Summary

Before criminal investigations into organised crime are commenced, in most cases a screening procedure is conducted. By means of this procedure, various choices are made with regard to the suspects and offences on which the investigation will focus. The seriousness of an offence, the available information, the possibilities for investigation, and the field of crime are all factors that are considered in such a procedure. When prioritising and dealing with cases, the concept of ‘intelligence-led investigations’ is applied. This study analyses how this concept works in practice. To this end we analyse how the preparations for a criminal investigation into organised crime are conducted in practice, to what extent project proposals have actually led to concrete investigations, and which results have been achieved. This is done to provide insights into the possibilities and limitations of this intelligence-led selection process and into the assumptions on which this process is based.

This study begins by examining the concept of intelligence-led investigations. Interviews conducted at five regional police forces, the National Crime Squad (Nationale Recherche) and the Staff Section of the Supraregional Crime Squad (Stafbureau Bovenregionale Recherche) indicate that all these departments apply a screening procedure to prioritise and conduct the organised crime cases which need to be dealt with. Decisions are often made on the basis of screening documents and project proposals. The leading notion is that one or more cases can be selected on the basis of broad information on various groups of suspects. In practice it transpires that this approach is not always successful for various reasons. This may be due to the available capacity within a regional police force and to the number of serious crimes to which the police needs to respond directly. Another reason may be that the information position of a regional police force is not equally strong in all fields of crime. Furthermore, it is not always possible to make a choice between various cases because the available range of cases is geared to the investigative capacity.

A further analysis of the screening procedure was conducted by studying the screening documents and project proposals of the National Crime Squad, produced in the year 2006 and – partially – 2007 and 2008. Criminal investigations conducted by the National Crime Squad and the National Public Prosecutor’s Office (Landelijk Parket) are largely project-based, and concern the most serious forms of organised crime. Our study examines how the concept of intelligence-led investigations is realised in practice through the screening procedure of the National Crime Squad and the Public Prosecutor’s Office.

The analyses reveal that the type of crime has an influence on the content and the comprehensiveness of the documents. Synthetic drugs, cocaine and mixed investigations stand out in terms of the amount of information that is available on the subjects/suspects. For these investigations, information from the Criminal Intelligence Service (Criminele Inlichtingen Eenheid) and from previous criminal investi-
gations offer the most important starting points. In addition, previous criminal investigations also provide information about the position and actions of the subject and about their mutual relationships, which can provide starting points for the tactical and strategic approach of an investigation. Documents regarding the fields of financial crime, people smuggling and human trafficking, firearms and heroin are usually much more limited in their scope. In these cases mutual legal assistance or foreign investigative information prompt the creation of a document (especially in the case of people smuggling, human trafficking and heroin), and there is considerably less or sometimes no information from Dutch intelligence sources, such as the Criminal Intelligence Service or previous investigations. This goes hand in hand with a more limited consideration of aspects such as strategy and the use of tactical resources in these documents.

All in all, the screening documents and project proposals do seem to provide information about why certain subjects or criminal activities are considered for investigation (the ‘who’ and the ‘what’) but there is less information about the way in which the investigation should be conducted (the ‘how’). Although – especially in the case of the ‘heavyweights’ – attention is given to the failure and success factors as revealed by previous investigations, little is said about why a renewed investigation is thought to have a chance of success now. On the other hand, one should consider that suspicions about certain subjects may quite simply be such that an investigation is viewed as necessary, even if it only has a small chance of success.

Turning to the investigations selected in the screening procedure, it transpires that of 40 investigations a little over half were terminated without these leading to a prosecution or a trial. There are various reasons for this: the initial information about the suspects may turn out to be incorrect; on reflection the case may appear to be of insufficient gravity; a lack of capacity may play a role; and a suspect may be incorporated in a different investigation. Finally, one can identify a category of cases in which investigative activities were conducted for a long time without leading to an arrest because the investigation did not result in sufficient incriminating information.

The concept of intelligence-led investigations can be summarised as ‘management by and with information’. Two factors can be differentiated here: the process of management and the nature and quality of the information. At both regional and national levels, more or less fixed criteria are applied to decide which investigations should be undertaken. Although the management does not always work sufficiently well in practice, there are no doubts about the desirability of a clear management of the investigation process. The more thoroughly a project proposal is prepared, the more time and effort is required. Seen from this perspective, there is a clear tension between the depth and thoroughness that can be devoted to the preparation of these project proposals and the wish to be able to choose from a range of project proposals. This puts limitations on the ideal concept of an overview of investigation-worthy criminal acts and suspects from which the most important and most promising investigations can be selected.

Despite the extensive preparatory work conducted as part of the screening procedure, we find that in practice investigations sometimes lead to results that are different to those originally aimed for, and that the goals of an investigation sometimes need to be adjusted at a later stage, for instance because the subjects are less important than originally thought. Moreover, investigations are sometimes terminated completely. This reduces the expectations that one may have with regard
to the screening process. It is less easy to make the ‘right choices’ about whether to start an investigation or not and about the way that the investigation should be conducted, than the concept of intelligence-led investigations might lead one to believe.

Since more clarity about the conduct of subjects can often first be gained in the course of the investigation process itself, one may question whether putting more emphasis on the preparatory phase of an investigation – i.e. on the screening procedure – is a useful development.