimidation makes members of a 1%-MC different from other criminal groups. Simply stated, the usual assumption is that criminals are eager to stay anonymous to the outside world and especially to the Police. Huisman and Jansen (2012) concluded that 1%-MCs use this asset to create a space in which a capable guardian (e.g. the Police) cannot be effective and thus impede a successful approach toward existing issues. The following example reveals a recent example on how intimidation by members of a 1%-MC can result in problems for legal authorities.

1%-MCs and the nightlife of Breda City

Europol (2012) explained that the Hells Angels - as members of a group with a reputation for violence and intimidation - are known to 'offer' their 'protection' services to businesses. To take one example, there are several indications that in different municipalities in the Netherlands, under which the city of Breda, clubs or cafes have been taken over by members of The Satudarah MC. That is, members of 1%-MCs 'offer' their services to protect a café or club from unwanted costumers. In 2011, three Hells Angels were arrested on suspicion of bribing a café-owner (Haenen, 2011). Alongside, members of the Satudarah MC are believed to be active in security companies as well (KLPD, 2010). while a doorkeeper usually needs a valid certificate to work, 1%-MC members do not always have such a certificate. However, when the application of a 1%-MC member to work as a doorkeeper is denied, members sometimes work as a 'barback' or 'runner' instead. In that way, a 1%-MC member is still able to work – without the need for any certification – in a café and consequently, could influence the affairs within a café. Ruling clubs or cafés can possibly be a great asset for money laundering. In this way, money earned out of criminal activities could act as turnover for the café in question. Due to a threat of violence it seems that café-owners do not have much choice in declining these 'offers'. Moreover, Police investigations into these issues are also hampered because of the victims'

unwillingness to report any of these threats (Haenen, 2011). As a result, Police investigations and attempts of municipalities to tackle this problem are hindered.

6.3 'An assumption of crime'

In a research about the way Australia is tackling 1%-MCs, Ayling described that the Australian OMG laws proceed, among others, on the basis of the following assumption (2011, pp. 260): *'OMGs are comprised of criminals and therefore are economic criminal organizations'*. Although this is about the situation in Australia, realizing that this assumption might also exist for the Dutch approach, might serve to better understand the existing problems in tackling 1%-MCs. That is, this assumption can influence the way in which Law enforcement agencies and partners, are approaching 1%-MC's. Moreover, Quinn and Koch described that the reports on 1%-ers might lead to the portrayal of 1%-MCs as a *'sophisticated international crime syndicate operating in a rationally calculated manner'* (2003, pp. 294). Features of 1%-MCs in general, in combination with this latter assumption, might have caused that Law enforcement agencies have ended up empty-handed more than once. This statement will be explained by use of the following two examples.

Prohibiting a 1%-MC event

In May of this year, the municipality of a small village named 'Cuijk' tried to prohibit a party and ride-out of the Motorcycle club Veterans MC. The municipality of Cuijk argued that the prohibition of the events would be in line with the prescribed nation-wide policy described earlier in this article (pp. 20, 'increased focus on 1%-MC related events'). However, the Court stated that this prohibition was not appropriate and as a result, the Veterans MC were allowed to organize a party (www.Rechtspraak.nl, 2013). This verdict emphasized that a policy of the Ministry of Security and Justice in itself cannot act as a ground for prohibiting events. In a case like this, the municipality should not solely act on general policies but should also take the specific situation into account. The Court further argued that the arguments of the municipality to cancel the planned events were mainly based on general assumptions rather than specific indications. The county seat was not able to provide enough proof that the planned events would cause serious trouble or disrupt the public order (Van der Naald, 2013). In other words, only wearing a 1%-logo itself, is not inherent to committing crimes or at least, cannot be seen as such. A member of the Veterans MC explained that the 1%-sign is no more than a logo, but that decision-makers regard this logo as evidence for the idea that a member who wears this logo is in fact a criminal (www.BNdestem.nl, 2013).

Interviews with police officers revealed that it is certainly not the case that all members of a 1%-MC are, by definition, criminals. Although it is true that some 1%-MC members have criminal records, this is not necessarily the case for all 1%-MC members. Some members

have normal jobs and have not been in contact with Law enforcement agencies. As Quinn (2010) already stated, some members still have a lot to lose. While the policy of the ministry focuses on the 1%-MC as a whole and set goal not to provide a platform for engaging in criminal activities, it seems that not every member of a 1%-MC is in fact, a criminal by nature. However, the present policy to combat 1%-MCs – which thus focuses mainly on the 1%-MC as a whole – does encounter 1%-MCs as being comprised of criminals and therefore, as a criminal organization. However, considering the latter example, the Court stated that this assumption cannot be sustained.

At the same time, documentation of Europol (2012) and KLPD (2010) showed that some members of 1%-MCs do have links with organized crime. But then again, it seems difficult to actually prove whether these criminal acts are the result of activities of the 1%-MC as a whole. This was acknowledged by a research of the Dutch National Police about the possible involvement of 1%-MCs in organized marijuana nursery. Although the participation of members of a 1%-MC was clear, it still remained unclear whether their involvement was on behalf of the 1%-MC as a whole or were just individual acts apart from the 1%-MC (Boerman et al., 2012).

The following example shows that it is not obvious to generalize the criminal activities of one or more members to the 1%-MC and that the right to freedom of peaceful assembly and the freedom of association with others cannot be left out of consideration.

Prohibiting a 1%-MC

When a legal entity is offending or co-offending crimes, and therefore, the intent or activity is contradictory to the public order, this could lead to a request coming from the Public Prosecution Service to prohibit and abolish the legal entity in question⁸ (article 2:20 of the Dutch Civil Code). There have been several occasions on where the Public Prosecution Service strived to inhibit an Outlaw Motorcycle club (Rechtbank Haarlem, 24 november 2006; Rechtbank Amsterdam, 11 april 2007; Rechtbank Maastricht, 29 mei 2007). Nevertheless, the judge remains very reticent to adjudge such a request. A broad range of circumstances implicate that it is difficult for Law Enforcement agencies to prohibit and abolish a 1%-MC.

In the first place, it is not always self-evident that criminal activities of a 1%-MC member can be attributed to the 1%-MC itself. Like Quinn and Koch (2010) already described, members also act in crime as individuals. Moreover, Ayling (2011) motivated that members do not only cooperate with other members to conduct economic activities. What is more, other non-members might also have an important role in conducting crimes and above all, not every 1%-MC member is necessarily involved in criminal activities to begin with (Ayling, 2011). As was mentioned before,

⁸ It is important to notice that art 2:20 BW is not based on Criminal Law. The Criminal Code in the Netherlands focuses on the individual offender. For instance, art 140 Criminal Code aims to punish the individual members of a Criminal organization. However, art 2:20 BW originates from the Dutch Civil Code and aims to prohibit foundations and associations of which the activity is alien to the public order. Thus in this case, not the individuals within these organizations are punished, but organizations as such are being dissolved.

it is known that members sometimes deliberately not wear their 'colors' while committing crimes (Europol, 2012). In such a case, the committed crime is seen as an act of the individual and not of the club (National Police Directorate, 2010). In this way, 1%-MCs try to emphasize that they disassociate themselves from the individual activities of its members. Also, the fact that members of a 1%-MC make sure they do not talk about criminal activities during official meetings, makes it more difficult to ascribe the criminal activities to the clubs itself (Europol, 2012). Van der Ploeg (2012) also question whether the board of a 1%-MCs really has an important role within a criminal organisation. Research by Europol (2012) explained that chapters act in a more or less autonomous way and are thus independent and responsible for their own criminal activities.

In line with this notion, the Court of Justice decided that despite the large amount of nation-wide rules and bylaws, the institute Hells Angels cannot be held responsible for the activities of an individual member or the malfunctioning of a specific chapter (Rechtbank Leeuwarden, 6 maart 2007; Hof Leeuwarden, 12 december 2007; HR, 26 juni 2009). In sum, criminal activities committed by a member on private occasions cannot unconditionally be ascribed to a legal person.

Next, the Court of Justice also denied a request to prohibit and abolish 'Hells Angels Amsterdam' because the criminal actions of the suspects did not have a 'structural character'. The Public Prosecution Service is obliged to prove that the legal person in question (the 1%-MC) commit crimes on a structural basis. In this particular situation, the Court decided this was not the case (Rechtbank Amsterdam, 11 april 2007; Hof Amsterdam, 10 april 2008).

Finally, the activities of a legal person have to be in conflict with the public order. In other words, the criminal behaviour needs to be focused either on civilians or the public order itself (Van der Ploeg, 2012). The Court stated that the activities of the Hells Angels were on occasion uncivilized and maybe even punishable, but not contrary to public order (Hof Leeuwarden, 12 december 2007). Kesteloo (2010) concluded that this 'public order principle', in the context of the prohibition and abolishment of a legal person, is applied with great reticence.

