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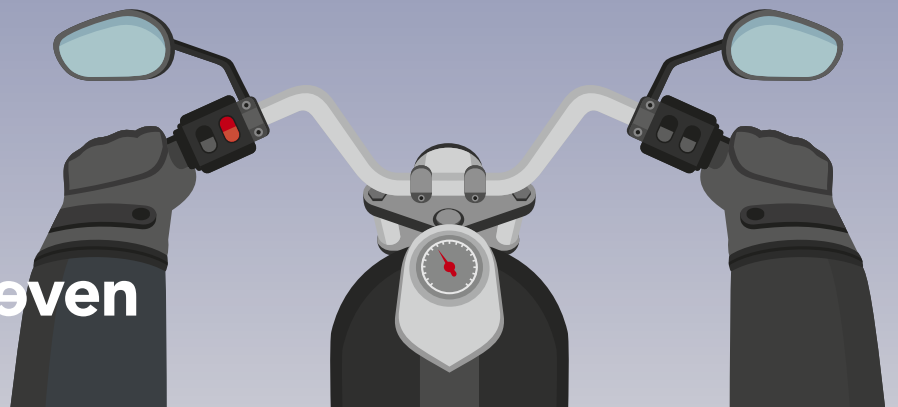
Kim C.P. Geurtjens

Outlaw motorcycle gangs in the Meuse Rhine Euregion

Exploration of the phenomenon, OMCG-related crime and the public response to OMCGs



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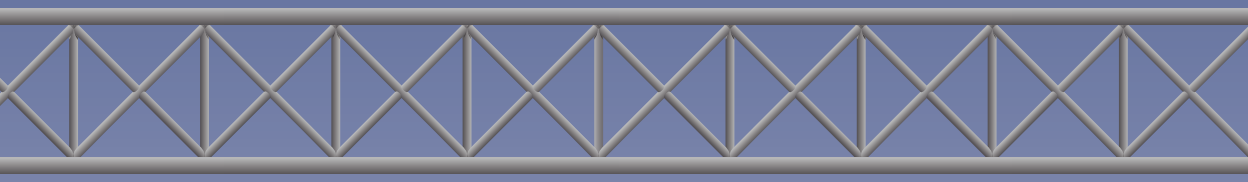
Outlaw motorcycle gangs (OMCGs) have been increasingly viewed as a threat to society. Members have been associated with disturbances of public order as well as various forms of organized crime. In response, the authorities in the Netherlands, Germany, and Belgium have each implemented their own zero-tolerance strategies to prevent and repress outlaw biker crime and deviance. In the cross-border Meuse Rhine Euregion, where the three countries intersect, the national borders may provide opportunities to outlaw bikers while at the same time limiting authorities in their response. In examining the role of the border, this book deals with the history of OMCGs and the responses in each country, the authorities involved in the response, and contemporary problems in the Meuse Rhine Euregion.

This book is intended for policy makers and practitioners working in the field of organized crime and public disorder committed by outlaw bikers, especially those working in cross-border regions.



About the author

Kim C.P. Geurtjens obtained her BSc in Criminology at the Erasmus University Rotterdam in 2011 and her LLMs in Forensics, Criminology and Law, and Criminal law at Maastricht University in 2015 and 2016 respectively. She was a PhD candidate at Maastricht University between 2016 and 2021. During her time in Maastricht, she was involved in various research projects. Kim currently works as an analyst for the municipality of Sittard-Geleen.

Outlaw motorcycle gangs in the Meuse Rhine Euregion

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Outlaw Motorcycle Gangs in the Meuse Rhine Euregion

Exploration of the phenomenon, OMCG-related crime and the public response to OMCGs

DISSERTATION

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on the authority of the Rector Magnificus, Prof. dr. Pamela Habibović
in accordance with the decision of the Board of Deans,
to be defended in public
on Monday 20 June 2022, at 10:00 hours.

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When I completed my bachelor's studies, I would have never considered becoming a researcher. However, while participating in a PREMIUM honors program and conducting a research internship during my master's studies in Maastricht, I started appreciating the possibilities and freedoms of doing research and enquired after the possibilities and conditions of becoming a PhD researcher. Hans (my then master thesis supervisor) informed me of all the 'need to knows', and stressed that in any case, being a PhD candidate requires a lot of patience and perseverance. With all the bumps in the road, he was certainly right about that. Therefore, I first and foremost want to thank my supervisors Hans and Miet for their support and their patience with me. Thank you for believing in me as a young academic and in my research. You both convinced me of my competences/capabilities at times when I myself had some doubts sometimes. But apart from the academic guidance I also want to thank you for always providing a safe space to discuss personal and work-related topics and reminding me to put my own personal health before work.

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Rosmalen/Maastricht, 09-04-2022

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Part 1
Introduction and methodology

1 Introduction

1.1 General introduction

The Meuse Rhine Euregion has been the subject of many studies regarding cross-border cooperation in criminal cases. This is the result of the uniqueness of the cross-border region which encompasses subregions of the Netherlands, Germany, and Belgium and which has a rich history when it concerns innovative pilots and projects aimed at improving cross-border cooperation; joint efforts are generally viewed as a necessity to curb serious and cross-border crimes as criminals seek to exploit the opportunities which the European internal market and open borders have to offer (Nelen, Peters & Vanderhallen 2013). Perhaps the most illustrative example in this respect relates to narcotics.

When the Netherlands maintained an open coffeeshop policy, many German, Belgian, and French nationals came to the south of the Province of Limburg to legally purchase hash or weed. These large flows of drug tourists repeatedly led to public nuisance and crime (Fijnaut & De Ruyver 2008; Van Wijk & Bremmers 2011). As a result, the Dutch government and Public Prosecutor's Office proposed to tighten the criteria for regulated tolerance in 2012. Subsequently, municipalities in the south of Limburg enforced these criteria, prohibiting non-residents from visiting coffeeshops[1] in the hope of keeping out drug tourists and reducing drug-related crime and nuisance. Dutch authorities also implemented media campaigns in different languages in the border region attempting to keep out foreign drug tourists, but with little success. The situation remained undesirable: in the early years after the implementation of the criteria the illegal market blossomed and those who could not enter coffeeshops found drug dealers in the vicinity of these establishments (van Ooyen-Houben, Bieleman & Korf 2014). Tourists could also purchase ecstasy, cocaine or other drugs from dealers and on several occasions French couriers would pick up hundreds of grams to distribute in France (Van Wijk & Bremmers 2011, 39-49). Moreover, it was not just local dealers who benefited from this situation. Due to the lucrative market, young men from larger Dutch cities like Rotterdam and Utrecht also operated in criminal networks in South Limburg (Fijnaut & De Ruyver 2008; Van Wijk & Bremmers 2011).

The change in Dutch coffeeshop policy demonstrates quite clearly how the European internal market with its open borders, along with different national approaches on a specific crime issue can lead to a cocktail of problems in a cross-border region. Various studies have demonstrated the presence of regional as well as transnational drug networks in the

1 The so-called 'I-criterium' (residence-criterium).

Meuse Rhine Euregion. These networks consist of individuals from various ethnic backgrounds and are involved in the production and/or trade of various types of drugs (e.g. cannabis, synthetic drugs, cocaine; Spapens & Fijnaut 2005; De Middeleer et al. 2018; Nelen, Noack & Spapens 2021). This implies that authorities on each side of the national border have to continuously keep track of the present crime phenomena and networks involved, the enforcement tools available to them, and the interplay between the two, in order to effectively curb crimes with a cross-border character.

In gaining a better insight into the various crime phenomena present in the Meuse Rhine Euregion, Spapens and Fijnaut conducted a study in 2005 demonstrating the value of a Euregion-wide crime analysis for intelligence and intervention purposes. They provided the first steppingstones for a concerted crime analysis by focusing on the nature and scope of certain crimes, the criminal networks involved, and their particular modus operandi (e.g. drug trade and production, human trafficking, organized burglaries, fraud; Spapens & Fijnaut 2005). Recently, a study on the criminal networks involved in (the production and trade of) cannabis, synthetic drugs, and cocaine in the Meuse Rhine Euregion by Nelen et al. (2021) indicated that the situation is even more worrisome approximately 15 years after the initial study by Spapens and Fijnaut.

Other research tailored specifically to the Meuse Rhine Euregion has repeatedly highlighted the various new developments and initiatives into cross-border policing and administrative cooperation throughout the years (Van Daele & Vangeebergen 2007; Fijnaut & De Ruyver 2008; Van Daele, Kooijmans, van der Vorm, Verbist & Fijnaut 2010). A study on the experiences and perceptions of authorities on cross-border criminal investigations, indicated that cooperation and (reactive) information exchange in ongoing investigations was generally satisfying, but (proactive) exchange of intelligence and data-collection across national borders was lacking (Nelen et al. 2013). The authors encouraged the authorities to apply a more explorative, bottom-up approach with ample space for initiatives on issues which were considered the most urgent in the different subregions of the Meuse Rhine Euregion.

