

Administrative approach to organised crime

Support European local authorities in combating local outcomes of organised crime

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MANUAL AND TOOLBOX

Output of the ISEC-project 2013-2015

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1. INTRODUCTION



The manual that you see here is the end result of 2 years of operations within the ISEC project “administrative approach to organised crime; Support European local authorities in combating local outcomes of organised crime”.

The central principle of the project is that local administrative authorities must play a major role, preliminary or complementary to the criminal law approach; thus, they can help to dismantle the link between legal and illegal society. This link exists where organised crime makes use of local infrastructure and facilities, e.g. in housing criminal activities (drug laboratories, human trafficking victims, etc.) or in the laundering of criminal earnings (buying and selling of real estate, exploiting front companies, etc.). The administrative approach also aims to prevent (unintentional) governmental facilitation of criminal activities, and to undermine acquired criminal positions of economic power.

Local authorities have specific administrative instruments to tackle local strategies of organised crime, e.g. suspend, withdraw or refuse permits, close down premises, etc. Municipal employees are often the first party to perceive signals indicating organised crime: suspicious applications, commercial monopolies, real estate exchanges, etc. To make local officials aware of suspicious patterns, training and education will be an important step in the administrative approach.

In this approach, persons and properties are first investigated in municipal registers and databases. These findings are complemented with research in open sources, which leads to the construction of an information matrix. Based on this information, regular local information-exchange meetings are held to determine the approach of the information found. The outcome can either be an integrated approach, or a mono-disciplinary approach (judicial, tax, administrative).

Therefore, in Genk, partnerships had to be established between local partners: municipal administrations as well as local police and social welfare. In a later stage, partnerships were set up with external partners: provincial authorities, public prosecution, tax authorities, Fiscal Inspection, Social Inspection etc. To make this integrated approach work, agencies need to share their information and cooperate in searching for the most effective way to deal with the threats that are discovered. By participating in this interagency cooperation, all agencies benefit: the unexploited administrative information aids judicial and fiscal investigations and enforces intelligence-led policing procedures.

Sharing the necessary information is not currently evident in Belgium. Therefore we aimed to translate the Dutch experience in this field, as it was built up in recent years, to the Belgian legislative context. The main partner in this process was the Dutch Regional Information and Expertise Centre Limburg. Together with this Centre the city of Genk studied how and to what extent the Dutch instruments could and can also be used in Belgium. To establish whether the applicable tools also maintain their use in a third member state context, a partnership with Denmark was set up.

The outcome of this process is the present procedures manual translating the experiences into a universal guide that can be used in other European Member States. We have listed among others best practices, lists of necessary partners, FAQs, literature, a basic presentation, case studies, as well as local instruments that were developed to operationalize the approach. This manual will be made available online. Through EUCPN tools and expertise will be disseminated to all 27 Member States.

To make the methodology internationally available, a 3-day conference (19-21/1/2015) was also held to which potentially interested parties from the EU Member States were invited.

For the project, 2 part-time staff members were explicitly recruited for a period of 24 months: a 50% coordinator and a 50% administrative assistant. Their actions were supervised by a high-level committee, safeguarding the project's evolution and its compliance with the overall city security management.

After 2 years of experimenting with the administrative approach, we are ready to share our first insights and lessons learned with other municipalities and organisations. We hope it will be helpful in enabling other municipalities to implement the administrative approach in their organisation.

A warm thank you to all our partners.

Sincerely,



Wim Dries
Mayor
City of Genk



Annemie De Boye
Coordinator
administrative approach

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in financial reporting. This section also highlights the role of internal controls in preventing errors and fraud, and the need for regular audits to verify the accuracy of the data.

2. The second part of the document focuses on the importance of clear communication and collaboration between all stakeholders involved in the process. It stresses that effective communication is key to ensuring that everyone is on the same page and that all necessary information is shared in a timely and accurate manner. This section also discusses the importance of documenting all decisions and actions taken, and the need for regular updates and reports to keep everyone informed of the progress and any changes.

3. The third part of the document addresses the importance of maintaining a strong relationship with external stakeholders, such as suppliers, customers, and regulatory bodies. It emphasizes that a strong relationship is essential for ensuring that all parties are satisfied and that any issues are resolved in a timely and effective manner. This section also discusses the importance of staying up-to-date on any changes in regulations or industry standards, and the need for regular communication and reporting to these external parties.

4. The fourth part of the document discusses the importance of maintaining a strong internal control system. It emphasizes that a strong internal control system is essential for preventing errors and fraud, and for ensuring that all transactions and activities are properly recorded and reported. This section also discusses the importance of regular audits and reviews to verify the accuracy of the data, and the need for ongoing monitoring and improvement of the internal control system.

5. The fifth part of the document discusses the importance of maintaining a strong financial position. It emphasizes that a strong financial position is essential for ensuring that the organization is able to meet its obligations and that it is able to invest in growth and development. This section also discusses the importance of regular financial reporting and analysis, and the need for ongoing monitoring and improvement of the financial position.

2. ABOUT GENK



2.1. Overall description

Genk is a young Flemish regional capital with a high degree of diversity, a diversity that is expressed in the people and in the city atmosphere.

Today the city of Genk has over 65,000 residents, who among them have over 100 different nationalities on its territory of 8,785 ha, and it is located in the green province of Limburg.



Its coal mining past explains the fact that the city did not expand from the centre, but instead is typified by a suburban character. Residential areas and trade centres developed around the coal mines.

Genk also continued to play an important role within the Mining Region after the coal mines were closed in the 1980s. Thanks to its prime location, accessibility and infrastructure, Genk grew into the third largest hub for industrial activities in Flanders.

With the recent closure of the Ford factories, today Genk has once again found itself faced with a very considerable economic challenge. The specific economic and sociological characteristics have a major impact on and serve to colour policy in Genk.

With housing that is made up of 33% (originally) social housing, with a recent birth rate of almost 50% children of ethnic foreign backgrounds, and with an employment and unemployment structure that has been strongly defined by the recent past, Genk has a special position among Flemish regional capitals.

Genk is also the second biggest shopping centre in the province. In addition to the recently further expanded centre with its main shopping and trade function, there are the former shopping streets of the three mining settlements, Vennestraat in Winterslag, Stalenstraat in Waterschei and Hoevenzavellaan in Zwartberg. These shopping streets are characterised by their intercultural dining possibilities and food shops.

Large municipal projects, such as the renewal of the city centre and the former mine site of Winterslag (C-mine) and Waterschei are indications of the current aspirations of Genk in terms of giving the city a supralocal image and further developing it. At the same time, an effort is being made to give a new boost to the economy and employment in this way.

Lastly, tourism also constitutes an important ambition of the city.

2.2. Security situation in Genk

A global security inspection of Genk based on objective and subjective data tells us the following.

According to Police Crime Statistics¹ in 2013 a total of 6,043 crimes were recorded that took place within the territory of Genk.

This represents a crime rate² of 7.7 and therefore means that on average 7.7 residents in 1000 are the victims of crime.

Crime density³ amounts to 5.7. This means that 5.7 offences will be committed per square km per month.

These general levels are calculated over all recorded crime, and do not tell us anything about the type of criminal activity, which can vary a great deal.

It therefore only gives us a very general indication.

The top 5 recorded offences are **theft** (including (house) burglary, theft of means of transport and other offences such as pickpocketing and shoplifting) followed by **vandalism, assault, drugs** (mainly possession, to a limited extent also trading, production, import and export) and **fraud**.

1 Police Crime Statistics, Genk, 2000 – half 1 2014, Federal Police, DGR/DRI

2 Crime rate = number of offences per 1000 residents per month. It gives an idea of the risk (for the residents) of becoming the victim of an offence.

3 Crime density = number of crimes recorded per square km per month. This gives a picture of the concentration of crime

There have also been recorded cases of gun running, human trafficking, slumlording, money laundering and organised crime, although very limited. This involves a few recorded offences a year (and often not even every year).

In addition, various **nuisances** (vandalism, disruptive behaviour, damage to the environment, noise pollution, waste etc.) have an effect on the quality of life and sense of security of citizens.

A population survey on the subject of **neighbourhood issues and sense of (in)security** in 2011 teaches us that Genk residents above all lose sleep over problems relating to traffic (ill-adapted speeds in traffic and unrestrained parking), illegal dumping and litter. House burglaries are also a major issue for citizens. From the point of view of a sense of security, Genk scores better than the average for comparable regional capitals.

With regard to crime and sense of security, Genk certainly scores no worse than comparable cities, quite the contrary. The city has always afforded a lot of attention to safety and prevention, policy topics that are also high on the agenda for Genk today.

Genk wants to be a city where people can feel safe. The city has opted for an integrated security policy based on a proactive, preventive and repressive approach and this through integration of the 'security' aspect in all relevant areas of city life and urban development.

As a regional capital with a catchment area that goes beyond the city itself, Genk wants to take up a leading role in the development of an innovative security policy that at the same time forms the basis for the expansion of the security chain with public and private services in the city.

Priority phenomena within this policy area are theft, (public) nuisance, security during events and public occasions, young people and security, drug-related social unrest, and recently also prevention of radicalisation and the administrative approach to organised crime.

The special attention given to the administrative approach to organised crime is intended to prevent the underworld and 'upperworld' mixing in daily life in the city, with all the negative effects that this entails for security and sense of security.

3. MOTIVES FOR AN ADMINISTRATIVE APPROACH TO ORGANISED CRIME AND FOR A GENK PILOT PROJECT



3.1. An administrative approach to organised crime

3.1.1. Organised crime

What relation and impact does organised crime have for the local administration?

Drug trafficking, illegal labour contracting, illegal prostitution, organised hemp cultivation, illegal car dealing and money laundering are examples of illegal activities that can present themselves in various sectors. Such offences are for example observed in or from within the catering and accommodation sector, phone shops and sex establishments, as well as in residences and companies. This wide spectrum in which criminal practices can occur ensures that every municipality is vulnerable to it. These are all crimes whereby the integrity of society is at stake and whereby the direct habitat of residents is threatened.

For its activities, organised crime relies on **local infrastructure and facilities**. The performance of illegal activities is virtually impossible without making use of services on the legal market (for example distribution, financial transactions, permits and accommodation). In addition, criminal groups are always in search of ways to launder assets, for example by investing in property. The great danger posed by this local embedding is that the underworld and “upper-world” can mix unnoticed.

The **negative consequences for the municipality** can above all be divided into three areas. First and foremost there are the consequences for citizens and areas: this mixing has after all a negative impact on security and liveability, among others through the nuisance and degradation that criminal activities bring with them. *We need only think for example of drug trafficking and drug cultivation: a site where drugs are traded - with the influx and outflux of suspicious figures that this entails - generates a sense of insecurity in the surrounding area.*

In addition, there is an effect on **entrepreneurship**: positions of economic dominance are built up using illicit capital and this leads to unfair competition.

Lastly, there are negative consequences for the **local administration**, which unknowingly supports and facilitates criminal organisations. Such criminal activities therefore undermine local authority and affect the administrative power of the municipality.

3.1.2. Organised administration

How can you organise yourself to face this problem as a local administration? What are the reasons and arguments to go for this as a local administration?

The mixing of legal and illegal circuits also offers opportunities. For the points for which the underworld comes into contact with the “upperworld”, the administrative approach can seize its chance.

The fact that the opportunity structure can facilitate organised crime also means **that the approach of this opportunity structure can hinder or frustrate organised crime**. The instrument of choice to be applied in this is the administrative approach. In this regard, the local administration can in other words act via ‘administrative measures’.

If a local administration wants to measure up to organised crime, it will have to organise itself in a variety of areas. It is in this way, after all, that an **organised administration is obtained versus organised crime**.

This begins by monitoring the **integrity** of the municipal administration, including among others in the granting of permits or the awarding of grants. *Here we are for example thinking of urban development permits, environmental permits, residence permits, exploitation permits etc.* The municipal administration needs to be able to reach a decision regarding these permits or grants in full knowledge of the facts, which makes the **strengthening of its information position** vital. In addition, a local administration will have to be organised through the drafting of **efficient (i.e. coherent content and well coordinated) regulations**. It will also have to organise itself in such a way that it can **act and enforce** effectively.

In addition to the granting of permits and the awarding of subsidies, it is naturally also a requirement in its own right that in the area of public order and security also, the administration has the necessary information in order to be able to act in a timely and effective manner in the event of possible disturbances of the peace or the undermining of municipal interests.

The collection of the available information as well as the action and the enforcement hereby always takes place with an **administrative finality**: the administration wants to strengthen its information position and for this purpose within the legally permitted limits gathers the information that is necessary and precise within this framework, this with a view **to good governance and - where necessary - the taking of administrative measures**.

When from this information gathering it appears that criminal offences are involved, it shall be passed on to the criminal law partners with a view to forging synergies where appropriate via a common approach on certain phenomena, networks and/or constructions. After all, the administrative approach produces the best results when it can be combined with the approach by other partners such as the police and the Public Prosecution Service with regard to security policy. The sharing of information from the various organisations is one of the most important processes in this.

Given the often invisible yet unavoidable mixing of underworld and “upperworld” and the negative consequences thereof for the local administration, given the role that the local administration can play through its administrative powers in the discovery thereof and the approach to it, and above all also the fact that a local administration – in this case the mayor – is responsible and competent with respect to public order, and in particular keeping the peace and maintaining security and health, this administrative approach to organised crime seems a logical step and an essential link within the **local integrated security policy**.

3.1.3. Objectives and expected results

What can a local administration expect from such an administrative approach to organised crime?

The general objectives and the results to be expected for such an administrative approach are situated on several levels.

First and foremost, we attempt to prevent crime being facilitated by the administration and thereby the creation of a mix between underworld and “upper-world”. In addition, we attempt to break up positions of economic dominance that are built up using capital garnered illegally.

As a result, we expect such an approach to have a positive effect on the security and liveability of the city. Finally, we are hereby increasing the integrity, strength and credibility of the administration.

Here we need to take a displacement effect into account. We may assume that criminals and criminal organisations will seek the path of least resistance and will therefore move their activities to cities/regions where they will be less frustrated. This is also referred to as the waterbed effect.

3.2. The Genk pilot project - background

The Genk experiment builds further on the expertise accumulated over the years in the Netherlands using the administrative approach. For this reason, we will now go into the Dutch organisation structure in a little more detail.

3.2.1. The situation in the Netherlands: a country-wide network of RIECs⁴

The Regional Information and Expertise Centres (RIECs) and the Country-wide Information and Expertise Centre (LIEC) serve to strengthen the administrative approach and the integrated approach. The administrative approach involves supporting the public administration by expanding awareness in administrators and officials of the presence of organised crime, expanding knowledge and skills regarding an administrative approach to crime and supporting municipalities and provinces in policy setup and implementation around the administrative approach and case histories, improving the information position and supporting the strengthening of the regional cooperation.

Together, the RIECs and LIEC form a country-wide network that is also named the RIEC and LIEC system. The LIEC has no kind of hierarchical relationship with the RIECs.

3.2.2. The waterbed effect

To the extent that the RIECs in the Netherlands placed more pressure on the organised networks, over time these sought - above all in the border regions - refuge across the border, respectively in Belgium and Germany. This so-called waterbed effect has meant that from the Netherlands people have developed an interest in also promoting the administrative approach method across the borders. And to the extent that people in neighbouring countries could feel the pressure of cross-border criminality increasing, here too people started to search for new forms and methods to deal with these networks.

3.2.3. Over the border... to Belgium

In 2009-2010, the municipality of Maasmechelen (a neighbouring municipality of Genk with 37,000 inhabitants) elaborated a pilot project around the administrative approach to organised crime, in collaboration with the Dutch Regional Information and Expertise Centre (RIEC) in Limburg. For feasibility reasons, in a later stage the city of Genk was invited to take over the idea.

⁴ For a more extensive overview of the creation of the administrative approach in the Netherlands, refer to Cyrille Fijnaut, "Introduction of the New York Double Strategy to Control Organised Crime in the Netherlands and the European Union", Faculty of Law, Tilburg University, in *European Journal of Crime, Criminal Law and Criminal Justice* 18 (2010) 43-65

In the first instance, Genk made sure it was well informed regarding this relatively new and at that time unknown topic, among others by familiarising itself with the already experienced and determined Dutch approach. In this way, Genk acquired a first insight into the phenomenon and its impact on the one hand, and into the role the local administration can play in this on the other hand.

After this, a feasibility study was conducted. To this end, the relevant sources and legal instruments were identified and the level of interest with the relevant municipal services was assessed (Spatial Planning and Housing Policy, Real Estate, Environment, Population, Economy, Fire Brigade, Social Affairs, Social Welfare). From this feasibility study, among other things it became apparent that a great deal of relevant information is available at municipal level, but until that time it had been highly fragmented within various departments. From this it also became apparent that officials and departments are regularly confronted with strange situations, indications that could be warning signs of underlying illegal practices, and yet up until that time there was no system and coordination point available to do anything with the information. *Here we refer for example to restaurants that are always empty of customers, cafés that constantly change ownership, shops with hardly any merchandise etc.* It therefore seems clear that there is a need to bring together certain information and to obtain a better picture of situations.

Another conclusion from this feasibility study was that at municipal level there are clearly already a number of instruments and possibilities available to allow for administrative action. The possibilities may not always be ideal, but they are still there.

Parallel to the feasibility study, contacts have been established with external partners such as RIEC Limburg (the Netherlands) and the (Belgian) province of Limburg. In this way, the concept as it was elaborated for Maasmechelen has been further operationalised and developed to suit the city of Genk. Through the very intensive collaboration with the RIEC, it was possible to use the Dutch expertise already accumulated as a basis. The challenge lay in translating this expertise into the Belgian legal context.

The experiences within the project had already repeatedly shown that this transfer would be no walk in the park. The legal framework in Belgium has many differences compared to that in place in the Netherlands. However, it was precisely the intention of this project to chart the differences and point them out at a higher level - that of the legislator. In this way, general conclusions can be drawn for the Belgian legislation, and even for the legislation in other EU Member States.

3.2.4. Also on the European agenda

Although the project concerns the *local* administrative approach to criminality, this approach cannot be disassociated from the geographical location of the city of Genk within the Euregio. This Euregional location not only has consequences for the cross-border character and the influx of criminal organisations and activities, but also for any possible displacement effects that may occur as a result of a determined local approach, for example that in the Netherlands.

Given the necessity of a transnational approach, a subsidy application has been submitted to the European Commission.

This application also received effective approval at the start of 2013. The European funding provides a staff framework, operational resources and investments (including for the setting up of a database). The European output consists in the development of a procedures manual and the organisation of a European conference.

Within the project, partnerships have been concluded with: the Regional Information and Expertise Centre (RIEC) (the Netherlands) in Limburg, MidLim police, the Limburg public prosecutor, the Province of Limburg, the FPS Home Affairs, the Association of Flemish Cities and Municipalities, the Catholic University of Leuven, the Dutch Ministry of Security and Justice and the Danish Crime Prevention Council.

3.2.5. Objectives of the Genk ISEC-project

The objectives **of the project** may be formulated as follows:

- awareness-raising of the local impact of organised crime on (local) policy and life in the city;
- generating through external communication of the project a deterrent effect vis-à-vis criminal organisations that are considering Genk as a place to work;
- making maximum use of the administrative possibilities to optimally and proactively fight (organised) crime;
- based on practise, identification of the active partners and the sources that may contribute on an open, half-open or closed basis to the administrative approach to organised crime;
- setting up a hub of information and expertise at the service of the city and its administration, the public ministry, the police departments, the special investigation services, the tax departments, inspection bodies etc.;
- promoting the removal of technological, legal and organisational obstacles, this on the municipal, Flemish, federal and European level;
- working on the Euregional exchange and coordination of experience within the administrative approach via concrete cooperation and partnerships;
- laying the way for a broader roll-out to Belgian neighbourhood municipalities, the province and Euregio.

The concrete results and actions to be expected within the framework of the ISEC project relate to:

- the development of a methodology/data matrix;
- staff training;
- making exchange visits with the international partners in the Netherlands and Denmark;
- development of a manual and toolbox;
- organisation of a 3-day conference;
- dissemination of the results (to all EU Member States);
- assessment report by the KU Leuven.

4. Administrative approach to organised crime - STEP BY STEP PLAN



In the Netherlands, a universal step⁵ plan has already been elaborated by the CPSC (CCV)⁶ that outlines a general process line for beginning the approach within an organisation. We test these universal steps below on the actual actions that have been taken in the Genk project.

4.1. Creating awareness and support

Even in the project's preparatory phase, it seemed that informing, consulting and subsequently bringing together the relevant services and partners generated a certain awareness of the impact of organised crime on local policy. This is the first prerequisite in order to arrive at a **generally supported strategy and an integrated approach**.

After all, a local administration must be aware that it is vulnerable to organised crime, even if this criminality is not always so very visible. You can only see it if you are on the lookout for it. It becomes very challenging for a local administration when you realize that here you might even play a facilitating role, albeit involuntarily and unconsciously. In addition, it is also important that you as a local administration know what role you can play in this and what influence you can have in order to act on the phenomenon and the mix of underworld and "upperworld" using administrative powers and measures.