In sum, the prohibition and abolishment (article 2.20 of the Dutch Civil Code) of an Outlaw Motorcycle club is somewhat troublesome and far from self-evident. This is due to the idea that the activities of an individual club member are not by definition attributable to the organization of the 1%-MC and moreover, not all activities are considered to be structural or alien to public order. The Dutch Court of Justice apparently bring much value to respecting the right to freedom of peaceful assembly and freedom of association with others (article 11 of the European Convention on Human Rights) (Van der Ploeg, 2012). These examples clearly show that the assumption that 1%-MCs are comprised of criminals and are therefore criminal organizations does not stand up in Court.

All in all, the previous two examples revealed an assumption of crime when it concerns 1%-MCs. On the one hand, 1%-MCs in general are regarded and dealt with as clubs which participate in criminal activities by nature. Even when there is no solid proof for any criminal activity (in a particular case) to begin with. Municipalities, Law enforcement agencies and other relevant partners might act in this way because the Ministry of Security and Justice prioritized the combat to 1%-MC's. However, the first example pointed out that a nation-wide policy in itself cannot act as a ground for e.g. prohibiting an event; the circumstances in a specific case have to be taken into account. On the other hand, this paragraph also revealed the assumption that when a member of a 1%-MC participated in criminal activities, this is done on behalf of the 1%-MC as a whole. So, in this situation - other than the former example - there is no doubt about a member's involvement in crime. Nevertheless, the involvement of a member in criminal activities cannot be attributed to the club as a whole. As was already explained in the latter example, this could be due to how 1%-MC are organized. Simply stated, Law enforcement and their partners might be willing to use the '1%' - symbol and the confirming policies to generalize or 'assume' 1%-MCs as to be criminal by nature. However, it seems that the Court of Justice does not accept this assumption as to be lawful due to the structure and activities of the 1%-MCs.

7. Problems with the Dutch approach toward 1%-MCs

In this section the results of the interviews will be summarized and discussed. The first paragraph will explain in what way some of the respondents assess the present approach toward 1%-MCs. This will reveal some important findings; not only about how partners cooperate with each other, but also on how partners think about the present approach. Paragraph 7.2 will describe some bottlenecks concerning the differences in cultures between partners followed by paragraph 7.3 which summarizes some other general findings. Finally, paragraph 7.4 will explain how these findings influences the use of article 140 of the Dutch Penal Code (participation in a criminal organisation).

7.1 Fighting a phenomenon

In section six, several circumstances that impede the multi-agency approach toward 1%-MCs are presented. These problems can be attributed to characteristics of 1%-MCs in general. However, besides distinctive characteristics of 1%-MCs, other bottlenecks for a successful approach are present. In sum, while cooperation between relevant partners is promoted as a promising way of fighting organized crime, this cooperation has not always proven to be self-evident. The following paragraph will provide an overview of problems with the present approach toward 1%-MCs and also reveal a critical view on the present approach. First, the apparent lack of knowledge about the actual criminal activities of 1%-MCs will be discussed. Thereafter, another finding concerning the apparent lack of effective measures will be described. Finally, it will be explained in what way these two findings influences the way in

which 1%-MCs are encountered. On some occasions, the results of the interviews will be related to other relevant research.

A lack of knowledge about the activities of 1%-MCs

Section four explained the importance of a clear understanding of a problem. Van der Schoot (2006) stated that every preventive measure should have a certain theory on how it is able to force the expected outcomes. Relating to this programme theory, one assumption is of particular interest for this paragraph. That is, causal assumptions assume that a certain programme or intervention will have the desired effects. In order to develop such a successful intervention, a good understanding of the problem is of great importance. When the scope and nature of a problem is not fully clear the results of that programme might be disappointing and ineffective in the end (Van der Schoot, 2006).

However, a first important finding of this research is the apparent lack of awareness with the criminal activities of most 1%-MCs. While larger municipalities are relatively up-to-date when it comes down to knowledge about the criminal activities of 1%-MCs, especially smaller municipalities sometimes seem to be ignorant about 1%-MCs. Although research by Europol (2012) and the Dutch National Police (2010) provided ample examples of different types of crime committed by members of 1%-MCs, the interviewees admitted that knowledge about the actual modus-operandi of 1%-MCs is lacking. Whereas the Police seem to have complete and up-to-date answers to questions like; who is member of a 1%-MC and where are the different chapters located, knowledge about how 1%-MCs commit their crimes is still somewhat absent. One could say that questions relating to membership (number of chapters/members etc.) are mapped pretty well, while questions concerning criminal activities (e.g. how do members earn their illicit money ?) remain unanswered.

Secondly, a respondent working at the fraud department of the Dutch Tax Authority stipulated that he and his colleagues have no clear picture of how and where 1%-MCs transfer their criminal earnings to. While this respondent argued that knowledge about illegal cash flows should channel the approach and measures of Law Enforcement agencies and other partners, a lack of insight into the finances of these clubs is impeding an effective (financial) approach. Another respondent working at the Dutch National Police also stated that it remains unclear whether members of a 1%-MC invest their money into the club itself or transfer their money to other places.

A respondent stated that the lack of intelligence about the modus operandi of these clubs is not only because of a failing Police apparatus *per se*, but might be due to the specific characteristics of 1%-MCs. To take one example, several countermeasures restrict the possibilities for Law enforcement agencies to gain a broader insight into 1%-MCs. Section six already described several other reasons why it is difficult to get insight into the movements of 1%-MC members. All in all, a Police officer stated that the present approach toward 1%-MCs is based on the idea that 1%-MC members are probably if not certainly criminals, but that in

end, a lack of insight into the routine activities and modus operandi of these members resulted in a rather incomplete intelligence position about 1%-MCs.

Nelen (2004) also concluded that the results of the financial approach toward organized crime in general (proceeds-of-crime policy), have been disappointing. However, the author provided another explanation for this finding. Nelen (2004) argued that the present approach toward crime in general is based on three assumptions that further determine the way of approaching organized crime. The first assumption presumes that crime is always profitable and that no one should ever make any profit out of it (ideological assumption). Contrastingly, there is little insight about how much and where most criminal money is going to. Therefore, very little is known about the actual nature of the problem. The second assumption predicts that eliminating criminal profit can change the way on how criminals act (causal assumption). For instance, it is believed that removing money also leads to a decrease of a criminal's motivation to commit crime. But Nelen (2004) doubts whether financial gain is indeed the most important reason for criminals to commit crime. It also highly questionable that imprisonment has indeed a smaller deterrent effect than taking away the crime earnings. Although Nelen (2004) admitted that a proceed-based approach in theory could have some effect in preventing crime, the effect should not be exaggerated. The final assumption is about the belief that new allocated means and regulations are indeed more effective than previous legal powers (efficiency assumptions).

These three assumptions describe what Nelen (2004) linked to the term 'policy theory', which is a more or less generic term that aims to explain how assumptions or a certain theory can shape the approach toward crime issues. Leeuw (2003) also referred to this as the 'program theory', which reveals the underlying mechanisms that are believed to be responsible for the linkage between the input (measures) and intended outcomes. Besides these three assumptions, other reasons could explain the disappointing results of the proceeds-of-crime policy. For instance, due to of a lack of manpower, expertise, valuable information and interest, 'financial policing' has not received as much attention as planned. Nelen (2004) argued there is simply not always enough know-how, ability and willingness to use financial instruments to combat organized crime.

More recently, Kruisbergen et al. (2012) acknowledged this latter statement. The authors concluded that forensic accountancy – in spite of the central role for forensic accountancy in policy documents – has not yet taken a central role when it comes down to police investigations. So while forensic accountancy nowadays still seems to have a secondary character, Kruisbergen et al. (2012) suggest to assign a larger role to forensic accountancy into the daily activities of the Police.

A recent research by Van der Torre et al. (2013) also revealed some interesting findings for the present research. The authors concluded that the present intelligence position of the Dutch National Police on criminal collaborations (Criminele Samenwerkingsverbanden, CSV's) in general is lacking. This is particularly the case because criminal investigations in the Netherlands are mainly focused on serious criminal offences and prioritized offences. As a

result, a large amount of capacity (i.e. Police officers) is allocated to these types of crimes. Large-scale investigations are usually set up to find one individual responsible for a certain crime. Consequently, not many investigations are set up to investigate criminal collaborations or organizations, even when specific criminal intelligence about a certain cooperation or network is present. For instance, the research by Van der Torre et al. (2013) showed that during large-scale investigations, extra intelligence about other criminal activities has been ignored more than once in order to prevent a case from getting too broad. All in all, the authors stated that police investigations are mainly focused on individual perpetrators as a reaction to a certain crime while a lack of large-scale investigations into criminal networks impedes progress toward a stronger intelligence position on criminal infrastructures. As a result, up-to-date knowledge about hidden criminal activities remain scarce (Van der Torre et al., 2013).

