

Organized Crime and Integrity Violations within Law Enforcement Organizations

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Summary

This report provides an account of a research into serious integrity violations within four law enforcement organisations – the Police, Customs, Royal Netherlands Marechaussee (KMar) and the Fiscal Information and Investigation Service (FIOD) – that could be linked to organised crime. For the purposes of this report, the definition of ‘organised crime’ is in line with the one suggested by the Fijnaut research group (1996): ‘Organised crime occurs when groups whose primary focus is on illegal gains systematically commit crimes with serious consequences for society and are relatively effective at covering up these offences.’ In terms of serious integrity violations, in addition to bribery, the research expressly looked at violations of professional secrecy (leaking information), undesirable contacts (in the family environment, circle of acquaintances, etc.), undesirable side activities and facilitating the activities of organised crime (doing favours for criminal networks).

Question and research methods

The aim of the research was to identify and describe the nature, extent and seriousness of integrity violations within the law enforcement organisations named above in relation to organised crime. The research also considered how law enforcement agencies had tried to guard against such violations and strengthen the resilience of their employees. The study was based on a range of methods. Quantitative data were collected through a systematic inventory of reports of integrity violations in relation to organised crime submitted in the period 2012–2016 to the National Police Internal Investigations Department (Rijksrecherche or RR), the 13 National Police Security, Integrity and Complaints (VIK) offices, the FIOD Integrity & Security Bureau (BIV) and the KMar Internal Investigation Section (SIO). In addition, a survey was conducted during a seminar open only to officials working in the areas of investigation, enforcement and prosecution. The participants were asked (via a digital interface) about their own experiences with integrity violations (in relation to organised crime), observations of such violations in their own organisation, and the measures put in place to prevent and combat serious integrity violations. The qualitative research material consists of data from 55 interviews and the report drawn up by the investigators from the in-depth discussion that formed the second part of the seminar. In addition, an in-depth analysis was performed on five cases from the RR.

The four law enforcement organisations in the report were not all the subject of equal focus. The emphasis was on the Police, because the quantitative and qualitative data collected related primarily to this law enforcement organisation.

Number and types of cases

The research revealed that within the four law enforcement organisations, the focus on integrity violations in relation to organised crime has increased in recent years. It was not possible to establish in a scientifically robust manner whether the number of incidents uncovered in the period 2012–2016 also represented an increase, due to a lack of proper prior measurement and an absence of reliable, uniform recording of integrity violation data. However, no indications were found to suggest a significant rise or fall in the number of cases over time. Across the board, investigations into integrity violations in relation to organised crime within the four law enforcement organisations make up only a small part of the overall number of integrity and other investigations conducted by the various services.

In total, the inventory by the RR and the integrity offices of the law enforcement organisations over a five-year period revealed 256 reports of serious integrity violations in relation to organised crime. Most reports related to the work of police officers. This fact can be largely explained by drawing attention to the much larger workforce of the Police compared to the other law enforcement organisations. A second explanation can be found in the nature of their work and the fact that police officers spend more time working on the street and in close proximity to criminals. These circumstances increase the likelihood that criminals might just try to manipulate them for their own ends.

In 80 cases, which were opened as a result of these 256 reports, the research came to the conclusion that they involved both an integrity violation and a relationship with organised crime. For the Police and the KMar, these mainly involved a violation of professional secrecy or the maintenance of undesirable contacts with criminals (or both). The investigations at the FIOD and Customs mainly focused on other sorts of integrity violations, such as facilitating organised crime (in particular in the form of favours such as circumventing customs checks).

In one in eight cases there was evidence of an integrity violation, but no link with organised crime could be found. The category of cases, in which there is a suspected relationship with organised crime but no clear evidence of improper conduct by an individual official, makes up almost a third of the total. These research results confirm the difficulty in integrity investigations of conclusively establishing the true facts of a case or the involvement of a law enforcement agency employee.

Once a serious integrity violation in relation to organised crime is established, the penalties are generally severe: the majority of violators receive criminal convictions and/or are dismissed in disgrace.

The relationship between organised crime and law enforcement organisations

From the literature, survey and interviews, indications have emerged suggesting that the pressure being placed by organised crime on law enforcement and public administration officials is increasing. When criminal subjects weigh up whether it would be worthwhile to approach representatives of law enforcement organisations and manipulate them for their own ends, their line of thinking seems to have changed. It appears that a belief has emerged in the criminal world that, unlike in the past, their efforts should not be primarily focused on *avoiding* the government. It might also make perfect sense to get close to the government – in this case, law enforcement agencies – and cosy up to them. This background serves to emphasise the finding of this research that it is primarily the members of local units who are involved in integrity violations in relation to organised crime. These officers are supposed to maintain intensive contact with the local population, but must at the same time keep their distance from people who are heavily involved in criminal activities. That is a balancing act which not everyone can perform well, as this research shows.

