European Crime Prevention Network

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No. 5

Administrative approach – towards a general framework

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Administrative approach – towards a general framework

Preface

In this fifth and last toolbox published by the EUCPN Secretariat in the framework of the ISEC-project 'Towards a European Centre of Expertise on Crime Prevention', the focus is put on the administrative approach. In the first part of the toolbox the concept of an administrative approach is explored briefly and the link with the European level is made. The second part contains an overview of the main results and conclusions of an expert discussion which was organised by the Secretariat to gain more insight in the concept of administrative approach. During this discussion some "key elements" of an administrative approach in the prevention of crime were identified which are used in the development of a more general framework. In the third and final part of this toolbox, a selection of good practices from the second EU Handbook *on complementary approaches and actions to prevent and disrupt organized crime* published during Lithuanian (2013) Presidency of the Council of the EU is analysed according to the seven main characteristics drawn from the expert discussion.

Legal notice

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Introduction

The decision to dedicate a toolbox to the administrative approach was guided by the fact that in 2013 it was agreed to strengthen the cooperation between the EUCPN and the Informal Network for the Administrative Approach. The Informal Network has been established in 2011, commissioned by the European Commission, to promote, strengthen and develop the role of administrative authorities in the fight against organised crime.

Broadly speaking, the administrative approach involves making use of administrative and regulatory mechanisms, and taking a multi-disciplinary approach by involving a wide range of actors, to complement traditional criminal justice measures, with a view to disrupting and preventing (organised) crime. As will become apparent in the next three chapters, however, the terminology or concept of 'administrative approach' is often covering many different definitions, approaches and practices which may sometimes lead to confusion as to what this approach actually means. Conversely, examples are known where administrative measures are implemented to prevent or combat crime but no one seemed aware they were in fact following 'the administrative approach'.

One of the aims of the Informal Network for the Administrative Approach is to raise awareness at the EU level of the administrative capabilities which exist and the benefits of using such tools as part of a multidisciplinary approach to combat (organised) crime. With the development of this toolbox, the EUCPN Secretariat aims to contribute to this task by improving – and distributing to all EUCPN target groups – the knowledge on 'administrative approach', with particular focus on the preventive side of it.

The toolbox is primarily written for local authorities who are involved in various administrative procedures as part of their daily tasks, but it may be equally interesting for individuals of other agencies such as social welfare, tax authorities, the police, public prosecution, etc.

Toolbox elements

As usual, the theme of the EUCPN toolbox is explored from various perspectives, bundling as much information and knowledge as possible in an easy-to-read document for policy-makers and practitioners . This fifth toolbox in the series consists of three parts:

Thematic paper – the first part of the toolbox is a general introduction to the theme of Administrative Approach with a particular focus on the European aspect. This general introduction indicates positive outcomes next to possible drawbacks. Furthermore it gives the reader an understanding of the working and the setting up of the informal network on the administrative approach.

Experts' discussion on the concept of administrative approach – the second part zooms in on some important issues related to the concept of the administrative approach. This discussion is based on a workshop during which experts on the administrative approach discussed theoretical and practical aspects of such an administrative approach. Possible definitions, stakeholders, difficulties and minimum conditions are discussed among others.

Towards a general framework – In this part we try to develop a framework in order to describe what practices of an administrative approach constitute. This framework is tested through the use of examples of good practices of the administrative approach, obtained from the second EU Handbook on complementary approaches and actions to prevent and disrupt organized crime (2013).

PART 1 - Thematic paper

- **Introduction**

Organised crime is a dynamic and ever evolving phenomenon with a global reach. It has a corrosive impact on the economy and communities right across the EU. It is estimated that over 3600 (EU SOCTA 2013)[1] organised crime groups (OCGs) are active in the EU. These OCGs are becoming increasingly sophisticated and versatile, engaging in multiple forms of criminality. They are also very resilient and highly skilled at evading the law. They capitalise on international trade and transportation links and use the latest communications technology to help forge effective international partnerships to carry out highly profitable illegal activity. Not limited by geographic boundaries, OCGs exploit the free movement of people within the Schengen zone and develop new routes to facilitate the trafficking of people, laundering of money, drugs, weapons and other illicit commodities.[2]

The sheer size and diversity of the serious and organised crime threat renders it impossible for individual countries or law enforcement systems to deal with it in isolation. Equally, legislation, regulation and traditional criminal justice remedies alone will not be effective in reducing the problem. A more holistic and multidisciplinary approach is required, targeting criminal networks, finances and supporting infrastructure to have the greatest impact. Increased multi-agency collaboration and partnership working involving, for example, law enforcement, judicial and prosecuting authorities,

public sector bodies, local authorities, the private and voluntary sectors, academia and the media can be more effective in disrupting and preventing organised crime from flourishing.[3]

As stated in the Stockholm Programme (2010/C115/01),[4] administrative measures should be used as part of this overall response to combat organised crime. Administrative bodies are often responsible for overseeing compliance and regulation issues in relation to particular business sectors used by criminals in EU Member States (e.g. permits and licensing systems). Therefore, it is important that robust processes are in place to enable administrative bodies to fully cooperate within the law with the judicial and police services and so prevent them from inadvertently facilitating the use of municipal business sectors by organised crime. Furthermore the administrative approach can be an effective tool in protecting public procurement procedures being affected by corruption e.g. by setting strict conditions for persons and organisations tendering for procurement contracts.

The administrative approach includes administrative measures like vetting or screening businesses that tender for public contracts and/or refusing or revoking permits of businesses that are somehow linked to organised crime. Meaning that persons convicted of having participated in a criminal organisation or who have been found guilty of corruption, fraud, or money

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1 European police office, 2013, EU Serious and Organised crime Threat assessment (SOCTA) 2013, The Hague, The Netherlands

2 EU Handbook Complementary Approaches and Actions to Prevent and Disrupt Organised Crime, Version 2, December 2013

3 Idem.

4 Official Journal of the European Union, C 115/8. 4.5.2010 , The Stockholm Programme—An open and secure Europe serving and protecting citizens".

laundering can be excluded from tendering for public contracts or refused a permit. A work definition of the administrative approach has been laid down in the EU handbook on complementary approaches to combat serious and organised crime that was developed and presented to the JHA Council during the Hungarian EU presidency in 2011 (10899/11).5 Wherever criminal practices interfere in society, it is possible to fight the problem via administrative means. Criminals are always dependent to a certain extent on society. For the majority of criminal practices, it is the case that those involved need premises and/or businesses to be able to run their illegal activities. In order to own and buy premises and businesses, licences and tender procedures are required from the local authority. It is precisely this aspect that creates a relationship of dependence with the local authority, and the underworld and society come, inevitably, into contact. This interface offers the local authority possibilities for action and local authorities have a role to play in taking administrative action - preferably together with external partners.6

Within the administrative approach, public administrations, particularly at local government level, take actions involving the exercise of their specific powers and responsibilities which hinder or frustrate the activities of organised crime. The idea is to equip the administration with the necessary tools to avoid phenomena being used to criminal ends and to fight against the criminal phenomena as well as the

criminal groups' means of action. The central principle of this approach is that national and local administrative bodies (i.e. municipalities and the ministries of interior, finance, employment and social affairs) can play a major role in preventing and combating crime. This administrative approach is dependent for its success or failure on cooperation with other partners in the security field, such as the police and the Public Prosecution Service. In this context the sharing of information between the various organisations is one of the most important processes.