As an example, the murder of an assumed gang member will usually instigate a large scale-investigation into this member while the gang as a whole, or the leading figures of that gang, remain out of scope. Therefore, the researchers suggest a more flexible and temperate way of using police capacity in these kind of situations. That is, employ a smaller investigation on a victim that is likely to be a criminal and focus more on the criminal structures behind the victim instead. Moreover, to enhance the provision of intelligence, it is suggested not only to use criminal investigations to effectuate a sanction, but also to generate more information about a certain phenomenon (Van der Torre et al., 2013).

Also, Van der Torre et al. (2013) proposed that the Dutch National Police should avail themselves more with available information and intelligence of e.g. Tax authorities and municipalities. Today, investigations and the provision of intelligence are still too much internally focused. While nowadays it seems to be common sense to base strategies and tactics on intelligence (intelligence-based policing), this way of policing is still not fully possible due to a lack of relevant intelligence within the police. It seems that Police officers should become more familiar with new lines of research, like financial policing (Van der Torre et al., 2013).

A lack of effective measures

The interviews also revealed some interesting findings relating to the use of different measures and interventions. First, respondents believe there are no measures present that could really help to tackle 1%-MCs in an effective way. Secondly, some respondents stated the present approach toward 1%-MCs lack a clear goal or vision and thirdly, it seems that police officers are not yet familiar with the use of administrative measures.

Thus, several respondents expressed the feeling that they are not able to take on the issues behind 1%-MCs by use of the available measures or interventions described in paragraph 4.5. The present measures are believed to be focused on tackling the phenomenon of 1%-MCs as a whole, instead of trying to approach the real issues with these clubs and its members. The seven focal points described in paragraph 4.5 are not reckoned to be able to really erect barriers to 1%-MCs. To take one example, closing clubhouses is not regarded as

an effective way of tackling the reasons why 1%-MC members conduct criminal activities. That is, these closings could involve the spread of members to other clubs and as a result, a less clear picture of where the different members are settled. Above all, this measure is not believed to take away the opportunity for committing crimes.

An executive Police officer stated that the Police force does not have a clear picture of where and how to erect barriers to tackle the problems in a more adequate way. This officer declared that the present approach toward 1%-MC only displaces the problem to other areas. As an example, City Councils in the province of 'Noord-Brabant' are trying to prevent 1%-MC members from becoming a bouncer or doorkeeper inside a club or cafe. However, when a permit to work as a doorkeeper is successfully retracted, members are still able to work as a 'runner' inside the club and in that way, could still (indirectly) work as a disguised doorkeeper. Also, a public prosecutor emphasized that it is not always possible to refuse to grant a permit to work as a doorkeeper since not all members have a criminal record.

Secondly, respondents also stated that the present approach toward 1%-MCs lack a clear and specific goal or vision. In other words, it is not always clear what Law enforcement agencies and other partners want to achieve while fighting 1%-MCs. To put it simply, combating 1%-MCs as a goal is regarded to be too broad and as a result, does not provide sufficient guidance on how to tackle 1%-MCs. It is not always clear what partners actually desire when fighting 1%-MCs. Simply stated, what does it mean for Law Enforcement and other partners if they aim to combat a 1%-MC? It was emphasized that broad goals might instigate interventions that are not able to be really successful. Therefore, it is important to question what the Police and other partners want to accomplish with a certain intervention. In line with this, a public prosecutor expressed the feeling that planning interventions nowadays seemed to become an end in itself, without really taking the effect of the intervention into consideration.

Thirdly, this research also revealed that some uncertainty exists relating to the opportunities to use administrative measures. One respondent supported the idea that knowledge about this type of measures should be increased in order to make Police officers more aware of other possible and more effective interventions. It seems that police officers are still too much focused on using traditional measures instead of using alternative measures (e.g. administrative measures).

In line with the previous results, some other recent findings of Duijn (2013) are particularly interesting for the present research. The author posed some critical questions to present criminal investigation processes and doubts whether the present approach still corresponds with the present knowledge about organized crime. Although a strong focus on allocating different and new measures to fight crime is present, it seems that the Dutch National Police on occasion still relapse into traditional investigation strategies. This is mainly because of two developments.

First, Duijn (2013) described the present strive to enhance the efficiency and effectiveness of policies and the pull toward visible results. This 'new public management' focuses mainly on results in terms of numbers or figures. Within this context, Duijn (2013)

argued that nowadays there is a need to describe organized crime in terms of numbers. Consequently, this led to the introduction of the term 'Criminal collaborations' (Criminele Samenwerkingsverbanden, CSV's). This made it possible to express complex types of organized crime in terms of numbers and consequently, to make achievements more transparent. However, the author also argued that such an approach limits the view on organized crime. While criteria are more or less based on out-of-date views on organized crime, this approach does not take account of e.g. social or cultural aspects that characterize criminal collaborations. As a result, crucial aspects of criminal collaborations are sometimes not acknowledged (Duijn, 2013). Therefore, innovative strategies to tackle criminal collaborations are more than often put aside, resulting in a focus on predictable and routinely investigations.

Secondly, Duijn (2013) also described that investigations into organized crime usually lack long-term objectives. The Police are alleged to make insufficient use of the opportunities to gain insight into the working process of criminal groups. Alongside, short-term strategies of the police are misused in that these strategies are seen as an alternative for long-term strategies. However, the former was originally intended to be part of a long-term strategy, for instance to shortly disrupt a criminal network (Kleemans & Kruissink, 1999). However, nowadays short-term actions are beloved because of short-term visible results and because the actions are rather goal-oriented. Despite these efforts, criminal networks are often able to accommodate to such approaches (Duijn, 2013). Additionally, short-term actions are often not part of any long-term strategy, while this is believed to have better results.

In contrast, Spapens (2010) argued criminal organizations need to be encountered as a more dynamic and fluid phenomenon. In this way, more innovative measures with a more pro-active character can be developed. In other words, the effectiveness of investigation measures are depended on the ability of the Police to cope with developments within the world of organized crime (Duijn, 2013).

'Policing assumptions'

Because of the lack of knowledge about 1%-MCs and the feeling that present measures do not effectively prevent criminal activities, one respondent portrayed the present approach as being based on assumptions. 1%-MCs and its members are assumed to cause trouble and are therefore hindered in some of their activities (e.g. organizing certain events or wearing a certain style of clothing). This can be explained by use of a recent resolution adopted by the City Council of 's-Hertogenbosch. Since this resolution, it is prohibited for guests of bars or clubs to wear 1%-MC related clothing in the city of 's-Hertogenbosch. This concerns clothing of every motorcycle club. However, at the same time, the Mayor of 's-Hertogenbosch also acknowledged that so far, the city did not experience much trouble with 1%-MCs (Brink, 2013).

In section six, two examples also explained the way in which a policy can be the result of an assumption of criminal activity. A Police officer stated that the Police, in cooperation with municipalities, more than once tried to prohibit events of a 1%-MC while the event

would probably be permitted if it did not concern 1%-MCs to begin with. Many events cannot be forbidden in advance due to the lack of indications that anything bad will happen (e.g. a fight between members of two different 1%-MCs). However, by use of 'power play', the Police tries to prevent such events from happening. As an example, this was also the case in 2012, when a local ordinance was adopted in a small Dutch village named 'Lierop'. Due to this ordinance members of any 1%-MC were not allowed to enter the village for a day and as a result, prevented Hells Angels from coming to a party planned in a local pub. By showing up with a substantial amount of Police officers and by blocking all entry roads to the location, the event was eventually cancelled (www.ed.nl, 2012).

A Police officer stated that the latter situation is exemplary for the present approach toward 1%-MCs. Although the overt (!) activities of 1%-MCs are usually legal, the nation-wide approach to tackle these clubs induce a ban on any gathering or event, even when no indications of possible violence or the like are noticed. Therefore, it is believed that the present approach toward 1%-MC is sometimes based on assumptions instead of up-to-date knowledge about a certain situation. Also, the interviewee believed that the presence of the Police is sometimes upsetting the public order to a greater extent than the presence of the members itself. A public prosecutor argued that it should not be possible that a nation-wide policy determines how to act in a single event. In other words, it is believed that a nation-wide policy must not prevail over the exclusive right of municipalities to decide on how to take on a particular situation. The respondent believes that every local authority should be able to decide how to act in one situation, because in this way situational circumstances can be taken into account. In order to prevent crimes, the respondent believes an 'out-of-the -box mindset' is needed instead of drawing on traditional measures based on reactive interventions and assumptions.

7.2 Differences in Culture

A recurrent theme during every interview was the acknowledgement of a difference in 'culture' between the different partners. This became especially apparent when discussing the exchange of intelligence between partners. A multi-agency approach entails the cooperation of different partners and therefore, presumes the willingness to exchange intelligence about certain individuals and to adapt intervention plans to each other (Huisman, Huikeshoven, Nelen, Van de Bunt & Struiksma, 2005). The evaluation of the Van-Traa project (aforementioned in section four) showed that the exchange of information and intelligence between the partners for the administrative approach in Amsterdam seemed to be troubled. This was particularly the case for the Police; more than once, the Police seemed to refuse to share relevant intelligence concerning e.g. criminal records with other partners (Huisman et al., 2005). This paragraph will first discuss this problem of sharing information (e.g. intelligence from the police and information of Tax authorities) between partners (the Police, municipalities, Tax authorities and the Public Prosecution Service) in the context of the multi-agency approach toward 1%-MCs. Thereafter, a possible explanation for these opposing views on sharing intelligence will be discussed.