Generating this awareness and support phase is thus very important if you want to succeed in such a project. You can do this by **informing and raising awareness**.

To strengthen and maintain awareness and support, a number of different steps were carried out.

First of all, the most relevant information and the services directly concerned (which were also involved in the feasibility study) were extensively informed and made aware. Often this took place via local consultation (*see below*).

In addition, explanations were given in the City Council Executive and in the Management Team, as besides the officials and the services it is naturally also very important that both the administration and management in the various city sectors be involved in this matter.

At a later stage, an explanation was also given to the entire middle management of the city organisation, i.e. to all department heads and staff members.

There followed a concrete training course entitled 'recognising the signs of trafficking in human beings', in collaboration with the Federal Police Human Trafficking Division, which was given to around 80 members of staff who might be confronted with the phenomenon in their day-to-day work. This involves among others service desks and permit issuers in the departments for Population, Economy and Housing, as well as departments and officials that are present on the ground such as the Gardening Department, Neighbourhood Managers, Community Guards, Nuisance Officers, and also the Fire Brigade and Police.

⁵ Credits for this chapter also go to the Dutch Crime Prevention and Security Centre CCV ; their step-by-step plan is available on : <http://www.hetccv.nl/instrumenten/bestuurlijke-aanpak/index?filter=Stappenplan>

⁶ Crime Prevention and Security Centre

In the wake of this, a report form and mailaddress for signalling relevant phenomena were also created.

Employees since then keep their eyes and ears open and have become more alert and also more self-assured, and dare to carry on asking questions and to note down information and so forth.

In order to increase the alertness of employees, lastly a warning system was also provided via the marking of assets in the geographic information system (GIS).

We note that the awareness of the municipal organisation is constantly increasing and that it gives increasingly more attention to signs, which are used in the administrative approach.

The obligation to declare by virtue of Article 29 of the Criminal Procedure Code is also relevant here: if as an official you become aware of a crime or offence, you are obliged to report it to the competent public prosecutor.

4.2. Organisation of cooperation

As a municipality you cannot apply this administrative approach on your own. It is therefore important to seek and organise cooperation. After all, different parties have different information and possibilities. By bundling powers, you will achieve the best result.

It shall be up to the city or municipality to organise this cooperation, and also subsequently to run it.

In addition to the project partners named above (MidLim police, the Province of Limburg, the Limburg public prosecutor, the FPS Home Affairs, RIEC Limburg, the Flemish Association of Cities and Municipalities, the Catholic University of Leuven, the Dutch Ministry of Security and Justice and the Danish Crime Prevention Council) other cooperation partnerships were begun – above all at the operational level, including with the Public Centre for Social Welfare (OCMW), the Fire Brigade, the Social Inspectorate, the Economic Inspectorate and the Tax Department. Depending on the issue that we are looking to tackle, other partners may also be involved, such as for example the Federal Police (Fighting Organised Crime Division, Human Trafficking Division, Highsider Division) and the Gaming Commission.

The operational partners are united in local operational meetings (LOM) and the strategic partners are associated in a steering group. In this last group, strategic issues and possible weak points in the cooperation are discussed and we go in search of solutions. *(see below for more information on the organisational structure)*

Within the scope of the pilot phase within this limited project, until today in Genk no cooperation protocols and/or covenants have been concluded at operational level. A collaboration is currently taking place above all on a 'non-commitment' basis.

This is not altogether illogical given the research phase in which we all still find ourselves. After all, the various partners first need to get to know each other and build up trust. We are also still often searching for a number of legal frameworks and possibilities.

4.3 Setting up the organisational structure

If you are looking to achieve an administrative approach to organised crime, you need to set up an organisational structure.

In our case - within this project - a **project coordinator** (criminologist) and an **administrative assistant** /data analyst (both part-time posts) have been appointed. Together they form the project team.

The project coordinator is the central point of coordination and contact. This person is responsible among other things for contacts, the progress of the activities, reporting, implementation and communication, the budget, assessment and the assurance of the project.

The administrative assistant supports the coordinator in these activities, including from the point of view of administration, organisation and logistics.

The project team is put together within the urban **Social Affairs** department and its **director**, with a link to the **Safety House**, in this case the **prevention officer**.

The **city jurist** is also very closely involved.

In addition – also within the project – a **representative of RIEC Limburg** is 50% seconded. We receive constant support and advice from this person. He also attends all meetings and activities.

The above-mentioned people together make up - along with a **police** representative - the day-to-day management of the project or the Executive Committee (ExCom). The ExCom is in charge of the overall control of the project, the plotting of the lines, approaches to deal with possible difficulties and follow-up of results.

In addition, the Local Operational Meetings (LOM) form the operational heart of the administrative approach. Here **urban and external partners** come together to **share their information and prepare enforcement actions**. The LOM involves the city jurist, the prevention officer, the director of Social Affairs, representatives of the local police, the public prosecutor, the Dutch RIEC, Social Welfare, the Tax Department, the Social Inspectorate and the city departments for District Development, Technical Services (including the Housing Policy Department), the Fire Brigade, the Economy and Civil Affairs Department.

Cases are discussed there and depending on the issue experts may be invited to share information, knowledge and insights with one another (for example the Gaming Commission, the OMG Division etc.).

The project coordinator coordinates this operational network and is also responsible for the information meetings. He also outlines questions and analyses the information collected.

Consultation takes place at an administrative level and with **administrative finality**. No concrete cases are discussed in the presence of the police and public prosecutor. After all, they are not allowed to take part in the proactive detection of acts and crimes. If necessary, the criminal law partners will leave the consultation, and the reporting will be adjusted in this case.

Furthermore, within the organisational structure the previously mentioned steering group was set up, which functions at the strategic level, monitors the general progress of the project and attempts to counter any weak points.

Lastly, there is the centralised pilot committee. Within it, the mayor, Local Police Chief, director of Social Affairs and prevention officer/department head of the Safety House coordinate the city's general security policy. The administrative approach was created here and remains a fixed item on the agenda. In this way, we are able to guarantee the harmonisation and integration of the administrative approach to organised crime within the overall integrated security and prevention policy.

4.4. Implementing the administrative approach to organised crime

In this pilot phase we have chosen a pragmatic approach. In other words, we have not started with an extensive problem diagnosis and/or crime image analysis, neither have we proceeded with a study of the theoretical and legal frameworks in this regard.

We have opted to immediately start up with a number of cases, in order for us to form a picture of them, so that we can get some practical assistance, identify possibilities and weak points and search for solutions.

The majority of the operational works and consequently the actual 'administrative approach' takes place within the local operational meetings. In addition, there are control actions in the field, we call them 'flex actions' (see below), and naturally all preparatory works and follow-up thereof.

Below we attempt to describe our working method as clearly as possible by consecutively going into some detail on 4 aspects: a) composition of the agenda / choice of cases, b) information analysis, c) the coordinated approach and d) the development of the city regulations.

Composition of the agenda / choice of cases

To start with, concrete and fixed cases came onto the agenda on the indication of the Pilot Committee or Executive Committee, and were either defined territorially (for example one street), or thematically (for example 'night shops'), often based on earlier experiencing of the problem and/or insights into certain sectors and/or with regard to areas that go hand in hand with nuisance and/or warning signs that could indicate links with organised crime.

At first we concentrated on night shops and betting shops, both of which are sectors that gave the administration cause for concern that there might be a link to criminal activities and sectors into which we wanted to gain more insight in any case. We started out with a baseline measurement and using this administrative approach we were expecting a better picture and a preventive effect.

A supralocal shopping street (one which is above all known for the nuisance and a number of irregularities that occur there) was placed on the agenda for such a baseline/zero- measurement.

As time passed, the signs and cases emerged from a range of angles (internal and external services). This concerns an increased awareness and an increasing alertness, as a result of the know-how built up, the trust and dynamic created within the project, and the training course entitled 'recognising the signs of human trafficking'. A range of different (city) services provide cases for which they expect that the administrative approach can play a role. In this way, since then a whole series of restaurants and bars, and also so-called 'transit houses' have come to be on the agenda.

In addition to cases, the agenda of the local operational meetings also regularly contains the sharing of information and knowledge concerning topics such as prostitution, human trafficking, gambling and 1% motor clubs, and in this way reflects a nice interaction of information and awareness-raising on the one hand and cases on the other hand. Naturally as time passes the first section (the general information) tails off for the benefit of the second (treatment of cases).

At the end of the project period, we observe that the dynamic surrounding the composition of the agenda and consequently the provision of cases never ceases to rise. The agenda is often congested. It is not feasible to go into as much depth for all these cases. Some cases subsequently seem for example (or at least at the moment they are up for discussion) not always to be suited to this platform (for example due to the total absence of a possible link to organised crime) and can be dealt with in other ways (for example within an enforcement division, or simply within the powers of a department). We will therefore have to look into how we need to organise ourselves in future in this respect.

In order to keep our finger more on the pulse, in the meantime - in addition to local consultation - an internal enforcement platform was created, which has since met.

Information analysis

In a subsequent phase, the officials appointed from within the services build up an information matrix concerning the concrete case. From the so-called internal sources (population register, construction permit applications, fire brigade files etc.) or open sources (Registry of Commerce, National Bank, web searches etc.) a first overall interpretation is reached, which leads to a risk analysis. Whereas originally the various departments within the local administration had fragmented pieces of information concerning certain organisations or sites, one of the achievements was precisely the charting of the available information and the potential recognition of suspicious patterns. Indeed, when question marks arise concerning the legitimacy of certain patterns, external partners such as the public registry, housing corporations etc. can be involved in the approach. Naturally the limits of what is legally permissible were strictly adhered to in this process. Action will never be taken on the basis of mere soft information.

At first we worked with information sheets per case, but it quickly became apparent that this was not such a good method. In order to carry out the information analysis in an efficient and well-structured way, we were provided with a database for this purpose by the Dutch RIEC. This database was converted to suit the Belgian characteristics and was officially declared to the Privacy Commission. We need to comply with certain privacy conditions. (*more on this later*).

The further gathering and discussion of this information takes place in the LOM which is held every 6 weeks. In addition to a number of city departments (District Development, Population, Housing Policy, Economy, Security and Prevention, and Jurist) the Police, Fire Brigade, Public Prosecutor, Social and Economic Inspectorate and Tax Department also sit in on these sessions.

A proper representation - someone who has information and a mandate - is of importance here.

In this project period, it regularly happens that observers attend the consultation, for example KU Leuven, an official from a neighbouring municipality or another interested party.

Each participant in the consultation must sign a non-disclosure agreement.

When a specific case comes onto the table, police and public prosecutor leave the meeting (as referred to previously), this with a view to avoiding the conducting of so-called 'proactive investigations', which is not actually permissible. The fact that the police can no longer sit at the table on these occasions was experienced as an obstacle, as the police often has relevant administrative information on the subject, which should at such times be perfectly disclosable.

Here we even dare to go further by suggesting that a local administration – in this case the mayor – in certain cases requires judicial information in order to properly perform his tasks as a function of security.

By this we do not mean to suggest that such judicial information has to be distributed unrestrictedly in a LOM, yet we believe that there are possibilities to allow at the least for these pieces of important information to be passed on to the mayor, this with a view to the taking of administrative measures.

This administrative finality of the information analysis is something that we must not lose sight of.

The extreme caution from a judicial point of view is above all attributable to the confidentiality of the information and the concern regarding procedural irregularities, whereby we run the risk that cases – both administrative and judicial – may not withstand scrutiny at a later stage. And yet cassation case law, therein followed by the legislator, has made a less strict adherence possible in this regard.

Since a judgement of the Court of Cassation of 14 October 2003, consistent case law has been established that the exclusion of irregularly obtained evidence is no longer an automatic sanction.

This involves the so-called “Antigoon case law”, which was eventually legally anchored into Article 32 of the Above Title of the Criminal Procedure Code, which entered into force on 22 November 2013. In concrete terms, this article states that irregular evidence can only be declared null and void if:

1. compliance with the formal requirements concerned is prescribed under penalty of being rejected (e.g. telephone tapping), or
2. the irregularity committed has tarnished the reliability of the evidence, or
3. the use of the evidence is in violation of the right to a fair trial.

Attempts have been made to conclude a collaboration protocol between the city, the police and the public prosecutor. The purpose and content of this protocol concern on the one hand the documentation of finality, the working methods, procedures and guarantees, and on the other hand the exchanging of information and agreements in this regard. We think that the current regulations allow for openings, and yet from a judicial point of view we consider the current legislation to be too vague and open to interpretation, and consequently very difficult to apply in practice. For that reason, the city-police-public prosecutor collaboration protocol has still yet to materialise. As a result of the conference in January, from the Prosecutor General’s office a commitment has been made to sit around the table on this subject and to develop a general directive, which is a real plus.

In the meantime, with the public prosecutor there has already been a clear agreement for some time that - if within the administrative approach we have sufficient indications for potential legal proceedings - a confidential report can be filed via the police. These cases can then be subject to judicial investigation.

Apart from the fact that for the time being there are only a few openings, the observation remains that there is a lack of a clear legislative framework in this regard, a framework that would allow for the flow of judicial information for certain administrative purposes to be truly and smoothly possible, without any fear of committing procedural irregularities.

The caution from a judicial point of view is therefore understandable on the one hand, and yet at certain points in time it can undermine the administrative approach.

On top of this, it is also the case that it is not only the police and public prosecutor who are unable to share necessary information. A number of other departments such as the Social and Economic Inspectorate and the Tax Department can share little or no information with us. The sharing of information therefore often only goes in a single direction: from the city to the other departments. The opposite unfortunately seems less possible. This is something that needs to be looked into further.

In addition, it also seems that it is not always as clear-cut to everyone precisely which information can contribute to the administrative approach and which information we then need to try to exchange.

For the time being, we are making do with the information and the possibilities that we have. The usefulness of such an information analysis is on the one hand the forming of a better picture, so that information can be brought together. In addition, it is often also a preparation for a coordinated approach, as once the information has been brought together, the next step is to define a coordinated approach.

Coordinated approach

After the information analysis stage, we go in search of the available legal instruments with the various partners concerned. In other words, we look into what instruments are available and who has the best instruments to apply in a given situation.

The goal is an integrated approach. The administrative approach does not stand alone, but serves to complement the penal and fiscal approach and the preventive approach. The administrative approach is also not so much oriented towards the core activities of organised crime as towards the supporting activities such as e.g. accommodation, permits etc. The penal or fiscal approach is then more directed towards people. Close cooperation and harmonisation between these partners (administration, police, justice and tax organisations) is of great importance!

We therefore set to work with our **administrative instruments. Our municipal regulations, police regulations and inspection powers play a key role here.** *(later on in this manual we will go into this in more depth).* The aim is to make maximum use of the existing administrative powers and possibilities.

One of the activities that has been created from this are the so-called **Flex inspections**, inspection actions in the field carried out by flexible multidisciplinary teams.

A flexteam is a group of employees of the city of Genk, who are authorised to perform inspections in the area of spatial planning, housing quality, fire safety and urban regulations (e.g. with regard to permits). This team works in close cooperation with local police, the fire brigade and authorities such as the social, economic and food inspectorate.

A flexcontrol always follows an information analysis. On the one hand, the purpose of the control is to check the data from the information analysis and to check whether the legislation and regulations in force have been complied with. On the other hand, from a preventive point of view it is important as a city to have and maintain a good view of what is happening on the territory, behind the walls too.

A flexcontrol is mainly administrative. In other words, it is an inspection that is organised from the city administration. Other authorities such as the police and inspectorates are also associated with it.

An inspection by the flexteam is always linked to a site or commercial enterprise. The purpose and working method of the action is explained to the persons present (owner, operator, resident etc.). Their consent is also sought for the performance of the inspection.

The various members of the team will then carry out the inspection according to the specific matter and their powers.

Any violations will be dealt with. Depending on the type of violation, a number of different measures can be taken. The city administration can take administrative measures, for example a warning, a fine, the suspension or revoking of a permit, closure of a site etc. The other partners (such as the police and the inspectorates) can also take measures.

Concrete actions were carried out on night shops, so-called 'transit houses', betting shops and bars, restaurants and hotels.

The results concerned among others violations in the area of spatial planning, accommodation, fire safety, violations of social and economic legislation, violations of municipal regulations and decrees.

After we observed that the goal of such an action was not always clear for both the inspected persons/sites and bystanders, we have developed a folder that explains the process, and on which there is also an email address for any questions.

Not all inspections within the administrative approach take place via these so-called 'flex actions'. That would also not be feasible as they are highly intensive. There are various different methods that can be used to carry out inspections on the ground. Departments can always carry out autonomous inspections within the framework of their powers and regulations and share the information afterwards.

Where necessary, the criminal path can also be used. We have already mentioned above that agreements were made with the crown prosecution service in order to submit a report to the public prosecutor via the police where necessary.

Further development of our municipal regulations.

During the project, it has also become clear that **well-performing municipal regulations** form an important foundation, both as a function of the information position and as a function of enforcement.

During the project period, a new regulation was drawn up for night shops. In this, provisions were set down concerning establishment licences and operating licences. In addition, a number of obligations and preventive measures have been taken, with the associated potential administrative penalties - including for example a fine, the revoking or suspension of a permit, or the closure of the commercial establishment.

Within this framework, we have also discovered that we need to optimise our catering and accommodation (horeca) regulations.

We are now looking to carry out this exercise for more sectors such as betting shops, phone shops, etc. Something that is always important within the framework of such a permit policy is the extensive check on the morality of the applicant(s) (see also below).

4.5. Communication

Communication on (all forms of) security policy is sensitive and delicate, and yet it is still a necessary instrument in order to make clear the efforts of the administration concerning crime in a local community. The communication on the concrete actions contributes to the population's sense of security and ensures that the implemented policy is democratically justified and adhered to. On the other hand, the communication deals with sensitive subjects such as the privacy of individuals and the risk of stigmatisation of certain population groups or company sectors is a very real one. In Genk, we have also opted for a communication plan on the administrative approach that has been plotted in advance.

Internally: in order to make known the project and actions within the own organisation, explanations were organised on various levels: the executive staff, middle management and management team as well as the administration were notified of the project on several occasions. This took place using presentations and talks, via attendance of meetings and consultation sessions and through the provision of a training course on how to recognise signs of human trafficking (*see below*) that was organised for members of staff.

Externally: to inform the population of the actions and progress within the project, regular and active press releases were distributed, mainly as a result of concrete flex actions on the ground. These press releases are always preceded by a check for approval by the mayor, the chief of police and the prosecution service magistrate.

During the flex action, the press release is made available for any questions that may spontaneously be asked by journalists. After the action, there follows a briefing to the mayor and prosecution service magistrate. In connection with this briefing, after the first inspections a spontaneous press release was always launched by the city. Due to the above-mentioned balancing act when it came to stigmatisation, in progress it was decided to assess action by action whether an external press release was desirable and appropriate. Since that time, the press releases have still been preventively drafted to be able to field unexpected questions from the press, but they were no longer actively distributed.

4.6. Continuous evaluation

In the process we assess our pragmatic working method and test it against the existing organisational and judicial frameworks.

After all, the administrative approach to organised crime is no simple matter, whether from an organisational or judicial point of view.

We have already seen that such an approach calls for a change in attitudes, an alertness and working method that we are not accustomed to and for which up until now we had no systems or work processes.

On the other hand, in Flanders or in Belgium there are few legislating initiatives in this regard. There is less of a legislative framework for the exchange of information and for the refusal to award permits or their revoking on grounds of suspicions. There is no BIBOB legislation and no country-wide network like the RIECs in the Netherlands.

During the process, we looked into where the lawful possibilities and restrictions are, and what possibilities and instruments we do or do not have. We have always assumed that we should also be able to play an active deterrent role with the existing resources.

Where we encounter difficulties, we point them out and strive to give an impetus to the performance of legislative work that truly enables an administrative approach.

Together with a few Flemish cities such as Antwerp, Ghent, Mechelen and Turnhout, a work group has been set up, within the Flemish Association of Cities and Municipalities, in which good practices and difficulties are shared, and we look for solutions together.

Strangely enough, once we started to work on this project it quickly became clear to us that several Flemish cities are in fact already working with such an approach, although admittedly not under the same common denominator and with the same global objectives. This involves a number of diverse (ad hoc) administrative enforcement strategies with a view to tackling specific (nuisance) issues.

At the time of writing this manual, preparatory work has been delivered by this work group, with a view to giving an impetus to legislative work. Here we are attempting to make concrete recommendations.

As you can see, in this phase it is above all a question of a process assessment. It is still much too soon for an effect assessment (effects of the administrative approach to organised crime).

4.7. Roll-out

From the very outset, we also planned to give attention to a roll-out of the administrative approach.

In addition to the fact that criminal organisations do not take municipality and/or national borders into account, we also witness the waterbed effect, as discussed above.

There is therefore a need to convince (surrounding) cities and municipalities to use such an approach.