While drug-related problems such as the aforementioned example have been a cross-border issue for decades, one of the authorities' growing concerns in the Meuse Rhine Euregion in the years following the abovementioned 2013 study was that of the rapid emergence of, and criminality surrounding, outlaw motorcycle gangs (OMCGs). In light of the recommendations of previous studies to conduct explorative research into (cross-border) crime phenomena in the Meuse Rhine Euregion, this dissertation aims to contribute to a more thorough understanding of the (cross-border) problems regarding OMCGs and the public response towards OMCG-related crime in the Meuse Rhine Euregion. This general introduction demonstrates that there will be three central themes throughout this dissertation: the phenomenon (OMCGs and OMCG-related crime), the national border as an opportunity for offenders and limitation for law enforcement, and

the public response to OMCGs. The following three sections will provide more background on these central themes, which will return in the delineation of the research question. An overview of the book and short summary of the chapters will be provided in the last section.

1.2 Characteristics and criminality of OMCGs

OMCGs are social organizations built around a passion for motorcycles, that consist of a (large) number of criminal members (Barker 2015; Lauchs, Bain & Bell 2015). OMCGs can be nationally or internationally oriented and are organized by means of local chapters of members.

The first OMCGs – like the Hells Angels MC and Bandidos MC – were established in the United States after the Second World War, but ever since they have expanded to all continents and become infamous worldwide (Barker 2005; 2015). Originally, these OMCGs consisted mostly of disillusioned war veterans and blue-collar workers who could not, or refused to, live up to achieving socially accepted goals in the post-war mainstream society (Quinn & Forsyth 2011; Lauchs, Bain & Bell 2015, 2-11). This supposedly resulted into these men with little opportunities retreating in small masculine 'brotherhoods' with a shared passion for motorcycles and comradery (Wolf 1991, 31; Quinn 2001, 388; Librett 2008, 263). Whereas initially known for deviant, rowdy behavior and offences against the public order, OMCGs have become increasingly associated with a wide variety of (organized) crimes in the previous decades – a development more thoroughly discussed in chapter 3.

1.2.1 OMCG definitions

It is important to recognize that the organizational structure and characteristics have increasingly been assumed to facilitate offending, as will become clear from definitions used by the Dutch, German, and Belgian authorities. The Dutch government defines OMCGs as:[2]

2 "OMG's zijn clubs met een hiërarchisch opgebouwde organisatie waarvan de leden (en andere daarmee verbonden personen) hun club gebruiken als een kanaal én afscherming voor criminele en ondermijnende activiteiten met financieel of ander materieel oogmerk, waarbij (a) de leden geen van buitenaf opgelegde grenzen accepteren ('outlaw'), (b) motorrijden, broederschap en groepssymbolen kenmerkend zijn voor de groepscultuur c.q. het gewenste imago, (c) (dreiging met) geweld en verstoring van de openbare orde onderdeel van de clubcultuur is en ingezet wordt om hun (interne en externe) doelen te bereiken."

> *"Clubs with a hierarchical structure whose members (and other persons associated to them) use their club as a conduit and shield for criminal and subversive activities for financial and other material purposes, where:*
> (a) *The members do not accept externally imposed boundaries ('outlaw'),*
> (b) *Motorcycling, brotherhood and group symbols are characteristic of the group culture or the desired image,*
> (c) *(Threats of) violence and disturbance of public order is part of the club culture and is used to promote (internal and external) goals."* (LIEC 2015, 5).

The German government defines OMCGs as:[3]

> *"An amalgamation of several people with a strict hierarchical structure, close personal ties among the group members, a reluctance to cooperate with the police and strict rules and statutes that they have created themselves. The togetherness of the group members is documented by wearing the same clothes or insignia to the outside world." (Bundeskriminalamt 2016, 20).*

OMCG ('rocker') crime they define as:[4]

> *"Encompassing all crimes committed by one or more members of an OMCG, which in terms of motivation for behavior, are directly related to the membership and the solidarity of the group. OMCG crime is defined by the motivation for the crime committed, which is directly related to the club. The observation of a crime underpinned by criminalistic experience is sufficient for considering that crime as OMCG crime." (Bundeskriminalamt 2016, 20).*

The Belgian government does not maintain a public definition. However, in an unpublished letter of the Board of Attorneys General in 1998 OMCGs were defined as:[5]

---

3 "Eine Rockergruppe ist ein Zusammenschluss mehrerer Personen mit strengem hierarchischem Aufbau, enger persönlicher Bindung der Gruppenmitglieder untereinander geringer Bereitschaft, mit der Polizei zu kooperieren und selbst geschaffenen strengen Regeln und Satzungen. Die Zusammengehörigkeit der Gruppenmitglieder wird durch das Tragen gleicher Kleidung oder Abzeichen nach Außen dokumentiert."

4 "Rockerkriminalität umfasst alle Straftaten von einzelnen oder mehreren Mitgliedern einer Rockergruppe, die hinsichtlich der Motivation für das Verhalten im direkten Zusammenhang mit der Zugehörigkeit zu dieser gruppe und der Solidarität zu sehen sind. Rockerkriminalität wird über die Motivation für die begangenen Straftaten, die in direktem Zusammenhang mit dem Motorradclub steht, definiert. Für die Zuordnung reicht die durch kriminalistische Erfahrung untermauerte Betrachtung des Tatgeschehens."

5 "Verenigingen met een zeer gesloten karakter waarvan de leden hun plaats verwerven of behouden door het plegen van misdrijven, waardoor hoofdzakelijk, maar niet uitsluitend andere motorclubs bedreigd worden."

> *"Associations with a very closed character whose members acquire or maintain their position by committing crimes, which mainly, but not exclusively, threaten other motorcycle clubs." (Verspeelt 2000; Van Daele 2015).*

Note that both the Dutch and Belgian authorities identify OMCGs inherently in relation to crime, whereas the German authorities distinguish between the group and the crimes related to them. Although they seem to argue for a more conservative definition of OMCG crime (namely, OMCG should be defined by the motivation directly related to the club), this is negated by the difficulty of focusing on motivation in combination with the fact that a consideration by a person with 'criminalistic experience' is sufficient (Feltes 2020, 50). These definitions – despite some differences – clearly indicate the assumption that clubs facilitate their members' crime – i.e. violence and intimidation as integral part of the club culture, a strong internal solidarity, a reluctance to cooperate with police and acquiring or maintaining positions through crimes.

1.2.2 OMCG-related criminality

Although empirical studies on outlaw biker criminality are scarce, there is a recent but growing body of literature suggesting involvement in various types of crimes, ranging from violent and impulsive predatory crimes to organized crimes such as extortion, racketeering, drug-manufacturing, drug trade, and prostitution (see e.g. Klement 2016; Blokland, van Hout, van der Leest & Soudijn 2019; Goldsworthy & McGillivray 2017). Outlaw bikers in different countries seem to be disproportionately engaged in criminal activities (Klement 2016; Blokland, Van der Leest & Soudijn 2014; Blokland et al. 2017; Rostami & Mondani 2019; Lauchs 2019), and a relatively large number of convicted members are in fact repeat offenders (Klement 2016; Blokland et al. 2019).

Ever since OMCGs sparked the interest of researchers, scholars have theorized about their members' offending. In an effort to differentiate between types of bikers, Wolf (1991) first distinguished between conservative bikers and radical bikers, of which the former appeared to be mostly involved in crimes in relation to the hedonistic biker lifestyle and the latter was involved in more entrepreneurial crimes in which the club characteristics were abused for personal gain. Quinn and Koch (2003) noted that OMCGs were often viewed as either violent hedonists or international crime syndicates and attempted to create a holistic framework which combines the two views in four different categories:

1. *Spontaneous expressive acts usually involve one or a few members in violent crimes directed at rivals or other actors from within the saloon society milieu (e.g. bar fights).*

2. *Planned expressive acts are generally directed at rival groups and are either planned by established cliques or chapter/regional/national officers or tacitly reflect the priorities of the chapter or club.*
3. *Short-term instrumental acts usually involve one or a very few members in thefts that take advantage of unique opportunities or are designed as a response to the particular needs of one of the involved members (e.g. motorcycle thefts, prostitution). They may vary along the continuum from planned to spontaneous.*
4. *Ongoing instrumental enterprises involving the fairly consistent attention of one or more cliques and designed to supply large amounts of money to the members and are usually planned well in advance or their execution (drug production/distribution).* (Quinn & Koch 2003, 296)

Lauchs, Bain, and Bell (2015, 28-29) proposed a similar framework of barbarian, cross-over, and organized crime offences based on Wolf's distinction between conservative and radical bikers. The first category relates to barbarian behaviour associated with the outlaw biker lifestyle – uncivilized, violent, hyper-masculinity – and involves traffic offences, drunk and disorderly conduct, and drug possession. Organized crime offences are aimed at profit through criminal activity and involve extortion, drug production, trafficking distribution or supply, and prostitution. With the insight that the dynamics of a chapters change over time, which influences the involvement of members in criminal activities, the 'cross-over' category refers to crimes which can be related to either barbarian or organized crime depending on the situation. For example, assault, grievous bodily harm, affray, and homicide may result from efforts to enforce club hegemony and territorial boundaries (barbarian) or as part of an extortion (organized crime; Lauchs et al. 2015, 28).