An important development in the opportunity structure is the digitisation of society. This is reflected in almost all forms of organised crime; nearly every criminal partnership uses digital tools. Conversely, the logistical processes of law enforcement organisations are almost entirely automated, and investigation agencies have access to technological tools enabling the available databases, which in any case have been massively expanded, to be consulted anywhere and at any time. Once criminals can exploit the vulnerabilities of digital communication traffic – whether with the help of employees of law enforcement organisations or not – they're not going to stop.

The case studies and interviews confirm the picture from the literature that officials involved in integrity violations can be characterised as people with little self-control, not good at dealing with adversity and frustrations (both professional and private) and motivated by a desire for a more adventurous, more riveting and (sometimes) a more luxurious life.

In line with the results of previous studies, this research revealed that officials with a migrant background are over-represented – compared to their proportion of the overall workforce – in the group of law enforcement officers in respect of whom both an integrity violation and a relationship with organised crime has been established. This finding is related to the extended social networks of family and acquaintances of which law enforcement officers with a migrant background form part. Considering the relatively high involvement of some ethnic groups in crime (including organised crime), the likelihood that the large networks of officials with a migrant background would include someone from the criminal world is higher than for native-born Dutch officials. From the literature, it is well known that family and friendship ties sometimes lead to the building of bridges between criminal networks and the world of surveillance and investigation. The officials involved are then confronted with the issue of dual loyalties: the strong family and friendship ties with their local neighbourhoods cannot be denied, but at the same time they are necessary role models for law enforcement organisations that want to introduce more diversity to their ranks.

Vulnerabilities and areas for improvement

Through their service-issue phones, employees of law enforcement organisations often have access to a variety of data and recording systems. Searches outside of work time are therefore considerably easier. In relation to flexible working opportunities, employees sometimes show a certain naivety around the handling of social media and sensitive information.

In the area of authorisations, there was a lot of activity within the Police following the high-profile case of Mark M. And yet this research, following on from the Inspectorate of Security and Justice report (2016), shows that there is still room for improvement. In the research, various options were suggested to reduce vulnerabilities around database searches. For instance, it was recommended that an automated system be introduced that could enable abnormal patterns of search behaviour to be detected. A case was also made for random checks of the types of subscription services consulted by officials using their service-issue phones. However, all of these proposed measures appear – at least within the Police – to have met with resistance, since many police officers perceive them as being at odds with the principle of trusting each other and each other's integrity.

In conversations with police officers, inadequate operational supervision of employees by managers was a frequently-recurring theme. It is clear that the team leaders of local units, who have to manage increasingly large groups of employees, cannot be expected to have a sufficient feel for the well-being of individual staff members. Because the appointment of operational experts, who form a kind of intermediate layer, has been long delayed, supervision and oversight of employees in local teams has been limited in recent years.

This research shows that many employees working within the four law enforcement organisations studied – and the Police in particular – believe that there is a lot of room for improvement in the employee screening process. In short, the complaint is that increasingly fewer employees are subject to the more stringent forms of screening (A and P-level security checks), that the P-level checks are less comprehensive than in the past, and that ongoing screening of employees is not carried out often enough. The group that featured most prominently in the integrity violations examined in this research – members of local units – is subject to the lowest form of screening through a Trustworthiness and Suitability Assessment (BGO).

In terms of learning from experience, it appears that Customs – particularly following a number of large-scale corruption cases at the Port of Rotterdam – has put a lot of effort in developing reviewing systems and processes for potential vulnerabilities. Major corruption cases are extensively discussed internally and, where possible, individual experiences are shared with employees, so that lessons can be drawn from them. The KMar, too, has made great strides in the areas of risk assessment and raising awareness. The Police appear to be less advanced in this regard. Completed cases are not yet systematically discussed within the section where the violation occurred, let alone more widely.

The close-knit culture within law enforcement organisations has both positive and negative effects. Collegiality and loyalty are important values of this culture; by necessity, officers have to be able to trust and rely on each other in difficult circumstances. The downside of these values is that officers sometimes defend each other uncritically. Although the procedures for reporting integrity violations

are fairly clear, they are not always followed, particularly in less serious cases. In addition, speaking up is far from being an integral part of the culture.

Speaking up is still not standard behaviour for managers either, whether about each other or about their employees. According to many respondents, there is still room for improvement in terms of managers leading by example. Focusing on integrity as a leadership or management issue means that it risks becoming buried under all the other priorities managers have to deal with. But it's an important matter that deserves attention, because it is precisely these direct managers who hold the key to reporting the dubious behaviour of their staff and putting a stop to it. Furthermore, they must send an unequivocal message to their employees about what behaviour is desirable and undesirable within the organisation.