Sharing information

Section four already explained the value of sharing information and intelligence. This is also the case for the present multi-agency approach toward 1%-MCs. However, the conducted interviews revealed that the exchange of intelligence has led to some frustrations in the past. As was explained earlier in this article, different partners share information at the RIEC in order to come to a better intelligence position about a certain person or problem (Korps Nationale Politie, 2013). This is done before a person is suspect in terms of article 27 of the Dutch Code of Criminal Procedure. Within this agreement, the different partners committed each other to share all intelligence necessary for achieving their collective goals. In general, the research revealed that the people or partners working together on fighting 1%-MCs can be divided into two sides namely, 'the precise' and 'the flexible'. This categorization reflects the willingness to share intelligence with other partners.

On the one hand, there are partners who are willing to share intelligence and will look for different possibilities to share intelligence ('the flexible'). When it comes down to sharing intelligence, these partners stated they try to think in possibilities instead of risks. On the other hand, there is a group that is more retained in sharing intelligence ('the precise'). Although this group is also aware of the added value of combining intelligence, this group is more strict and focused on the regulations of sharing intelligence. Importantly, this latter group does not consider themselves as 'the precise'; they just feel they are respecting and abiding the current laws where others partners asses these rules too loosely. Contrastingly, the other group reflects that 'the precise' are just not always willing to share intelligence and are consistently detached in sharing intelligence. On the whole, 'the precise' are usually seen as the partners that should provide information. To the contrary, 'the flexible' are the partners that usually demands intelligence. In that case, the Police and Public Prosecution Service are seen as partners that should provide relevant intelligence, while the RIEC is depended on the intelligence they get from other partners and are therefore demanding intelligence. As a result, the Police and Public Prosecution Service are typified as being part of 'the precise'.

Interestingly, besides differences *between* various authorities considering the will to share intelligence, also different point-of-views *within* the Police and Public Prosecution Service are noticed. Some regional units of the police are believed to be more detached in sharing intelligence compared to other Police regions. Moreover, respondents even noticed differences within a Police unit. That is, some Police officers are believed to be more amenable to share intelligence with other partners than their direct colleagues. The same seems to apply for the Public Prosecution Service; some public prosecutors are considered to be more or less strict in sharing intelligence to other partners than others.

This contrast can be explained by use of the following example. A decree on article 18 of the Dutch Police data Act acknowledged that, in general, no more intelligence is shared than necessary (15 maart 2013, *Stb.* no. 6711). This decree also stated that information is shared only by use of a two-part procedure. To put it simply, partners first need to make use of less sensitive sources of intelligence while looking for points of departure (article 8 and 13

of the Dutch Police data Act). Only if necessary, more sensitive information (intelligence coming from Police informants) will be shared (article 9 and 10 of the Dutch Police data Act). It seems that the word 'necessary' leads to different interpretations. Some people suppose that the necessity for sharing intelligence is reached almost instantly, while others think sharing intelligence is not necessary in every case. At the same time, some partners or people seem to take the two-part procedure with a pinch of salt while others prefer to encounter this rule with more caution. A respondent believed that the present reluctance to share intelligence is the result of a 'culture of fear' that exists with partners who are afraid to cross the boundaries of law and as a result, to be recalled by a judge in the future.

Van der Torre et al. (2013) also argued that a multi-agency approach should not only consist of working together with other partners. The Police should also look for other opportunities to fight crime besides the more traditional measures. In the present time, these alternatives usually comprise of financial sanctions like assessments by Tax authorities or retrieving permits. However, widening the scope of possible sanctions other than the traditional punishments on the grounds of criminal law is still in its infancy. This research also stated that although everyone supports a multi-agency approach beforehand, it seems to be more or less depended of one's rank, function or personal vision whether he or she really give shape to that approach (Van der Torre et al., 2013).

Mono-disciplinary vs. multidisciplinary

As was already explained, municipalities have an important role in fighting crime. Huisman (2010) at the same time argued that fighting organized crime is still not fully incorporated into the policies of municipalities. This might be due to the idea that smaller municipalities do not fully recognize the problems with crime or because they lack capacity and expertise. The author stated that synergy between criminal investigations and an administrative approach is easier said than done; besides signing conventions, each partner also has to change its traditional process into a new way of working whereby relevant intelligence is actually exchanged. Moreover, in their evaluation study on the Van-Traa project, the authors stated that partners usually acknowledged to pursue an administrative approach in cooperation with others but that at the same time, these words are not always matched by deeds (Huisman et al., 2005).

The previous paragraph showed that different partners indeed differ in the way how they cope with the multi-agency approach. Thus, it seems that the aforementioned findings of Huisman et al. (2005) are not only present in the situation of Amsterdam. While an agreement to share intelligence was also signed by partners in the present approach toward 1%-MCs, not all partners seem to have changed its traditional process into a new way of working. This paragraph will discuss the reason why the words are not always matched by deeds.

In the context of this research, a multi-agency approach can be seen as a multidisciplinary approach. That is, different authorities (e.g. Tax authorities, City administration, the Police)

come together in order to fight crime more successfully. On the other hand, the traditional approach of the Police working together with the Public Prosecution Service can be considered to be a mono-disciplinary approach (in this respect, only the Police and the Public Prosecution Service are responsible for fighting crime). One respondent (a Police officer) stated that the Police in general, is somewhat skeptical about working together with other partners and are more strict in providing intelligence to others. However, this respondent argued that the lack of confidence in a multidisciplinary approach by the Police is unfounded. That is, some Police officers are only aware of the possible threats of working with other partners and do not realize what the actual possibilities and opportunities of other measures are. The interviewee argued that especially the Police is reluctant in working together with other partners because they are afraid that sharing sensitive intelligence might eventually hinder or even threaten an investigation process conducted by the Police itself.

A second Police officer described this way of thought as being typical for the Dutch Police force; a somewhat tunnel-like field of vision when it concerns cooperation. Traditionally, the Police force and the Public Prosecution Service are used to be the only two authorities responsible for investigating and prosecuting criminals. Therefore, these two authorities have always been the partners responsible for owning and using sensitive intelligence. However, the recent multi-agency approach calls for more cooperation between partners and thus, the Police to abandon the exclusive right to fight crime. The same respondent believes that some Police officers are still not used to this idea and still believe that a mono-disciplinary approach to fight crime should prevail over a multidisciplinary approach. Another respondent, also an Police officer, indeed argued that the multi-agency approach toward crime should not become the customary way of fighting crime. That is because the respondent believes this movement might involve a new type of bureaucracy in which cooperation is believed to be the best practice while on occasion, a mono-disciplinary approach (the Police and subsequently the Public Prosecution Service) still is the most effective and decisive way of approaching crime.

Alongside, some stated that the Police is still somewhat unfamiliar with working together with partners other than the Public prosecution Service. On the other hand, municipalities are also not used to cooperate with the Police. One respondent explained that municipalities are, in general, used to work with 98 % of all citizens ('non-criminals') while the Police solely focuses on 2 % of all citizens ('criminals'). Therefore, municipalities are not used to cope with criminals and the Police is not used to work with measures other than Law enforcement measures. For this reason, cooperating with other authorities is still somewhat unknown to the Police. At the same time, municipalities are still somewhat unfamiliar with working with the police. The unfamiliarity to work with other partners could – in general – result into unwillingness or reluctance to cooperate with other partners. The same respondent therefore stated that the Police should - to a greater degree - think in terms of opportunities instead of risks. That is, the Police should realize what the opportunities are for working together with partners other than the partners they are used to work with.

Another Police officer, on the other hand, stated that cooperation should not become an end in itself. This interviewee argued that the Police is not always in need of help from

other partners. Simply stated, on many occasions, cooperation with others is not actually helping, but impeding the swiftness of the approach toward 1%-MCs. It is believed to be more effective to sometimes work 'alone' (the police and Public Prosecution Service), without the help of other partners.

7.3 Some other findings

Besides the illustrated differences in culture and problems related to fighting 1%-MCs, some other rather general findings can be denominated. This paragraph will discuss three more topics. First, some respondents argued that the multi-agency approach is a time-consuming process and therefore lacks effectiveness. Secondly, the need for more resolute and integral interventions plans will be highlighted and finally, the presumed lack of unambiguous priorities and targets will be discussed.