To this end, we gave regular **explanatory talks at a range of local, national and international forums and on consultation platforms**. At an international level, networking took place within the Informal network Administrative Approach, the Benelux (and Urbiscoop work group) and Efus (European Forum for Urban Security).

In January 2015, we organised a **3-day international conference**. Along with the provinces of Limburg and Antwerp, we aligned this with the bi-provincial Security Conference.

In total, there were around 250 individual participants over the 3 days from a number of different countries (Belgium, the Netherlands, Denmark, Sweden, Finland and Portugal) and from a number of different angles and organisations (cities and municipalities, province, police, justice, scientists, policy makers etc.). There was also a delegation from the European Commission.

The speakers and presentations were also from the same varied angles. To begin with, on day 1 we above all devoted our attention to the importance of the administrative approach, in order to act on the awareness of the participants. On day 2, we then explained the experiences of the Netherlands, both from a scientific and practical point of view. We also had the honour of hearing the results of the very recent ISEC comparative law study within the framework of this topic by KU Leuven in collaboration with the University of Tilburg.

We also went into more depth on a number of specific subjects such as human trafficking, drug trafficking and outlaw motorcycle gangs. Other countries explained a number of good practices in this regard. In a debate, mayor, chief of police, public prosecutor and representative of the Flemish Association of Cities and Municipalities arrived at the conclusion that there is a need for a stronger information position for the mayor and a better legislative framework in order to enable the exchange and use of information – in particular certain judicial information – for administrative purposes. A concrete commitment arose from the prosecutor-general on this point, that we should all sit at the negotiation table to develop a directive on the subject. The ministers of the FPS Justice and the FPS Home Affairs put their weight behind this issue in their respective speeches. Finally, day 3 was above all dedicated to international cooperation and the fact that there is also a lack of a legislative framework for cross-border information exchange and cooperation.

4.8. Embedding in our organisation

A project has an end by definition. The activities must now be embedded in the permanent works. In this way, the approach is given a structural character.

The project contributed many new insights to our organisation, and in that light there can already be said to be a little ‘guarantee’ in a certain sense. And yet the actual operation of the administrative approach and the systems and work processes that go hand in hand with it have as yet not been fully integrated into our organisation. They mostly stand alone, as a project.

With the end of the project, for us the time is nigh to embed a number of aspects from this in our regular municipal operations. This will therefore be an upcoming priority in 2015.

One way in which to do this is to take up these measures in the city’s Integrated Security Plan.

Today the administrative approach to organised crime is already framed within the integrated security policy. We see it as an important link and a methodology within this security policy and within the security chain: proactiveness – prevention - enforcement.

The administrative approach has already been taken up in the municipal policy plan and in the Strategic Security and Prevention Plan, although still currently on a project basis. We are striving towards a more sustainable anchoring.

5. The Genk project in detail



5.1. Policy/administration commitment

Before starting to use an administrative approach, it is - as we have already mentioned above - necessary to obtain a commitment from the administration. After all, when the cases are processed, information comes to light, inspections are carried out etc. It is also expected that the administration will act on these cases in a principled and resolute manner. Here people must be fully aware of the state of affairs, and this awareness-raising and the weighing up of the consequences form a major prologue for the project.

5.2. Bringing the regulations into order

An instrument of paramount importance in the administrative approach is constituted by the local regulations and decrees. The form of these local decrees naturally varies from country to country. For the city of Genk, in particular the catering and accommodation (horeca) regulations, the regulations governing night shops and the police decree to curb nuisance seemed to be useful instruments, for which the card of municipal administrative sanctions as an enforcement instrument is played as often as possible.

5.2.1. Catering and accommodation regulations (horeca)

The local regulation governing catering and accommodation licences already appeared to be an interesting tool in order to achieve transparency in operations (managers, company identification, registration in the Registry of Commerce, lease documents). For establishments that wish to serve fermented drinks and/or strong liquor, there is still a requirement for the provision of a certificate of good behaviour/morality for the managers among others. On this basis, a first assessment can be made of who wants to start an exploitation and where. In addition, the catering and accommodation licence offers an additional justification for the inspection of catering and accommodation establishments during the flexcontrols.

However, in the event of non-compliance with the regulation, enforcement did not always seem obvious for the municipal departments (observation, follow-up). For more on this, see section entitled "enforcement".

The sanction possibilities that were set down in the original catering and accommodation regulation were sometimes insufficient to pressurise owners to regulate their situation.

In addition, the suspicion arose that a number of untrustworthy operators had not applied for a “licence to serve fermented drinks and/or strong liquor”, precisely so that they could dodge the obligation to provide a certificate of behaviour/morality.

An adjustment to the existing catering and accommodation regulation is therefore also one of the follow-up actions that will be carried out.

5.2.2. Night shop regulation

Another local regulation concerns “the police decree on night shops”. As the original version of 2011 was rejected by the Council of State on the grounds of the provisions concerning the closing time, the city decided to draft a new regulation.

From the administrative approach, this opportunity was seized in order to provide for an extensive test of the good morality of the applicants in the new regulation. To the extent that this is considered legally possible, it is now specified that a prior administrative inspection is carried out into “public order and morality”. This inspection involves:

- *an inspection into criminal sentences, receipt of stolen goods and sex-related offences;*
- *into violations of the Racism and/or Xenophobia Act and/or of the drug legislation and/or by virtue of acts of rebellion vis-à-vis the police or other public services;*
- *an inspection into whether there are serious indications of fraud;*
- *an inspection into whether there are serious indications that illegal activities are taking place concerning the sale, supply or facilitation of the use of poisonous substances, sleeping medication, narcotics, psychotropic substances, antiseptics or substances that are used for the illegal production of narcotics and psychotropic substances, whereby public safety and peace is jeopardised;*
- *into violations of legal obligations in connection with or as a result of the operations, such as non-compliance with establishment procedures, personal professional performance conditions (including age, residence card, professional card, street vendor card, labour card), administrative obligations regarding the Registry of Commerce, social and labour obligations for the people who take part in the operations in any way (including declaration and social security contribution payment obligation), accounting and tax obligations, company law obligations, permits, approvals and authorisations with regard to exercising of profession, the regulations concerning opening hours, food safety, smoking ban etc.*

In addition, the experiences with the flex controls⁷ had shown that a large number of night shops do not seem to be in a regular situation vis-à-vis the general applicable legislation, such as that concerning registration in the Registry of Commerce, application for a VAT number, and compliance with the social legislation.

⁷ During the period in which there was no police decree on night shops, the tax regulation (reimbursement regulation) was used as a starting point for flex controls on night shops.

One point for attention in the new regulations was therefore the taking up of this non-compliance with higher legislation as a non-compliance with the municipal regulations. Only in this way is the city able to revoke the night shop licence for example for a night shop that is not registered in the Registry of Commerce.

In consultation with the existing operators of night shops, within the city an attempt has been made to arrive at a regulation that has a broad consensus in which it is also possible to work preventively with regard to nuisance. Within the framework of the administrative approach however, extra attention was also dedicated to enforcement possibilities in the event of non-compliance with the regulations. In this regard - where possible - Municipal Administrative Sanctions are put in place (this may involve an administrative fine, but also the suspension or revoking of the licence and the closure of the night shop).

Example : night shop regulation in Genk : see toolbox

5.2.3. Police decree to curb nuisance

An up-to-date version of the police decree to curb nuisance that has also been adapted to the change in legislation concerning municipal administrative sanctions was approved by the municipal council in October 2014. Via this decree, a great many nuisance situations can be dealt with in the area of public order, security and health.

5.2.4. Advices regarding betting shops

By virtue of the Belgian Games of Chance Act of 1999, a licence is required in order to take bets. The Federal Betting Commission may or may not award a licence, but the applicant is legally obliged to seek the opinion of the mayor of the municipality in which the betting shop is to be located. The mayor may in turn register an objection in the advice.

In Genk, every licence application for a new betting shop is subject to an advice from a vast number of municipal departments (police, spatial planning, neighbourhood development, prevention). The opinion of the administrative approach is not systematically sought, but it is for the files in which other departments pick up on signs that they interpret as “to be investigated”.

Although the city always gives a negative advice on betting shops (due to the proximity of youth groups, schools, bus stops where young people often gather, vulnerable residential areas etc.), a negative advice from the administrative approach is registered as an “extra aggravating circumstance” in the mayor’s advice.

5.3. Strengthening of the information position

In addition to bringing our own regulations into order, the strengthening of the information position of the administration is an important part of the administrative approach.

In this information gathering stage, the operation of the local operational meetings (LOM) - as described below - is central.

5.3.1. Working method for the local operational meetings LOM (see also 4.4."information analysis")

Cases on the instruction of the departments and Executive Committee

On the instruction of the Executive Committee or the municipal departments, a concrete case or cases is/are defined, either in territorial terms (a district, a street, a site) or in thematic terms (betting shops, estate changes) (see also above). In a subsequent phase, the officials appointed from within the services build up an information matrix concerning this concrete case. From the so-called internal sources (population register, construction permit applications, fire brigade files etc.) or open sources (Registry of Commerce, National Bank, web searches etc.) a first overall interpretation is reached, which leads to a risk analysis. Whereas originally the various departments within the local administration had fragmented pieces of information concerning certain organisations or areas, one of the achievements was precisely the charting of the available information and the potential recognition of suspicious patterns. Indeed, when question marks arise concerning the legitimacy of certain patterns, external partners such as the public registry, housing corporations etc. can be involved in the approach. Naturally the limits of what is legally permissible were strictly adhered to in this process.

After the information analysis stage, we go in search of the available legal instruments with the various partners concerned (see below). Within the framework of a full integrated approach, the administrative instruments complement the penal and/or tax approach and the preventive approach.

Confidentiality statement

Because the LOM works with sensitive information, a great deal of importance is attached to discretion and security. In so doing, the information is only sent over secure networks, and every participant in the consultation (whether permanent or occasional) must sign a confidentiality statement. The files and reports are saved on a separate drive with private access.

Baseline measurement of a commercial street (zero-measurement)

In addition to the spontaneous reporting of cases by municipal employees, a picture is also obtained - in the Netherlands for example - using the baseline measurement method: a whole industry, area or street is screened site by site, in order to arrive at a structured and systematic picture of the situation. Per site we look into the number of companies or establishment units (via the Registry of Commerce) and the history of the company and its managers (via the Belgian Official Gazette), and a public search on the managers is also carried out (open sources).

For the Genk experiment, a commercial street was selected, of which the property structures and nature of the exploitations gave rise to a great many question marks.

First the above-mentioned commercial search was carried out for this street.

In addition, via the Geographical Information System, the areas were investigated with respect to their ownership structure, and lastly the residents were added via the Population department.

Based on this initial analysis, warning signs were indicated based on:

- the nature of the enterprise: night shop, betting shop, gold shop etc.;
- whether the building had already been subjected to a flex control;
- whether the building had already been subjected to questioning by the administrative approach (based on signs of accommodation, population, economy etc.);
- whether there is a link with an existing administrative approach file concerning the resident, owner or manager.

The information obtained was then discussed with the neighbourhood manager and the district police officer, in order to check whether there might possibly be additional links to be added between specific buildings and cases.

Lastly, in the implementation phase, the cases with warning signs were systematically placed on the agenda for the local operational meetings. Prior to this discussion, the internal departments were requested to check whether they could add any more information.

When the LOM retains a case from the baseline measurement, there are various follow-up possibilities:

- recording in the database;
- assessing of applicable instruments via enforcement consultation;
- consideration of a flex control.

5.3.2. Case follow-up: marking of buildings in GIS

The geographical information system (GIS) is an information system which can store, manage, process, analyse, integrate and present (spatial) data or information on geographical objects, so-called geo-information. Within the city of Genk, a maximum of information is coupled with sites and lands using this system. In this way, per building we can carry out searches on the owner(s), licences/permits, violations, history, residence etc.

By way of a test, a number of buildings were marked out in the GIS that are relevant to the administrative approach. They were given the message “first contact administrative approach”, which is visible for all municipal officials who work with the GIS. In this way, we are attempting to prevent licences/permits or subsidies being granted without consultation to owners or operators that are being followed up by the administrative approach.

5.3.3. Raising awareness among officials

The administrative approach implies a change in the way of thinking and the way of dealing with an entire body of officials. This change will not be made overnight, and it is not an easy one. A major part of the pilot project was consequently about raising awareness among own personnel. This was given shape using the following methods :

5.3.3.1. *Presentations at the local operational meetings*

At the local operational meetings, guest speakers were regularly invited who gave the partners an introduction on certain topics, such as the 1% motorclubs, the operations of the Games of the Betting Commission and the operations of the Enhanced Registry of Commerce. In addition to this, feedback on study days was also organised on the LOM, among others concerning the phenomenon of the underground economy.

5.3.3.2. *Training of municipal staff*

Within the European project, we also provided for a specific training path for municipal officials. The kick-off of this training programme took place in autumn 2013, with an explanation for the middle management. As a result, members of staff were presented and selected for the training sessions.

One of the items that was specifically addressed was the trafficking of human beings, including the sexual and professional exploitation of vulnerable subjects.

For this training course, personnel was divided into three subgroups: counter assistants (population, civil registry etc.), outdoor employees (environment department, cleaning, neighbourhood managers etc.) and inspection departments (construction supervisors, fire brigade, police etc.)

City personnel received a 6-hour training course in which they were given an introduction into the phenomenon, received different tools to interact with possible victims, and were trained in detection and follow-up of the signals.

To support and follow up the training, a secured digital platform for the exchange of trends and prevention tools was set up.

5.3.3.4. List of signals and tools

For the detection of the above-mentioned signs concerning exploitation and human trafficking, we looked into a list with objective signs which employees could use to give direction to their observations. There seemed to be many such lists in circulation. Originally a new list of signs was drawn up based on the sheets that are used in the Netherlands, complemented by the legislation specific to Belgium.

During the training, other Belgium-based detection resources and criteria were made available by the Federal police.

These documents were bundled together on a learning platform, for which training participants received a secure login. In addition to an inventory of signs and detection mechanisms, via this learning platform a number of special tools were also provided, such as translation programmes and online instruments for communication with people who did not master the local language during inspections or observations.

5.3.3.5. Report form on the Intranet

To give municipal employees the possibility to easily and quickly pass on signs to the administrative approach, a report form has been designed that is made available via the Intranet. The reports follow a secure conclusion process and are only seen by the administrative approach division.

5.3.4. Catering and accommodation commission

A large number of reports, observations and files concern the catering and accommodation sector; restaurants, pick-up services, snack bars, cafés and bars therefore also constitute a special point of consideration within the administrative approach. In Genk, everyone who wants to start an establishment in the catering and accommodation sector must apply for a licence from the city (see also “regulation”: catering and accommodation regulation). These licence files sometimes give indications or warning signs that are relevant for the administrative approach. On the other hand, as the city can also reject these licence applications or revoke the licences, the follow-up of these applications is a worthwhile enforcement instrument.

For these reasons, the coordinator of the administrative approach is a member of the catering and accommodation commission, and she is (automatically) notified of all new licences or licences up for renewal in the catering and accommodation establishments of Genk.

5.3.5. Database

5.3.5.1. Storage and processing of data

In order to be able to enter, save and process collected data, a Belgian version of the RIEC database has been created. This was installed on the servers of the city of Genk during 2013. The database is not integrated with other databases (standalone) and it works with private and controlled access, which will be able to be given extra security via SMS code.

The database entered into operation from the end of 2014. Each time information is gathered for a specific building or file, the connected departments receive a request to enter their information for the case in question into the database, whereupon the case is concluded by the coordinator or the data analyst.

The departments are therefore only able to **add** information to the database, they are unable to **consult** it themselves or to extract information from it. The requesting of information can only take place via the coordinator or data analyst. When they want to feed back information concerning a file to the LOM or flex team, they do this by means of aggregated reports (see appendix: database flow chart)

It goes without saying that much attention is paid to the Privacy legislation during the processing and storage of personal information. The database has been officially declared to the Privacy Commission, and a personal consultation has been initiated with both the chairman of the Privacy Commission and with the Flemish Supervisory Commission.

For the storage of data we strictly monitor the **proportionality principle**: data is only stored in the system when and for as long as it is relevant. Before and after each LOM, the coordinator shall look into which data need to be kept. Data that are no longer relevant are systematically removed from the database.

5.3.5.2. Information security: an overall point for consideration at a municipal level

In September 2011, the City Council Executive appointed an information security consultant, with three deputies. With this appointment, the city is fulfilling its obligation to appoint the following for the municipal information security policy:

- **an information security consultant and one or more deputies** within the framework of the Decree of 18 July 2008 concerning electronic administrative data flows (the so-called 'Egov decree') and associated implementing decree of 15 May 2009 concerning security consultants, and

- **an information security consultant and consultant for private life protection** within the framework of the Act of 8 August 1983 establishing a National Register of Private Individuals (Art. 10), which among others fulfils the function of appointee for data protection as specified under Art. 17bis of the Act of 8 December 1992 on the protection of privacy concerning the processing of personal information ('Privacy Act').

In accordance with the legislation concerned, for this appointment the favourable opinion of the Flemish Supervisory Commission for electronic administrative data flow was sought. The identity of the consultant was also reported to the sectoral committee of the National Register.

In this way, the obligation to appoint a security adviser within the framework of the processing of a register of the municipal administrative sanctions can also be fulfilled as specified in the GAS regulation (Art. 4 of the implementing decree of 21 December 2013 setting down the special conditions governing the register of administrative sanctions introduced in Art. 44 of the Act of 24 June 2013 on municipal administrative sanctions).

On their appointment in September 2011, the team of information security consultants set the following as priority objectives: (1) the **identification of missing and/or insufficient measures** on all aspects in the area of information security and protection, and (2) the programming and follow-up of **expert opinions, recommendations and implementation actions** in this regard.

5.3.6. Internal work processes/procedures: example of prostitution reports

During the project, structured processes were developed on specific recurring topics. In this way, prostitution reports within the city (often based on complaints from residents in the surrounding area) are passed on from the various departments to the administrative approach, where they are centralised. From the administrative approach, the local police are requested via the mayor to gauge the situation at the address concerned. A number of different outcomes may result from the on-site inspection. Sometimes no prostitution can be observed, and then no follow-up actions are taken. When the complaint appears well founded, but there is only talk of nuisance, and not of criminal offences (i.e. minors, soliciting, pimping etc.) the police will act as a mediator and attempt to remove the nuisance. For this purpose, where appropriate the administration may resort to administrative measures within the framework of public order (e.g. the Municipal Administrative Sanctions). If however criminal offences are observed during the inspection, there follows a report to be submitted by the police to the public prosecutor. On this point, the question arises concerning the exchange of information. After all, the mayor has the power to for example suspend or revoke the operating licence for the establishment in question, providing that he has sufficient grounds for this. In addition, the mayor may (temporarily) close down the establishment if there are indications of human trafficking.

Illustration : internal work process for the reporting of prostitution : see toolbox

5.3.7. Consultation at provincial level - criminal motorcycle gangs

In addition to the internal consultation and the streamlining of the municipal information and processing flows, strategic and operational networking was also carried out at regional level. In this way, the project coordinator was invited to the provincial consultation on the criminal motorcycle gangs. This consultation was on the initiative of the governor of Limburg. Together with the police and judicial authorities, an attempt was made via this forum to encourage the local administrations in the province to try out initiatives that stop the criminal motorcycle gangs from showing and/or establishing themselves in the region.

5.4. Strengthening the enforcement position

Following the information analysis, within the local operational meetings it is examined which instruments are the most suitable for the development of enforcement actions. At this, administrative and penal enforcement can be linked to each other and even strengthen each another.

5.4.1. Administrative enforcement

5.4.1.1. Instruments

The local administrative instruments of which these departments can make joint use are for example: rejection of construction permit applications or rejection/revoking of operating licences, changing of destination plans, local decrees etc. Building on its powers, the administration will further extend and optimise municipal licensing policy. In addition, an attempt will be made to arrive at a synergy between the various municipal services, in order to make maximum possible use of the existing administrative possibilities and powers.

The instruments that can concretely be brought into use will vary from municipality to municipality and from country to country. The listing of local possibilities is therefore an important task in the piecing together of administrative enforcement.

Without trying to be exhaustive, we have attempted to put together a list of *hic et nunc* useful possibilities in the appendices/toolbox.

5.4.1.2. *Parallel conditions*

At the same time, work is also taking place on an “empowered” administration: a communication strategy must support the implemented policy, the integrity of the municipal personnel becomes a major point for consideration, and the members of staff must also be protected against any possible attacks from outside.

At the same time, the administration commits to **reporting** the legal restrictions encountered to the respective competent higher authorities.

5.4.1.3. *Enforcement consultation*

Specifically with a view to administrative enforcement, a consultation was recently brought together of municipal departments only: spatial planning, fire brigade, civil affairs, jurist, housing policy, prevention and neighbourhood development are all departments that not only provide relevant information, but also ensure follow-up of specific cases from an administrative point of view. In addition to the local operational meetings, which only take place every 6 weeks, an “intermediate level” has been created which is able to keep its finger better on the pulse, at least as far as it concerns administrative matters.