- **State of play**

Over the last years a great deal of attention has been devoted to the administrative approach at the European level, within the context of the preventing and combating organised crime. In fact, the Stockholm programme, the European Commission's Internal Security Strategy and the COSI work programme all view this approach as a useful supplement to the traditional judicial and police approach against organised crime.

The administrative approach was already subject to a range of initiatives, among them, the delivery of two EU handbooks on complementary approaches to combat serious and organised crime and the establishment of the Informal Network of contact points on the administrative approach.

This network - consisting of all 28 EU Member States, Europol and Eurojust and the European Commission - has been given the task to establish a sustainable basis for administrative cooperation within the JHA framework

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5 The Complementary approaches and actions to prevent and combat organised crime: A collection of good practice examples from EU Member States (doc. 10899/11 JAI 380 COSI 44 CRIMORG 77 ENFOPOL 179),

6 Manual for the administrative approach to organised crime, Centrum Criminaliteitspreventie en Veiligheid, 2011.

additional to the already existing police and judicial cooperation at the EU level. Furthermore the network should propose new initiatives in developing administrative measures to the Council (for example in the field of strengthening the exchange of information between administrative bodies and traditional law enforcement organisations between Member States). The Informal Network is supported by the Europol Platform for Experts (EPE**)**, which aims at facilitating the sharing of knowledge in order to promote and apply techniques in the domain of the administrative approach more widely between EU member states. The EUCPN has an observer status at this Network.

Since 2011 both GENVAL and COSI have been actively involved in setting the further course for the administrative approach for the coming years, including linking the activities of the network to the EU policy cycle priorities 2014-2017.[7] Desired outcomes/future perspective

Although the administrative approach had a promising start at the EU level, it is essential to further deepen and develop the role of administrative authorities within the future JHA framework by enhancing awareness among EU Member States on the effective role administrative authorities and their measures can play in preventing and fighting organised crime, as well as by exchanging experiences on how increased multi-agency collaboration and partnership working involving, for example, law enforcement, judicial and prosecuting authorities, public sector bodies, local authorities, the private and voluntary sectors, is a

proven (cost) effective method in disrupting and combating criminal organisations and their infrastructure at all fronts.

More specifically, the information position of the administrative authorities needs to be strengthened within the multidisciplinary fight of (transnational) crime at European level. In practice it is often not possible for administrative authorities to gain essential information in cross-border cases that is necessary for the application of the administrative approach. To this end, with financial support of the European Commission, an ISEC study has started with the aim to explore what legal and organizational framework underlies the exchange of information for administrative purposes at the EU level as well as mapping out existing legal and organizational problems in applying the administrative approach. The following definition for 'an administrative approach to crime' is used in this study:

"preventing the facilitation of illegal activities by denying criminals the use of the legal administrative infrastructure. Focus is on: the preventive screening and monitoring of applicants (persons and legal entities) of permits, tenders and subsidies;

the power to close or expropriate premises when public nuisance occurs in or around those premises;

the possibility to seize assets of criminals in the framework of administrative procedure, outside the scope of a criminal procedure;

other regularly applied methods open to administrative authorities to tackle and prevent crime."

It is also investigated whether it is possible to improve existing legal instruments to make it possible to

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exchange information for administrative purposes in and between EU member states. It is most likely that the outcomes of this project require interventions at the Union level.

- **Possible drawbacks**

Although the administrative approach has already proven useful in various projects in different member states. This approach has evenly been subject to criticism. The Netherlands have been a pioneer in establishing this approach in there policy and measures to combat organised crime. There have been different legislative initiatives in order to provide a legal basis for this approach. The so called BIBOB-legislation gave this administrative approach a legal basis. Nevertheless the positive consequences there has been some jurisdiction questioning if the exchange of knowledge and information does not violate the European convention of human rights.

Different member states have been struggling with this issue and viewpoints on which information can be provided to administrative instances. Very often there is a lack of legislation concerning this information flow.

Furthermore there seems to be a lack in agreement on what constitutes an administrative approach which means that different interpretations lead to confusions and to different consequences for legislators. Moreover an administrative approach can be seen as a complementary approach to the traditional fight against crime, thus including proactive, preventive and repressive measures. These issues should be bared in mind when looking at the proposed work definition. It is doubtful that a consensus could be reached on that precise definition.

- **Research question**

In order to provide policy makers and practitioners with useful insights and propositions it is important to be able to grasp what constitutes an administrative approach. For this reason the theoretical framework will have to be further elaborated. This goal is one of the main purposes of this toolbox. Therefore this elaboration will be discussed in part two.

PART 2 – Experts' discussion on the concept of administrative approach

Introduction

On 19 June 2014, the EUCPN Secretariat invited several experts on the administrative approach to Brussels to gain more insight in this approach. The aims for the outcomes of the workshop were threefold: (i) improve the knowledge and insight on 'administrative approach', more specifically the preventive side of it, (ii) link theory and practice and (iii) provide input for the development of a general framework by identifying some "key elements" of an administrative approach in the prevention of crime.

The following questions were approached during the discussion:

- What is administrative approach? What are the underlying principles and what problems and outcomes is it aiming at?

- What methods or measures are used? What are the difficulties?

- Which actors are involved?

- What are the minimum conditions for the implementation of an administrative approach?

The workshop was divided into two sessions: the morning session focused on the theoretical concept of administrative approach, during which various academic experts shared their viewpoints, while the afternoon session concentrated on how administrative approach is implemented in practice.

The results of this discussion are summarized in this second part of the toolbox which is aiming at informing (local) policy-makers and practitioners who are interested in gaining (more) knowledge on the concept of administrative approach.

What is administrative approach?

Definition(s)

A first round of the table immediately revealed that there are various viewpoints in defining and identifying the key elements of administrative approach. Some participants pointed out that the terminology itself is quite confusing because it covers different aspects and,

besides, the circulation of different terminologies like, for example, the Dutch and Belgian term "gewapend bestuur" (litt. "reinforced governance"), which does not really have an English counterpart, makes it even more confusing.

One participant suggested it would perhaps be better to speak of an 'alternative' – instead of 'administrative' – approach to underline the difference with the traditional repressive approach and to broaden the concept to "preventive and alternative" measures, besides the repressive ones. Although it was acknowledged that the term 'alternative approach' may be too broad, most experts agreed that there is a need for a more fundamental debate to make the concept more accessible and concrete.