A time-consuming process

Thus, besides the aforementioned findings, some other problems seem to be present with the multi-agency approach in general. Some respondents experience the decision-making process to be rather slow. Respondents feel that cooperating with other partners sometimes takes a lot of time which might result in a less effective decision-making process. A public prosecutor stated that meetings at the RIEC are sometimes attended by a fair amount of people who at the same time, do not really participate or contribute to the debate. In other words, while the multi-agency approach entails cooperation with several agencies, not all agencies are always able to really participate in a meeting. Since this could impede the multi-agency approach, this respondent expressed the feeling that it is sometimes excessive to invite each and every partner to a certain meeting. To give a practical example, the interviewee argued that to arrange meetings with more partners than needed could result in a less effective working process since it is more difficult to schedule a next meeting with so much partners sitting around the table. As a result, some time might pass before a matter is followed up in a next meeting.

Another respondent also stated that – in general – cooperating with different partners can be a time-consuming process. For instance, how quick intelligence is being shared depends on one's willingness to cooperate. A successful approach toward a problem could be hampered when one or more partners are more or less reticent in cooperating with others. Although it is reckoned to be reasonable that such problems arise when cooperating with different partners, prompt actions are sometimes believed to be of the essence, especially when it concerns the combat of 1%-MCs (e.g. in the case of preventing a 1%-MC from establishing in an area). However, due to a junction of different authorities and as a result, different visions on how to tackle a certain issue, this multidisciplinary approach is not always believed to result in swift and prompt interventions. Therefore, a police officer stated that, on certain occasions, partners should confer less and act more.

More resolute (integral) intervention plans

Another recurring point of interest concerns the degree of vigorousness of the interventions proposed by the RIEC. As was earlier explained in this article (paragraph 4.4), after gathering intelligence from different partners (e.g. the Police, State administration and the Dutch Tax Authority) a plan on how to approach a certain issue will usually be developed and suggested by the RIEC. However, some interviews revealed that partners experience these intervention plans to be little resolute. For example, one police officer expressed the need for more precise interventions. This respondent argued that questions like; how will the intervention be implemented, who will execute it and what is the timetable for implementing this intervention, remain unanswered on too many occasions. As was already mentioned earlier in this section, respondents also issued the need for a more precise goal or intention. Simply stated, besides combating 1%-MCs in general, what is it that we want to achieve with this intervention? The interviews exposed the feeling of respondents that a clear answer to this question remains vague or sometimes even absent.

Interestingly, Huisman et al., (2005) acknowledged that when the actual goal of an approach remains unclear, interventions could, as a result, be implemented on situations that do not necessarily fall within the original focus of the approach (net-widening).

Another matter relating to the implementation of multifaceted interventions is equally interesting for this research. While a multi-agency approach would suggest that an intervention is conducted in cooperation with others, the interviewees did not always confirm this view. One respondent stated that when an intervention plan has been implemented, partners do not always *cooperate* while acting upon this intervention plan. For instance, envisage an intervention plan suggesting to perform a Police investigation in combination with a research into the finances of a 1%-MC member (conducted by the Tax authority). While in such a case, two different authorities (i.e. The Police and the Tax authority) aim to tackle a certain issue, it still seems that this does not automatically imply that those two authorities also *cooperate* with each other during their efforts. Therefore, one respondent stated that the implementation of two different types of interventions is indeed a multidisciplinary approach, but is not an integral (multi-agency) approach by definition. That is, an integral approach would suggest that, in this case, two authorities also interact with each other during the implementation of their investigations. However, the former situation only comprise of two partners working apart from each other. So while the present motion to cooperate with different partners is certainly acknowledged as a promising development, some interviewees acknowledged this does not always result in actual interaction between the authorities in question. On occasion, the multi-agency approach still only consists of different authorities taking measures on its own without consulting other participating partners.

Integral priorities and targets

Section four already described why (organized) crime should be approached not only by Law enforcement agencies, but also by e.g. municipalities and the Dutch Tax authority. In other

words, not only the Dutch National Police, but also other authorities are bound to fight (organised) crime. For example, while the Dutch Tax authority originally has as a controlling position, one could say it is now part of the Law Enforcement chain. That is, Tax authorities share intelligence with other partners in order to fight crime. Nevertheless, according to some interviewees, various partners still have their own domestic goals or targets. They acknowledged that different partners will still be judged and held to account for their own targets. For example, Tax authorities so to speak still need to correspond to their own domestic goals as a controlling service, while the Police will be held account for a different target (e.g. a certain amount of solved criminal investigations). Some respondents suggested that this diversity of targets and priorities might on occasion impede the willingness of a partner to fully cooperate in a multi-agency approach. Due to the variety of priorities, cooperating in an investigation is not always for the benefit of the authority itself. For example, not every authority might have the same interest in investigating a member of a 1%-MC. Simply stated, a tax authority will not be judged on the amount of criminals put behind bars. So, while integrating powers and measures of various partners seems to be a clear adage, a commonly shared target or objective still seems to be absent. Although this is not a problem acknowledged by every respondent, some respondents feel that a multi-agency approach should also induce a commonly acknowledged (integral) objective. All in all, domestic objectives might result in different agendas that could eventually obstruct partners from acting for one and the same purpose.

In this paragraph, several issues for the multi-agency approach toward organized crime have been discussed. However, it also seems that most of these findings are not strikingly new-fangled. In a research by Klein Haarhuis, Ooyen-Houben, Kleemans and Leeuw (2005) seven interventions were reviewed concerning the operating of the Law Enforcement chain. This evaluation consistently revealed some difficulties in the implementation process of Law Enforcement structures that also seem to be present in the current research. Six recurring systematic bottlenecks are: (1) a lack of integral management of the organisations; (2) a lack of coordination between partners; (3) a lack of commonly shared policies; (4 and 5) a lack of organisational capacity and expertise, and (6) fighting crime seemed to prevail at the expense of preventing crime and the acquisition of knowledge (Klein Haarhuis et al., 2005).

It seemed that some of these bottlenecks are also present in the present research. Especially a lack of commonly shared policies is recognized in this paragraph. Different partners have different 'cultures' and priorities and consequently, a clear consensus on how to cooperate is not always present. Indeed, different interpretations on how and when to share intelligence convey the impression that not all authorities work in accordance with the same guidelines or policies.

Moreover, Klein Haarhuis et al., (2005) acknowledged that crime fighting is sometimes conducted at the expense of preventing crime. In paragraph 7.1. something similar was noticed; some respondents issued the impression that most initiated measures are not effective enough to tackle the root of the problem. In other words, interventions are not able to prevent and thus, take away the opportunity to conduct crime. At the same time, this research also revealed that insight into the modus operandi of crimes conducted by 1%-MCs

is lacking. So, possibly due to the idea that much relevant information and intelligence is absent, different partners are still not (yet) able to erect successful opportunity barriers.

7.4 1%-MCs and article 140 of the Dutch Penal Code

Throughout the interviews the use of article 140 of the Dutch Penal Code (PC) by the Police and Public Prosecution Service has also been discussed. Not surprisingly, this was especially the case during interviews with Police officers or people working at the Public Prosecution Service. Article 140 PC makes participation in a criminal organisation punishable. This article was created in order to protect society against danger and threats coming from criminal organisations. That is, organisations which aim to commit serious as well as minor offences. Importantly, the intention to commit a crime on your own is also within the scope of article 140 PC. Moreover, not every participant of the legal person needs to be prosecuted on account of 140 PC for proving the existence of a criminal organisation. That is, only two persons are needed in order to speak of an ‘organization’ (Kesteloo, 2011). Explaining all conditions of 140 PC is beyond the scope of this section. However, the conclusions of Kesteloo (2011) concerning the prosecution of 1%-MC members are especially interesting for this paragraph. In his study, Kesteloo (2011) discussed – among others – a case called ‘acroniem’ in where a total of 22 Hells Angel members were indicted for participation in a criminal organisation (Rechtbank Amsterdam, 20 december 2007). However, due to infringements on the rights of the suspects (confidential telephone conversations were disclosed during trial) the Public Prosecution Service was declared inadmissible and therefore the Court did not further discuss the subject under discussion. In spite of all this, Kesteloo (2011) concluded that the circumstances in this case did provide a good starting point for article 140 PC. However, other than what The Public Prosecution Service had tried in this trial, in order to classify the Hells Angels MC as a criminal organisation, Kesteloo (2011) argued that is not necessary to consider all members of the 1%-MC in question. Only a few members, whether in shifting formations or not, are needed for the benefit of article 140 PC. Thus, while members might operate in a more or less ‘fuzzy network’, they can still act as a sustainable and structured organization. Again, to be able to resolve article 140 PC, one does not have to prove that every member of the 1%-MC in question is part of the criminal organization. It is only required to focus on the organization behind a specific crime (Kesteloo, 2011).

Alongside, the rules, codes, and hierarchy within a 1%-MC can be used as a way to prove the existence of such an organization. Since the organization of the 1%-MC as a whole is not important for article 140 PC, only the partnership between the actual suspects planning to conduct a crime is of the essence here. Their shared membership to a 1%-MC itself is of minor importance. However, the existent rules on how members of a 1%-MC interact with each other in general, can in turn act as an important indication on how the suspects interact with each other. In other words, this could act as proof for the presence of a sustainable and structured network.