5.4.1.4. *Flex actions (see also above: 4.4.c: coordinated approach)*

To complement the findings of the information matrix, “flex actions” are held to compare the situation “on paper” to the actual situation on the terrain. A flex team is composed of partners who have an interest in the specific cases: these can be municipal services (finance, economy, fire department, housing service etc.), as well as external services (economic inspectorate, food inspectorate, social inspectorate etc.). The local police takes part in the actions to safeguard public security.

Before the flex actions take place, the available information from the Administrative Approach concerning the areas for examination is bundled together. A briefing is always held before the action, at which this information is browsed through. After this, the actions take place in accordance with a fixed issued road map (see toolbox).

5.4.2. Penal enforcement

As well as administrative enforcement, penal enforcement also plays its own, very important role. Where the LOM's bring to light facts that may be eligible for pursuit, these are submitted to the public prosecutor via the police in the form of a confidential report. The pursuit of the potential offences naturally remains the domain of the Public Prosecutor.

5.4.3. Coordinated control actions (police, social inspectorate, economic inspectorate etc.)

In addition to the integrated inspections in the form of the above-mentioned flex actions, as a complement purely penal actions are also organised for some cases. This for example involves inspections (to prepare or follow up a case in the administrative approach), in which only the inspection services with penal powers take part. The police carries out these inspections with for example the social inspectorate, the economic inspectorate, the Betting Commission etc.

Also as a complement to some administrative files, certain catering and accommodation establishments are placed on the monthly inspection list of the nuisance team of the local police.

5.5. Consultation with other cities and municipalities (via VVSG)

During the project, it became clear that Genk was not the only Belgian city attempting to introduce as many administrative possibilities as possible vis-à-vis organised crime. Cities such as Antwerp, Ghent, Mechelen, Turnhout and Ostend also seemed to see a lot of potential in the administrative approach. In order to exchange mutual experiences and practices and learn from one another's experiences, in the context of the Association of Flemish Cities and Municipalities (VVSG) a work group was set up in which this experience exchange could be structured. During this, before and after the meetings documents, legislation and case law is exchanged. To this end, a secure online platform was also made available.

This work group also met to formulate recommendations to the various legislative authorities at federal level, as specified in the objectives of the Genk project.

5.6. ISEC: collaboration with Denmark

The transfer to the Belgian context of a methodology developed in the Netherlands provides insights that can also be extended to implementation in other EU countries.

In order to put the generalisability of the lessons learned to the test, a collaboration was put in place with a third EU partner, i.e. Denmark. As specified in the application dossier and in the partnership declarations, mutual research visits were organised with the Dutch and Danish partners.

In a first phase, the Danish and Dutch counterparts were received by project staff in Genk on 2 and 3 December 2013. There they were given presentations on the Genk project and the context in which this was being set up. During a high-level meeting, contact was also made with the other ISEC partners in the project.

On 20 and 21 October 2014, the Belgian-Dutch members of the project were guests at the Danish Crime Prevention Council in Copenhagen, where they were able to get acquainted with a number of methodologies concerning the administrative and integrated approach. This among others involved the individual-oriented approach for members of criminal motorcycle gangs (Pin Point project), the fraud approach by the Danish “Udbetaling” (application for payment) and the so-called Al Capone methods as used by the Danish Tax Authorities.

The Danish colleagues were also prepared to present these methods at the concluding ISEC conference in Genk in January 2015.

5.7. An elaborated example: enforcement with respect to criminal motorcycle gangs

The developments at Euregional and national level led to the necessity of also elaborating an enforcement policy for criminal motorcycle gangs at a local level. After all, Genk is home to two motorcycle gangs, namely the Hells Angels and MC Egmond.

5.7.1. A structured policy

As a function of the provincial consultations concerning the forming of a picture and enforcement vis-à-vis criminal motorcycle gangs, the city has specified its policy on motorcycle clubs in an enforcement model.

The model concerns an enforcement strategy organised on several levels:

1. Information gathering: via formal (mayor, police) and informal discussions and via a range of different channels (work in the district, police, administrative approach etc.) the city keeps in touch with the local trends and developments within the motorcycle clubs. At federal level, close contact is maintained with the federal police Highsider Division.

The gathering of information takes place both from an administrative and judicial point of view, and is centralised with the police.

2. Ad hoc events (parties, charity runs): via a permanent police commissioner appointed for the purpose, preventive consultation takes place with the clubs. Agreements are made concerning the route to be followed (runs) and the conditions that must be met for the event in question (e.g. application for a party licence). During and after the events, the activities are consistently followed up, and supervision is carried out on the agreements made.

Depending on the appraisal of the event, the participants and the expected scale/impact, a firewall is set that allows the administration to keep tabs on who is present in and around the club.

This approach ensures that the city can closely monitor the activities of the clubs, can keep its finger on the pulse and act immediately whenever problems occur.

In the past, if necessary, administrative enforcement subsequently took place, for example through the temporary closure of certain catering and accommodation establishments.

3. If a club is looking to anchor itself into society (whether directly or via a subdivision) by settling in a fixed location (clubs, catering and accommodation establishments) or expressly to establish itself (clubhouse), the city will follow a dissuasive policy. This is expressed by:
 - Not making any premises available;
 - Preventive/dissuasive discussions with the owners of the sites concerned;
 - When such an establishment is observed: screen on all legal criteria and enforce them.

5.7.2. Motivation

With its policy, the city gives shape to an integrated approach to the clubs. By constantly informing itself, indicating clear boundaries and also enforcing them, the clubs are followed up and their activities take place in a “controlled environment”. Open confrontations are not sought as they constitute a risk to public order and also represent a real drain on police resources.

On the other hand, within the limits of the legal possibilities, we seek to implement zero tolerance in the area of establishment and embedding in the local social fabric.

We experimented with the following instruments concerning the topic of motorcycle gangs:

5.7.3. Stop talks

One method explored that was influenced by the Netherlands was that of so-called “stop talks”. When the administration heard that the Hells Angels were looking to establish themselves in the city centre, the owner of the intended site was approached on this subject by a delegation made up of the local police, the spatial planning department and the administrative approach coordinator. The owner was given the message that the administration was not enthusiastic with regard to the establishment of the motorcycle club in the city centre, and that all legal means would be pursued in order to prevent the establishment from taking place. The owner understood the message, and he informed the motorcycle club that he could not or did not want to rent the site to them. These preventive discussions are systematically used in the Netherlands to prevent the installation of criminal motorcycle gangs in the local community.

5.7.4. Order for closure of clubhouse from the mayor

In January 2015 the city and the police received reports that the Hell’s Angels were intending to establish themselves in a commercial street in the centre of a residential area. From these signals, it also appeared that the club was already occupied with moving its furniture, and was intending to organise an opening party within a few days.

An emergency consultation meeting was arranged immediately between the police, municipal departments and the fire brigade, and arguments were gathered together to prevent the opening of the clubhouse. The mayor issued a closure order on the grounds of: urban development violations (failure to comply with the spatial destination - recreational destination as a clubhouse not in keeping with the commercial destination of the street - and unlicensed preparation of bedrooms), lack of an operating licence and fire certification, falsification of documents and threatening public order.

Mayor closes down new Genk Hells Angels clubhouse

Het Belang van Limburg - 30/01/2015 at 15:32 by mal

Genk - On the decision of the mayor, on Friday morning Police MidLim halted the renovation works for the Hells Angels clubhouse and refused to allow its establishment. The necessary licences may not be submitted and public order and security cannot be guaranteed. The motorcycle club had intended to move its clubhouse from Toekomstlaan in Zwartberg to Stalenstraat in Genk. The opening of the site on Stalenstraat was planned for this weekend. It was only four years ago that the Hells Angels opened an authorised clubhouse in our province. A few decades ago Diepenbeek had an official clubhouse where a few Hells Angels secretly gathered, but the parent organisation brought an end to this.



6. Universal conditions: lessons learned



The conception of an administrative approach to criminal practices calls for certain prerequisites to be satisfied. These conditions provide the approach with an unmistakable basis and structure on which we can fall back along the whole path. Bit by bit they help to define the extent to which an effective administrative approach has a chance of succeeding.

Below we describe the main conditions and the lessons that we have drawn during the course of the project.

We believe that these conditions and lessons are universal and therefore can be used by anyone who is looking to work with the administrative approach to organised crime.

6.1. Awareness raising and being aware

A first condition in order to have an effective approach to organised crime is the **need for an awareness on the part of the local authorities that organised crime represents a problem within one's own region**. This is a first platform that needs to be created. After this, the local administration needs **to understand that they themselves can play an active role within the approach to this phenomenon**.

The insight into the fact that other players in addition to criminal law partners can play a role in the approach to organised crime simply demands a change in the mindsets of many departments and organisations.

We have discovered that this awareness-raising process - which in fact entails a change in mentalities and attitudes - is a process that cannot take place overnight. An awareness-raising process takes time; it needs to grow and gain penetration. You also have to get used to it.

It is therefore a matter of persisting, continuing to inform and raise awareness, continuing to indicate and reiterate the importance, everyone's role and the finality of this administrative approach.

The above is not only very important internally (within the municipal administration) but also externally. Not only must your own administration and employees be on board in this, but all your partners must also play their part. In this regard, we now go into more detail as regards cooperation.

6.2. Cooperation

An integrated approach to the phenomenon whereby every player (whether administrative, criminal law related, tax related or preventive) takes on its role in the various links of the security chain is the most promising for an effective approach to the phenomenon. After the individual awareness-raising, a joint awareness-raising must be developed whereby a shared state of emergency may arise.

By cooperating with various information positions and instruments the players holding specific functions (and having specific possibilities) get to know each other better, whereby liaising becomes easier. In addition, they will also be able to find each other more easily for consultation in future. The mutual awareness of the partners and mutual trust is strengthened by cooperation, but also by the desire to take joint action. This **cooperation structure is best set down in a protocol or agreement.**

A further advantage of an established cooperation structure is that the platform created is less vulnerable faced with **changes in personnel.** In practical terms, it is recommended to set up **consultation platforms** between the most major partners so that all strategic actions and decisions can be harmonised.

As we have already mentioned above, we note that the awareness-raising process is not always simple - for the external partners also - and that we need to keep this in mind. This is all the more true for the partners, who always functioned from a judicial point of view. We are above all then referring to the judicial partners. For them the mindset is even less evident. And that is certainly not due to incomprehension or reluctance. The will is certainly there, and yet we observe that here too there is more of a need for indications on the entire 'administrative situation': the interests, the possibilities and the finality. In addition, the uncertainty of the current legislative framework plays a substantial role here. (*More on this later*).

It is also said that together we need to look through these 'administrative glasses'.

In addition, we observe that both the community objective and the roles today are not equally transparent and clear for everyone. We have also seen that the current cooperation is somewhat non-committal, and is dependent on goodwill, personal styles, time and capacity and on what is legally permissible, which is certainly not always clear for everyone.

It therefore seems advisable in a later phase – after the Dutch example – to set a number of targets and roles in covenants. It will then be clearer and more transparent just what the possibilities, restrictions and powers of the various departments are, which will also serve to generate appropriate mutual expectations.

6.3. Capacity, an organisational structure and judicial expertise

An important condition for an effective administrative approach to criminal practices is to have sufficient capacity, quality and expertise at one's disposal. Preventive and repressive fighting against criminal practices calls for sufficient capacity on a range of different levels within the municipal organisation. In addition, also think of the quality standards for personnel and a professional and critical attitude with regard to service provision.

It is clear that if you are looking to apply an administrative approach, this requires capacity, both within your own city organisation and that of your partners.

It may well be the intention to guarantee this administrative approach to organised crime in a later phase within regular 'administrative enforcement', and yet someone clearly needs to have this as their assignment, and needs to be given the necessary space along with this.

In addition to a coordinated assignment, we can see that there is a need for a lot of judicial expertise, in this pilot phase it seemed even more necessary than we had originally anticipated.

On top of this, we continually call on capacity within a range of internal and external departments, in order to be alert and to signal, to gather and exchange information and carry out enforcement on the ground.

This all needs to be anchored in an organisational structure, which is given shape depending on the choices that we make. One and the other naturally depend here on the structure that already exists within the organisation, whether or not work takes place on a 'project-related' basis, and also on the needs and priority that we are looking to give to this, on the possibilities and feasibility, for both the coordinating city or municipality and the partners. It shall thus fall to the local body to define and discover how best to organise this.

In this, it is recommended to strike a good balance between the quantity and quality of meetings, both as regards composition and as regards the frequency of assembly.

Lastly, here we would like to stress that close contact and harmonisation with the mayor is important, seeing as he is the one who has final responsibility for all actions and decisions within this administrative approach. It is therefore recommended that the coordinator or person who also has this as their assignment is able to work closely with the mayor.

6.4. Guaranteeing of work processes

Of course, a **new project must have the time to explore boundaries and possibilities, but after time has passed there is a need for a standardisation of the work processes developed.** The full implementation of the administrative approach in the work processes aimed at a clearly described goal avoids new and different kinds of activities being carried out each time that may deviate from the pre-set goal. For example, using pre-set criteria, it is possible to define which cases can be subjected to an administrative approach.

- *A policy line*

After a pilot phase - in which we are made more aware and arrive at the recording of signs and cases - it is recommended to afford a great deal of additional attention to a more global problem analysis and the forming of an overall picture so that we are better able to plan and prioritise.

This can be done using crime image analysis (administrative and judicial), strategic reconnaissance, administrative reporting and a bundling together of practical cases (which we will certainly have after the first, pragmatic phase).

Based on such an analysis, we can then draw up an action plan. In this way, with the administrative approach we can act in a more 'targeted' way on phenomena, and we can make choices regarding the application of measures and resources. In other words, in this way we are able to set out a policy line and formulate the objectives more clearly. This also facilitates the subsequent assessment.

This will have an effect on the composition of the agenda and consequently on the choice of cases, which will take place in a more targeted way.

Naturally you must also allow space to be able to act flexibly on new needs and phenomena.

At the same time, attention also has to be paid to those cases that will possibly not (or no longer) be followed up within the administrative approach. Other channels may be proposed for this. The minimum requirement is that there should be clarity on this.

- *Structures, systems and work processes*

It is also recommended to further refine and optimise a number of structures, systems and work processes (for reporting and signs, consultation, circulation of information, enforcement, procedures, follow-up etc.) that are positively evaluated after the pilot phase, to establish them and embed them into a broader city organisation framework.

In the long run, this should result in a higher preventive effect than an occasional approach to criminal practices. When it is clear subject to which criteria action is taken and how these criteria are dealt with, the policy is transparent for citizens. Consistent compliance with this enhances the possible deterrent effect and will be effective in the long term.

6.5. Information exchange

A major point for consideration in cooperation is the concluding of **agreements concerning information exchange**, possibly in the form of a **covenant**. When partners sit down together, it is important that they are able to exchange the necessary information.

After all, information sharing and information exchange are an absolute necessity for the achieving of an administrative approach. In order to take a decision, the administration must have relevant information from all possible sources so that a real picture of the issue can be obtained. The use (collection, analysis, management) of information is an example of *intelligence led policy*.

The key to success not only lies in the *receipt* of information; perhaps even more important is the *exchange* of information (in the form of permanent communication) between the various partners. In the approach to a phenomenon, more can be achieved by means of a multidisciplinary approach and in this vision a systematic exchange of data is indispensable. Every player has data from a fragment of the issue, and consequently the flow of information must allow for it to be fought against effectively.

With information exchange however, naturally the **protection of privacy** and **judicial confidentiality** are sensitive aspects.

A number of general obstacles have been detected for the storing and exchange of certain data:

- various provisions concerning professional secrecy in the respective legislations that regulate the powers of the departments involved;
- secrecy of the investigation vs the enforcement of public order and security;
- legislation on the protection of privacy concerning the processing of personal information vs the public interest;
- legislation on the Registry of Commerce.

In Belgium there is no legal framework or country-wide network concerning the administrative approach. There are no clear agreements in place regarding the exchange of information.

As mayor and director of security in the city, you require information that is relevant to public security, in this case the preventive approach to organised crime.

Throughout the project, we observed that the local administration **often does not have the necessary information in order to undertake administrative action**. This involves more sensitive/judicial information which from experience we are only able to access with a lot of difficulty or not at all. And if we do not have the correct information and cannot actually intervene, we will also not be able to prevent the installation of criminal networks and will therefore miss opportunities in this regard.

It does therefore seem necessary to strengthen the mayor's information position - therefore not in the sense of an unrestricted and unlimited extension - yet the mayor must be able to have **information available that is relevant to the performance of his task**. This then involves the administrative and judicial information that is relevant **from an administrative viewpoint** (with a view to being able to take preventive administrative measures) and with an **administrative finality**.

Here we can also refer to the **lack of indications vis-à-vis the judicial departments regarding the need for mainly administrative but sometimes also judicial information for mayors**, and cities and municipalities in general, in order to be able to properly carry out their function and task set.

The obstacles (as already mentioned) mainly concern investigation secrecy and concerns regarding procedural irregularities. People are often extremely cautious, albeit due to good intentions.

Naturally privacy needs to be safeguarded and we need to act very carefully in this regard. What are certainly contributing factors here are **finality, which is well and truly 'administrative'**, and also principles such as proportionality and subsidiarity.

According to us, it is therefore certainly **recommended to take initiatives around this from a legislative point of view, so that relevant and necessary information can be exchanged AND used administratively**.

Having information is one thing, but being able and authorised to use this information administratively - and also continuing to do this - is a vital follow-up step.

This exercise must not remain limited to a judicial-administrative exchange. The possible information exchange with among others the Inspectorates and the Tax departments must be looked into (again) on a preferential basis in order to give this administrative approach the necessary strength.

In this context, we also refer to the so-called Antigoon case law (see above), which has since taken on a character anchored in law.

6.6. Enforcement

In addition to gathering information, control actions on the ground are also a must. They give you so much more information and form more of a picture, and serve in that regard to provide a synergy with the information analysis. They are often a prerequisite for the objective transition to administrative measures.

Some considerable time passed before we set out with a flex team. First we needed to look into which information could be used as a basis for this and who would be best suited to do it. At first it was partly a question of looking to strike a good balance in the number of participants in such an action. In this way, it is not recommended to enter a night shop with a group of 15 people. As the actions were sometimes rather awkward and uncomfortable at first, a much more flexible dynamic was also created here. You notice that departments become aligned with one another.

The final step in the administrative approach is naturally taking administrative measures. This is currently – at least in Belgium - a maze of legislation and possibilities. Administrations are all experimenting on themselves.

First and foremost, a well-performing municipal regulation constitutes an essential basis if you want to apply an administrative approach, and this both as a function of the information position and as a function of enforcement. And yet from a country-wide legislative viewpoint also there is a need for uniformity and additional strength in this regard.

It must also be specified that not only the regulations but also the administration itself needs to develop sufficient strength. An administration must dare to take decisions, to enforce, and to go into the field alongside officials.

6.7. Roll-out

The fact that we – whether locally, nationally or internationally - receive a lot of questions and invitations to come and explain the project and our working method is encouraging and gives us reason to be positive. It is a sign that the topic is alive and well, and that there is already a certain awareness.

On the other hand, it was sometimes difficult to experiment and roll out at the same time. On the one hand with regard to content - after all, you still do not even know in this phase exactly what you are working towards - on the other hand with regard to feasibility, given the limited human resources capacity within the project. This roll-out therefore remained limited to ad hoc questions.

We also note that a great many administrations are experimenting with the administrative approach on their own and as a result have a great many questions. In addition, in the longer term it appears neither desirable nor feasible for every community to have to build up this level of know-how and expertise entirely for itself.

In this way, in a single turn it is also possible to prevent all sensitive and necessary information from going to the municipalities. After all, advices can be provided without all detailed information being passed on to the municipality (see Netherlands working method), yet there has to be a legislative framework for this.

It is therefore our view that - both with regard to roll-out and expert support - a higher level is required, and this applies both country-wide and internationally. We recommend that somebody occupy themselves with this at both levels.

6.8. Security policy

The efforts made for the approach to organised crime in a municipality call – as mentioned before - for a clear policy line. It is consequently also advisable to take up the approach to organised crime in the general municipality security policy.

In the definition of the strategy, it is important to ensure that an analysis of the local/ regional situation lies at the foundation. This can for example take place through the implementation of city and region scans, the use of monitoring tools, etc.

6.9. Policy transparency and communication

At an administrative and official level, it is necessary to communicate clearly regarding the implementation of the policy within the framework of the administrative approach to criminal practices. This expands the support for the administrative approach and strengthens cooperation, both within the municipal framework and with the security partners. For citizens and operators it must also be clear and well organised which rules apply in the municipality and what the consequences are if the rules are not followed (principle of legal certainty). This may result in a deterrent effect for criminal citizens or operators and thereby promotes a preventive effect in the longer term.

6.10. Integrity among officials and administrators

Criminals require municipal facilities for the performance of their activities and for this reason in some cases they attempt to corrupt sections of the municipal administration. Due to this dependence, it is necessary to supervise integrity within all departments. This involves preventing both conscious and unconscious facilitation of criminal practices by individual officials.