What is interesting in these frameworks or typologies is that they also implicitly point to the covertness or overtness of the associated offences. For some offences related to status it may be considered a good thing that outsiders see the offence happening, e.g. a spontaneous brawl or a planned attack on a rivalling club, as this may confirm the dangerous reputation of the club. For other offences, mostly those that could be considered organized crimes aimed at financial gain, it is highly likely that criminal members attempt to shield those off from the public and authorities as much as possible.

1.2.3 Social clubs or criminal gangs?

The abovementioned types of crimes associated to OMCGs imply, in a broad sense, a role of the club in offending. The organizational structure of OMCGs and their deviant norms are assumed to facilitate or at least influence the criminal activities of their members (Wolf 1991; Huisman & Jansen 2012; Barker 2015; Von Lampe 2016, 184; Von Lampe & Blokland

2020). The extent to *which* and *how* clubs influence or facilitate the criminal activities of their members is probably one of the most discussed topics amongst researchers and policymakers alike.

OMCGs can be viewed as offender convergence settings where criminal members socialize and discuss criminal operations (Felson 2003; Von Lampe & Blokland 2020). The social cohesion in an OMCG is presumed to facilitate trust, mutual aid, and protection. This relates to (tacit) approval of crime and subsequent silence to outsiders, and support and protection in conflicts as well as through legal defense, and jail funds of the club to help prosecuted and convicted members (Quinn & Forsyth 2011). The unconditional support and protection of members facing external threats is also referred to as 'power by numbers'. Furthermore, their club-affiliation and associated violent reputation is visible by means of the colors worn and displayed in public (Quinn 2001; Quinn & Koch 2003; Barker 2011). This 'power of the patch' can be used to intimidate victims and witnesses (Wolf 1991; Huisman & Jansen 2012).

In this respect, Barker proposes a criminal organization continuum to assess if a particular club or chapter can be viewed as a motorcycle club or gang. Essentially, the extent of the members' involvement in organized crime and whether the club officials are involved in the planning and execution of these crimes demonstrate whether an OMCG should be viewed as a 'social club' with some criminal elements or as a criminal 'gang', whose members are working as a collective to seek profit from crime (2015, 73-75). The involvement of club officials may relate to either active support or tacit approval of the commission of crimes. Building on these insights, but highlighting the importance on the question of *how* the OMCG may facilitate crime in a *particular* situation, von Lampe and Blokland (2020) introduced three different *scenarios:* 'bad apples', 'club within a club', and 'club as a criminal organization'. These scenarios describe the relation between the club and criminal activities, underlining the fact that scenarios are always dependent on situational characteristics which may differ for different crimes and different occasions. The 'bad apple' scenario essentially refers to individual members who autonomously engage in criminal activities, alone or with other club members or non-members. The 'club within a club' scenario is similar to the bad apple scenario in that members engage in criminal activities autonomously, with the difference that more members are involved and the structure of the crime mirrors the formal club structure. With this scenario, it may seem from the outside as though the club is committing the crimes, but in fact the interactions in the crime do not follow the same logic as the formal club structure (e.g. not coordinated in a similar fashion). In the 'club as a criminal organization' scenario, the club or chapter engages in crime as an organizational entity in which the decision to commit a crime is made collectively (Von Lampe & Blokland 2020, 550-565).

1.2.4 International events with local consequences and vice versa

Another relevant assumption is that the vast global network of members nowadays may facilitate transnational offending or cause violent conflicts. Developments on the international level may spike governmental concerns regarding public order offences as well as organized crimes on the local level and vice versa. One notorious example of organized crime presumably facilitated by ties to an OMCG concerns a Dutch Hells Angels nomads chapter of which four members and associates, including the president, were brutally murdered, supposedly by their own brothers because they ripped off a shipment of cocaine.[6] This shipment of around 300 kilograms of cocaine was presumably a result from a meeting with representatives of the Cartagena cartel in Colombia on the Netherlands Antilles where the Dutch Hells Angels had only just before welcomed the Caribbean Brothers MC into their club – the first chapter of a worldwide OMCG in the Caribbean (Van den Heuvel & Huisjes 2009, 28-40). The drugs were to be transported to the Netherlands via the Netherlands Antilles. This example illustrates quite clearly how expanding a club into a new region – which is essentially a non-criminal activity – may result in social ties being exploited for transnational organized crime. It is generally assumed that this event resulted in intraclub tensions and the previously mentioned lethal violence which eventually led to the end of the Hells Angels' hegemony in the south of the Netherlands.

As for the concerns regarding public order offences, a vast (inter)national expansion of clubs took place: in the Netherlands, the number of chapters increased from around 30 in 2011 to 91 in 2014 (Dutch National Police 2014, 128-129). In Germany, the number of just the Hells Angels MC and Bandidos MC chapters in the state of North Rhine Westphalia had doubled from 2010 until 2015 (Schwerdtfeiger, October 15, 2015). Throughout Belgium the number of chapters of various OMCGs had increased from 28 in 2010 to 48 in 2015.[7] This trend was equally visible in the Meuse Rhine Euregion specifically. Inter-club feuds led to a growing concern among governments about impeding violent clashes between outlaw bikers of rivalling OMCGs. With an increasing number of clubs and chapters dominating the public sphere the general fear among authorities in the Netherlands, Germany, and Belgium was that clubs would attempt to achieve hegemony and that a clash in one region would cause a chain reaction of chapters of rivalling clubs, taking up a fight that could resemble the Great Nordic Biker War between 1994 and 1997 (Barker 2015, 207-213; Bjørgo 2016, 120-121). This 'war' was fought by several OMCGs divided into two

6 The members were initially convicted for manslaughter but were eventually acquitted by the Court of Appeals because all refused to testify and there was no proof who had fatally wounded the victims. Gerechtshof Amsterdam, June 15, 2007, ECLI:NL:GHAMS:2007:BA7689. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHAMS:2007:BA7689.

7 Personal communication, November 5, 2019. Internal documentation provided during interview.

hostile camps, spanned four countries and cost twelve people including one civilian their lives, leaving almost a hundred people injured.[8] In other words, as the subculture and clubs are not bound to one country but rather seek to expand their sphere of influence transnationally, their domestic quarrels (whether about interpersonal relations, interclub relations or about crime) may not necessarily remain domestic but may lead to international conflict due to the 'all for one and all for one war mentality' (Quinn & Forsyth 2011).

Consequently, outlaw bikers' criminal activities and conflicts in one country may raise red flags in a neighboring country, especially in OMCG-dense areas. In 2015, approximately 63 chapters were located in the Meuse Rhine Euregion specifically.[9] Among these chapters were 6 Hells Angels chapters with 9 additional chapters of different recognized support clubs; there were 3 Outlaws chapters with 3 chapters of different support clubs; there were 4 Bandidos chapters with one support chapter; 6 Satudarah chapters with 7 chapters of 2 recognized support clubs; and lastly 24 local chapters of either international or indigenous clubs with only one or two chapters in the Euregion. At this time, the Hells Angels had had lethal conflicts with the Outlaws, and a local club in the Belgian area. They were also involved in repeated violent clashes with the Bandidos in the German as well as Dutch parts of the region – developments which will be elaborated upon in chapter 4.

1.3 Role of the national border for criminal activities

The concerns for (overt) public order offences and (covert) organized crime addressed in the previous section are also exemplified in a 2016 report by a Benelux + North Rhine Westphalia working group:

> *"Police forces and judicial authorities in the Benelux report an increase of violence and use of firearms and even explosives by outlaw motorcycle gangs. All too often, members of OMCGs are active in large scale soft and hard drug production and trafficking, illegal prostitution, blackmail operations and violent acts of retaliation.*

8 This 'war' was fought between the Hells Angels MC on the one hand and the Bandidos MC and Outlaws MC on the other, with several support clubs on each side. The war mainly consists of two time periods and in total spanned Denmark, Norway, Sweden, and Finland. Essentially the conflicts resulted from tensions surrounding national clubs either refusing to acknowledge Hells Angels MC in their country and later Hells Angels chapters not accepting other clubs making alliances with Bandidos MC. The use of (automatic) guns, grenades, car bombs and rocket launchers were not shunned and eventually, twelve people including one civilian were killed and almost a hundred were wounded. While the police also maintained the narrative that the conflict was (partly) caused by control over organized crime, this has never been confirmed (Barker 2015).