In sum, other than what the Public Prosecution Service had tried in the ‘acroniem’ case, there is no need to designate an entire 1%-MC as a criminal organisation in order to

prosecute a member for being part of a criminal organisation in respect of article 140 PC (Kesteloo, 2011).

Interviews with Police officers and a public prosecutor revealed that the use of article 140 PC is not very common. In an interview for this research, Kesteloo stated that this might be due to a lack of knowledge about the article itself. The Police or Public Prosecution Service do not always seem to realize what kind of means or laws they are able to use. Moreover, article 140 PC is somewhat complicated and thus, not an easy article to deploy. In line with research by Van der Torre et al. (2013), Kesteloo also referred to the repressive character of the Dutch National Police. In order to work with article 140 PC, a more proactive mindset to tackle organized crime is believed to be important. Simply stated, it is more difficult to prove the existence of a criminal organisation when the actual crime has already been committed.

A Police officer motivated the moderate use of this article by stating that they (i.e. the Dutch National Police) already lost ‘the battle’. By saying this, the respondent referred to the aforementioned ‘acroniem’ case in where the Public Prosecution Service and the Police failed to prosecute members of the Hells Angels. This respondent acknowledged that not all members of a 1%-MC are criminals *per se*, and it is therefore difficult to test article 140 PC. However, as stated above, Kesteloo (2011) argued that there is no need to prove that all members of a 1%-MC are part of the criminal organization; only a subset of at least two members is required for this article.

Thus, since the ‘acroniem’ case in 2007, there seems to be a retained and sceptic view on the use of article 140 PC. A public prosecutor explained that the Public Prosecution Service might be afraid to fail again in proving the existence of a criminal organization. It is also believed that the chance to succeed in prosecuting a 1%-MC is low.

Besides the aforementioned reasons in this paragraph, Kesteloo (2011) gave some more reasons for the present reluctance to use article 140 PC; a lack of money, time, provisions or manpower can also be named as reasons for deciding not to apply article 140 PC in a certain case.

Interestingly, research by the Dutch National Police (KLPD, 2010) accepted 1%-MCs as to be criminal organisations. Policy documents aiming to call an end to 1%-MCs also seem to act on the principle that 1%-MCs are criminal organisations. Also some of the Police officers interviewed for the current research seem not to question that 1%-MCs are criminal organisations. However, this assumption is not in line with the modest use of article 140 PC. That is, taking these assumptions into account, one would expect a more assertive use of article 140 PC. Thus, there seems to be an incongruity between how people – responsible for combating 1%-MCs – typify 1%-MCs and how they eventually encounter them. Although there seems to be no doubt that 1%-MCs in general have links to organized crime, article 140 PC is usually not regarded as a possible and effective way of fighting 1%-MCs. In line with this incongruity, Van der Torre et al. (2013) also argued that the Dutch Police focuses mainly on individuals instead of investigating the network behind a suspect.

A possible reason for this incongruity relates to the difference between the legal term of criminal organisation in respect of article 140 of the Dutch Penal Code and the more broader term of a criminal collaboration (CSV, paragraph 7.1). Criminal collaborations are not by definition equal to criminal organisations in respect of article 140 PC. In short, the latter relates to several legal conditions while the former relates to a criminological term that allows a wider interpretation of a criminal group or organisation. So when e.g. Police officers characterize a 1%-MC as a criminal organisation, they might refer to the more broader term of a criminal collaboration (CSV) and not to a criminal organisation in respect of article 140 PC. This might explain why on the one hand Law enforcement agencies seem to assume 1%-MCs are indeed criminal organisations while on the other hand, article 140 PC is still not regarded as an effective way of fighting 1%-MCs.

Earlier in this article, the idea of approaching 1%-MCs as a phenomenon was already explained. Focusing on collaborations as a phenomenon might lead to a focus on a complete 1%-MC, while Kesteloo (2011) argued that concentrating on an entire 1%-MC might impede a successful prosecution of a 1%-MC as a criminal organisation.

8. In Contrast: A Multi-agency approach toward Football Hooliganism _____

In this section, the present approach toward football hooliganism will be considered in order to compare that approach with the approach toward 1%-MCs in the Netherlands. It is beyond the scope of this section to describe all similarities and differences between 1%-MCs and hooligan formations. However, considering the approach toward hooligan formations might help to put the combat of 1%-MCs in contrast.

To take football hooliganism as a comparison to 1%-MCs is particularly interesting because both approaches concern a multi-agency approach. That is, the Ministry of Security and Justice (2011) aim to fight football hooliganism by working together with the Police, Public Prosecution Service, municipalities, Football clubs and the Dutch Football Association (KNVB). All in all, the Ministry of Security and Justice emphasized that all different partners have their own responsibility in combating football hooliganism (Ministerie van Veiligheid en Justitie, 2011).

Equally interesting is the fact that Dutch authorities have also tried to encounter hooliganism as an organized (criminal) activity (Spaaij, 2008). That is, on account of some incidents with supporters of football clubs 'Ajax' and 'Feyenoord' in the Dutch city of Beverwijk in 1997, the Police of region Amsterdam-Amstelland aimed to prosecute some Ajax-supporters for having participated in a criminal organisation (article 140 Dutch Penal Code). However, the Supreme Court decided that the initiatives that resulted into the respective incidents were strictly the result of individual actions. The Supreme Court also argued that the supporter club in question did not comply to the required level of organization and above all, did not have the intention to commit organized crimes. Therefore, the existence of a criminal organisation in name of article 140 PC was not proven (HR, 10 juli 2001).

More recently, in 2006 The Court of Justice decided in line with this decision. In a

case where tens of Ajax supporters attacked the supporters home of football club 'ADO Den Haag' on February 10th (2006), the efforts of the Public Prosecution Service to prove the existence of a criminal organisation (140 Penal Code) were again of no avail. Again, the Court of Justice decided there was no sign of any structured collaboration. In other words, the Court assumed the attack on the supporters home was solely the result of individual actions (Rechtbank, 6 juli 2006).

Adang (2002) acknowledged this statement by showing there is indeed a lack of organization within a supporter club. Moreover, hooligans are believed to dislike any form of authority within their hooligan formation. In other words, within a hooligan formation there are no real leaders with overall authority (Giulanotti & Armstrong, 2002). Therefore, Spaaij (2008) characterized a hooligan formation as a rather loose and temporal relation with more or less fluid boundaries.

Although it is clear that 1%-MCs differ from hooligan formations in many ways (e.g. 1%-MCs do have strict ranks or standings), it is interesting to consider how at present times, hooligans formations are approached in contrast to the approach toward 1%-MCs. Especially knowing that the Court of Justice decided that both groups (hooligan formations and 1%-MCs) cannot be defined as criminal organisations on behalf of article 140 PC. As mentioned before, the approach toward Football hooligans can also be characterized as a multi-agency approach. However, The Ministry of Security and Justice emphasized that measures toward football hooligans should not have a generic character. This is because only a minority of the football supporters disrupt the public order and as a result, cause trouble (Ministerie van Veiligheid en Justitie, 2011). Therefore, different partners (municipalities, the Police, the Public Prosecution Service, the Dutch Football Federation and Football Clubs) aim to only map individual offenders in order not to take on the well-intentioned football supporters. This is done by aiming to enlarge the intelligence position on the role, behaviour and identity of certain individuals within a supporter club. With this intelligence, the goal is to remove problematic hooligans from anonymity. Thus, the partners do not focus on a supporter club as a whole, but try to focus and punish certain individuals within the group. In line with this, a good intelligence position is believed to be crucial. This intelligence position could provide the foundation for a more effective, pro-active focus on individual lawbreakers (Ferwerda & Adang, 2005).

Although one could question whether a comparison with hooligans formations is appropriate, especially the different ways on how both groups are encountered is of interest here. This research showed that the present focus toward 1%-MCs is based more or less on the assumption that a 1%-MC is comprised of wrongdoers by nature. For example, paragraph 4.5 showed that the approach aims to make a clear statement that Outlaw Motorcycle gangs and its members are not wanted. Simply stated, it focuses on the club as a whole. In contrast, the approach toward football hooliganism in the Netherlands tries to pinpoint the actual wrongdoers *within* the supporter club. This is an important difference because the latter approach takes account of the idea that not all supporters of a supporter club are in fact criminals. The current research also provided some first indications that 1%-MCs do not

solely consists of criminals. Why this point-of-view could therefore also be helpful for the approach toward 1%-MCs will be further discussed in section eleven (discussion).

9. Conclusion

This article discussed several circumstances that hamper the present approach toward Outlaw Motorcycle clubs. These circumstances together provide an answer to the following research question: *What circumstances impede the (multi-agency) approach toward Outlaw Motorcycle clubs in the Netherlands ?* The findings of this research certainly do not induce one clear answer to this research question. Therefore, the reason why the present approach to Outlaw Motorcycle clubs seems to be hampered can be considered to be the result of several interrelating circumstances.