6.11. Safety guarantees for personnel

Active administrative enforcement with a critical attitude vis-à-vis civilians and entrepreneurs in the municipality can lead to officials and administrators being faced with threatening situations. The safety of the individual official or administrator must therefore be guaranteed. Officials and administrators must know how to deal with risks and must be given sufficient 'cover' in the event that they are faced with a threatening situation.

SUMMARY: DIFFICULTIES & RECOMMENDATIONS

Below we provide an overview of the main difficulties and recommendations.

1. Awareness-raising, changing mentalities and attitudes is a long-winded process. It is therefore important to continue investing in informing and raising awareness, in indicating the importance, roles, targets and the finality of an administrative approach to organised crime, this both internally with the policy and the employees and externally with your partners.
2. Before starting to use an administrative approach, it is worthwhile to obtain the express commitment of the administration. The administration, its inspectors and enforcers all need to be prepared to get behind the approach; they must also be prepared to actually implement enforcement in the field.
3. There is still a lack of indications on administrative relevance and finality with some partners. More indications on this administrative situation - and in particular for the judicial partners - is recommended.
4. Today there are (still) no covenants or protocols at operational level, which means that there is less clarity and transparency concerning targets and the roles of the various partners around the table. It seems advisable to work on this point in the short term.
5. Think carefully about the priority that you are looking to give to an administrative approach to organised crime and on this basis look to assure a well-adapted capacity and organisational structure. Make sure you do not forget to take the necessary judicial expertise into account.
6. Establish a policy line and in doing so define your goal and agenda. Make choices and set priorities for what you want to deal with, and in doing so arrive at a targeted approach. Ensure that this is also clear for everyone.
7. Create clarity regarding what information is relevant and can be contributed by the various partners.
8. Dare to go into the field and carry out control actions. They give you so much more information and make enforcement possible.
9. Ensure that - both as a function of your information gathering and your administrative actions - you establish and sustainably integrate good structures, systems and work processes into your organisation so that they can also work in the long term.
10. To the extent possible and within the legal framework, ensure you have your own high performance regulations on the basis of which a) you can have access to information and b) you can take administrative measures.

11. We recommend a clear and country-wide legal framework with a view to the information position and enforcement of a local administration in the issues concerned, and with the associated administrative finality:

- a. In the area of information exchange: strengthen the mayor's information position;
- b. In the area of the awarding of licences/permits: being able to use information in the awarding of licences/permits and subsidies (see Dutch BIBOB Act);
- c. In the area of enforcement: clarity concerning (knowledge of) enforcement instruments (currently very fragmented).

In addition, it seems to be desirable to take up agreements concerning the exchange of information with the various partners in the form of covenants.

In the meantime, it is recommended to pick through the possibilities for openings within the current legal framework and to materialise them for example in the form of protocols.

12. Separately from the need for a legislative framework, we observe that we do not go far enough in the exploration of judicial frameworks. On all sides we note the caution whereby no case law can be elicited. Nonetheless, the literature tells us that there are sufficient instruments/openings, and yet they are not tested to the utmost in this way. This trial project was intended to push boundaries but this clearly does not work in practice. We are now discovering that we must go further in order to be able to sift through the current legislation in full and in detail.

13. In order to form a picture and as to communication there is still a need to perform a balancing act: Is there actually so much crime in the city? Are certain sectors (e.g. catering and accommodation) really so threatening?

This applies for security issues in general. Perhaps we also need to become more accustomed to communicating on the things that are in perfectly good order.

Be sure then to communicate on your actions and your policy. Keep a balance in this and also devote attention to positive things.

14. Also invest in assessment. In an initial phase, this will above all be a process assessment. In a subsequent phase, an effect assessment is also recommended. After all, it is certainly useful to know what precisely you are achieving with the administrative approach. Working with a policy line (see recommendation point 5) will make this easier.

15. Roll-out is currently limited to ad hoc questions. Structural support and expertise at a higher level (see organisational structure of Dutch RIECs) seems desirable, and this both at a national and international level. We recommend that somebody occupy themselves with this at both levels.

16. Ensure that the concept and working method is guaranteed in your integrated security policy and in your organisation.

We see it – at least for the time being – as an inextricable link within the integrated security and prevention policy on a strategic policy level. On an operational level, we see it as being able to be integrated within a department that occupies itself with administrative enforcement.

Every municipality must follow its own logic in this.

17. As far as the cross-border level is concerned, we observe that a lot of movement is in progress, yet there is (still) no question of any genuine cross-border commitments and cooperation. At various points we are however seeing projects being created in this sense. There is currently no legislative framework for this either.

Given the cross-border character of organised crime and the known waterbed effect, this does however seem desirable.

18. Fully-fledged role for the administrative approach

Through their active role in the approach to organised crime, the Dutch local administrations are recognised as a fully-fledged partner in the integrated approach. This recognition is not yet present to an equal extent everywhere in Belgium.

Historically speaking, the judiciary and the police have always had autonomous and uncontested control in the approach to criminal phenomena. That cities and municipalities also can and want to play an active role in this is a thought that calls for a new and different logic. And this thought is not something that all parties will agree on overnight.

In practice, the administrative approach is often curbed by fundamental discussions and exchanges of arguments.

Lastly we would like to point out that this pilot period of 2 years with a limited human resources framework is very short for such a diverse, broad and cross-border work field, in which many domains are intertwined and where so many challenges lie. There is still certainly a need for time in space to give the legislative framework further shape and to test it, to draft covenants and achieve a good roll-out.

In addition to guaranteeing a number of things within our municipal organisation, we therefore hope to find a new project subsidy that makes it possible to continue the dynamic initiated.

TOOLBOX



Universal instruments⁸

Irrespective of the Member State in which it is located, a local administration should have a number of instruments that can frustrate or curb organised crime.

Without wishing to be exhaustive, here we are happy to provide a summary of some possibilities that are often present at local level in one form or another...

LICENCES FOR SELLING FERMENTED DRINKS AND/OR STRONG LIQUOR

A licence is required for the sale of fermented drinks (beer or wine) for local use in the majority of countries. In Belgium it is up to the municipalities whether or not to award this licence, based on criteria in connection with hygiene and morality.

The use, sale or giving away of *strong liquor* is moreover often regulated more strictly, and therefore offers more or larger handles.

In Belgium, the mayor can ban the sale of drink in houses that can be classified as brothels. In the event that this ban is violated, there are (relatively stiff) penalties.

OPERATING LICENCE

Just as licences can be required for establishments with fermented drinks and/or strong liquor, often other sectors (prostitution, shisha bars, car washes etc.) can also be regulated at municipal level. A municipal regulation not only creates the possibility to gain insight into those applying for a licence and their establishment, but also allows for the performance of on-site inspections and the exercising of supervision of operations.

ENVIRONMENT PERMIT

The environment regulations can offer handles for the rejection of an environment permit based on criteria such as pollution, nuisance, risks, liveability etc. if they are in connection with the environment. Criteria such as economic, community, social or moral criteria or a sense of unrest among residents may not however be used in these matters.

⁸ The list summarised here is the result of research that was performed in the context of the Strategisch Overleg Politie Benelux by the Belgian Delegation, coordinated by de Vaste Commissie van de Lokale Politie (VCLP).

NIGHT AND PHONE SHOP LICENCES

In Belgium, night shops and phone shops are not by definition subject to a licensing requirement, but a municipality may nonetheless decide to take up such a licensing requirement in its municipal regulations, and to set out the criteria in this regard (e.g. investigation into the morality of the applicant). Where appropriate, if a night shop or phone shop is operated in violation of this, it may be shut down for a set or indefinite period of time. The criteria that may lead to the rejection or revoking of a licence involve the spatial location on the one hand and/or the enforcement of public order, peace and security on the other.

GAMBLING ESTABLISHMENT LICENCE

If you are looking to operate a gambling establishment in Belgium, you must apply for a licence from the Betting Commission.

In this, a role has also been given to the municipalities: In order to obtain a class A (I) licence, the applicant must submit a concession contract, which is concluded with the municipal authority of the municipality in which the class I gambling establishment is to be located.

In order to obtain a class B (II) licence, the applicant must be able to submit a covenant that is to be concluded between the class II gambling establishment and the municipality in which said establishment is located.

In order to obtain a class C licence and a class IV licence for permanent betting shops, the applicant must attach an advice from the mayor demonstrating that all legal conditions have been fulfilled for the operation of the gambling establishment (or proof that this opinion has been requested by registered letter). In practice, the mayor will first seek the opinion of the police.

Any objection from the municipality shall be taken into consideration by the Betting Commission, for example non-compliance with the municipal regulatory licensing provisions.

The applicant must meet all legal criteria, including the possession of civil and political rights, must conduct himself in a manner befitting the requirements of his position, pay a deposit and provide the necessary information concerning his financial capacity and solvency.

TAXI SERVICE LICENCE

In order to be able to operate a taxi (company), the operator requires a licence. Road transport in Belgium is a matter under the jurisdiction of the Regions, which each have a slightly different licensing method, as well as different criteria that must be met. For the Flemish Region, the City Council Executive can award, reject and revoke the licence. The legal criteria involve among others the good character, solvency and professional skills and qualifications of the applicant. The municipal council may supplement these with e.g. specific rates, driver language skills, vehicle colour, limitation of the number of taxis, etc. and also with more extensive provisions concerning the morality of the applicant.

FIREARMS LICENCE

For the majority of non-banned weapons, a firearms licence is required in Belgium. To obtain such a licence, a range of strict requirements must be met.

This power is federal, although certain aspects fall under the jurisdiction of the communities (shooting clubs) and the regions (hunting). The chief of local police must issue an advice concerning each and every licence application.

The law provides for a range of criteria that by definition lead to rejection. These criteria are not exhaustive however: the licence can be rejected, and the chief of police can issue a negative advice based on other criteria not further stipulated. Maintaining public order and security are in any event included in this⁹.

CLOSURE OF GUN SHOPS/WAREHOUSES

Based on the Belgian regulations, the mayor or governor may order the closure or vacation of shops or places where weapons or ammunition are stored. The grounds for any such closure or vacation are criteria concerning public order and the physical integrity of persons.

RALLY CONTESTS

The mayor plays a role in the evaluation of the reliability of the organiser of rally contests, and by assimilation also with other activities featuring motor vehicles (processions, meetings etc.). These instruments can therefore also be used to restrict the activities of criminal motorcycle gangs on the public highway.

The rejection of a licence takes place based on the reliability of the organiser.

⁹ COS of 20 April 2010, no 203.092.

PERMITS FOR PUBLIC PROCUREMENT CONTRACTS

Based on the Belgian and European regulations, certain (legal) persons are not permitted access to each stage of the award procedure for public procurement contracts for a value above a set amount.

When a municipality launches a call for tenders, it can forbid an applicant from participating when he has been convicted for participation in a criminal organisation, corruption, fraud or money laundering, or if it is observed that the applicant has employed illegal workers.¹⁰

SPATIAL PLANNING

Both the municipalities and the regions may draft regulations, in the form of spatial planning plans and urban development decrees. Certain operations (construction, renovation, change of function) may be made dependent on the holding of a permit.

The criteria for rejection or awarding of the permit are in principle relatively broad: on the one hand the urban development provisions and spatial planning plans (application must be made in accordance with the function of the area), and on the other hand good spatial planning in general (including nuisance, safety etc.)

¹⁰ Art. 57 Directive 2014/24/EU summarises the mandatory grounds for exclusion. These largely correspond with the deployment RD. And yet there are also additional new grounds for exclusion (which must also be taken up in the deployment RD):

The contracting authorities shall exclude a contractor from the tender procedure if they observe - by means of verification in accordance with Articles 59, 60 and 61 - or are otherwise notified that the entrepreneur has been received a final judgement of guilty for one of the following offences:

- terrorist offences or criminal offences in connection with terrorist activities in the sense of Articles 1 and 3 respectively of Framework Decree 2002/475/JBZ of the Council, or incitement to, involvement in or attempting to commit such an offence or criminal act as specified in Article 4 of the above-mentioned framework decree;
- if the contractor has attempted to influence the decision-making process of the contracting authority in an unlawful fashion, to obtain confidential information that can provide him with illegitimate advantages in the tender procedure, or to culpably provide misleading information that may have a substantial effect on decisions concerning exclusion, selection and deployment.
- child labour and other forms of human trafficking in the sense of Article 2 of Directive 2011/36/EU of the European Parliament and the Council
- if the contracting authority is able to demonstrate using all appropriate means that the applicable obligations specified in Article 18, paragraph 2 have not been fulfilled

Art. 18, paragraph 2 Directive 2014/24/EU:

[...] the applicable obligations with regard to the environment, social and labour law by virtue of the Union Law, national law or collective labour agreements or by virtue of the provisions specified in appendix X regarding international environment, social and labour law

Art.57 of the EU directive also explicitly states that the obligation to exclude a contractor shall also apply if the person having received the guilty verdict is a member of the administrative, management or supervisory body of said contractor or has representation, decision-making or auditing powers.

POLICE DECREES

The municipalities are responsible for enforcing and restoring public order, constituted by the public peace, public safety and public health¹¹. To this end, the municipal council issues police decrees, which may be general or targeted at specific individuals or groups. In a case of urgency or in unexpected cases, the mayor may issue police decrees. The action by the municipality must naturally comply with the hierarchically more important legal standards and with individual rights and freedoms.

ENFORCEMENT OF PUBLIC ORDER BY THE MAYOR

The mayor of the municipality is competent within the municipality as regards the enforcement of the municipal police decrees. He is authorised to make decisions so as to assure (material) public order and peace in **individual** cases (policing measures by the mayor). In this, the mayor must check whether there are concrete data demonstrating that public order is threatened and how serious this disturbance is. He must then take a measure which - taking into account the data that are submitted to him - is useful in order to counter the feared disturbance. Lastly, the measure must be necessary or indispensable, i.e. the least radical, and the measure must be weighed up against the disturbance of individual freedom (the measure must not disproportionately hinder the latter).

In addition, the mayor is also competent - in certain well-defined cases - to proclaim the temporary closure or suspension of a licence.

Lastly, the mayor may - in certain well-defined cases - also issue a temporary form of injunction.

In addition to the criteria that involve a violation of public order or grounds to fear such a violation, a violation of the drug legislation shall also constitute grounds for a decree from the mayor.

Without prejudice to the powers of the judicial authorities and without prejudice to what is specified in Articles 134ter and quater of the New Municipal Code, the mayor may - after prior consultation with the judicial authorities - if there are serious indications that repeated illegal activities are taking place in a private place still accessible to the public and involving the sale, supply or facilitating of the use of poisonous substances, sleeping medication, narcotics, psychotropic substances, antiseptics or substances that are used for the illegal production of narcotics and psychotropic substances, whereby public safety and peace is jeopardised and after hearing the person responsible in his means of defence, decide to close this place for the duration of his choice. The closing order shall come to an end if it is not confirmed during the next meeting of the City Council Executive and brought to the attention of the municipal council at the following session. The closing order - which may not exceed a period of six months - may, provided new similar actions occur or have come to light since the initial decision, be extended for a single period upon a favourable opinion of the municipal council.

¹¹ In a small number of cases, this authority is assigned to the City Council Executive

MUNICIPAL ADMINISTRATIVE SANCTIONS

In order to give local administrations the possibility to intervene themselves to counter nuisance issues & minor offences and to enforce in the event of violations of their regulations and policing decrees, a system of municipal administrative sanctions was introduced in Belgium by the Act of 13 May 1999. As a result, municipalities may develop a municipal right of enforcement and enforcement policy themselves. The administrative sanctions may be taken up in policing decrees and other municipal regulations.

In 2013, an updated law was published whereby the possibilities and scope are refined and complemented.

Via the GAS legislation, municipalities may have the following enforcement possibilities in their arsenal:

- administrative fines up to a maximum of EUR 350 (EUR 175 for minors) or alternative measures:
 - local mediation,
 - community service,
- an administrative suspension or revoking of an authorisation or licence granted by the city, and/or
- the temporary or permanent closure of an establishment.

Although the instruments in the GAS legislation are mainly intended to curb nuisance (hence the relatively small fines), the administrative suspension/revoking of a licence/permit or the temporary/permanent closure of an establishment clearly also allow for the implementation of a deterrent policy towards organised crime. In this way, untrustworthy organisations are frustrated in their attempts to infiltrate the local social fabric.

ADDITIONAL MENTIONS REGARDING THE CERTIFICATE OF GOOD CONDUCT AND MORALITY FOR ACTIVITIES FALLING UNDER THE CATEGORIES OF EDUCATION/CHILDCARE, PSYCHO-MEDICAL-SOCIAL SUPPORT, ASSISTANCE TO YOUNG PEOPLE, CHILD PROTECTION, EVENTS OR THE PROVISION OF GUIDANCE TO MINORS

Anyone who is able to prove his/her identity can obtain an extract from the criminal record. This extract (certificate of good conduct and morality) is issued by the municipality. If the extract is requested in order to gain access to an activity falling under the categories of education/childcare, psycho-medical-social support, assistance to young people, child protection, events or the provision of guidance to minors, additional mentions must be featured on the certificate of good conduct and morality. On this matter, the municipality must turn to the police.

POLICING WITH REGARD TO SCREENINGS/DEMONSTRATIONS/EXHIBITIONS

In exceptional circumstances, the City Council Executive may ban any screening with a view to maintaining the peace. The aim of such a ban is always to maintain the peace. However, this criterion is interpreted as very restrictive due to the principle of freedom of speech.

SALES FOR CHARITY

In Belgium, the municipality has the explicit possibility of an “investigation into good morality”: if there is any doubt concerning the sincerity of a “good cause” or the good character of the manager. It may request an investigation and/or submission of proof of good conduct and morality. The right to conduct such sales may be denied if there is a risk to public order, security, health or peace.

OTHER MUNICIPAL LICENCES AND PERMITS

In addition to the municipal licences and permits referred to above, we also find enforcement reference points in for example: regulations on temporary accommodation, operating licences for non-profit clubs, doorman activity licence, music licence, terrace licence, licences for prostitution etc.

Organisational chart of Genk project structure

ORGANISATIONAL SKELETON OF THE ADMINISTRATIVE APPROACH: A UNIVERSAL PROPOSAL:

Level 1

Pilot (top level) committee

Function:

- make sure the administrative approach is positioned within the overall city security policy

Suggested composition:

- mayor, head of local police, head of social department, prevention officer

Level 2

Steering Committee (comprising all partners in the administrative approach)

Function:

- providing overall strategic steering to the project

Suggested composition:

- mayor, city legal expert, prevention officer, head of local police, head of social department, public prosecutor, representative of the province, representative of the Ministry of Home Affairs, coordinator administrative approach etc.

Level 3

Executive Committee

Function:

- follow up the daily practices of the administrative approach

Suggested composition:

- city legal expert, head of social affairs, prevention officer, analyst administrative approach, representative local police-coordinator administrative approach

Level 4

Local Operational Meetings

Function:

- construct data matrices, discuss the information gathered and outline the enforcement strategies

Suggested composition:

- city legal expert, coordinator administrative approach, prevention officer, analyst administrative approach, representative local police, social welfare, housing officer, spatial planning officer, fire department, economic department, population register, economic inspectorate, social inspectorate, local tax office, neighbourhood management etc.)