9 Personal communication, July 28, 2016. Internal documentation provided during interview. This estimate does not take into account the incredibly high number of chapters in the German Düsseldorf and Ruhr area, which is closely located to the Meuse Rhine Euregion.

> *Outlaw motorcycle gangs have a strong disrupting impact on social and economic life in cities and municipalities in the European Union, as well as in the Benelux and the Euregion Meuse-Rhine." (Benelux + North Rhine Westphalia 2016, 7).*

With OMCGs being involved in criminal activities with transnational characteristics, such as drug production (growing of hemp and cannabis, as well as manufacturing synthetic drugs), -trafficking and illegal prostitution, they may – at least theoretically – greatly benefit from specific crime opportunities in the cross-border Meuse Rhine Euregion. These benefits can be broadly divided into factors that relate to the region itself in combination with the right to free movement on the one hand and the difficulty of cross-border cooperation between authorities on the other. As can be seen in figure 1.1,[10] the Meuse Rhine Euregion is a geographically small cross-border area, making it necessary for authorities to cooperate on (common) crime problems.

10 Downloaded from: https://www.euregio-mr.info/de/ueber-uns/geschichte.

Figure 1.1: Geographical view of the administrative division of the Meuse Rhine Euregion from the Euregio Meuse Rhine.

1.3.1 *The internal EU market and free movement*

Since the fall of the Iron Curtain in 1989 and the introduction of the European internal market, free movement of persons, goods, money, and information was achieved in large

parts of the European Union. Despite the significant importance for legal trade, it was feared that the internal market also opened up entirely new opportunities for transnational organized crime (Spapens, Kolthoff & Stol 2016). The eastern European countries could serve as a region to extract goods (weapons from previous wars, cheap precursors for drugs), and persons (women to be exploited for prostitution) as well as tapping into a new market to sell drugs fabricated in western European countries (Spapens et al. 2016). This highlights an essential point in understanding the role of the border for criminal activities, namely that offending is the result of willing offenders able to exploit crime opportunities; and with open borders these crime opportunities have increased significantly in various ways.

Firstly, offenders may easily transport illegal flows of goods by using roads in geographical proximity to national borders, or seaports and airports as hubs for regular commercial and tourist channels (von Lampe 2016). In this respect, the Meuse Rhine Euregion is a very accessible region due to well-developed infrastructure which was put in place for licit activities, but from which offenders may benefit for illicit activities (drug production, distribution, storage, prostitution, accommodation; Spapens & Fijnaut 2005). Due to the close geographical proximity to national borders it is relatively easy to traffic small quantities of drugs, or women for prostitution purposes, across the national border unnoticed (Spapens & Fijnaut 2005; Van Wijk & Bremmers 2011). To illustrate, the narrowest part of the Dutch province of Limburg stretches approximately five kilometers between the Belgian province of Limburg and the German state of North Rhine Westphalia. Additionally, it has a central location to European hubs: it is conveniently located between the ports of Rotterdam and Antwerp and the mainland of Europe and close to several large (Amsterdam, Brussels, Düsseldorf) as well as small airports, which could be used for trafficking goods or persons over longer distances.

Secondly, offenders may profit from particular criminogenic asymmetries (von Lampe 2016) – e.g. in relation to bordering countries varying national drug regulations resulting in relatively high-quality product in large quantities for low prices in the Netherlands but higher prices abroad. The coffeeshop example bears witness to this. Moreover, offenders may benefit from the situational characteristics in the area: the Meuse Rhine Euregion is an area with multiple cities and an otherwise mostly rural character. In recent years, this has become viewed as an opportunity for drug production. Distressed farmers or businesses might be persuaded into renting out their slurry pits or warehouses to predatory drug syndicates out of financial necessity without any direct neighbors taking notice. It is a public secret that especially the southern part of the Netherlands, and more recently neighboring Belgian and German regions, are known to be some of the main production sites for synthetic drugs as well as cannabis, in Europe (Spapens & Fijnaut 2005; De Middeleer, Van Nimwegen, Ceulen, Gerbrands, Spapens, Paoli, Fijnaut, van Camp, De Ruyver & Colman 2018).

Thirdly, offenders may profit from criminally exploitable ties in social networks. Especially when offenders with their own criminal knowledge and expertise in these social networks span different countries, this may lead to a large domain of untapped potential (Kleemans, van den Berg and an de Bunt 1998; Kleemans, Brienen & van de Bunt 2002; Van de Bunt & Kleemans 2007; Kleemans 2012). These criminal ties will have more knowledge on the possibilities and impossibilities, risks and profitability of certain criminal activities in their own respective countries and situational surroundings (Soudijn & Kleemans 2009). Such facilitating factors can be used by regionally embedded as well as supraregional criminal networks (Spapens & Fijnaut 2005, 236-240; Nelen et al. 2013, 76-77). In recent years, the criminal networks involved in the production of synthetic drugs as well as cannabis in this region are increasingly composed of multiple nationalities, including Dutch, Belgian, and German offenders (Spapens et al. 2007, 88-93; Spapens et al. 2016).

1.3.2 The difficulty of cross-border cooperation between authorities

The freedom of movement and associated benefits for citizens (including offenders) as discussed above, can be at odds with a collective strategy of authorities to combat crime: economic interests are not always in line with criminal justice interests. Authorities are only allowed to operate in their own jurisdiction and can only cooperate and share information if legal frameworks are in place. As a result, many cross-border problems are 'hidden' problems, in the sense that what cannot be spotted cannot be tackled (Kleemans & Weenink 2010, 17-34). For example, offenders may benefit from close proximity to the border because they may use the national border as a means to shield off their criminal activities and deliberately spread logistical processes over the different subregions (Spapens & Fijnaut 2005; Nelen et al. 2021). In doing so, they obstruct or evade effective monitoring and enforcement. Evading prosecution, sentencing or deprivation of assets by using national borders is considered a major problem in the Meuse Rhine Euregion (Hofmann & Nelen 2020). Whereas there are ample suspicions of Dutch offenders with a house or business in Belgium and a German car or bank account – and vice versa – authorities are relatively powerless to deal with these issues (Spapens & Fijnaut 2005; Hofmann & Nelen 2020). Despite numerous steps aimed at enhancing cross-border cooperation and information sharing, several challenges still remain. The main reason for this is that authorities in the respective countries of the Meuse Rhine Euregion each have their own regional and national priorities, institutions, organizational culture, and decision-making processes (Nelen et al. 2013). For example, cross-border crime may compete with other local or national crime problems (Kleemans & Weenink 2010). Unfamiliarity among practitioners with each other's respective laws and regulations and competences may lead to mutual

misunderstandings and lacking information-sharing processes (Nelen et al. 2013). Furthermore, non-matching crime definitions and varying work processes may lead to ad-hoc rather than structural information exchange (Kop & Sollie 2011).[11]

The improvement in police and judicial cross-border cooperation has been an ongoing process for some decades already. Cross-border cooperation (and information sharing) between administrative authorities, however, is an entirely new field that will require exploration in the future. The next section provides a brief overview of the history of the administrative approach.

1.4 Towards an administrative approach of OMCGs in the Meuse Rhine Euregion?

The direction towards an administrative approach to complement police and judicial efforts in the fight against OMCG-related crime stems logically from earlier developments in the EU. Although it reaches too far to discuss all the relevant improvements in the field of organized crime policies in the EU, some general developments that have led to the current focus on the administrative approach[12] as a tool to prevent OMCG-related crime in the Meuse Rhine Euregion should be highlighted here.

1.4.1 The European context

Since the 1980s, and especially after the establishment of the European Union in 1992, the fight against organized crime became a more recognized policy item in different member states and the EU as a governing body itself. Over the course of two decades since the establishment of the EU, various conferences were organized by and for member states to discuss the topic of organized crime and subsequent cross-border cooperation between countries, the first large scale analyses of organized crime in the EU were conducted, and several action plans were drawn up (Fijnaut 2015, 576-578). Until December 2009, the EU's policy on organized crime was characterized by intergovernmental cooperation between the member states, whereas since then it has become a shared responsibility of

11 For those interested in crime phenomena present in the Meuse Rhine Euregion, the various types of cross-border cooperation, their respective legal frameworks and bottlenecks, see for example: Hofstede, Faure, Van Twuyver, Kapp, De Vries, Claus & Van der Wel (1993); Spapens & Fijnaut (2005); Van Daele & Vangeebergen (2007); Fijnaut & De Ruyver (2008); Van Daele, Kooijmans, van der Vorm, Verbist & Fijnaut (2010); Bruinsma, Jacobs, Jans, Moors, Spapens & Fijnaut (2010); Rovers & Fijnaut (2011); Nelen, Peters & Vanderhallen (2013); Spapens, Peters & Van Daele (2015); De Middeleer et al. (2018); Hofmann & Nelen (2020); Nelen, Noack & Spapens (2021); Nelen & Hofmann (2021).