Some key elements and examples related to administrative approach which were mentioned during the introduction round were:

- Its importance in preventing and combating crime, **complementary to criminal law** and including both **preventive and repressive measures**.

- An **active responsibility** of the local government to prevent (organised) crime by **making full use of existing administrative instruments**.

- The need for a **proper legal framework**, especially with regard to **the exchange of information**, as well as the need to be more explicit on what the concept involves, its **embedment** in the local context and the importance of **awareness-raising**.

- A **multiagency and collaborative approach**, including the (local) government administration, and the need to **protect the integrity** of all actors involved.

- The responsibilities of **the mayor** and **local prevention officers** with regard to administrative sanctions.

Generally, the key elements and issues mentioned by the experts could be structured around three discussion points, related to:

i.   The problem(s) an administrative approach is responding to, e.g. combating organised crime vs. guaranteeing public order and safety using administrative sanctions.

ii. The specific methods, the actors involved and the administrative measures to tackle these problems.

iii. The expected outcomes of this approach, e.g. crime prevention, an alternative to repressive measures, etc.

In the following paragraphs, some of these issues are further elaborated.

The "principles" of an administrative approach

In order to be able to define this approach, it was mentioned that it is important to first identify the fundamental principles which underlie this approach. The example was given of the Netherlands, where *the Public Administration (Probity Screening) Act* (also known as the *Bibob Act*) is providing a proper legal framework for the administrative approach (see also p.25-26 of Part 3 of this Toolbox). This framework is aiming, first of all, to **protect the integrity of administrative authorities** by implementing (existing) instruments and methods to **avoid infiltration of the (local) government infrastructure(s) by criminals or to avoid the facilitation of criminal activities**. The (local) government has the responsibility to screen its possibilities and use existing instruments to maintain and protect its integrity. There is no direct and explicit link to the prevention or combating of (organised) crime since this would be in violation with the European Convention of Human Rights. Nevertheless, as pointed out by some other participants, in practice preventing or combating crime is essentially what is being done.

Unlike the Netherlands, many countries do not have a global legal framework to define and regulate an administrative approach. Nevertheless, administrative measures are often deployed – e.g. to 'prove' personal integrity in public procurement procedures – but they are not necessarily defined or considered to be 'administrative approach'.

Besides, administrative measures to **safeguard public order** may sometimes also be classified under the administrative approach. In Belgium, for example, there exists a system of *Communal Administrative Sanctions (GAS)* which is distinct from protecting people's integrity. The basic idea of these administrative sanctions is also not to fight organised crime. In principle, it concerns only **small disturbances of the public order or nuisance** which can be sanctioned by means of small fines directly imposed by the administrative authorities.

Some participants pointed out that this "GAS-system" actually is part of an administrative approach. Even though it is not specifically aimed at fighting (organized) crime, it is an example of an administrative instrument which, essentially, could be used to disrupt criminals (individuals, groups or networks) as well.

> *"A package of measures, a toolkit from which you take and use the specific tools you need."*

Again, it was mentioned that an administrative approach is **a method or an instrument which is not directly linked to combating (a specific) crime**. According to some experts, it doesn't exclude an integral approach to combat crime, complementary to criminal justice, but the core idea of the administrative approach is that the **administrative authorities are taking responsibility based on the tools and instruments they have** at hand. Referrals were made to the *EU Handbook on complementary approaches and actions to prevent and disrupt organized*

crime, published during the Hungarian (2011) and Lithuanian (2013) Presidencies of the Council of the EU respectively, which contains an overview of various good practices involving the administrative approach, e.g. in preventing and fighting trafficking in human beings, metal theft, private security, etc.[8]

Administrative measures to prevent and combat crime

In general terms, administrative measures were defined by the experts as those instruments which the administrative authorities have to their disposal, both with preventive and repressive elements, and which are considered complimentary to criminal justice actions.

To make this more concrete, referrals were being made to, for example, the description used by the Informal Network for the Administrative Approach and mentioned in the first version of the, previously mentioned, EU Handbook which was published during the Hungarian Presidency of the Council of the EU in 2011.[9] Examples of administrative or – what is called – "non-penal" instruments, included (2011: 11):

- Monitoring and control

- Screening, e.g. early screening of permit applicants as a preventive measure

- Information exchange

- Policies with regard to the granting and withdrawal of permits, or closing down criminal businesses as a repressive measure

- Registration mechanisms, e.g. for certain transactions to prevent or discourage certain crimes

- Measures aimed at guaranteeing government integrity

Currently, the Dutch Ministry of Security and Justice is coordinating an ISEC[10] research project on the administrative approach, funded by the European Commission. The research is conducted by the Tilburg University (NL) and the Catholic University of Leuven (BE) in collaboration with the Informal Network for the Administrative Approach. The aim of this project is to identify and map the existence and use of the administrative approach in ten EU Member States in more detail. This research project runs until 31 December 2014 and the results will be published in a report.

Who is involved?

It seems obvious that the key actors in the administrative approach are the people who have the competence to apply the above mentioned measures. One of the central figures in this regard,

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[8] Doc. 10899/11 & Doc. 17600/13 EU Handbook Complementary Approaches and Actions to Prevent and Disrupt Organised Crime, Version 1, 2011 and Version 2, 2013
[9] Doc. 10899/11 EU Handbook Complementary Approaches and Actions to Prevent and Disrupt Organised Crime, Version 2, December 2013

[10] Prevention of and Fight Against Crime Programme (http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/prevention-of-and-fight-against-crime/index_en.htm)

mentioned by the experts, is the mayor (at the local level) since he/she has the competences and the instruments **to prevent the embedment of (organised) crime in the local context** without hampering criminal justice.

The exact role and competences of the key actors involved in the administrative approach may vary between Member States but the local administrative authorities do seem to play an important role in this respect, according to the experts. Nevertheless, it is important to note that the competences may be distributed between the central and the local level and actors of the law enforcement and criminal justice system (i.e. police, public prosecution) need to be involved as well to provide crucial information, on for example criminal antecedents, in some sort of **consultation platform** (see also the paragraph on information exchange and multi-agency approach below).

Difficulties related to administrative approach from a theoretical perspective

The discussion also revealed a series of shortcomings or deficiencies which were mainly related to the definition(s) and goal(s) of the administrative approach, the actors involved and the (lack of a) legal framework.

- **Definition**:

Apart from the fact that 'administrative approach' is an umbrella concept covering many different approaches and practices, some experts also cautioned for the difficulties in correctly understanding which responsibilities and competencies this implies.

As someone summarized during the workshop:
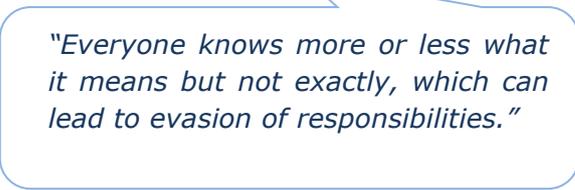
"Everyone knows more or less what it means but not exactly, which can lead to evasion of responsibilities."