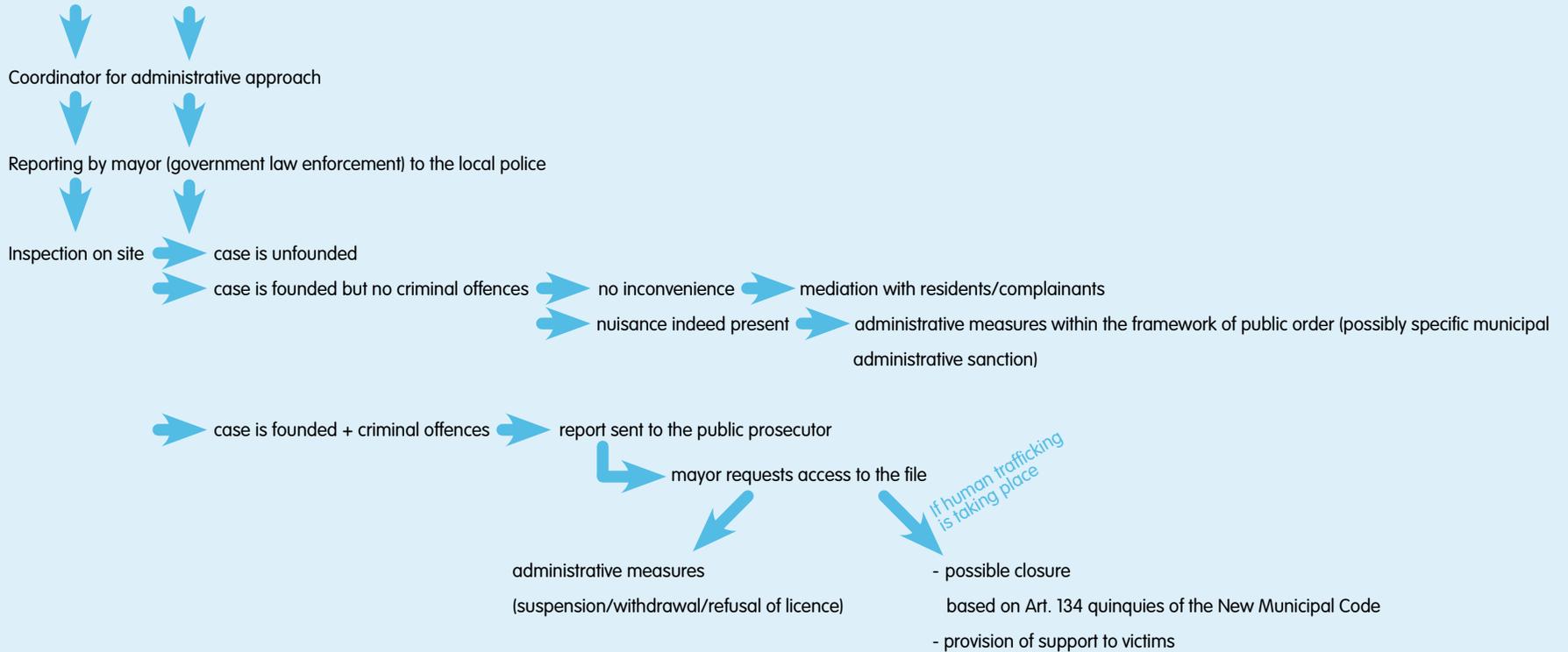
Internal flow chart for the reporting of prostitution

PROCEDURE SHEET FOR THE HANDLING OF PROSTITUTION REPORTS WITHIN THE CITY OF GENK

The national security plan (NSP 2012-2015) cites human trafficking - and specifically sexual exploitation - as a priority. Within the administrative approach, the topic, human trafficking and human smuggling' is coupled with a training path for municipal staff.

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Reporting by a resident/partner organisation/member of staff



Confidentiality statement for local consultation



CITY OF GENK - CONFIDENTIALITY STATEMENT FOR ADMINISTRATIVE APPROACH WORK GROUP

The undersigned (surname and first name)

Date and place of birth:

Employed by:

In the position of:

hereby declares

1. that he/she is aware that confidential information will be communicated within the framework of the administrative approach work group. He/she undertakes to withhold from unauthorised persons all information that is known to be or may be suspected to be confidential in nature.
2. that he/she will act with integrity within the framework of the works performed by this work group. He/she will therefore not give or promise anyone anything and also shall not accept any gifts.

Read and approved:
(signature)

Signed in:
Date:

Flex action : working procedure

FLEXTTEAM GENK : WORK PROCESS

Objective of a flexcontrol

With a flex control, a municipality tries to get a clearer view on what is happening behind the façades of certain properties. The control is mandated by the mayor, and has an explicit administrative character. The team is composed in a flexible way, depending on the assumptions that motivate the control, and the competences that are useful and applicable in the case.

Possible partners in a flexteam

Municipal partners:

- Administrative approach coordinator
- Administrative approach information analyst
- Construction supervisor/inspector
- Fire Brigade
- Housing officer
- Economic service
- Financial service
- Population register employee

External partners:

- Local police (usually 2 persons present and 1 team in back-up)
- Inspector of the Federal Agency for Food Safety
- Economic inspectorate controllers
- Social inspector
- Gaming Commission controller (betting shops)

Collection of information

The coordinator collects, analyses and bundles together all information available. A summary sheet presenting this information is provided to the inspecting officials beforehand.

The files are viewed and added to by the members of the flexteam before the action. Within own services, it is checked whether additional information is available. On top of this, every member checks whether extra people or specialities are required during the action.

The community police officer discreetly checks whether the businesses in question plan annual leave or have their weekly closing day on the set date.

Action

Before the action, a briefing takes place under the leadership of the coordinator. At this briefing, the case is discussed and it is established what the working method will be on site.

Process flow (without prejudice to specific circumstances that render a deviation necessary):

- Before the briefing: economic inspection on the same evening before the briefing makes a number of observations regarding compliance with opening hours (of the night shops).
- Briefing: the sheets are gone through and where (judicially-technically) possible, members of the team can add to the sheets with their own information.
- Premises entered: in the first instance, the premises are entered by the social inspectorate (establishment of employment and avoidance of flight) and the economic inspectorate (establishment of breaches of the economic legislation), flanked by the police (as a security measure).

The other members of the flexteam keep watch over the escape routes and keep an eye on activity outside (neighbouring residents, vehicles etc.). Once the inspection has been started, the other members enter the premises if necessary. The coordinator indicates when this stage has been reached. If the situation justifies it, this may be deviated from and more or fewer people may enter.

- Authorisation/consent: During the first discussion with the inspectorate services, the resident/operator of the premises is asked by the coordinator for his or her consent to enter the premises. If consent is given, a written statement must be signed. Without consent, it is only possible to enter with an official authorisation or warrant.

Only after the consent statement has been signed - or the use of an authorisation has been announced - is the administrative inspection into the premises initiated.

The administrative check goes hand in hand with the 'fact finding' phase on the part of the social and economic inspectorate.

Initiation of inspection:

The inspection is initiated after it has been announced by the coordinator. Once the inspection begins, everyone has their own task and steps must be taken to avoid everything being cramped or duplicated.

- Discussions with user: the coordinator will carry out a discussion on site with the residents/owners/users regarding the circumstances leading to the check. These discussions are recorded in writing by the information analyst.
- Proof of ID check: the social inspectorate searches for proof of ID. The data from the ID documents are recorded by the information analyst and these data can be used by the other members.
- Administrative check: the administrative check is the basis of the flexteam. During the check, all points of the relevant administrative legislation and regulations are looked into by the separate flexteam members.
- Criminal check: the police accompanies the flexteam to protect the employees. Once inside, the police can look around without performing a search. If the police observes that criminal offences have taken place, the administrative check changes into a criminal control. This means that the police takes on the responsibility for and leadership of follow-up checks. In this it acts further within the legal possibilities that are available in the framework of "catching criminals in the act" (in flagrante delicto).

Close of inspection:

If everyone has completed their inspection/measures, this is reported back to the coordinator. All flexteam members leave the premises.

Debriefing:

After the flex actions, a short debriefing takes place. Everyone must be present there to ensure that full feedback takes place for the case(s). It is ensured that no information that forms or will form part of a criminal investigation is shared with the administrative members.

Press Briefing:

The flexteam always carries a press release in the event of possible questions from journalists. The mayor decides whether it is appropriate to distribute a press release himself.

Checklist of human trafficking signs

SIGN SHEET FOR HUMAN TRAFFICKING:

Definition:

Art. 433quinquies of the Belgian Penal Code defines the notion of 'human trafficking'.

A person is committing the crime of human trafficking if he or she:

- hires a person;
- transports a person;
- employs a person;
- houses a person;
- receives a person;
- takes control of a person;
- transfers control of a person

With a view to the following:

- inciting the person to prostitution;
- subjecting them to other forms of sexual exploitation;
- forcing them to beg;
- economically exploiting them;
- forcing them to sell organs or tissue in violation of the law;
- forcing them to commit a crime or offence against their will

Even if the victim agrees to these practices, human trafficking has still taken place!

On what objective signs can city officials act?

Multiple dependency:

- The employer/operator also arranges accommodation, clothing, transport etc.
- The victim owes the exploiter money
- There is a contact person, who always translates everything. This person has already come to register several people. There appears to be an employer-employee relationship between the two people.
- Several people (who clearly do not belong to the same family) are registered at a single address

There is a strong limitation of the basic freedoms of the party concerned:

- The victim is prohibited contact with the outside world, including for medical care for example
- The victim does not have access to his or her own identity papers
- The victim does not have access to his or her own earnings/income

Work or provision of services in very poor conditions:

- Uncommonly low salary in comparison to the market
- The victim works in dangerous conditions or performs unsuitable work, or works without protective equipment
- Having to work in all conditions and for disproportionately long hours
- Family is threatened or blackmailed
- Combination: non EU-citizen, marriage or stay with partner and shortly afterwards work in prostitution
- Requirement to earn a minimum amount per day and to give it up
- Slavery relationship vis-à-vis the exploiter or employer
- Cameras inside and outside of the building

Damage to physical integrity of the party concerned

- Selling of organs
- Employed as prostitutes against their will
- Threatened or confronted with violence
- 'Branded' by the exploiter (tattoos)
- Being obliged to perform sexual acts under duress

Exploitation is not occasional, but there is a pattern or an organised connection

- Rotation system of working in different places
- Eye witness accounts, signs, tips from third parties considered reliable (weight depending on the information)



Frustrating organised crime by using the administrative approach

Universal presentation

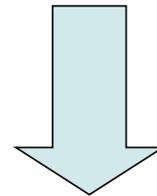
Organised crime

- Local infrastructures and services
 - > Intermingling of legal and illegal networks

Each municipality is vulnerable!!

- Negative consequences for :
 - Citizens and neighborhoods
 - Local entrepreneurship
 - Local government

At those points where criminals use
legal services



ROLE LOCAL GOVERNMENT
through administrative measures



Organised government

Expected results:

- Prevent criminals being facilitated by government
- Avoid mingling of legal and illegal networks
- Breaking economic monopolies, constructed with criminal capital
- Improve security and quality of life

Objectives:

- Raise awareness, alertness
- Identify partners and resources
- Set up a center of information and expertise
- Analysis of information, building cases
- Maximum use of administrative capabilities
- Prevention through deterrence

Organisational structure

- **Steering/guidance level:** mayor + head of local police + city security management => integration of administrative approach in overall security policy
- **Cooperation level:** partners' meetings to follow-up and evaluate cooperation
- **Operational level:** local operational meetings + enforcement actions

Participants:

- Municipal services: judicial expert, economics department, technical services, population registry, neighborhood management, housing department, fire dpt., ...
- Municipal Social Welfare service
- Local police

Optional:

- Tax services
- Social inspection
- Economic inspection
- Public Prosecutor
- Housing companies



Coordinator administrative approach

Role

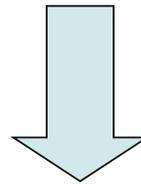
- Information gathering and documentation
- Reporting and monitoring
- Presiding meetings
- Coordination flex-actions
- Follow-up of enforcement strategies

IEDEREEN
GENKT



Organised government

Information gathering
Enforcement



Integrated approach:
administrative - criminal law – tax law

Organised crime

- Local infrastructures and services
 - > Intermingling of legal and illegal networks

Each municipality is vulnerable!!

- Negative consequences for :
 - Citizens and neighborhoods
 - Local entrepreneurship
 - Local government

IEDEREEN
GENKT



Information gathering: usefull half open sources

Municipal population register, register of foreigners, permits on bars/cafés, fire dept. (permits), zoning plans/spacial planning, building permits, reports housing inspection, operating licenses, grants and bonuses, registry dilapidated buildings, social welfare data, cadastral data, environmental permits, social housing registry, neighborhood-related information, supra local permits (betting shops, ...)

Three strategies

- Administrative
- Criminal
- Fiscal

Administrative enforcement:

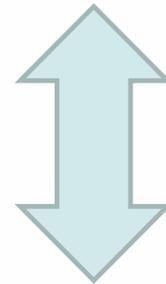
- Development and optimization of municipal licensing policy
- Maximum use of existing administrative powers and possibilities
- Municipal personnel: need for communication, integrity, assertiveness, protection against pressure and aggression

Specific instrument administrative enforcement: flexcontrols

- Flexible control team : municipal services + inspection services + police (physical support/ security)
- Specific actions: night shops, betting shops, bars and café's, private housing

Universal issues to address

- Need for information to refuse/
withdraw permits/grant
- Construction information-matrix



- Secrecy of criminal investigation
 - Privacy-rules

Folder



THE FLEXTTEAM

The flexteam is a group of employees of the city of Genk, authorised to carry out inspections in the area of spatial planning, housing quality, fire safety and municipal regulations (e.g. with regard to licences).

This team works in close cooperation with the local police, fire brigade and authorities such as the social, economic and food inspectorate.

WHY A FLEXCONTROL?

A flex control is carried out by the flexteam. Such a control is on the one hand intended to check whether the legislation and regulations in force are being complied with.

On the other hand, from a preventive viewpoint it is important as a city to keep a good overview of what is taking place on the territory, also behind the walls.

Such an inspection takes place spontaneously or following reports/signs of irregularities, nuisance or insecurity linked to certain areas.

A flex control is mainly administrative.

In other words, it is an inspection that is organised from within the city administration.

Other authorities such as the police and inspectorates are also associated with it.

HOW DOES THE FLEXTTEAM GO ABOUT ITS WORK?

An inspection by the flexteam is always linked to an area or commercial enterprise. The purpose and working method of the action are explained to the parties present (owner, operator, resident, etc.). Their consent is also sought for the performance of the inspection.

The various members of the team will then carry out the inspection according to the specific matter and their powers.

Any violations will be dealt with. Depending on the type of violation, a number of different measures can be taken. The city administration can take administrative measures, for example issuing of a warning, a fine, revoking of a licence, closure of a site etc.

Other partners (such as the police and the inspectorates) can also take administrative measures.

ADMINISTRATIVE APPROACH

The city flex controls are incorporated into the project 'administrative approach to organised crime'. This involves the local administration fighting against organised crime becoming mixed in with the social fabric using its own powers and in consultation with penal and tax authorities.

The city of Genk and its partners enforce as a function of public security

If you have any questions or for more information, contact us at bestuurlijke.aanpak@genk.be

The city is receiving European subsidies for this project.

Co-funded by the Prevention of and Fight against Crime Programme of the European Union.

Case studies

Population case: human trafficking/exploitation?

Mr C.G. is known to us through a number of different cases:

- at the end of 2013, CG acted as a mediator/intermediary for a man of Russian nationality at the service desk of the economy department. CG wanted to open a kebab shop on behalf of the man, but on investigation it appears that this 'Russian manager' has been ordered to leave the territory.
- in a property of Mr CG (technically speaking it is his son's property, but CG often acts as an intermediary for the people who live there) inconvenience as a result of prostitution was reported. The police went to make observations on the site. This resulted in positive findings, but these cannot be shared with the municipality because they become part of a judicial/criminal procedure.
- the property in question is known to the city for its substandard accommodation, and the fact that above all 'vulnerable' people and people with all kinds of problematic/criminal/illegal backgrounds are housed there.
- Mr CG has a former conviction for car fraud.
- at the population service desk, Mr CG regularly accompanies Bulgarians and Romanians who work in the agriculture sector (fruit and vegetables). He then mediates so that these people can be registered at a number of permanent addresses, including the address of his (ex?-)wife.
- the population department indicates that it has often felt pressurised or manipulated by CG
- CG also recently asked the population department to deregister a certain resident, when this person did not agree with this at all.
- There is talk of white vans with a permanent driver, to transport the people housed in CG's buildings to their working place.

Lessons learned:

- Increased awareness within the municipality: more questions are asked, attempts are made to get more information about the people accompanied by CG
- Mr CG and his properties are monitored in the local operational meetings and by all municipal services involved in the administrative approach
- Mr CG's properties are marked with the label "attention required" in the municipal information system. This system is consulted by every municipal service that has to issue an opinion or permit.
- The information gathered about Mr CG will result in a confidential report that the police will pass on to the Public Prosecutor.

Case: observations flex action in private housing

February 2014: flex action on a private residence:

Motive for flex action:

- For this property, there are suspicions of overcrowding, illegal residence and poor quality housing.
- The population department has to register very large numbers of people there (mainly Bulgarians), who then disappear afterwards.
- The properties also seem to be used for people 'in transit', there are suspicions of illegal employment, etc.

Observations during the flex action:

Law enforcement authorities:

The back alleyway to the property next door backs up the suspicions.

Fire brigade:

- Upstairs: a lot of moisture, water is leaking through the spotlights, only glass, no window sills.
- Downstairs: few electrical sockets, electrically heated. A Bulgarian couple had a gas burner in their room.
- An unfavourable opinion due to its being unsafe, residents cannot get away in the event of an emergency.
- Electricity has been tapped and the house is full of extension cables.
- Electrical fires and gas burners pose a risk of CO₂ poisoning and fire.

Spatial planning:

- Parts of the building are illegally occupied and divided up. In the past, reports have been drawn up that were subsequently dismissed.
- Above the hairdressing salon on the ground floor, works are in progress on the corridor, possibly an (illegal) division in apartments => to be followed up
- In the past, a regularisation request was submitted in the name of O. This was however rejected by the city council, province and minister.

Housing policy:

The premises can be declared to be uninhabitable by the intermediary of the Residential Inspectorate, and the case was passed to them. It appears to be a slumlord case.

General findings:

- The ‘concierge’ of the building (Mrs O) announced by phone that she did not agree to having to let their residence be checked again.
- The day after the flexcontrol, the Bulgarians in the checked property came forward voluntarily, to be registered with the municipality.
- When the colleague at the front desk asked further questions, the person who acted as interpreter for the Bulgarians appeared to be Mrs O, the concierge we spoke to on the phone during the control action. She is the wife of Mr O. They used to live at box 2 of the building.
- The Bulgarians all say they are employed as “raspberry pickers in Bilzen”
- During the inspection, a van and a car departed outside, the number plates of which were reported to the police.

Lessons learned:

- The building was declared “unsuitable for housing” by the Housing Inspection Services. This means that no new tenants can be inscribed in the building. However, people keep reporting this building as their official new address.
- The population registry services try to prevent tenants from using the address, but legally, the city is obliged to register these people at the address mentioned anyway.
- The case is followed up through the local operational meetings, and through bilateral contacts between municipal and external services (Housing Inspectorate, local police etc.).

Case foodbar A.

- The city administration received an application for a catering licence from an entrepreneur who has no permit to stay in Belgium (illegal stay in the country). The city points out that it cannot grant a licence due to this illegal status.
- The entrepreneur changes his documents and a new manager is presented in the paperwork. Now the city has no more tools to refuse the permit, and the catering is licensed
- The city however has its doubts regarding the role of the first applicant, and the police are asked to perform control actions on the foodbar. These controls (in which the social inspectorate also participates) result in positive observations: the illegal entrepreneur is de facto active as the manager of the restaurant. These observations, however, become part of a judicial procedure/investigation, and cannot therefore be transferred to the municipal services.
- Because of the lack of formal observations (refusal to exchange the findings of the police control by the public prosecutor), the permit cannot be withdrawn by the municipality, and it takes up to almost a year before the business closes the books on its own initiative.

Lessons learned:

- municipality's need for judicial information to withdraw the licence => a protocol was drawn up between police, public prosecutor and city administration to make this exchange possible
- exploration of the possibilities to exchange the administrative information through administrative police reports.
- Increased awareness within the municipality: more questions are asked, attempts are made to refuse permits in a more pro-active way

Reading list

Literature “administrative approach to organised crime”

- “Administrative approach to organized crime as exponent of a comprehensive and integrated security policy, a Belgian-Dutch comparison from an Euregional perspective”, P. De Buyscher, Police Academy Netherlands, 2007 (in Dutch)
- “The van Traa-project: review of the administrative approach to organized crime in Amsterdam”, University Amsterdam (in Dutch)
- “Crime and Criminal Law approach in the Meuse-Rhine Euregion”
 - Part 1: “The problems of transnational and (organized) crime and border police, judicial and administrative cooperation”, Spapens and Fijnaut, 2005 (in Dutch)
 - Part 3: “The administrative approach to organized crime in the Netherlands and Belgium”, D. Van Daele, T. Kooijmans, B. Van der Vorm, K. Verbist and C. Fijnaut, 2010 (in Dutch)
- “A joint management of drug-related crime in the Meuse-Rhine Euregion” C. Fijnaut and B. De Ruyver, 2008 (in Dutch):
http://www.euregio-mr.com/intern/pdf/generell-nederlands/EURrap_NL.pdf
- SAELENS, R., *De Informatie: essentiële bron van bestuurlijke aanpak van criminaliteit*, unpublished, research report, Free University of Brussels, 2011
https://besafe.lbz.be/NL/Academici/onderzoek_recherche/Documents/OnderzoeksrapportBiZa2011VUB_v1%20pdf.pdf
- SANTENS, M. (ed.), *Gewapend bestuur?*, Bruges, Die Keure, 2005, 223
- VAN HEDDEGHEM, K., VANDERBEKEN T., VERMEULEN, G. and DE RUYVER B., *Gewapend bestuursrecht gescreend*, Antwerp, Maklu, 2002, 212

Series: ‘Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn.