12 In the Netherlands called "bestuurlijke aanpak", in Belgium "l'approche administrative", "gewapend bestuur" or "complementair optreden", and in Germany the "Administrative Ansatz".

the EU and its member states (Fijnaut 2015, 572-573).[13] While European member states still remain autonomous when it comes to internal security in their respective jurisdiction, European institutes now have a considerable role in the development, implementation, and evaluation of EU organized crime control policies (Fijnaut 2015, 582-583). Consequently, from December 2009 onwards the Stockholm Programme increased the focus on further cooperation between member states in the field of (especially) serious and organized cross-border crime. Among other things, it highlights cross-border police and judicial cooperation in border regions, the need for exchange of best practices of information-exchange and cooperation, and the prevention of organized crime through complementary (administrative) approaches in particular.[14] The direction of these approaches is therefore mainly inspired by the idea that, in order to prevent (organized) crime, one must block crime opportunities and tackling cross-border (organized) crimes require a collective effort.

1.4.2 The administrative approach of OMCGs in the Meuse Rhine Euregion

In the light of the current study, the concept of the administrative approach can be understood as an approach aimed at "*preventing the facilitation of illegal activities by denying criminals the use of the legal administrative infrastructure as well as coordinated interventions ('working apart together') to disrupt and repress serious and organized crime and public order problems*." (Spapens, Peters & Van Daele 2015, 7). This definition is derived from a first comparative study on the administrative measures in European member states following the conclusions adopted by the Council during the Belgian EU Presidency of the Council of the European Union in 2010 (Spapens, Peters & Van Daele 2015, vii).

The ongoing policy developments regarding cross-border cooperation between member states in the field of serious and organized crime, the raised awareness regarding the benefits of the administrative approach in the EU and the perceived urgency regarding organized crime and public order problems related to OMCGs have contributed to the general idea that OMCGs can and should be combatted by means of a joint public response. In this context, a Europol working conference took place in April 2015 on the topic '*Barriers to Outlaw Bikers'*. Later that year, in line with the 2015-2020 Internal Security Strategy, Belgium presented a proposal to the JHA Council to highlight the problem of OMCGs

13 See Fijnaut (2015) "*European Union Organized Crime Control Policies*" for developments of the organized crime control policies in relation to the constitutional framework of the EU.

14 Stockholm Program: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF paragraph 4.3.

and the need for an EU wide approach (12041/15).[15] In 2016, under the umbrella of the Netherlands Presidency of the Council of the European Union, a questionnaire on OMCG-related problems in the EU was conducted. 20 Member states responded to the questionnaire, of whom 18 reported one or more OMCGs present on their territory. Thirteen member states reported organized crime activities of OMCGs and several also underlined public order and safety-related issues. Twelve member states reported to use administrative measures against OMCGs, although these measures varied between member states. Sixteen member states reported cross-border activities of OMCGs, which included maintaining close contact with OMCG chapters in other countries, having OMCGs with foreign members on their territory, setting up chapters across national borders, and chapters from different countries participating in cross-border criminal activities together. The questionnaire concludes that the information position of administrative authorities as part of cooperation in cross-border cases needs to be improved and emphasizes the importance of operational cross-border projects to identify opportunities and obstacles (Council of the European Union, Note 8641/16, May 10th 2016).

Additionally, a two-day conference called "Working apart together" was organized with the aim to address further cooperation in cross-border cases and to provide insights into the way administrative measures can be applied in the member states.[16] During this conference, the previously mentioned Benelux + NRW progress report called 'Tackling Crime together'[17] was presented. This report underlined the difficulty in uniting nationally or regionally fragmented administrative measures into a uniform legal and operational framework; so that practitioners are aware of what measures are at their disposal and how and, on what grounds, they may share information and cooperate with their colleagues across borders. It recommended to reinforce information exchange between administrative authorities, to create a cross-border barrier model and a pilot project on the topic of OMCGs in the Meuse Rhine Euregion in order to serve as an experimental field for further EU activities with regard to the administrative approach received broad support.[18]

15 See also the European Network on the Administrative Approach (ENAA): https://administrativeapproach.eu, and the European Crime Prevention Network (EUCPN): https://eucpn.org.

16 '*Report – Working conference 'Partners against OMCG related crime'*, distributed to participants of the conference.

17 Benelux + Northrine Westphalia. (2016). *Tackling crime together. The Benelux and North Rhine Westphalia Initiative on the administrative approach to crime related to outlaw motorcycle gangs in the Euregion Meuse-Rhine. Progress report*. Brussels: General Secretariat of the Benelux Union.

18 *Report – Working conference 'Partners against OMCG related crime'*, distributed to participants of the conference.

1.5 Research questions

This introduction has demonstrated that in the past decade, OMCGs have been considered an urgent crime problem by authorities in the Netherlands, Germany, and Belgium and as a result have been dealt with as such. In the light of previous studies calling for a better view on crime phenomena that are perceived as most urgent in the Meuse Rhine Euregion (Spapens & Fijnaut 2005; Nelen et al. 2013), the current dissertation aims to shed light on problems related to OMCGs and the subsequent public response in this specific border region. Equally important, it also seeks to identify the remaining gaps in our knowledge and perceptions of OMCGs. The overarching research question reads as follows: *What is the role of the national borders for OMCG-related crime and the public response of OMCG-related crime in the Meuse Rhine Euregion?* In order to provide an answer to the overarching research question of the dissertation, five sub-questions that do justice to developments and contemporary issues have been formulated:

(1) *How have OMCGs and the public response to OMCGs developed into a zero-tolerance strategy in the Netherlands, Germany, and Belgium?*
(2) *What OMCGs are present in the Meuse Rhine Euregion, with which crimes are they associated and which interventions are predominantly used?*
(3) *What does the public response towards OMCGs entail in the Meuse Rhine Euregion, which authorities are involved?*
(4) *Do practitioners perceive (cross-border) OMCG-related displacement in the Meuse Rhine Euregion, and if so, how?*
(5) *How is crime socially embedded in a case of a local OMCG chapter in the Meuse Rhine Euregion, and how does this relate to transnational crime?*

In seeking an answer to these questions, this dissertation uses various theoretical perspectives (which will be discussed in later chapters); however, there are three central elements that will return throughout the research. Therefore, in order to create a better understanding of the scope of this research, the questions' central elements – OMCG-related crime, the public response, and the national border – will be further delineated and motivated.

1.5.1 Demarcation of the scope of the research

Firstly, the research question implies a search for knowledge on *OMCG-related crime* in the Meuse Rhine Euregion. In section 1.2 it has already been established that the Dutch, German, and Belgian authorities generally have a similar understanding of what OMCGs are. Crimes associated to them often relate to either: barbarian, aggressive acts targeted at

outsiders, or (organized) crimes for the purpose of financial or material gain. However, since OMCGs are a complex phenomenon about which too little is known empirically to make statements regarding what can or cannot be defined as 'OMCG crime', this dissertation uses the term 'OMCG-related crime' to refer to all criminal activities committed by outlaw bikers that are member of an OMCG. This broad formulation stems from the idea that in the effort to understand the phenomenon and the crimes associated to it one should not exclude any activities in advance. As to *which* OMCGs are concerned in this dissertation, several considerations have to be outlined. At the onset of this research approximately 63 chapters were present in the Meuse Rhine Euregion, of which some were part of an international club, some were part of a national club and some were isolated local chapters.[19] Since the focus of the research is on criminal activities and the public response to these activities, the selection of clubs, and chapters has been primarily based on the 'shortlists' of OMCGs created by the respective countries. These shortlists are based on police information indicating their members' involvement in criminal activities. Although the lists are subject to change, at the onset of the research the Netherlands listed the Animals MC, Bandidos MC, Black Sheep MC, Demons MC, Gringos MC, Hells Angels MC, No Surrender MC, Rebel Crew MC, Red Devils MC, Rogues MC, Spiders MC, Trailer Trash MC, Veterans MC, and Waardeloos MC (Dutch National Police 2014, 19).[20] Germany listed Hells Angels MC, Bandidos MC, Outlaws MC, Gremium MC and their respective support clubs (Bundeskriminalamt 2016). Belgium listed Hells Angels MC, Bandidos MC, Blue Angels MC, Outlaws MC, Satudarah MC, No Surrender MC, Mongols MC, and Immortal MC.[21] However, as this research also attempts to examine the *transnational* workings of OMCGs in relation to (cross-border) criminal activities, the OMCGs of particular interest are the large international clubs; which either have a rich international history, or have rapidly expanded in the past years, and which have multiple chapters in the Meuse Rhine Euregion – most notably the Hells Angels MC, Bandidos MC, Outlaws MC, and Satudarah MC.