One expert suggested to better outline and define the problem(s) which could be tackled by an administrative approach, rather than keep using a vague umbrella term.

Moreover, some participants pointed out that differences also exist in defining and interpreting the term 'preventive'. For example, is 'preventive screening' used to prevent recidivism, i.e. to search for possible criminal offences in the past related to potentially increasing the risk of abusing certain licences, or rather do we talk about 'proactive screening', where information is collected to weigh up the risk of future criminal activities? In case of the latter, some experts wondered whether the administrative authorities (i.c. the mayor) are competent to make this judgement.

- **Information exchange**:

Another issue which was mentioned several times, and which is also closely related to the legal framework, is the information exchange between administrative and judicial authorities. To be able to proactively or preventively intervene with administrative measures, some information exchange is necessary. However, this often collides with legal obstacles within and, even more, between countries.

Several questions related to the issues of information exchange were raised

during the discussion. For example: Who is allowed which type of information? How to guarantee the division of powers (judicial, legislative and executive)? How to cope with public vs. confidential information, e.g. how to protect the 'screened individual' when, according to administrative law, administrative documents and reports are made public? Finally, how to come to a joint operational action plan to tackle the identified problem, i.e. multi-actor and collaborative action of all actors and services involved?

In the Netherlands an integrated approach at regional and national level exists through the Regional and National Centres for Information and Expertise (RIECs & LIEC) which serve as information hubs and expertise centres for all the involved stakeholders.[11]

- **Legal framework**:

As mentioned before, one of the problems with respect to the administrative approach is often the lack of a legal framework. Some experts referred to the example in Belgium where there is a tangle of laws and procedures but no overarching framework. This leads, according to various experts, to a system where the local administration (or mayor) is given certain instruments and competencies but, without a more general framework on, e.g. the information exchange, local variations in regulations and practice develop. Other experts believed that herein lies a task for the central administration or the public prosecution, who could supervise the implementation of the administrative approach and be consulted on which

information could be exchanged. This is also the case in the Netherlands.

Administrative approach in practice
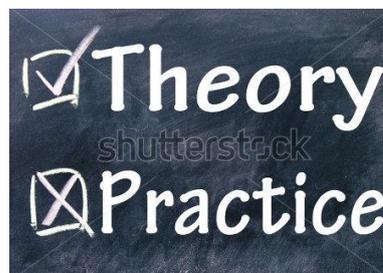
The second round of discussion was focusing on the implementation of the administrative approach in practice. Given the difficulties on defining this approach from a theoretical perspective, the experts were asked to reflect on what **the minimum conditions** would be **for the implementation of an administrative approach**, based on their experience in practice.

For example, experiences were shared from another ISEC-funded project '*Administrative approach to organised crime: support European local authorities in combating local outcomes of organised crime*' which is currently running as a pilot in Genk (Belgium), in collaboration with some local authorities from The Netherlands and Denmark, and which is building further on the Dutch experience (see also p.35 of Part 3 of this Toolbox).[12]

The following paragraphs summarize some of the main points raised by the experts.

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[11] See http://www.riec.nl/doc/algemeen/LR-IEC_ENG.pdf

[12] Also included as a good practice in the EU Handbook on complementary approaches and actions to prevent and disrupt organized crime (2013: 6)

- **Awareness raising**:

One of the essential conditions, identified by the experts, is that the administrative authorities themselves – at every level – need to be aware of their ability to take measures which can prevent or tackle certain (potential) criminal activities. As long as they are not aware of this approach, civil servants also won't have the reflex to further trace or report certain odd and suspicious activities or they wouldn't know where to go with any such information.

Awareness raising also seems to be one of the primary tasks of the Informal Network for the Administrative Approach at the EU level. For example, one of the aims of their EU Handbook (see above) is to promote this approach, based on a collection of good practices from around Europe, as examples of alternative and complementary measures linked to the EU priorities on tackling crime. Ultimately, the goal should be to have a general framework at the EU level of what is understood by an administrative approach and how this is complementary to the more traditional repressive approach.

- **Information exchange**:

Again, the issue of information exchange was mentioned but from a more practical point of view. Since there is no broader, overarching legal framework, a more pragmatic approach is taken by looking at the possibilities within the already existing laws and instruments. This is also the underlying idea of the RIECs and LIEC in the Netherlands: no new law was developed to determine the possibilities of information exchange. Also, taking coordinated action with administrative

measures when certain offenses are being registered is often possible based on specific, already existing legislation.

One expert mentioned however, that certainly in the Belgian context, the flow of information mainly goes from the administrative to judicial authorities but not the other way around. For example, as soon as the public prosecutor is authorized to deal with a criminal case, no (more) information is shared with the local administrative authorities due to the confidentiality of criminal procedures. According to this expert, this often leads to a gap in the general background information on e.g. a certain property, even though legal possibilities already exist to notify the mayor without violating this confidentiality.

- **Importance of the local context**:

The local embedment of crime was mentioned several times, which emphasises the importance of the local context. From practice' point of view, many local administrative authorities are already actively looking for existing tools and instruments which may be useful in tackling crime and many cities also express a strong need to exchange information. Given 'this local aspect' of crime, most experts agreed that a general, abstract framework cannot just be imposed 'top down' and that the local specifics and circumstances need to be taken into account.

The project in Genk (BE) is working the other way around. From a bottom-up perspective, this pilot-project is exploring the possibilities of implementing the Dutch approach. By collecting information, screening the existing rules and regulations and by setting up coordinated actions, the pilot

explores the boundaries of what is possible within the existing Belgian legal context. It attempts to come up with pragmatic solutions and to formulate recommendations concerning the needs for a legal framework.

Examples like the 'Genk project' show that a certain learning time/effect is important and necessary. As someone mentioned, the administrative approach implies a new way of thinking or awareness, which can then develop further into a concrete concept, the implementation of it at a certain level and its further dissemination.

• **Simultaneous implementation**:

One of the consequences of the variation in the implementation of the administrative approach – whether between communes or between Member States – is that there may be a geographical displacement effect of certain illegal activities. Crime has no boundaries and may move from areas where an administrative approach is set up to other areas where this is not the case. For example, since the Netherlands has a strongly developed regional and national framework for the administrative approach, displacement of certain individuals, activities or nuisance to the border regions of neighbouring countries, such as Belgium, has been observed.

Therefore, some participants pleaded for a simultaneous implementation of this approach, preferably at the EU level. This may still lead to certain shifts, e.g. to new techniques from the criminals' point of view, but a geographical relocation to avoid administrative scrutiny and measures would be more difficult.