- SPAPENS, T. and FIJNAUT C.J., *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn. Part 1. De problemen van transnationale (georganiseerde) criminaliteit en de grensoverschrijdend politieële, justitiële en bestuurlijke samenwerking*, Antwerp, Intersentia, 2005, 258

- VAN DALE, D. and VANGEEBERGEN, B., *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn. Part 2. De inrichting van opsporing en vervolging in België, Duitsland en Nederland en de internationale politieke en justitiële samenwerking in de Euregio Maas-Rijn*, Antwerp, Intersentia, 2007, 983
- VAN DALE, D., KOOIJMANS, T., VAN DER VORM, B., VERBIST, K. and FIJNAUT, C.J., *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn. Part 3. De bestuurlijke aanpak van georganiseerde criminaliteit in Nederland en België*, Antwerp, Intersentia, 2010, 494
- BRUINSMA, M.Y., JACOBS, M.J.G., JANS, M.E.W., MOORS, J.A., SPAPENS, A.C. and FIJNAUT, C., *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn. Part 4. Grensoverschrijdend politiewerk in de Euregio Rijn-Maas-Noord*, Antwerp, Intersentia, 2010, 213
- ROVERS, B. and FIJNAUT, C.J., *Criminaliteit en rechtshandhaving in de Euregio Maas-Rijn. Part 5. De drugsoverlast in Maastricht en omliggende gemeenten. Een schets van de problemen en het effect van tegenmaatregelen*, Antwerp, Intersentia, 2011, 109
- Manual for the Administrative Approach to Organized Crime, CCV, NL: http://www.hetccv.nl/binaries/content/assets/ccv/instrumenten/bestuurlijke-aanpak-georganiseerde-criminaliteit/manual_administrative_approach_organised_crime.pdf (in English)

Integrated approach

- A Multidisciplinary Approach to Organised Crime: Administrative Measures,
- Judicial Follow-up, and the Role of Eurojust - Copenhagen, 11-13 March 2012
- Outcome report: <http://eurojust.europa.eu/doclibrary/Eurojust-framework/ejstrategicmeetings/A%20multidisciplinary%20approach%20to%20organised%20crime%20-%20Adm%20measures,%20judicial%20follow-up%20and%20the%20role%20of%20Eurojust,%20March%202012/11298-2012-06-14-EN.pdf>
- http://eu2012.dk/en/NewsList/Marts/Uge-10/~/_media/Files/Council%20meetings/JHA/RIA%207.%20marts/Discussion%20Paper%20-%20Multidisciplinary%20Approach%20to%20Combating%20Organised%20Crime.pdf

List of contact persons

Core Group for The Administrative Approach: National Contact Points

Informal Network Administrative Approach: National Contact Points

Contact details project Genk (Belgium):

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Sarah Wouters

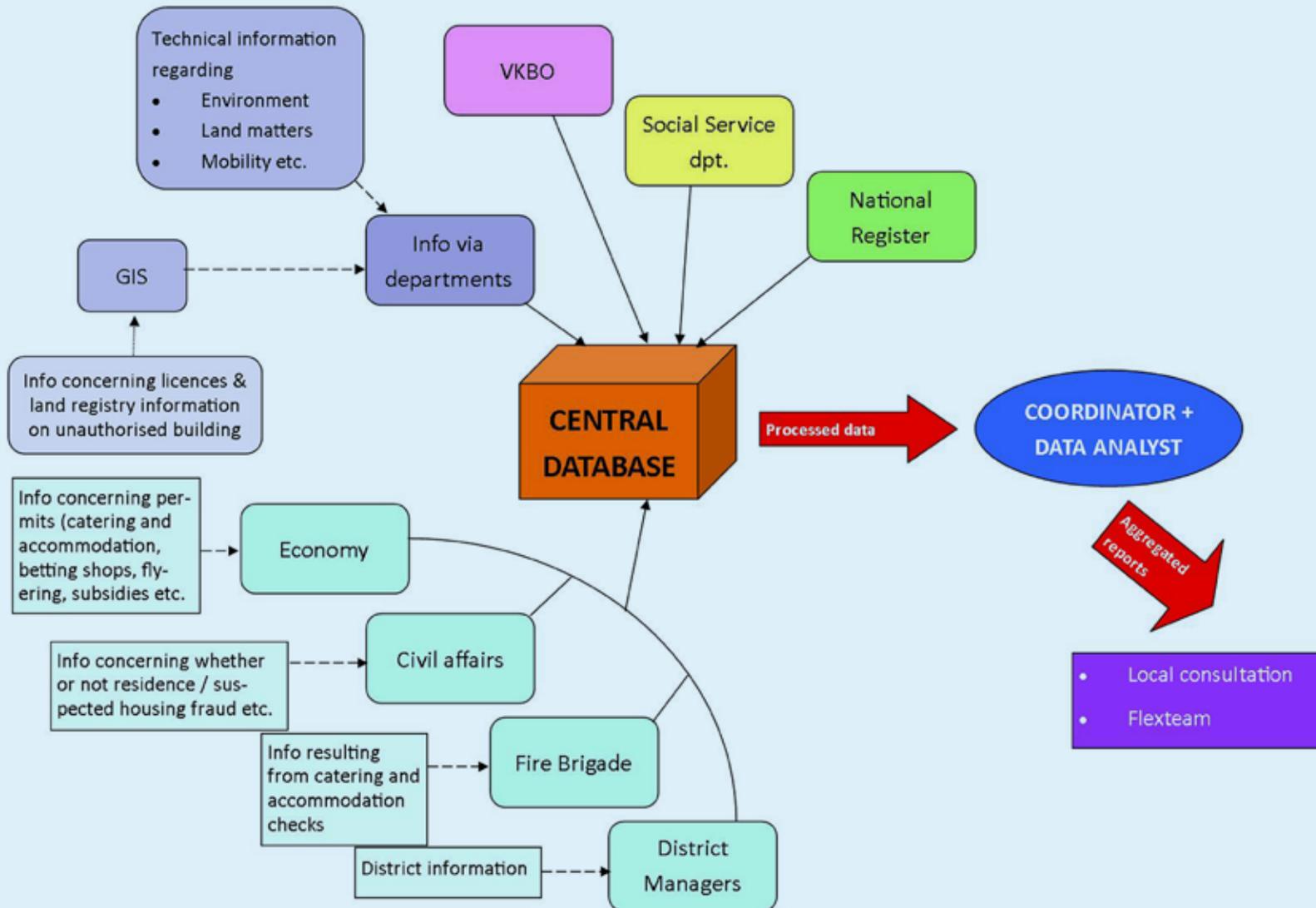
Prevention Manager

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Sarah.wouters@genk.be

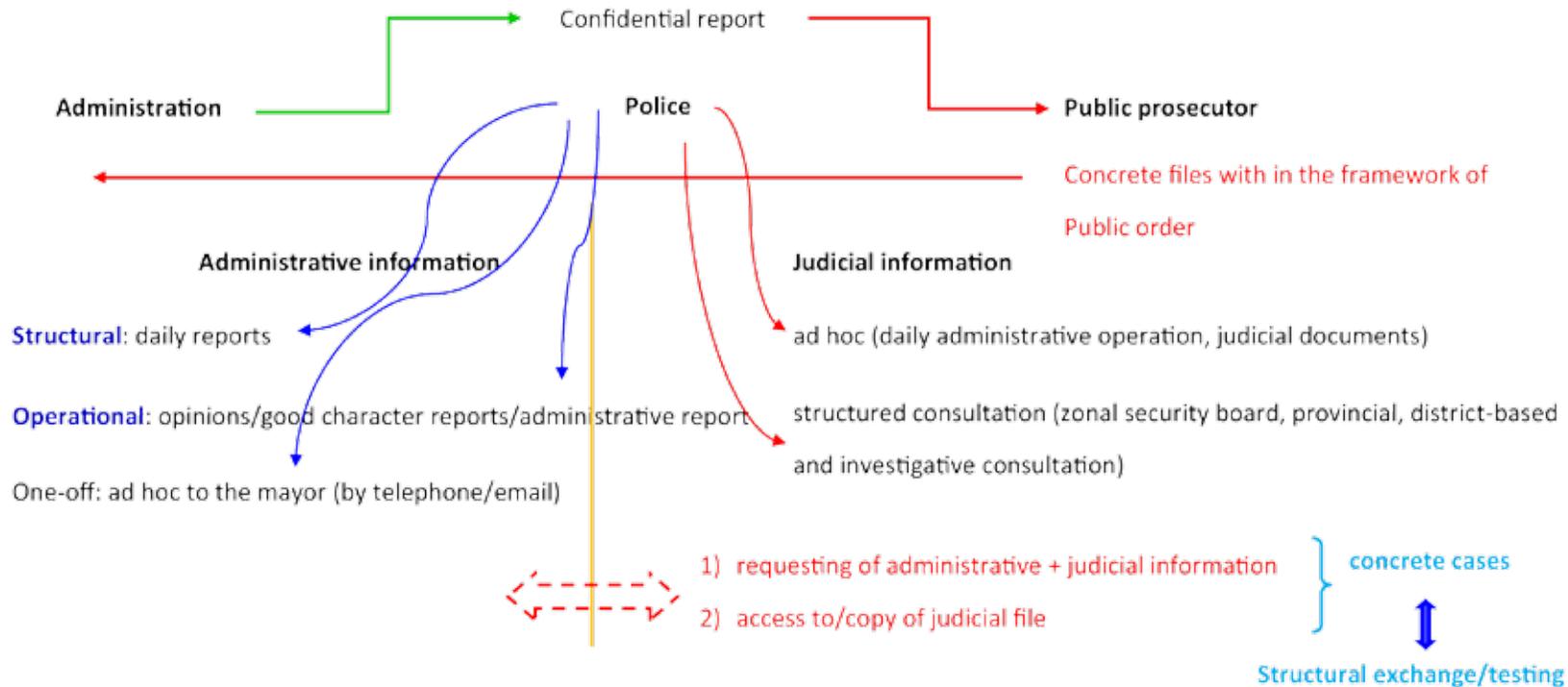
Phone: 0032 89 65 32 10

Database diagram



Exchange of information: protocol diagram

Overview of the exchange of information



- | | |
|-------------------------------|---|
| General considerations | <ul style="list-style-type: none"> - privacy of legal subjects - confidentiality of the investigation - public order |
|-------------------------------|---|

Conference programme



Co-funded by the Prevention of and Fight against Crime Program of the European Union.

ISEC conference “administrative approach to organized crime”

C-Mine Genk, Belgium

19-21/01/2015

www.ecaa.be

Day 1 English

Day 2 Dutch with English simultaneous translation Bi-Provincial Security conference

Day 3 English

Day 1

MONDAY 19 January 2015

- 12:00 – 16:00 Registration, check-in, distribution badges / goodie bags, city plans
Tourist tours: C-mine, cités, multicultural heritage etc.
- 16:00 – 17:00 Reception + network event
- 17:00 – 18:00 Welcome by mayor Wim Dries, LIEC president Karel Schuurman and congress chairman Cyrille Fijnaut
- 18:00 – 19:30 Introduction session: overall setting: What is administrative approach about?
Elaboration of an example case animated by improvisational theatre Inspinazie
- 19:30 Reception + network event, animated with live music

Day 2 TUESDAY 20 January 2015

08:15 – 09:00

Reception and registration

09:00 – 09:30

Welcome

Wim Dries, mayor of Genk
Cathy Berx, Governor of Antwerp
Herman Reynders, Governor of Limburg
Patrick Vandebrouwaene, Attorney-General of Antwerp-Limburg

09:30 – 11:30

Scientific introduction

- “Why do we need an administrative approach?” – Cyrille Fijnaut, congress chairman
- “The Netherlands as instigator and pioneer: administrative and integrated approach”.
- Hans Nelen, scientific advisor RIEC Limburg
- “Possibilities, universal arguments and instruments vs. overall limits and boundaries”: results of the ISEC study
“An administrative approach to crime in Europe”.
- Toine Spapens, University of Tilburg
- Dirk Van Daele, KU Leuven
- Maaïke Peters, University of Tilburg and KU Leuven

11:30 – 12:00

Coffee break

12:00 – 12:50

**Zoom in: The Genk project “Administrative approach to organised crime”,
2013 – 2015: content, intentions, goals and first results**

- Luud Geerlings, RIEC Limburg
- Annemie De Boye, city of Genk

12:50 – 13:00

Policy of the European Commission with regard to crime prevention (English with simultaneous translation)

- Mickaël Roudaut, representative of the European Commission

13:00 – 14:00

Lunch

14:00 – 15:30

Zoom sessions

- Choice 1 ISEC (English with simultaneous translation): international best practices
- Sweden: Lars Korsell, Council for Crime Prevention
- Denmark: Britt Blichfeld Davidsen, Udbetaling Danmark + Inger Broner, Danish Tax Authorities
- Choice 2 Elaboration of the Genk project
Evaluation KUL: Loes Kersten, researcher
Development of instruments, training course, communication strategy
- Annemie De Boye, city of Genk
- Choice 3 Administrative approach through licensing in Antwerp
- Anne Lambers, legal counsellor city of Antwerp
- Choice 4 Cooperation Turnhout and RIEC Zeeland/Brabant:
Cross border cooperation and underlying image analysis regarding hemp and labs
- Roger Leys, head of police Turnhout region
- Henny Schilders, head RIEC Zeeland/West Brabant/East Brabant
- Choice 5 ISEC (English with simultaneous translation): Outlaw Motorcycle Gangs (OMG):
Possibilities of the administrative approach
- Sofie Mortier, Federal Police (Hightsider division)
- Onno Hoes, mayor of Maastricht and regional coordinator "criminal motorcycle gangs" Limburg (NL)
- Project Pin Point, Danish approach of gang members
- Lau Thygesen, Copenhagen police
- Choice 6 Trafficking in Human Beings
Possible role of the administrative authorities in the approach to Human Trafficking
- Chief of police Wim Bontinck, Federal Police, Human Trafficking Division
Prevention and enforcement regarding the "Chaussée d'Amour"
- Chief of police Steve Provost, region Sint-Truiden-Gingelom-Nieuwerkerken

15:30 – 16:00	Coffee break and press conference
16:00 – 16:30	Debate “exchange of information” Exchange of information between judicial and administrative partners: current practices, possibilities, opportunities and difficulties on the basis of elaborated theses <ul style="list-style-type: none">- Wim Dries, mayor of Genk- Roger Leys, chief of local police region Turnhout- Koen Van Heddeghem, Association of Flemish Cities and Municipalities- Patrick Vandenbruwaene, Attorney-General Antwerp-Limburg
16:30 – 17:00	Desirable role of local government, "exchange of information" problem, the need for common and universal tools <ul style="list-style-type: none">- Brice De Ruyver, Professor at the University of Ghent- Cyrille Fijnaut, congress chairman
17:00 – 17:30	Considerations from federal policy <ul style="list-style-type: none">- Jan Jambon, Belgian Minister of Security and the Interior- Koen Geens, Belgian Minister of Justice
17:30 – ...	Reception

Day 3

WEDNESDAY 21 January 2015

- 08:30 – 09:00 Reception and registration
- 09:00 – 09:10 **Opening by congress chairman Cyrille Fijnaut**
- 09:10 – 09:20 **Importance of support at European level, introduction of the Informal Network Administrative Approach and conclusions of LIEC conference 2014 in The Hague**
- Karel Schuurman, head of LIEC
- 09:20 – 09:30 **An active role for local governments**
- Koen Van Heddeghem, executive Association Flemish Cities and Municipalities
- 09:30 – 09:40 **EUCPN, results of the workshop "developing a toolbox on the concept of the administrative approach" of 2014 in Brussels**
- Jeroen Van Lierde, EUCPN
- 09:40 – 11:20 **Parallel workshops: elaboration of a case with international and multidisciplinary dimensions**
- 11:20 – 11:40 Coffee Break
- 11:40 – 12:00 **Conclusions from the workshops by reporters**
- 12:00 – 12:10 **Political will to support and promote the administrative approach**
- Kees Riezebos, director Security and Justice / Ministry of Security and Justice
- 12:10 – 12:25 **Final conclusions**
- Cyrille Fijnaut, congress chairman

12:25 – 12:30

Word of thanks

- Wim Dries, mayor of Genk

12:30 – 13:30

Lunch

13:30

Goodbye programme

Tourist tours Genk

Twitter platform

Networking opportunities

Night shop regulation

POLICE REGULATION ON NIGHT SHOPS

In view of the Municipal Decree, and in particular Articles 42, 43, 186 and 187;

In view of the New Municipal Code, and in particular Articles 119, 119bis, 134quater and 135§2;

In view of the Act of 24 June 2013 on administrative sanctions and its implementing decrees;

In view of the Act of 10 November 2006 on opening hours for trading, crafts and the provision of services, and Articles 6 and 18 in particular;

In view of the police regulation to curb nuisance of 16 October 2014;

In view of the administrative sanctions regulation of 16 October 2014;

In view of the moral protection of youth Act of 15 July 1960;

In view of the RD of 3 April 1953 regarding licences selling fermented drinks and/or strong liquor and the RD of 4 April 1953 implementing this RD;

In view of the Act of 28 December 1983 on licences for the supply of strong liquor;

In view of the amending law of 10 December 2009 introducing miscellaneous provisions regarding health, and in particular section 6, Articles 14 and 15;

In view of DPD in the core shopping area;

In view of the municipal building regulation concerning parking spaces;

In view of all legal provisions with regard to spatial planning;

In view of the subsequent changes to the above-mentioned regulations or new regulations;

In view of the fact that the municipalities are responsible for supervision of public order, safety and cleanliness;

In view of the fact that it is necessary to monitor the risks that the establishment and operation of these concerns bring with them so as to maintain public order and safety and in particular to provide for restrictions regarding opening hours;

In view of the fact that the establishment and operation of night shops including in areas with a high concentration of housing is not appropriate and in view of the risk of noise at night and disturbance of public peace and security that they can bring about;

In view of the fact that the city is looking to make an extra commitment to dissuading the sale of alcohol and tobacco to young people out of its concern for the welfare of young people;

In view of the fact that more litter is found in the area surrounding some night shops;

In view of the fact that the city - by means of the project "administrative approach to organised crime" - is aware of the need for a well-organised administration, which among others implies that we have the proper and necessary regulations and decrees and that compliance therewith is enforced.

CHAPTER I – GENERAL PROVISIONS

Article 1 – Definitions

For the application of this police decree, by the following should be understood:

- operator: the natural person or legal entity (as registered in Registry of Commerce) who is the owner of the concern (but not necessarily of the business premises) and for whose account and at whose risk the night shop is operated;
- bodies of the legal entity: all persons who have any authority to make decisions or represent the legal entity as operator of the night shop (partners, directors, administrators etc.);
- establishment unit: a location that can be geographically identified by means of an address and which is accessible to consumers, at which activities to which the Act of 10 November 2006 applies may be carried out;

2006 applies may be carried out;

- night shop: an establishment unit that cumulatively meets the following criteria:
 - a) registered in the KBO (Registry of Commerce) exclusively under the heading "sale of general food products and household goods";
 - b) does not carry out any business activity other than that specified under a);
 - c) has a maximum net sales area of 150 m²;
 - d) displays the wording "night shop" in a clearly visible and permanent manner.
- establishment licence: prior licence for the establishment of a night shop issued by the City Council Executive, as described in Article 18§1 of the Act of 10 November 2006, provided that a number of conditions are met;
- operating licence: licence for the operation of a night shop issued by the mayor providing that a number of operating conditions are met.

Article 2 – Scope

This decree applies to all night shops on the territory of the city of Genk.

CHAPTER II – ESTABLISHMENT LICENCE

Article 3 – General obligation

§1. The establishment of a night shop is subject to the prior issuing of a licence from the City Council Executive.

§2. Night shops that were established and operated before the entry into force of this regulation shall be exempted from possession of an establishment licence.

§3. The exemption for possession of an establishment licence shall automatically expire:

- as of the moment that the operation of the night shop has actually been interrupted for a period of over 6 months;
- in the event of bankruptcy;
- in the event of judicial sealing;
- in the event of the dissolution of the legal entity (unless this follows the transfer of the night shop);
- in the event that the operator is removed (unless after transfer of the night shop);

- in the event that the establishment concerned is removed from the Registry of Commerce
- when the trading area undergoes a change of purpose and/or when the corporate activity that is carried out there is no longer that of a night shop;
- when the operating licence is revoked and/or the night shop is closed by way of a sanction.

Article 4 – Application

To acquire an establishment licence, the operator must submit an application to the City Council Executive using the application form provided for this purpose or its digital equivalent and via the Economy Department, accompanied by all necessary documentation as indicated on the application form, and this at least 60 days before the planned date of opening.

If the night shop for which the application is submitted is not located within the streets summarised in Article 5, the application shall automatically be inadmissible.

Article 5 – Evaluation

The City Council Executive may reject the licence application for the establishment of a night shop on the following grounds:

Spatial location of the night shop

The establishment of a night shop is not authorised in the DPD core shopping area.

The establishment licence shall only be issued to the operators of night shops that are located on the following streets: Europalaan (the side not lying in the DPD core shopping area), Hoogstraat, Grotestraat, Rozenkranslaan, Gildelaan, Weg naar As, Vennestraat, Stalenstraat, Hoevenzavellaan, Zaveldries, Landwaartsaan and Koning Boudewijnlaan.