Secondly, the research question inquires after the *public response to OMCG-related crime*. Traditionally, the police and judicial authorities are tasked with fighting and prosecuting crime. However, as section 1.4 demonstrated, more and more (organized) crime fighting and crime prevention is viewed as a collective effort of the traditional law enforcement agencies and the public administration. As such, the term public response

19 Personal communication, July 28, 2016. Map provided during interview.

20 Although the authors of the Dutch police report mention that '*inclusion on the list does not necessarily mean that the club has been investigated under criminal law and that it has been established that (members of) the clubs engage in criminal activities.*' Each year the LIEC (Landelijk Informatie and Expertise Centrum) publish a progress report which deals with developments, and as such also lists new clubs or deletes old ones from the list once they are not a priority anymore.

21 Personal communication November 5, 2019. Internal documentation provided during interview.

as it is used in this dissertation will refer to the implementation of measures and interventions by judicial-, police-, and administrative authorities (as these are the three key authorities) and their mutual cross-border cooperation efforts in the Meuse Rhine Euregion.[22]

Lastly, since geographical national borders are inherent to the Meuse Rhine Euregion, they are also a central element in this dissertation. The role of the border is predominantly viewed as a crime facilitative factor and bottleneck for judicial, police or administrative cross-border cooperation – as previously discussed in this chapter.

1.6 Outline of the dissertation

This dissertation contains four central parts. The first part consists of this introductory chapter and the next chapter which discusses the methodology (chapters 1 and 2). The second part consists of three substantive chapters which provide a more detailed background on the phenomenon and the public response as described in this general introduction (chapters 3, 4, and 5). The third part consists of two chapters which each address a contemporary issue related to the phenomenon and the response in the Meuse Rhine Euregion specifically (chapters 6 and 7). The fourth, and final, part consists of only one chapter which will formulate an answer to the research question, reflect on the research findings and provide recommendations for future research and responses (chapter 8).

1.6.1 Part 1

The current, introductory, chapter provides a background as to why OMCGs are considered an urgent crime problem by many authorities in the Meuse Rhine Euregion and hence why this phenomenon was selected to explore through a doctoral research. The second (methodology) chapter serves to elaborate on the research strategy, the theoretical frameworks used and the data that was collected and analyzed for this study.

22 Other authorities (e.g. tax authorities, customs, the Royal Military Police in the Netherlands) may also have competences which are relevant in the fight against OMCGs. However, these are generally not included in this dissertation because they are less structurally involved in the public response as the judicial, police and administrative authorities.

1.6.2 Part 2

The second part begins with international and national developments regarding the phenomenon and public response and *zooms in* on the situation in the Meuse Rhine Euregion at the onset of this research.

The third chapter provides a socio-historical overview of the rise of OMCGs in the United States from the 1940s until the 1960s and the foundation and evolution of OMCGs in the Netherlands, Germany, and Belgium from roughly the 1970s until 2010. It will deal with the public perceptions regarding OMCGs and more specifically (1) how they have come to be associated with public disorder and organized crime, and (2) how the competent authorities in the respective countries have responded to this. The main point made here is that, from the 1970s onwards, OMCGs have grown considerably and have become more internationally oriented. Meanwhile, OMCGs have increasingly become associated with organized crime from the 1990s onwards. Due to various internal and external conflicts surrounding OMCGs and their association to organized crime, authorities have become stricter in their approach. The chapter can therefore be viewed as a bird's eye view of the history of OMCGs and the respective responses in the three countries which intersect in the Meuse Rhine Euregion.

The fourth chapter chronologically continues where the third chapter comes to a conclusion. From 2010 until 2016 authorities in the Netherlands, Germany, and Belgium shift their responses to not only (reactively) combat but also to (proactively) prevent OMCG-related crime and disorder in light of a zero-tolerance strategy. More and more, authorities view the associational structure of OMCGs as a criminogenic setting and as such their clubs are no longer facilitated or tolerated. Instead, their activities are actively repressed and prevented by means of zero-tolerance and responsibilization strategies, which encompasses a multitude of government bodies as well as private parties and civil society. With this background knowledge on the development of OMCGs and the public responses, it has become possible to zoom in on the specific geographical area of interest – the Meuse Rhine Euregion. By systematically examining the regional newspaper articles from 2010 until 2016, a first public image can be drawn up from the major incidents, OMCG associations to crime, and implemented measures following the zero-tolerance strategies addressed in the newspapers.

The fifth chapter describes who are involved in this public response against OMCGs in the Meuse Rhine Euregion in practice. It outlines which authorities coordinate the response to OMCGs on a national level and which authorities are involved in the implementation on the regional or local level. This discussion also includes the internal departments and cooperation structures established in the Meuse Rhine Euregion to facilitate cross-border cooperation. The chapter shows that the current public response to

OMCGS is best described as a patchwork of authorities, internal departments, and cooperation structures, with each their own competences to intervene or cooperate.

1.6.3 Part 3

The third part involves an exploration into two contemporary OMCG-related issues in the Meuse Rhine Euregion that follow from the second part of the dissertation. Both chapters also show how the described responses in light of the zero-tolerance strategies take shape in practice. In this respect, both chapters can be viewed as a photo capturing particular elements of the research question. In doing so, both merit a different theoretical 'lens'.

Chronologically, whereas the first part of the dissertation concludes more or less around 2016, from 2016 onwards the attention shifts to the use of bans against OMCGs as a capstone of the zero-tolerance strategy in the Netherlands and Germany. Following this new development, and the patchwork of authorities and measures as previously described, the sixth chapter begins with the Dutch civil bans and their presumed implications. A specific concern addressed by some government officials in the media was the fear for displacement of OMCG-related problems from the Netherlands and Germany to Belgium. The chapter examines whether or not practitioners perceive (cross-border) OMCG-related displacement in relation to their respective responses and what this means for the fight against organized crime. In short, this explorative study has yielded that the interviewed practitioners do perceive spatial, tactical, and 'offender' displacement of non-criminal activities, but no specific crime displacement. This raises the question whether there is no crime displacement taking place, or whether it is not visible to practitioners (e.g. due to lacking (cross-border) information exchange between authorities).

The seventh and last substantive chapter begins with the previously established associations between OMCGs and organized crime and examines how crime is socially embedded in the case of a local OMCG chapter in the Meuse Rhine Euregion and how this relates to transnational crime. The chapter is based on a case study of a large criminal case and shows that most crime committed by the members of the local chapter is rather opportunistic, bound by strong social ties, and mostly occurs within the same country. Criminal club members are encouraged and facilitated by their direct social surroundings. Whereas the club characteristics are sometimes used for the opportunistic crimes, they hardly play a role in the examined transnational organized crimes. These transnational crimes resulted from weak criminal ties between members and external offenders from neighboring countries.

1.6.4 Part 4

The eighth and final chapter of this dissertation deals with several comprehensive reflections as well as limitations based on the insights gathered from the substantive chapters. The different elements of the research question – OMCG-related crime, the public response, and the role of the national border – will be discussed separately before providing a coherent answer to the question '*What is the role of the national border for OMCG-related crime and the public response to OMCG-related crime in the Meuse Rhine Euregion?* Subsequently, this final chapter will draw up some conclusions and points for moving forward.

2 Research approach & methodology

2.1 Introduction

The general introduction demonstrated that there are ample assumptions regarding OMCG members being involved in cross-border crimes; in respect to which the national border, as well as their organizational structure and group characteristics are assumed to facilitate the offenses and hinder the responses. However, hardly any empirical research on this particular topic exists. In an ideal world, one would have access to all kinds of judicial-, police-, and administrative information from the different subregions in the Meuse Rhine Euregion in order to compile a comprehensive crime analysis on the topic of OMCG-related crime and a corresponding analysis of the used measures and interventions. Moreover, one would ideally speak to convicted OMCG members and enquire about their motives and their perception of the national border in the offending process. However, no such systematic data or access to OMCG respondents was available at the onset of this research.