• **Multi-agency approach & coordination**:

To develop and implement a well-functioning administrative approach, the importance of bringing together and involving all relevant stakeholders seems obvious and was also underlined several times during the discussion. However, in practice joint meetings and collaboration often do not exist. The various parties – administrative and judiciary authorities and the (local) police – are not used to sit down together and work out a joint approach to tackle certain issues. Moreover, each party has its own instruments, methods and procedures, and competencies which do not always encourage a more integrated approach. The lack of a broader framework and of regular consultation platforms reinforce the fact that in practice often everyone keeps working on a patchy basis, even though, some experts mentioned that, more and more, local authorities are expressing their interest for the administrative approach.

One of the experts suggested that to encourage 'this new way of thinking' and to motivate all parties to pursue an administrative approach actively, it seems necessary that one of the parties involved (e.g. the mayor) leads and coordinates these consultation platforms. Also, agreements on the collaboration, including collaborative operational actions, and on the information exchange may need to be determined in some sort of administrative accord.

Wrap-up : Theory & Practice

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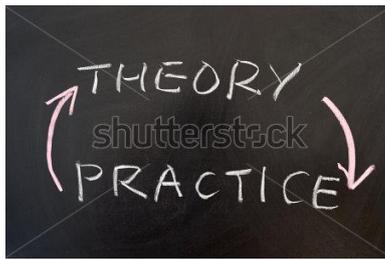
The discussions which were held during the workshop highlighted some of the key elements of the administrative approach – both in theory and practice – as well as some of its limitations. In a final round, the experts were also asked their opinion on how to link theory and practice.

During the morning discussion it became apparent that the administrative approach is viewed as a very abstract (umbrella) concept which often may trigger very complicated legal-technical discussions between experts but which may remain rather vague for non-experts. Various examples were given of meetings with administrative authorities who initially denied the use of an administrative approach, sometimes not knowing (exactly) what it meant. However, when then confronted with some concrete examples of what administrative measures could imply, they confirmed that such measures were indeed known and taken.

Again, these examples show the need to raise awareness on the concept of administrative approach which is what the Informal Network for the Administrative Approach has been doing over the past three years. By publishing their EU Handbook with concrete examples of good practices, they have contributed to this awareness-raising, especially at the EU level. According to the experts, to further disseminate (the understanding of) this approach it is important to include authorities at all levels (including the local!) in this discussion and to facilitate the exchange of practices, and to take a step-by-step approach in developing a more global framework. The ISEC-funded research project which is currently trying to map the practices of administrative approach in ten EU Member States (see above), also aims to further develop this process.

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PART 3 – Towards a general framework

Introduction

The final part of the EUCPN Toolbox usually contains an overview of good practices from various EU Member States. Since such an overview is already provided in both EU handbooks *on complementary approaches and actions to prevent and disrupt organized crime* published during the Hungarian (2011) and Lithuanian (2013) Presidencies of the Council of the EU, we did not simply wanted to repeat the same exercise. Instead, we opted to take it one step further and analyse (some of) these examples of good practices against the background of the 'lessons learned' so far. As mentioned in the introduction of Part 2, one of the aims of this toolbox is to initiate the development of a general framework on the concept of administrative approach. In this third part of the toolbox we are taking the first steps towards such a framework by building on theory, on the one hand, and the experiences and expertise drawn from the discussion summarised in part 2 of this toolbox on the other hand.

The good practices used in this analysis were taken from the second EU Handbook (2013). We have made a selection of examples of good practices from this handbook which may be interesting for the EUCPN in terms of the topics covered. Also, with a selection of practices tackling various crime phenomena, we also aim to provide an image of 'the scope' of the administrative approach. As some of the experts mentioned during the discussion, people often have no idea what can be considered an administrative approach until very concrete examples of this approach are given. The crime phenomena and topics covered by the examples used in this toolbox, are:

- Trafficking in Human Beings (THB)

- Organised property crime

- Corruption

- Local Authority Powers

Each of the selected practices is shortly described and screened on the following characteristics, which were identified by the experts as important for the administrative approach:

- Awareness raising on the role of the administrative approach in the prevention of and fight against (organized) crime. This involves efforts or procedures which may raise awareness both of the administrative authorities (at various levels) themselves and of the general public.

- Key actors involved

- Multi-agency collaboration and coordination, e.g. through consultation platforms, information exchange, standardized work processes or joint operational actions.

- Information exchange: what type of information is exchanged, between which actors and in what way, e.g. through databases or registration systems.

- Legal framework: which legal framework lies at the basis of the actions taken under the administrative approach.

- Embedment in the local context: given the importance and proximity of the local level to criminal activities, this includes the degree of involvement of the local authorities.

- Administrative measures: concrete measures (preventive or repressive) which are used by (local) administrative authorities to prevent or combat crime or safeguard public order.

This list of characteristics is not exhaustive and it is important to bear in mind that most of the points raised here only reflect the viewpoints of the Belgian and Dutch experts who participated in the workshop. Therefore, these may constitute only a (selective) part of the image of what an administrative approach contains or should contain.

Besides the more general expert discussion on the administrative approach, the EU handbook was our only source of information on the individual examples we have selected. Some descriptions of the good practices in the handbook were more elaborate than others and we do not always have detailed information on each of the seven identified characteristics. Regarding these 'gaps' in the information, it is often difficult to distinguish whether this information is simply not included in the book or, perhaps more importantly, whether some characteristics are not present in this specific approach. Without further refining the information, e.g. by complementing this information through other sources, we may not always have a complete picture of the various approaches.

It is also important to note that the information we do have is ranked according to our own interpretation. Although we try to give an accurate image of the various practices, we cannot completely exclude an interpretation bias at this stage. Further collaboration with the Informal Network for the Administrative Approach and/or with the individual practices would help to verify, refine and validate our approach.

Finally, not all EU Member States are included in the EU Handbook. This may indicate that the administrative approach may already be more developed or better integrated in some EU Member States than in others, as was also suggested by some of the experts. Where possible and where there was sufficient – i.e. at least a minimum of – information available on the characteristics of interest to us, we have tried to include various countries in our selection. In total, we have included 15 examples of good practices coming from 8 different Member States.

As initially mentioned, this exercise is only a first step to come to a broader framework on the concept of administrative approach. It is aimed at providing more insight in what the administrative approach actually means which, in turn, may help to raise awareness on how this approach may contribute to prevent and combat (organized) crime.