In addition, the condition that there is no other night shop within a perimeter of 1 km shall also apply.

Without prejudice to the above delineation, the spatial/social capacity of the area in which the night shop is looking to establish itself may also not be exceeded.

The establishment licence application may in particular be rejected if there are youth facilities and/or facilities for vulnerable target groups in the vicinity.

Maintaining of public order

To this end, the City Council Executive bases itself among others on the opinion of the police services concerning the possible disturbance to public order that may be caused by this night shop and any possible recommendations with a view to preventing said disturbance. In addition, an advice may also be sought from the city services.

Article 6 – Decision

The decision of the City Council Executive is communicated to the applicant.

Article 7 – Validity of the licence

§1. The establishment licence shall be valid as of the date specified on the licence itself.

§2. An establishment licence is valid for an indefinite period, unless specified otherwise on the licence.

§3. The establishment licence shall automatically expire:

- as of the moment that the operation of the night shop has actually been interrupted for a period of over 6 months;
- in the event of bankruptcy;
- in the event of judicial sealing;

- in the event of the dissolution of the legal entity;
- in the event that the operator of the establishment concerned is removed or that the establishment concerned is removed from the Registry of Commerce;
- when the trading area undergoes a change of purpose and/or when the corporate activity that is carried out there is no longer that of a night shop;
- if during the month following the award of the establishment licence no application is submitted for the acquiring of an operating licence;
- if the operating licence for the site for which an establishment licence was requested is rejected and/or suspended and/or revoked and/or the night shop is closed.

CHAPTER III – OPERATING LICENCE

Article 8 – General obligation

§1. All night shop operators must have a valid operating licence in their name and for the establishment unit in question.

§2. Night shops that were already open before the entry into force of this regulation shall be granted a transition period of 6 months, starting at the time this regulation enters into force, in which to file an application for an operating licence. Proof of application shall serve as a temporary operating licence until the definitive licence is awarded or the application is rejected. In the event of rejection, the operator shall have 6 months in which to comply with the criteria.

§3. For every change of location or change concerning the operator, a new operating licence must be applied for.

§4. In the following cases we can speak of a change concerning the operator:

- if this involves a natural person as operator: transfer to another person or to a legal entity or extension with an additional person;
- if this involves a legal entity as operator: a change in the partners, change in legal form or a transfer from one legal entity to another or a merger with or without takeover by another legal entity.

Article 9 – Application

The application to obtain an operating licence must take place within at least 30 days before the planned date of opening/change, via the Economy Department, and using the application form provided for this purpose or its digital equivalent, accompanied by all necessary documentation as indicated on the application form.

Article 10 – Conditions

§1. The operator must have insurance for civil liability and fire.

§2. Before being able to reach a decision regarding the licence, an administrative investigation will take place to include the following components:

1. An investigation into the operating permit: check whether an establishment licence has been issued for the establishment for which the operating licence has been requested, with the exception of the situation as specified under Article 3;
2. An investigation into compliance with the hygiene requirements: possession of an authorisation from the Federal Agency for the Safety of the Food Chain;
3. An investigation into the establishment formalities: an investigation into the establishment formalities as an entrepreneur (including professional card);
4. Public order and morality: i.e. an investigation that comprises:
 - a) an investigation into observations and/or criminal sentences, whether or not suspended, for criminal sanctions, receipt of stolen goods and sex-related offences;
 - b) an investigation into recent observations and/or sentences, whether or not suspended, for violations of the Racism and/or Xenophobia Act and/or of the drug legislation and/or by virtue of acts of rebellion vis-à-vis the police or other public services;
 - c) an investigation into whether there are serious indications of fraud;

d) an investigation into whether there are serious indications that repeated illegal activities are taking place in a private place still accessible to the public and involving the sale, supply or facilitating of the use of poisonous substances, sleeping medication, narcotics, psychotropic substances, antiseptics or substances that are used for the illegal production of narcotics and psychotropic substances, whereby public safety and peace is jeopardised;

e) an investigation into observations of and sentences for violations of the legal obligations in connection with or as a result of operations, such as non-compliance with establishment criteria, personal professional performance conditions (including age, residence card, professional card, street vendor card, labour card), administrative obligations vis-à-vis the Registry of Commerce, social and labour obligations for the people who take part in the operations in any way (including declaration and social security contribution payment obligation), company law obligations, permits, approvals and authorisations with regard to exercising of profession, the regulations concerning opening hours, food safety, smoking ban etc.

The investigation into morality - depending on the case - is carried out on the private place still accessible to the public, on the operator, or on the operator legal entity and the natural person who is actually in charge of operations. These persons must be adults and must submit an extract from the criminal record of the country of the place of residence or an equivalent document, where appropriate sworn and translated.

For other persons who work in any capacity whatsoever in the operation of the night shop, the operator must declare that none of them fall foul of the grounds for rejection specified under a) to e).

All the above-mentioned persons must submit proof of their identity information, including an official place of residence.

The advice of the police is requested.

5. a fire safety inspection: a prevention officer will carry out a fire safety inspection. In this, the following aspects will be inspected and must be found to be in order:

- Electricity supply: submit test report (max. 5 years);
- Gas supply: submit test report (max. 5 years);
- Emergency lighting;
- Indication of exit/emergency exit;
- Presence of extinguishers (to be defined as a function of surface area and risks);
- Hearth and fuel storage space (safe setup);
- If there are special safety risks, additional requirements may be set.

6. a financial inspection: an inspection into payment of all due city invoices and assessment notices, of whatever nature, that concern the night shop and the operator (in his capacity as operator).

7. an urban development inspection: an inspection into the night shop's compliance with the urban planning regulations in force.

If there are no special regulations, it shall still fall to the authorities to test the application against the usual notions and needs concerning the proper installation of the site, based on the regulations of the regional plan in place;

Article 11 – Decision

§1. If all criteria are met and there are no public order grounds for rejection, the mayor will proceed to issue the operating licence based on the application submitted. In all other cases, the mayor will refuse to issue it.

§2. The mayor may decide to take up special conditions in the operating licence, depending on specific circumstances, e.g. location.

§3. The mayor's decision will be communicated to the applicant.

Article 12 - Validity

§1. The operating licence shall be valid as of the date mentioned on the licence itself.

§2. An operating licence is valid for an indefinite period, unless there are specific grounds for limiting it in time. The restriction in time will be expressly taken up on the licence itself.

§3. The operating licence is issued to an operator for a well-defined establishment unit and may not be transferred to another operator or another establishment unit.

§4. The operating licence shall automatically expire:

- as of the moment that the operation of the night shop has actually been interrupted for a period of over 6 months;
- in the event of bankruptcy;
- in the event of judicial sealing;
- in the event of the dissolution of the legal entity;
- in the event that the operator of the establishment concerned is removed or that the establishment concerned is removed from the Registry of Commerce;
- in the event of a change as regards the operator as specified in Article 8.

CHAPTER IV – OBLIGATIONS FOR THE OPERATING OF A NIGHT SHOP

Article 13 – Closing hours

§1. As a departure from Article 6, c) of the Act of 10 November 2006 on opening hours for trading, crafts and the provision of services, night shops must be closed to consumers:

- from 2am to 6pm on weekdays;
- from 3am to 6pm on Saturdays and Sundays, and on bank holidays.

Article 14 – Reporting of changes

§1. All changes within the framework of the operating of a night shop must be immediately reported to the mayor via the Economy Department. This also applies for changes to the bodies of the legal entity as operator.

§2. Depending on the reported changes, the necessary inspections will be carried out in accordance with Article 10.

Article 15 – Other obligations

§1. The establishment licence and the operating licence must always be present in the night shop and must always be presented to a competent inspecting official on first request.

§2. The night shop may not be permanently set up for use as a space in which standard drinks and/or meals of any kind are served on site.

§3. During opening hours, a bin with a capacity of at least 20 litres must be placed at the entrance door. This bin must be placed indoors during closing hours. The bin must have a sober appearance and must be emptied and cleaned in timely fashion. Any litter left lying around the shop must also be cleaned up.

§4. The operator must pay all taxes due to the city in a timely fashion.

§5. The operator must act with due care at all times in complying with this regulation and must in particular continue to meet all the criteria for the issuing of the operating licence.

§6. The operator must also comply with all other applicable regulations including:

- the legislation on the sale of alcohol and tobacco;
- the regulations for certain events whereby the sale of alcohol is restricted;
- all regulations that go hand in hand with the operation of the night shop.

§7. The operator shall oversee a well-maintained and high quality layout of the indoor and outdoor space. With a view to recognisability and uniformity, the operator is obliged to provide the shop (display) window with a sticker issued and affixed by the city. The presentation of alcohol and tobacco must also not be visible from the street side.

§8. The operator shall undertake to make an active effort to ensure the prevention of nuisance and the unlawful sale of alcohol and tobacco, via:

- a permanent and properly visible sign concerning the legislation with regard to alcohol and tobacco (available via the municipal services);
- preventing (noise) nuisance to the maximum extent possible by addressing customers who continue to hang around and make noise;
- cooperation on the theme of prevention in general and on specific preventive actions in particular.

CHAPTER V - ENFORCEMENT

§1. In accordance with Article 18§3 of the Act of 10 November 2006 on opening hours for trading, crafts and the provision of services, the mayor may order the closure of night shops that are operated in violation of Articles 3 to 7 inclusive of these regulations or in violation of a decision of the City Council Executive taken in implementation of the said articles.

§2. In the event of the violation of the opening hours specified in Article 13, the criminal law provisions as specified in Articles 19 to 22 inclusive of the Act of 10 November 2006 on opening hours for trading, crafts and the provision of services shall apply.

§3. Except for violations of Article(s) 3 to 7 inclusive and unless outside of this another Act, ruling, decree or provincial regulation contains other criminal law provisions for the same offence, the violations of this police decree shall be punished with one of the following administrative sanctions in accordance with the Act of 24 June 2013 on administrative sanctions and implementing decrees and with application of the regulation on municipal administrative sanctions of 16 October 2014:

- an administrative fine that may not exceed the maximum legal limit;
- an administrative suspension or revoking of a licence granted by the city;
- closure of the night shop.

CHAPTER VI – OTHER PROVISIONS

§1. This regulation shall enter into force on 1 January 2015.

§2. This regulation shall be published in accordance with Articles 186 and 187 of the Municipal Decree.

§3. In accordance with Article 42 of the Municipal Decree, a copy of this regulation will be sent to the Provincial Council Executive, the clerk of the court of first instance in Tongeren and the police court in Genk.

Protocol “exchange of information”: concept

Between the Limburg public prosecutor, the MidLim local police and the city of Genk, the following has been agreed:

1. Spontaneous reporting

a. by the police services to the mayor

1) daily reports (structural)

within the framework of its information obligation contained in Article 5/1 of the Act with regard to the police, the local police shall submit to the mayor all necessary information concerning the maintenance of public order on the territory of the city of Genk. This shall take place using daily reports. In addition, during structured consultation (zonal security board, police executive) information is also exchanged.

2) provision of advices and administrative information reports (operational)

Each time public enforcement so requires, the local police shall draft an administrative information report concerning matters involving public order, security and the peace.

3) ad hoc (one-off) information

Within the framework of Article 5/2 of the Act with regard to the police, whereby the local police is bound to immediately notify the mayor of vital facts that may disturb the peace, security and/or health of the city of Genk, the mayor shall receive ad hoc information from either the chief of police, the administrative police officer or the judicial police officer. Depending on the circumstances, this information exchange may still be confirmed or complemented by an administrative information report.

In addition, in accordance with Article 5/2 paragraph 2 of the Act with regard to the police, the mayor shall be notified by the chief of police or the department designated by him concerning the initiatives that the local police is considering taking on the territory of the city of Genk and which may possibly have an impact on the municipal security policy.

The provision of information shall always take place with a consideration for the confidentiality of the investigation and with a respect for the privacy of the parties concerned.

In cases where certain information touches upon both the administrative and the judicial, in case of doubt the local police may ask the Public Prosecution Service for prior approval of the information exchange in accordance with Article 125 of the RD of 28/12/1950. This will even be the case if the information concerned has been collected at the request or on the initiative of the administrative authorities.

b. by the police services to the Public Prosecution Service

In addition to the daily judicial operation and the forwarding of judicial documentation, information is also exchanged during structured consultancy (zonal security board, provincial, district-based and investigative consultation).

c. by the city of Genk

If in the performance of its administrative tasks the city concludes that there are well-founded suspicions concerning the existence of criminal offences, a communication will be sent from the mayor's office to the police services attn the chief of police or his deputy. After this, the chief of police will pass on a confidential report to the public prosecutor. Before going ahead with a flex action, the city will always make contact with the public prosecutor.

d. by the Public Prosecution Service

In concrete files that are relevant for the maintaining of public order in Genk, the Public Prosecution Service shall decide which information can be passed on to the mayor.

To the extent possible, the Public Prosecution Service will inform the city of Genk of judgements concerning other cities and municipalities of which it is aware and of which the content could be relevant to the operation of the city of Genk.

2. Requesting of information by the city from the police

In the event that the municipal services require information with a view to the taking of decisions concerning the issuing of a licence, the taking of administrative measures etc., it is possible to address oneself to the police via the chief of police.

The local police will issue advices (including the morality reports) and administrative information reports on the request of the mayor and/or a municipal service that is requesting such documentation on the mayor's behalf. These documents will first be submitted to the chief of police and signed by him.

In cases where certain information touches upon both the administrative and the judicial, in case of doubt the local police may ask the Public Prosecution Service for prior approval of the information exchange in accordance with Article 125 of the RD of 28/12/1950. This will even be the case if the information concerned has been collected at the request or on the initiative of the administrative authorities.

3. Requesting of information by the city from the Public Prosecution Service

1° requests for administrative and/or judicial information

In the files that the city has introduced itself or in files for which it considers it necessary, the city will address a request from the mayor's office to the Public Prosecution Service with a view to obtaining all administrative information relevant to it, as well as all relevant associated judicial information that may be released.

This request may be made (via email) attn. ... *(to be completed by the Public Prosecution Service)*

On each occasion, the Public Prosecution Service will closely scrutinise what information is able to be communicated.

2° request for access to or a copy of a judicial file

Outside of the situation in which the city as a concerned party has the right to access the judicial file, the city may at all times submit a request to access or a copy of the judicial file to the Public Prosecution Service attn ... *(to be completed by the Public Prosecution Service)*

The correspondence from the Public Prosecution Service concerning the above-mentioned requests for information from the city shall be addressed to the Mayor of the city of Genk, attn the Administrative Approach Division, and shall bear the wording "confidential".

Questions and answers¹³

Capacity?

Depending on the shape that is given to the administrative approach (structural or occasional, preventive or repressive etc.), a certain (financial) capacity must be freed up for an adequate administrative approach to criminal activities on a range of levels (policy level and implementation).

The money, time and energy that can be invested in an administrative approach must be in proportion to the level of ambition. Given the limited availability of manpower and means, the municipality is obliged to make strategic choices.

All at the same time?

After a clear problem analysis, it is possible to strategically prioritise in which direction the administrative approach will go. There is a need to realize that the threats charted can never be dealt with all at once. To a large extent, this depends on the manpower and financial possibilities of the municipality, as well as on experience of an administrative approach. In this way, the administrative approach will in the first instance be able to be applied to the most risky sector and will slowly be able to be extended over time.

Structural or occasional?

The possibilities of taking administrative action depend on the financial and manpower possibilities of a municipality. In addition, another factor is the extent to which a municipality has experience of administrative approaches to criminal practices. The extent to which a municipality is willing to take on the risk of a threat of criminal practices also plays a role in defining the course of action.

Occasional action

A minimal variant of administrative action is the occasional approach to criminal practices, such as the ad hoc taking of measures when there is a confrontation with abuses. Here a municipality reacts to incidents by dealing with excesses. Taking action against excesses will have a preventive effect in the long term to a reduced degree. On the one hand, effective administrative action will have a deterrent effect on civilians and operators.

On the other hand, within the government administration this promotes the enthusiasm and alertness that expresses itself in a more critical attitude towards service provision.

Structural action

The maximum variant of the administrative approach has an embedded character. Municipalities can choose structural measures in order on the one hand to prevent criminal practices being facilitated by the municipality and on the other hand to intervene in situations where this is already taking place. Naturally a structural and broad approach to criminal practices places a greater burden on the government administration.

¹³ This part of the manual is largely based on the guidelines presented by the Dutch CCV, to be consulted at <http://www.hetccv.nl/instrumenten/bestuurlijke-aanpak>

However, a structural approach does ensure that the approach is well embedded into the municipality, whereby the municipality is increasingly protected from criminal practices in the long run.

Preventive or repressive action?

Municipalities have a choice to act preventively and/or repressively, in the event that they are confronted with (threatening) criminal practices. Both variants are able to take on a structural form in local policy, but they can also have an occasional character. A combination of repressive and preventive administrative measures forms the most effective approach. Acting repressively in an adequate manner will pay off in the long term. Strict and consistent enforcement is aimed at a preventive effect for the future. The challenge is therefore to reduce the number of administrative measures through enforcement activities, so that the action can be more directed towards compliance and prevention.

Preventive action

An effective preventive administrative approach prevents the municipality from facilitating the exploitation of criminal activities. For this purpose, there is a need for a critical attitude on the part of the government administration. In this way, it must be ensured that barriers must be put in place for criminals to prevent misuse of the municipal facilities. With the help of licences and tender conditions, local legislation and regulations concerning for example morality within the framework of licences for alcohol and liquor, barriers can be put in place.

By asking licence or tender applicants the right questions and properly testing the information acquired, this can be fulfilled. For example, a licence can be refused if there is a genuine risk that the licence is going to be used for criminal purposes.

Although preventive action with regard to sectors with a licence requirement mainly lies in the hands of the municipality itself, the dynamic information position is also unmistakably essential in this. The information for a request has to be tested with the various relevant partners involved.

Repressive action

Administrative enforcement is the repressive variant of an administrative approach to criminal practices. This involves the taking of measures when criminal practices are observed in the municipality. This may take place in the event of excesses, but it can also be structurally incorporated into the approach, e.g. in the shape of multidisciplinary enforcement teams.

An example of a repressive administrative act is the withdrawal of a catering licence or the closure of an establishment due to money laundering in the company or drug trading within it.

Legal expertise required?

Municipalities have a large number of legal powers with regard to decisions, supervision and enforcement. A municipality itself may set requirements in the local legislation and regulations.

An administrative approach calls for a high degree of creativity among the administrators and officials in order to be able to take the appropriate measures in the maze of possibilities and legislation. Municipalities not only need to use their powers critically, alertly and innovatively, but also need to use those of their safety partners in the same way. For this reason, it must be possible to call on sufficient (legal) quality within and also beyond the municipality. In the Netherlands, this expertise has been concentrated within the Regional Information and Expertise Centres (RIECs), which represent an intermediate level whose task is to support municipalities in the region with know-how and expertise on the range of administrative instruments.

It is essential to know the administrative possibilities and to know how these can be used in an intelligent and creative way. For this reason, it is sometimes necessary to explore the limits of the legislation. Refusals can be legally fought against by the injured parties. To achieve an effective administrative approach, for this reason municipalities need to (continue to) invest in quality and expertise.

Which sources should be consulted?

- open sources: Register of Commerce, National Bank (financial statements/declarations), Registry of Official Publications, Employers' Directory, commercial databases (Graydon, Dun and Bradstreet, Lexis Nexis), social media (raw information, resulting in indicators and triggers to be confirmed by official information)
- semi-open sources: Municipal population register, register of foreigners, permits on bars/cafés, fire dept. (permits), zoning plans/spatial planning, building permits, reports housing inspection, operating licences, grants and bonuses, registry dilapidated buildings, social welfare data, cadastral data, environmental permits, social housing registry, neighbourhood-related information, supra local permits (betting shops etc.)
- closed/sealed sources: police database(s), judicial information, fiscal data, databases inspection services etc.

Displacement effect?

The administrative approach to criminal practices needs to discourage criminals and criminal organisations from (permanently) establishing themselves in the municipality. An unwanted side effect of an effective administrative approach is that this can lead to displacement effects. In this way, we can speak of a local displacement of the issue (shifting within the same municipality) or of a regional displacement (shifting outside of the municipality).

It is therefore recommended to have a broad roll-out of the administrative approach over several municipalities, a region or country. At European level, some consideration is even being given to a simultaneous strategy for all Member States.

It is also possible that criminal practices will attempt to circumvent the local regulations and enforcement on site. The use of a sector without licence requirement instead of a sector with licence requirement as a cover for the performance of criminal activities is an example of this. Municipalities must stay alert to such unwanted side effects and anticipate them as well as possible. They can do this for example by concluding regional partnerships.

Empowered officials?

Active administrative enforcement with a critical attitude vis-à-vis civilians and entrepreneurs in the municipality can lead to officials and administrators being faced with threatening situations. The safety of the individual official or administrator must therefore be guaranteed. Officials and administrators must know how to deal with risks and must be given sufficient 'cover' and back-up in the event that they are faced with a threatening

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