Section six of this article first explained that approaching 1%-MCs is difficult due to several characteristics of 1%-MCs itself. For example, this article explained that members of a 1%-MC apply a strict 'code of silence', which makes it harder for Law enforcement agencies to retrieve trustworthy intelligence. This could eventually lead to a lack of proof and consequently, the inability to prosecute members of a 1%-MC. Also, 1%-MCs seem to be aware of the fact that they are being watched by Law enforcement agencies. Hence, 1%-MCs adopted several countermeasures that prevent the Police from retrieving a solid insight into the movements of 1%-MCs and its members. Alongside, members of an Outlaw Motorcycle club use intimidation and their violent reputation to influence the 'outside world'. For instance, fear of retaliation might prevent witnesses from testifying against 1%-ers. All in all, a violent reputation, intimidation, different countermeasures and the 'code of silence' together lead to a structure in where members of a 1%-MC are able to undermine the 'rule of law' of a democratic state more easily. This impedes the multi-agency approach toward 1%-MCs because it makes it harder to gain a solid intelligence position which different other partners, on their part, could use to successfully tackle the 1%-MCs and its members.

This research also revealed that the present policy to fight 1%-MCs is approaching 1%-MCs in its entirety, instead of focusing on the specific members that actually break the law. Although this article provided ample indications that members of 1%-MCs might indeed have links to (organized) crime, interviews with different partners also indicated that this link seems not to be consistent for every member within a 1%-MC. However, it seems that the combat toward 1%-MCs is actually based on the assumption that every member of a 1%-MC is breaking the law and as result, 1%-MCs are criminal organizations by definition. In this context, the aforementioned situation in where members of a 1%-MC are being repulsed out of bars or clubs in the city of 's-Hertogenbosch is rather illustrative. This research showed that this assumption might impede the approach toward Outlaw Motorcycle clubs. That is, the Court of Justice decided on several occasions that the criminal activities of a member cannot automatically be ascribed to the club as a whole. Being a member of a 1%-MC cannot be seen

as a valid reason for assuming that the activities of that individual are executed for the benefit of the club. Moreover, paragraph 6.3 showed that a policy cannot in itself act as a legal ground for prohibiting e.g. 1%-MC events and thus, for assuming a 1%-MC to be criminal by definition. In other words, in every single case the authorities have to reconsider whether there are enough legal grounds e.g. to prohibit a club event. Thus, one could question whether the problem is with the 1%-MC itself or with the individual members that embody the club. At the same time, this research also showed that the characteristics described in section six hamper a solid insight into the lives of each and every member. As a result, it will not always be possible to provide enough indications on whether a certain member is indeed a criminal.

The conducted interviews acknowledged this latter statement. It seemed that knowledge about the activities of 1%-MCs is lacking and moreover, there is no clear picture on how members actually earn and conceal their illegal proceeds. This is partly due to the described countermeasures of 1%-MCs, but at the same time, this also seems to be the result of the idea that not much Police investigations are focused on networks or criminal collaborations. Police investigations are mainly carried out as a reaction to apparent crimes while so called large-scale investigations into criminal networks are scarce. The focus of the Police on traditional investigation measures might in fact withhold a better intelligence position about 1%-MCs.

This research also showed that authorities believe that the amount of measures to effectively erect barriers to 1%-MCs are limited. This could be the result of the lack of knowledge about 1%-MCs in combination with the described focus on the 1%-MC as a whole. That is, without solid insight into the modus operandi of the criminal activities, partners are not able to negatively influence the opportunity structures present within these types of clubs. The current measures are not believed to actually take on the core of the problem, but displace the problems instead. Moreover, the present measures and goals to tackle 1%-MCs are considered to be too broad and therefore, cannot act as an effective tool to take on the actual problem. A nation-wide policy to fight 1%-MCs is also believed to cast a shadow over specific problems or circumstances present in one specific area or region, that might in fact need a more specific or different approach.

The present approach toward 1%-MCs seems to be based on the assumption that 1%-MCs and its members are criminal by definition, while this research also revealed that intelligence about the actual criminal activities of the members is lacking. A focus on 1%-MCs as a phenomenon might obscure a clear insight into the real extent of the problem with 1%-MCs. In other words, this generalized view on 1%-MCs might blur the focus on the actual individuals who may or may not be involved with organized crime. This lack of knowledge with 1%-MCs and its members seem to hamper the measures to cope with the specific problems of these clubs. Thus, measures aiming at 1%-MCs in its entirety are likely to impede the approach toward 1%-MCs.

Besides, this research also revealed that a flawless cooperation between different types of authorities (multi-agency approach) is certainly not self-evident. For instance, the Dutch National Police seem to be more reluctant in sharing intelligence than e.g. the Dutch Tax

authorities and municipalities. The junction of different ‘cultures’, on occasion, oppose an effective collaboration of authorities. This becomes especially prevalent when it comes down to exchanging intelligence; authorities, but also individuals *within* an authority, appear to interpret agreements on exchanging intelligence in different ways. Clearly, there is no consensus on how and when to exchange intelligence between partners. For example, within the Dutch National Police, different opinions exist on when it is believed to be legal to provide intelligence to the RIEC. Also, when it comes down to providing intelligence to e.g. the Tax authority or municipalities, divergent views on when to provide relevant intelligence exist between different Police regions.

Moreover, the multi-disciplinary approach is still not fully incorporated into the policies of the cooperating authorities. Again, the Police are finding it difficult to accustom oneself to the multi-disciplinary approach. That is, the Police seems to have a problem resigning their ‘exclusive right’ to combat crime. Although people realize that working together with other partners is essential for fighting 1%-MCs, Law enforcement agencies are not always used to cooperate with other partners and some other partners (e.g. municipalities) are, at the same time, not used to investigate crime. In other words, there seems to be a lack of commonly shared thoughts on how the multi-agency approach must be shaped. It has been discussed that the success of a multi-agency approach depends on the willingness of different partners to invest knowledge and capacity into projects and moreover, the will to share intelligence with other authorities. Thus, divergent work climates noticed in the current research could impede the multi-agency approach toward 1%-MCs.

The multi-agency approach in general is also considered to be a time-consuming approach in need of more resolute intervention plans. This research showed that plans to combat 1%-MCs do not always get off the ground very quickly. Alongside, a lack of specific intervention plans also seems to hamper the approach toward 1%-MCs. That is, different partners expressed the need for more precise interventions including more transparency on how an intervention is able to erect successful barriers to criminal activities. Besides, respondents stated that the lack of a clear goal or intention might also obstruct a resolute approach. That is to say, the policy goal of ‘fighting 1%-MCs’ seems not to provide practical guidelines for erecting effective barriers. Other research already showed that the absence of a clear target could also impede the assessment of a certain project.

Finally, different priorities or objectives might impede an altruistic cooperation between the different partners. That is, Tax authorities might aspire a different objective compared to the Police or local municipalities. While one could suggest that an integral approach to fight crime might also call for integral targets or goals, different authorities still seem to have their own domestic goals that could obstruct a collective approach toward 1%-MCs. Other research revealed that cooperation with other partners should serve the partner’s own interest or otherwise, the will to cooperate will be diminished.

In sum, until recent times the idea of authorities working together to fight 1%-MCs has been more or less unknown. While the Police has originally been the leading authority responsible for fighting crime, nowadays they are expected to fight crime with other partners. However, while all partners believe that the multi-agency approach is a promising way of

fighting 1%-MCs, difficulties relating to the junction of different type of authorities still more or less impede the multi-approach toward 1%-MCs.

10. Summary

Over the past few years, the Dutch Ministry of Security and Justice is aiming to tackle Outlaw Motorcycle clubs (1%-MCs) by combining the strengths of different authorities. However, the multi-agency approach toward 1%-MCs has proven to be troublesome and certainly not self-evident. In this research the author has relied on a combination of scientific literature, policy documents, research conducted by the Police, (online) news papers, court cases, and interviews to describe what circumstances impede the multi-agency approach toward 1%-MCs in the Netherlands. This research revealed several interrelating circumstances which trouble the approach toward 1%-MCs. These findings can be roughly divided into three types of circumstances.

First, different characteristics of 1%-MCs alone hinder the possibility to gain a solid insight into 1%-MCs. For instance, due to a strict ‘code of silence’ present within 1%-MCs, Law enforcement agencies are sometime unable to gain intelligence about members of a 1%-MCs. This may lead to a bottleneck effect where the ‘code of silence’ could result in a lack of evidence in a trail, resulting in an insufficient starting point for prosecuting members of a 1%-MC. This research moreover described different countermeasures of 1%-MCs which can entangle the combat against 1%-MCs as well. Members of 1%-MCs are prone to shield their activities by e.g. enclosing clubhouses with fences and gates, but also monitor authorities by using tracking devices and hacking computers. These activities reveal the awareness of a 1%-MC with the ‘outside world’ (i.e., Law enforcement agencies) since they hinder any insight into the club’s activities. Moreover, intimidation and a violent reputation establishes that a 1%-MC is able to carry out its activities more or less unhindered. Finally, this research exhibited that 1%-MCs cannot be thought of as fundamentally criminal. In other words, people wearing the ‘1%’-logo cannot consequently be regarded as criminals by definition, neither can the illegal activities of a single member be simply ascribed to the club as a whole.