Analysis and overview of good practices

Trafficking in human beings – slum landlords (BE)

Title & country	Administrative condemnation order issued by the mayor and criminal approach through Home Inspection (BE)
Short description	Slum landlords let accommodations (house, room, mattress, caravan,…) that often have serious flaws to more vulnerable (often illegal) persons at excessive prices. There is often a connection with economic or sexual exploitation. In Belgium, both administrative and criminal action can be taken against slum landlords. The administrative procedure is intended to have a property declared unsuitable and/or unfit for habitation.
Awareness raising	Administrative procedure precedes any criminal intervention
Key actors	Mayor, local police, municipal or regional officials (administrative) Regional Home Inspection (criminal)
Multi-agency collaboration & coordination	Administrative and criminal procedures stay independent of each other. They each have their own instruments and regulatory framework.
Information exchange	Only social inspection (labour) and home inspection data exchanged
Legal framework	Regional Housing Code and New Local Government Act Penal code on slum landlords
Embedment local context	Quality checks done by municipal or regional officials by means of a technical report based on penalty points Mayor and local administration have extensive administrative powers to prevent and penalise 'slum letting'; This allows Regional Home Inspection to focus on the most distressing situations which can led to prosecution of the 'slum landlords'
Administrative measures (preventive or repressive)	Regional tax & municipal surcharges when outward signs of decay, vacancy tax; Declare house unsuitable or unfit for habitation
Mentioned difficulties/issues	/

Trafficking in human beings (CZ)

Title & country	Agreements enabling cooperation of law enforcement authorities with administrative authorities and NGOs at the national level (CZ)
Short description	In the field of trafficking in human beings, as in others, Czech law enforcement authorities cooperate with a range of national administrative authorities for the purpose of gathering information, expert consultations, training and joint inspections, doing so on a daily basis via the means of formal agreements.
Awareness raising	In 2009 - 2010 more than 2000 agreements were concluded
Key actors	Law enforcement (police), administrative authorities, NGOs
Multi-agency collaboration & coordination	Joined forces between police and administrative authorities to inspect work spaces and living accommodations Police has the possibility to sign a "coordination agreement" with municipalities to establish a common procedure to ensure local public order
Information exchange	/
Legal framework	Defined in the Police Law
Embedment local context	Agreements with municipalities
Administrative measures (preventive or repressive)	Not clear; Police seems to be the central actor and initiator in setting up a coordination agreements
Mentioned difficulties/issues	Cooperation agreements can be signed with partners outside the public sector (e.g. NGOs) but question is raised of how legally binding these agreements are in terms of the performance of activities or how to define the conditions for the termination of the contract

Trafficking in human beings – sexual exploitation (NL)

Title & country	Administrative apporach to detect possible victims of trafficking for sexual exploitation and to intervene - City of Amsterdam (NL)
Short description	The 'chain approach' as a practical example of a sector-specific apporach to detect possible victims of trafficking for sexual exploitation by the authorities. The chain apporach applies the administrative approach, the barrier model to tackle abuses in prostitution, including trafficking for sexual exploitation
Awareness raising	/
Key actors	Public order and safety department, municipality, city districts, tax & customs administration, local public prosecution service, local police, inspectorate social affairs and employment, the royal netherlands marechaussee, chamber of commerce Second 'care chain' with all partners providing care to vulnerable persons
Multi-agency collaboration & coordination	Use of the chain approach, led by a chain manager, and the barrier model; Raising barriers through common multidisciplinary efforts to counter what is now often a low-risk and high-profit business
Information exchange	Regional Centres for Information and Expertise (RIECs); Every partner is responsible for the exchanged information (e.g. without compromising the confidentiality of the person); Meetings between (first and second) chain partners on a monthly basis
Legal framework	The Public Administration (Probity Screening) Act (BIBOB) The RIEC and its rules serves as information hub and expertise centre
Embedment local context	Chain approach at the municipal level
Administrative measures (preventive or repressive)	Licenses, grants, zoning plans, property; Municipal building inspectors and health care employers who can spot signs
Mentioned difficulties/issues	The barrier model shows that municipalities have quite a few instruments at their disposal which are not always fully used. Involvement of the private sector and institutions like the Chamber of Commerce and of NGOs is also very important

Trafficking in human beings – labour exploitation (NL)

Title & country	Multidisciplinary approach: Information-based and integral administrative enforcement in the Chinese restaurant and beauty industry - City of Rotterdam (NL)
Short description	Already for some years the city of Rotterdam has been cooperating with 'chain partners' to prevent, combat and counter labour exploitation and human trafficking in the Chinese restaurant and beauty industry.
Awareness raising	Exchange of best practices at the national level (e.g. scenarios and the deployment of administrative measures) Added value in a 'know and be known' sense: organisations know who and how to contact others in their regular work as well
Key actors	Tax & Customs Administration, Aliens Police Unit, Social Affairs & Employment Inspectorate
Multi-agency collaboration & coordination	Use of the barrier model (entry, labour, income & housing) Information exchange on need-to-know basis. The information is bundled, verified and analysed, after which the partners involved establish priorities. This is followed by joint action (multidisciplinay inspections and enforcement activities) and, if necessary, intervention and follow-up investigations; The chain partners have learned to trust each other, thus turning cooperation into an increasingly more common aspect of our activities
Information exchange	A joint build-up of knowledge - exchange of information through the RIEC; All partners are obliged to provide and obtain information to and from each other
Legal framework	The Public Administration (Probity Screening) Act (BIBOB) The RIEC and its rules serves as information hub and expertise centre
Embedment local context	Chain approach at the municipal level
Administrative measures (preventive or repressive)	Supervision of granting the permits (operation of business, Licencing & Catering Act, employment of staff) and supervision of the premises (zoning plan, registration in the Municipal Personal Records Database, safety of the premises)
Mentioned difficulties/issues	/

Organised property crime – motor vehicle theft (BE)

Title & country	Fighting trafficking in stolen motor vehicles through cooperation with the vehicle registration authority (BE)
Short description	Annually, more than 7.000 vehicle registration certificates are lost or stolen. Different initiatives are set up to counter the registration certificate trade in order to fight trafficking in vehicles
Awareness raising	Establishment of a national consultation platform on car crime (NOA) in 1997 to support the responsible ministers in the development of an integral and integrated security policy regarding car crime; This platform also gives advice on current questions and new developments

Various campaigns were organised to raise awareness among car drivers about the value of the registration certificate in criminal environments |
| Key actors | The national consultation platform which brings together both public (Federal Public Services of Justice, Home Affairs, Mobility and Transport, and Finance) and private (insurance sector, car rental, leasing associations, vehicle inspections and the professional associations of the car industry) partners |
| Multi-agency collaboration & coordination | Procedure which allows the local police to report the declaration of loss or theft of the registration certificate electronically to the vehicle registration authority (DIV)

Use of a standardised attestation |
| Information exchange | Registration departments in Europe have access to the Schengen Information System (SIS)

Automated signal to the vehicle registration authority when a registration certificate is reported stolen, lost or destroyed; This is also automatically reported in the SIS and the ASF database of Interpol |
Legal framework	/
Embedment local context	Involvement and importance of the local police
Administrative measures (preventive or repressive)	Issuing duplicates of the registration certificate
Mentioned difficulties/issues	/

Organised property crime – metal theft (FR)