Therefore, an explorative, qualitative approach was followed (Mortelmans 2010, 83-84), which seeks to examine the question: *What is the role of the national border for OMCG-related crime and the public response of OMCG-related crime in the Meuse Rhine Euregion?* The approach is explorative in the sense that it seeks to examine a crime problem which is considered as urgent (as illustrated by the general introduction) but about which hardly any empirical research exists; much less regarding cross-border aspects. Therefore, the current approach borrows from multiple theoretical insights and methodologies in an attempt to understand both the complex phenomenon and the public response in the Meuse Rhine Euregion. These theoretical insights will not be discussed in this chapter as they are too diverse. The *overarching theoretical lens* from which the various insights are derived, however, does provide a valuable perspective into the existing assumptions regarding OMCG-related cross-border offending and will therefore be outlined in this chapter. The qualitative nature of the approach involves the search for knowledge on the nature of offending (rather than the frequencies of offending) and how this is perceived by various actors. In other words: to understand why OMCGs have become such a prominent crime-topic subject to persistent assumptions regarding (cross-border) offending in recent years and what this means for the public response. As can be seen in text box 2.1, the research question incorporates five sub-questions, which are examined by means of a wide variety of theoretical insights, data, and methods. Text box 2.1 also illustrates (as will become clear from the respective chapters) that the empirical studies in part 3 follow from the insights gathered in part 2.

Text box 2.1: Overview of the sub-questions, associated measures and coverage in substantive chapters

<table>
<tr><th colspan="2">PART 2</th></tr>
<tr><td colspan="2">(1) How have OMCGs and the public response to OMCGs developed into a zero-tolerance strategy in the Netherlands, Germany and Belgium?
- Answered via publicly available literature, including popular (auto)biographic literature, policy documents and news reports.
- Covers chapters 3 and 4.
(2) What OMCGs are present in the Meuse Rhine Euregion, with which crimes are they associated and which interventions are predominantly used?
- Answered via media analysis of regional newspapers in the Meuse Rhine Euregion from 2010 until 2016.
- Covers chapter 4.
(3) What does the public response towards OMCGs entail in the Meuse Rhine Euregion, which authorities are involved?
- Answered via literature, policy documents (public as well as internal), explorative interviews, media analysis of regional newspapers in the Meuse Rhine Euregion from 2010 until 2016.
- Covers chapter 4 and 5.</td></tr>
<tr><th colspan="2">PART 3</th></tr>
<tr><td>(4) Do practitioners perceive (cross-border) OMCG-related displacement in the Meuse Rhine Euregion, and if so, how?
- Answered via semi-structured interviews.
- Covers chapter 6.</td><td>(5) How is crime socially embedded in a case of a local OMCG chapter in the Meuse Rhine Euregion, and how does this relate to transnational crime?
- Answered via a case study of criminal case files and additional interviews.
- Covers chapter 7.</td></tr>
</table>

Firstly, this chapter serves to outline the dominant theoretical lens in the OMCG discourse which has influenced the directions of this research. Secondly, it subsequently explains the used methodology to enquire after the certain aspects of the phenomenon and public response in practice. Lastly, the limitations of the applied methodologies in the current research will be discussed.

2.2 Theoretical lens for crime opportunity and opportunity reduction

The overarching *theoretical lens* which has influenced and guided this research is that of *rational choice*. This perspective, although not directly applied in every chapter as a key element, should be briefly outlined here because it serves as a pair of glasses which give direction to the wide variety of theoretical concepts used in this dissertation. The choice for this perspective should be viewed in relation to the societal and policy developments leading up to the current era, which is characterized by a widespread emphasis on individual responsibility and risk-averse governments (as will be elaborated in the following two chapters). Arguably, the popularity of this ideology, the introduced theoretical concepts and implemented crime policies over the past decades cannot be viewed separately; instead, they mutually influence each other. It is important to underline that this overarching theoretical lens and other, more concrete, concepts are not being tested with the collected data, and no new theories are being developed. Rather, the lens and concepts serve to provide an understanding of the phenomenon and responses and to give meaning to the context in which they materialize.

In short, this broad perspective starts with the viewpoint that crime is an outcome of a rational choice of an offender balancing the costs and benefits of a particular crime. This rational choice is bounded by cognitive limitations and emotional arousal. In response, various crime prevention strategies aimed at opportunity reduction have been introduced by the criminal justice system. These strategies seek to influence the potential costs and benefits of a crime by limiting the opportunities available to offenders; for example, by increasing the risks of detection or reducing the rewards from a crime (Cornish & Clarke 1986). The framework therefore mostly concerns *crime opportunity* and *opportunity reduction*. A distinction can be made here between situational opportunities, of which the geographical proximity to national borders is assumed to be a facilitating factor, and social opportunities, of which the associational structure is assumed to be a facilitating factor.

2.2.1 Crime opportunity

How well-guarded our houses and neighborhoods are, how much time is spent at home and how (in)visible our luxuries are, may influence the decision-making process of a burglar looking for a next target. In essence, the routine activity theory suggests that criminal activities are intricately linked to our everyday lives. The opportunity to commit a crime arises when there is a motivated offender, a suitable target, and the absence of a capable guardian (Cohen & Felson 1979). For predatory (street) crimes such as burglary, the presence or absence of these three elements are relatively easy to assess as they converge

in time and space. Rational choice subsequently adds the aspect of offenders deciding whether to become involved in crime and decisions leading up to commit the crime (Clarke & Cornish 1985). This criminal decision making is never completely rational, however, but rather bounded by emotional arousal, limited cognitive abilities or other constraints (Cornish & Clarke 2003).

Applying this crime triangle to organized crime, however, is more complicated. First and foremost because there continues to exist conceptual confusion regarding what constitutes organized crime. A clear, all-encompassing and generally agreed-upon definition does not exist (Spapens, Kolthoff & Stol 2016; Von Lampe 2016).[1] Therefore, the main characteristics are best outlined to create an understanding of what organized crime entails. Organized crime is often associated with particular *activities* (drug production, weapon trade, cigarette smuggling, racketeering etc.) or with particular *groups* (the Italian mafia, Chinese triads, Yakuza, OMCGs, etc.). The aim is often related to either *power or financial gain*. Organized crime materializes when individual criminals who are connected through social ties collaborate in criminal activities; the criminals may operate as equals or maintain relationships of dependency; and there is a rudimentary division of labor (compare for example Kleemans, Brienen & van de Bunt 2002; Paoli 2002; Spapens 2006; Von Lampe 2016).

From the abovementioned list of activities it is clear that organized crime often encompasses not one single criminal activity but rather multiple crime events (Cornish 1994). In addition, organized crime is generally perpetrated by more than one offender. When looking at how *crime* is organized, breaking down the operational steps of a particular crime may lead to the identification of points for intervention. For example, for cocaine trafficking, coca leaves are harvested, cocaine is produced following a number of steps, the intermediate products may have to be transported, the cocaine is smuggled into countries in different ways, after which wholesale and retail distribution may take place. Each of these steps can be broken down and operationalized further (Von Lampe 2016, 61-66).

When looking at how *criminals* are organized, the image of hierarchically structured organizations, enterprises or associations is pervasive (see e.g. Abadinsky 2013). Such organizations, enterprises, or (in the case of OMCGs) associations, may facilitate the underlying processes of offending. When criminals are able to *exercise power* or control (e.g. over a particular territory), capable guardians could be less likely to intervene. They are able, by means of their control, their numbers, and/or active intimidating presence, to induce fear and discourage guardians, or persuade and corrupt them to look the other way

1 For a comprehensive overview of the history, perceptions, manifestations and policies against organized crime, see Von Lampe, K. (2016). *Organized Crime. Analyzing Illegal activities, criminal structures, and extra-legal governance*. Los Angeles: SAGE.

(see e.g. Huisman & Jansen 2012; von Lampe & Blokland 2020). However, due to the nature of organized crime, criminals are rarely organized in rigid hierarchical structures but instead drop in and out of criminal networks (Potter 1994; Klerks 2000; Paoli 2002; Natarajan 2006; Bouchard & Morselli 2014; Von Lampe 2016). When a crime involves more than one offender, it is therefore important to consider offender convergence settings (Felson 2003, 156; 2006): locations which enable illicit cooperation. Such convergence settings can be derived from routine activities and refer to regular meeting places such as work, prison, bars, schools (Eck 1995; Felson 2006, 9) – or in case of OMCGs: clubhouses. This underlines the importance of both *location* and *social ties*. Namely, although organized crime as a process of several crime events often has a transnational nature, it is bounded by local or regional groups of offenders linked by *brokers* (Kleemans, Brienen & Van de Bunt 2002). This is not to say that offenders always actively and rationally seek out co-offenders but rather that (organized) crime may result from social relations established in everyday life, in the offenders' social surroundings. Furthermore, social ties may provide a social opportunity structure in the sense that particular relationships – or membership of an association in which members are involved in (organized) crime – may lead to more profitable crime opportunities and subsequently in a progressing criminal career (Kleemans 2008; Klement 2016).