Secondly, other findings of this research relate to the *approach* toward 1%-MCs as such. It has been suggested that the present policy to fight 1%-MCs is based on assumptions rather than extensive intelligence concerning the criminal activities of 1%-MCs. Interestingly, interviews revealed that 1%-MCs are believed to act as criminal organizations, while the prosecution of a 1%-MC as such (article 140 of the Dutch Penal Code) proved to be troublesome. On the other hand, this research clarified there is a lack of knowledge about the (criminal) activities of 1%-MCs. All in all, respondents have revealed that uncertainties exist when it comes down to the scale and size of the criminal activities of 1%-MCs. Finally, this research also stressed that different interviewees responsible for fighting 1%-MCs believe that the present approach lack effective measures. That is, the policy to fight 1%-MCs is not always reckoned to be capable of tackling issues with 1%-MCs in an effective way.

The third type of circumstances that seem to impede the approach toward 1%-MC relates to the junction of different agencies as part of the multi-agency approach. This research showed that a flawless cooperation between different authorities is not always evident. Since authorities are not used to always co-operate with other agencies, and moreover, pursue other goals, it has become apparent that different ‘cultures’ within authorities impede the multi-agency approach toward 1%-MCs. Divergent views on how to shape the multi-agency approach exist not only *between* authorities, but also *within* an authority. Especially the police seems to find trouble in deviating from the mono-disciplinary approach toward (organized) crime. The multi-agency approach toward crime is also believed to be a time-consuming process in need of more resolute intervention plans. Initial plans to tackle a certain problem are not always believed to provide practical guidelines on how this plan is able to cope with a certain situation. Moreover, this research revealed that the multi-disciplinary approach does not guarantee that different authorities will in fact co-operate to fight crime.

Although the present approach toward 1%-MCs has some interesting similarities with the approach toward Football hooligan formations, one interesting difference between both approaches was raised in this research. While the approach toward hooligan formations focuses mainly on the individuals guilty of criminal behavior, the approach toward 1%-MCs can be characterized as an approach toward the phenomenon of the 1%-MC without clearly differentiating between different members within the club.

11. Discussion

In this final section the results of this research will be discussed in order to instigate a debate about today’s approach toward 1%-MCs.

Kruisbergen et al. (2012) argued that the fact that members of 1%-MCs are so easy to recognize proves to be an advantage for Law enforcement agencies. However, one could question whether someone riding a motorcycle wearing a club vest, should automatically be linked to crime. Simply stated, the conclusion of this article discussed that the present approach toward Outlaw Motorcycle clubs can be defined as a combat to the phenomenon of Outlaw Motorcycle clubs instead of aiming at the members that actually disobey regulations.

Interestingly, McCulloch and Pickering (2009) described the present approach toward terrorism as a focus away from the individual offender, towards a pre-emptive strategy aimed at identifying threats and making interventions before crimes take place. Such strategies seem to result in criminalising membership of organisations and also the criminalization of a wide range of activities, not necessarily illegal activities. The same authors also stated that these policies inevitably obscure the line between evidence and intelligence, whereas pre-crime strategies are more and more based on intelligence rather than real evidence. Such an approach might also blur a clear-cut intelligence position and consequently lead to a policy based on ‘circumstantial evidence’, which is somewhat more disparate and incomplete. This could eventually lead to too many uncertainties that consequently block the implementation of

decisive actions (McCulloch & Pickering, 2009). This research also concluded that 1%-MCs are usually envisaged as criminal collaborations because its members are believed to have links with organized crime. One could say that nowadays, policy-makers and Law enforcement agencies look at 1%-MCs from 'above'. That is, clubs are encountered as one uniform entity. However, in this discussion a different point-of-view will be suggested.

In line with this, it is interesting to consider the approach toward hooligans. Although some supporter clubs have the reputation to be violent, this will not automatically be the case for all members of these types of clubs. Some individuals on the other hand, will certainly use these supporter clubs to involve in acts of violence against e.g. other supporter clubs. In this way, the club more or less facilitates a way to conduct crimes (Spaaij, 2008). This example shows that the problem is not with the phenomenon of supporter clubs (or 1%-MCs) *per se*; but with the junction of individuals that facilitate a way to conduct crimes more easily. In other words, their membership to some sort of club is only a side issue here, it is their criminal activities that really define the essence of the problem.

The conducted interviews provided some first indications that 1%-MCs also do not solely consist of criminals. At least there seems to be a great amount of uncertainty about whether all members of 1%-MCs are indeed criminals. Instead of focusing on a 1%-MC as a whole, one should realize that in the end, 1%-MCs comprises individuals. Certainly, due to the structure of 1%-MCs, it seems that 1%-MC members are united in one collective. However, the current research questions this one-sided view; Outlaw Motorcycle clubs are believed to consist of individuals that use the structure of 1%-MCs (reputation and intimidation, 'culture of silence' and countermeasures) as a way to facilitate criminal activities. In other words, 1%-MCs might provide the necessary opportunities or circumstances to carry out (organized) crime. For instance, becoming a 1%-MC member could help to widen ones (criminal) social network. Research by Kleemans and De Poot (2008) already showed that social contacts play a vital role in providing access to criminal opportunities. This opportunity structure might also play a crucial role for members within a 1%-MC. Secondly, the described countermeasures in paragraph 6.1.2 can possibly thwart an intervention from the Police. Simply stated, joining a 1%-MC might help to cover the illegal activities of an individual. Alongside, the violent reputation of 1%-MCs might help to direct criminal activities more easily. Thus, several reasons might persuade an individual to join a collaboration like a 1%-MC. At the same time, it is unclear if this is the case with all members; again, is every member of a 1%-MC a criminal by nature? Looking at 1%-MC from 'above', and thus as one uniform and structured group, might indeed result in such a conclusion. This research showed that such an approach can at the same time, impede the approach toward 1%-MCs. That is to say, this one-sided view encounters the present problem as a problem coming from 1%-MCs *an sich*.

Therefore, instead of looking to these clubs from 'above', it is suggested to approach 1%-MCs from 'the side'. That is – similar to the aforementioned approach toward hooligan formations – focusing more on the actual criminals that interact with other persons and use the 1%-MC as a way to cover their criminal activities. Such an 'individualistic' approach would suggest the problem is not with 1%-MCs *per se*, but with the individuals that use the

environment of a 1%-MC to conduct their crimes. This approach paves the way for a less fixed way of thinking about 1%-MCs, without denying the possible involvement in organized crime. Focusing on the 1%-MC as a whole might lead to the assumption that 1%-MCs are criminal collaborations. However, this research showed that this assumption is not necessarily sustainable. To the contrary, considering 1%-MCs from ‘the side’ might provide more insight into the modus operandi and possible criminal networks of the members within a 1%-MC. As a result, this point of view could also help to construct more specific guidelines to combat 1%-MCs. Simply stated, a better understanding of the problem might also help to prevent crime more effectively. Focusing solely on a certain amount of individuals that form a criminal network (with or without persons from outside the 1%-MC) also seem to be a more favourable way to encounter article 140 of the Dutch Penal Code (Kesteloo, 2011). In other words, the starting point to combat 1%-MCs should not be with the 1%-MC as a whole, but with the individuals that actually conduct crime. In such a case the focus shifts from ‘fighting a phenomenon’ toward a focus on the criminal in relation to its criminal network.

In sum, research provided indications that knowledge about 1%-ers is somewhat lacking. Therefore, research into the members and their criminal network is needed to gain a more accurate view on 1%-MCs. Are members of 1%-MCs criminals by nature? What are reasons for people to join a 1%-MC? It is suggested that looking to 1%-MCs from ‘above’ might not result in accurate answers to these questions. Looking to these clubs from ‘the side’ might, on the other hand, reveal a more detailed view on the actual criminals and modus operandi within a 1%-MC. All in all, one could say that policies to combat 1%-MCs are more or less based on assumptions. It is therefore of the greatest importance to pose critical questions and conduct more research into 1%-MCs in order to come to a better understanding of 1%-MCs and consequently, a more effective approach to the present problems.

Again, it is important to notice that this research was conducted only in the area of ‘Noord-Brabant’ and more specifically, in the Police region of ‘Oost-Brabant’. Although these findings are believed to be present in other regions as well, it still remains uncertain to what extent these findings are really existent in the rest of the Netherlands. While some interviewees have also provided some insight into the problems concerning 1%-MCs in other Police regions, some prudence must be maintained concerning the situation in the Netherlands as a whole. More interviews in different Police regions in the Netherlands must reveal whether these findings are accepted – without discussion – in the rest of the Netherlands as well.

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