Title & country	New legal and regulatory framework for fighting against metal theft (FR)
Short description	Due to a large increase in metal theft over the past years, the French authorities decided to reinforce the legal and regulatory framework concerning transactions of metal (all types except precious metals) complementary to judicial police investigations
Awareness raising	/
Key actors	Administrative authorities at the national and local level, law enforcement (Gendarmerie and Police), National Recycling Federation and the Central Office for fighting organised itinerant criminality
Multi-agency collaboration & coordination	Broad national cooperation and coordination through an interagency approach and cooperation conventions The establishment of a cashless and automatic registration system prevents an easy sale of stolen metals and it permits a better traceability of metal sales
Information exchange	Automatic registration and declaration of metal sellers to fiscal administration
Legal framework	Legal basis to prevent and fight metal theft and fraud through various (new) laws, including the obligation for recyclers to keep a "book police", the establishment of a cashless system and the automatic registration to fiscal administration
Embedment local context	Involvement and close cooperation with the local authorities
Administrative measures (preventive or repressive)	Identification and registration of recyclers, administrative closure of business
Mentioned difficulties/issues	Border areas remain a problem because of different legislations existing in neighbouring countries. Need to find commonalities between national legislations in order to deter organised crime groups to profit from these differences There are various efforts at the EU-level through e.g. the Pol-PRIMETT project (ISEC): a public-private partnership with focus on the legal and regulatory framework. France is also a partner in the international EMPACT project in which 16 EU countries are holding regular meetings to discuss these issues

Organised property crime – cable theft & damage to infrastructure (PL)

Title & country	Memorandum on cooperation in preventing theft and devastation of infrastructure (PL)
Short description	A memorandum on cooperation was signed on the initiative of three Polish regulatory authorities to initiate and implement joint actions aimed at reducing and counteracting theft and devastation of technical infrastructure equipment and cables of telecommunication, energy and rail transportation sectors. The multifaceted activities of the memorandum are complementing the traditional law enforcement approach in preventing and disrupting metal theft in a long term perspective
Awareness raising	Part of the memorandum includes: public awareness campaigns, the implementation of best practices in cooperation between the entrepreneurs, law enforcement and judicial authorities and the implementation of solutions adopted by other EU Member States Several actors have signed the memorandum and various Working Groups have been set up to implement the aims of the memorandum
Key actors	The Office of Electronic Communications, the Energy Regulatory Office, the Office of Railway Transportation, Ministry of the Interior, the police and private sector
Multi-agency collaboration & coordination	Set up of Working Groups: a Working Group on Best Practice, a Working Group on Social Communications and a Working Group on Legislative Matters Development and implementation of 'best standards' of cooperation in preventing and combating this type of theft and devastation of infrastructure
Information exchange	A virtual information sharing platform is set up which is also accessible to the police
Legal framework	The Working Group on Legislative Matters is analysing existing legislation to identify possibilities for further improvement
Embedment local context	A system of regular cooperation at the regional level has been set up; local awareness raising campaigns have been launched
Administrative measures (preventive or repressive)	/
Mentioned difficulties/issues	/

Organised property crime – metal theft & fraud (BE)

Title & country	Prevention of metal theft and related fraud (BE)
Short description	Belgium has developed an administrative approach in order to fight against theft of old metals (e.g. copper) and precious metals (gold, silver and platinum). This approach obliges to identify the resellers of old and/or precious metals
Awareness raising	Development of a national action plan in 2013 Awareness raising of all involved stakeholders, including the general public and scrap dealers
Key actors	Administrative, judicial and other stakeholders, e.g. inspection services of the financial and economic departments
Multi-agency collaboration & coordination	Development of consultation platforms; frequent and specific mulitdisciplinary control actions by the police in cooperation with other sectors, such as the environment services or the social legislation services (each within their own competences)
Information exchange	/
Legal framework	Legal basis to prevent and fight metal theft and fraud through two Laws and two Royal Decrees, including the obligation to register the purchase of old and precious metals, anti-fraud measurements and a ban on paying cash-in-hand
Embedment local context	/
Administrative measures (preventive or repressive)	Identification and registration of (re)sellers, closing down businesses
Mentioned difficulties/issues	Cross-border cooperation since these crimes are often committed by itinerant criminal groups; Harmonized rules at the EU level regarding scrap sale are needed Belgium is a pilot in the international EMPACT project in which 16 EU countries are holding regular meetings to discuss these issues

Organised property crime – robbery (NL)

Title & country	Adopting a person centred policy to tackling High Impact Crimes in the city of Rotterdam (NL)
Short description	In 2012, the Minister for Safety and Justice set up a 'Robbery Taskforce' to tackle the rising number of reported High Impact Crimes in the Netherlands. These crimes included aggravated bruglary, burglary dwelling and mugging. A nation-wide programme was set up including elements of repression, prevention and aftercare for victims
Awareness raising	A nation-wide programme with close collaboration between actors at the national and the regional level
Key actors	Mayor and municipality, public prosecutor, local police, child protection, youth care organisations and the probation office
Multi-agency collaboration & coordination	A nation-wide programme consisting of three elements: (i) repression by police and justice, (ii) prevention through home visits by the local police, a member of municipality and a probation officer to convicted robbers after leaving prison to dissuade them from reoffending and (iii) aftercare for victims by all actors working closely together, exchanging information and taking appropriate action
Information exchange	/
Legal framework	/
Embedment local context	Involvement and close cooperation with the local authorities, the local police,organisations and businesses
Administrative measures (preventive or repressive)	Joint action, e.g. home visits
Mentioned difficulties/issues	/

Corruption – public procurement (IT)

Title & country	Anti-Mafia certification in public procurements (IT)
Short description	A national screening system to prevent Mafia infiltration into the public sector in Italy. This includes a national database which is used as part of the assurance process before issuing individuals and businesses with anti-mafia certificates
Awareness raising	/
Key actors	Administrative authorities, the Prefect
Multi-agency collaboration & coordination	/
Information exchange	A National Anti Mafia database which registers any links to organised crime, pending criminal prosecutions for specific crimes and/or criminal records and which can be consulted as part of the process by the Prefect of the province where the applicant is based
Legal framework	The "Anti Mafia Code" introduced by Legislative Decree
Embedment local context	The decision of the Prefect is discretionary and it is not necessary to prove the applicant's criminal liability based on a definite connection to organised crime
Administrative measures (preventive or repressive)	Screening of public procurement applications, issuing certificates, disqualification, banning or suspension of activities
Mentioned difficulties/issues	/

Corruption – public procurement (LV)

Title & country	Ensuring open and just procedures for public procurement and minimising the risk of corruption in this area (LV)
Short description	The purpose of the Latvian Public Procurement Law is to ensure openness of the procurement procedures, free competition of suppliers and an equal and fair attitude. The law lays down the principles which need to be followed in procurement procedures.
Awareness raising	The "Programme for Corruption Prevention and Combating" was launched for 2009 - 2013 by the Latvian government The Corruption Prevention and Combat Bureau developed some guidelines to minimise the risk of corruption and conflict of interest in public procurement procedures. The purpose of these guidelines is to avoid misinterpretation about the application procedure and to provide methodological recommendations All documents regarding the procurement procedure are available to the general public
Key actors	Administrative authorities, e.g. the Procurement Monitoring Bureau and the Ministry of Finance
Multi-agency collaboration & coordination	The right to apply administrative liability is delegated to the Procurement Monitoring Bureau which is directly supervised by the Ministry of Finance
Information exchange	/
Legal framework	Public Procurement Law (2006) and other regulations to ensure and monitor the procedures related to public procurement
Embedment local context	/
Administrative measures (preventive or repressive)	Screening of public procurement applications, exclusion of procurement procedure in case of previous offence
Mentioned difficulties/issues	/

Corruption – misuse of public sector infrastructure (NL)

Title & country	Preventing the misuse of the public sector infrastructure by criminals (NL)
Short description	In the Netherlands, the Public Administration (Probity Screening) Act (also known as BIBOB Act) aims to prevent the misuse of the public sector infrastructure by criminals.
Awareness raising	/
Key actors	The national and regional BIBOB bureau resorting under the Ministry of Security and Justice, local authorities
Multi-agency collaboration & coordination	Information gathering coordinated by the national BIBOB bureau
Information exchange	The BIBOB bureau may request all types of relevant information from the judicial authorities, the police, the tax and customs administration and private parties, such as the Chamber of Commerce and banks; criminal intelligence information obtained from trustworthy sources is also eligible
Legal framework	The Public Administration (Probity Screening) Act (BIBOB)
Embedment local context	The BIBOB bureau draws up an advice for the local authority and formulates a non-binding opinion about the forecast risk level. The local authoriy then takes a decision about the application
Administrative measures (preventive or repressive)	Refuse or revoke permits, tenders, subsidies funded by the government and real-estate transactions where the government is involved as a party
Mentioned difficulties/issues	/

Local authority powers – organised crime (BE)

Title & country	Taking an administrative approach to tackle organised crime - The Genk project (BE)
Short description	In 2012, a multi-agency initiative started in Genk, Belgium, to combat organised crime using administrative and complementary approaches. This initiative is considering the Dutch experience in this area as well as existing Belgian legislation in order to determine how the approach can be adapted to work in a Belgian context
Awareness raising	The outcome of this project will be a procedures manual translating the experiences into a universal guide that can be used in other EU Member States. It will include, a.o. best practices, a list of necessary partners, literature, FAQs, a basic presentation and a case study
Key actors	Established partnerships between municipal administrations and services, the local police, social welfare, provincial authorities, public prosecution, tax authorities, tax, economic & social inspection
Multi-agency collaboration & coordination	Integrated approach in which all actors need to share their information and cooperate in searching for the most effective way to deal with the discovered threats Regular information-exchange meetings are held to determine the approach (integrated or monodisciplinary)
Information exchange	The construction of an "information matrix" based on information from municipal registers and databases, which is then complemented with research from open sources, such as the cadastre, the Chamber of Commerce, various websites To complement the findings in the information matrix, "flex actions" are held to compare the situation on paper to the situation in practice
Legal framework	/
Embedment local context	Locally embedded project in which the principle is that local administrative authorities must play a major role, preliminary or complementary to the criminal law approach, and thus help to dismantle the link between legal and illegal society
Administrative measures (preventive or repressive)	Administrative instruments to suspend, withdraw or refuse permist, close down premises, etc.
Mentioned difficulties/issues	In Belgium, no legislative context exists to exchange certain types of information. The City of Genk is examining how and to what extent the Dutch instruments can also be used in Belgium. The Dutch Regional Information Expertise Centre (RIEC) Limburg is a main partner in this process; Also a partnership with Denmark has been set up to determine whether the developed tools maintain their use in a third Member State context

Local authority powers – private security (BE)

Title & country	Private security in Belgium (BE)
Short description	In Belgium, the private and particular security sector is strictly regulated. The enterprises or persons concerned can only offer their services if they have previously received a specific authorisation from the Minister of Home Affairs and after they meet a number of conditions and if they have the desired profile. A security investigation provides a mean to keep candidates who have not (yet) been sentenced but are the subject of a criminal investigation out of the private security sector
Awareness raising	/
Key actors	Ministry of Home Affairs (members of the control unit of the DG Security and Prevention, Direction Private Security), national security service, police
Multi-agency collaboration & coordination	A security investigation can be asked by the Ministry of Home Affairs when it is established that the person concerned is known by the "control unit" of the Minister of Home Affairs, the federal or local police or the national security service
Information exchange	Information of judicial or administrative police or professional information which is significant in the security conditions the person concerned has to meet The person concerned has to give their single consent before the investigation can be started
Legal framework	The procedure is laid down by Royal Decree
Embedment local context	/
Administrative measures (preventive or repressive)	Issuing, refusal and invalidation of the private security identification card
Mentioned difficulties/issues	/

Local authority powers – organised crime (UK)

Title & country	Using the powers of local authorities to disrupt organised criminals and their businesses (UK)
Short description	Local authorities have a wide variety of duties and powers to regulate activity and investigate and prosecute offenders. These range from their general duty to prevent and reduce crime through Community Safety Partnerships (CSPs), through to their responsibilities in safeguarding vulnerable adults and children, the regulatory role of trading standards, councils' duties under health and safety legislation to the licensing of many activities closely related to organised criminals and the provision of services like housing.
Awareness raising	Through the Local Government Association (LGA) and other key stakeholders.
Key actors	Local authorities, police, fire and rescue authority, Primary Care Trust/ Local Health Board and probation services.
Multi-agency collaboration & coordination	The establishment of CSPs, brings together the five 'responsible authorities' for dealing with crime.
Information exchange	Local authorities hold significant amounts of information, much of which can be legally shared with law enforcement, where appropriate to do so.
Legal framework	Local authorities are under a statutory duty to consider crime, disorder, drug and alcohol abuse and re-offending implications while exercising their duties, and to do all they reasonably can to prevent crime and disorder in their area (see the Crime and Disorder Act 1998).
Embedment local context	Local Authorities have extensive investigative powers and duties. this includes those associated with Licensing, Trading Standards, Environmental Health, planning and building regulations, social housing and social care.
Administrative measures (preventive or repressive)	Investigate non-compliance or breaches of regulations (inspection and compliance controls); revoke or refuse licences, grants, permits and benefits; gather and process intelligence and conduct other disruption activity.
Mentioned difficulties/issues	Local Authorities are not structured and resourced in the same way across the UK, so their ability to respond differs. For example, tackling crime and anti-social behaviour is a key priority for some local authorities and they will have experienced and dedicated teams to deal with these problem areas; in other cases this work will be undertaken by housing officers with wider, more general responsibilities.

Recommended further reading and references

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