2.2.2 Opportunity reduction

The three elements necessary for crime to occur – a motivated offender, a suitable target, and the absence of a capable guardian – are also relevant for examining ways to reduce crime opportunities and, in doing so, prevent crime. Perhaps the most well-known framework used to prevent crime is that of situational crime prevention.

This framework provides techniques aimed at influencing the decision-making process (costs versus benefits) of potential offenders by means of manipulating the situational context surrounding an offence. The general idea is that if potential offenders – due to the manipulation of the situation – no longer perceive an offence as attractive but as too risky or costly, they will refrain from committing that offence (Cornish & Clarke 1987). In this respect, offending can be made unattractive by increasing the (perceived) effort, increasing the risk, reducing the rewards (Clarke 1980), removing excuses, reducing provocations (Clarke 1997) and providing alternative opportunities to the crime (Freilich & Newman 2014).

When implementing these techniques it is important to focus on the situational context surrounding a particular offence, as each offence has its own distinctive features. Arguably, the decision-making process for engaging in the theft or handling of stolen motorcycle parts is different from that of hemp cultivation. The former generally requires a motivated

offender, a suitable target, and the absence of a capable guardian at a certain point in time. By increasing surveillance (on the streets, surrounding garages and storage boxes), increasing the difficulty with which parts can be removed or increasing the traceability of stolen parts, the theft and handling of stolen motorcycle parts may become less attractive. Hemp cultivation, however, is a more complex logistic process. As previously discussed, organized crimes often entail a successive series of crime events. Therefore, in order to make hemp cultivation less attractive, authorities may break down the criminal process of this specific offence into various steps (crime scripting, Cornish 1994). In the case of hemp cultivation: a location, plants, specialized (licit and illicit) equipment, as well as a more specific skillset, planning capacities, and possibly a network of helpers and sellers may be required. By implementing preventive measures and carrying out enforcement actions at each step, barriers are raised to prevent or disrupt the completion of the specific offence – e.g. the acquisition of a location or equipment (see Bogaerts et al. 2010, 82). Essentially, by means of raising these barriers to aspects which may facilitate a particular logistical step in the process, crime opportunities can be blocked or limited. As a result, (future) offenders may be thwarted or demotivated to commit a crime.

OMCGs, however, are primarily *social* organizations, which have been closely associated to crime and disorder due to the involvement of criminal members. Therefore, some social crime prevention techniques are worth mentioning as well, since these techniques may also reduce crime opportunities – perhaps even at an earlier stage. As some studies have showed that joining an OMCG may result in members participating in more and more serious crimes (Klement, Kyvsgaard & Pedersen 2010; Klement 2016), reducing recruitment to OMCGs may be a pro-active measure that aims to limit the number of people that will fall in the sphere of influence of such groups; either by means of general programs or programs targeted at specific groups at risk (Bjørgo 2016, 123-125). Another (pre-membership) technique involves establishing clear norms against the acceptance of OMCGs by the broader public and in doing so refusing them the legitimacy and status they desire (Bjørgo 2016, 127; Van Ruitenburg 2020). A measure aimed at limiting crime opportunities (during membership of an OMCG) is that of disrupting association between members through control orders (Ayling 2014). In Australia, anti-association laws have been implemented "*to prevent members from planning and engaging in criminal activities through enabling state control over their associations and communications*." (Ayling 2011, 251). The control order issued by a court entails a prohibition to associate with other specified persons, visit certain places, carry or use certain communication devices or more than a specific amount of cash. It may be imposed on members of organizations such as OMCGs which have been declared a serious organized crime organization by the

Attorney-General (Ayling 2014).[2] One (post-membership) social measure, that is not specifically aimed at preventing opportunities, but is still relevant in relation to OMCGs is that of promoting exit strategies. Such exit strategies for defectors may include protection and support by authorities in exchange for information on the local chapter, club or fellow members' involvement in crime. Furthermore, if several members defect, this may seriously threaten the existence of a chapter or club (Bjørgo 2016, 153-156).

2.3 Data collection and analysis

The data for the current dissertation were collected from March 2016 until December 2019. In answering the sub-questions addressed above either one or different types of data were used. Therefore, the following section will address for each method which sub-question(s) it seeks to answer, how the data were collected, analyzed, and which limitations there are to the use of this method.

2.3.1 Review of literature and policy documents

The literature review is often viewed as a first step in a research process which aims at providing a (structured) overview of academic knowledge on a particular subject. In doing so, one usually addresses gaps in the existing knowledge and contextualizes their own empirical research (Wakefield 2018, 67-68). In this research the review of existing literature and policies mainly serves to provide a first chronological overview of developments on the subject in order to understand the perceived urgency. Literature and policy documents have been the primary source of information for chapters 3, 4, and 5. Jointly, these chapters provide an answer to the following sub-questions:

- *How have OMCGs and the public response to OMCGs developed into a zero-tolerance strategy in the Netherlands, Germany, and Belgium?*
- *What does the public response towards OMCGs entail in the Meuse Rhine Euregion and which authorities are involved?*

2 The Australian anti-association laws and other administrative measures have also been referred to as *pre-emptive* measures, in the sense that they are applied at a stage when a crime is not even imminent. They aim to eliminate the risk or threat of anticipated crimes. See e.g. Van Ruitenburg, T. (2016). Raising barriers to 'outlaw motorcycle gang-related events': underlining the difference between pre-emption and prevention. *Erasmus Law Review, 3,* pp. 122-134. And: Ayling, J. (2017). Combating organized crime Aussie-style: From law enforcement to prevention. In: H. Nelen & D. Siegel (Eds.), *Contemporary Organized crime: Developments, challenges, and responses* (pp. 189-212). Cham: Springer.

The two central elements in these sub-questions involve OMCGs and the public response to OMCGs. OMCGs and OMCG-related crime from an administrative criminological or crime control viewpoint (see section 2.2) are a relatively new topic.

The few existing academic publications about OMCGs before the turn of the century mostly concerned descriptions of the subcultural norms and public image of OMCGs in the United States and Canada. Academic publications or public information on developments regarding the existing clubs in the Netherlands, Germany, and Belgium were scarce. Therefore, in addition to academic literature, OMCG websites, media (via Lexis Nexis), and popular literature were also included to describe major developments throughout the years. With regard to popular literature, one can think of (auto)biographic books of prominent outlaw bikers or books in the 'true crime' genre written by journalists. Furthermore, some government bodies (e.g. the Dutch National Police) have also published reports regarding OMCGs and their involvement in crime based on existing literature as well as their own information in recent years. Research into the public response to OMCGs includes literature on the (joint) efforts of police, judicial authorities and the public administration, their organizational structure, and competences in the field of public disorder as well as organized crime. The academic literature used concerns developments of policies against organized crime and, in relation to that, the administrative approach, the multi-agency approach and cross-border cooperation – the latter especially focused on the Meuse Rhine Euregion. Relevant key words with regard to OMCGs included 'outlaw motorcycle gangs', 'outlaw motorcycle clubs', 'outlaw biker clubs', '(criminele) motorclubs', '(criminele) motorbendes', 'rockerclubs', 'rockergangs', 'rockerkriminalität', 'bande des motards'. Key words with regard to the multi-agency approach or particularly the administrative approach included: 'multi-agency approach', 'integrated approach', 'whole-of-government approach', 'integrale aanpak', 'geïntegreerde aanpak', 'bestuurlijke aanpak', 'administrative Ansatz', 'l'approche administrative'. In relation to organized crime the key words included '(transnational) organized crime', 'georganiseerde criminaliteit', 'georganiseerde misdaad', 'organisierte Kriminalität', and 'crime organisé' in the databases provided by Maastricht University, e.g. Springer, Ebscohost, Heinonline, and using the University library's own search engine. Studies regarding cross-border cooperation were found via the same search engines. In addition, snowballing led to the identification of other relevant publications.

Public as well as internal policy documents and reports are used to describe the stance of the respective governments against OMCGs. For the Netherlands, use was made of the yearly progress reports from the LIEC (National Intelligence and Expertise Centre) from 2014 until 2020. These progress reports discuss the relevant developments in relation to the existing OMCGs (new clubs, clubhouses, conflicts etc.), and the joint multi-agency efforts in any given year (number of clubhouses prevented, criminal cases involving members, implementation of other measures, etc.). For Germany, the Federal report

(*Bundeslagebild*) on organized crime was used, which lists the OMCG-related organized crime statistics. For Belgium, no annual public policy documents on OMCG-related crime exists. Furthermore, House Minutes addressing the problem of OMCGs (often in relation to newly envisaged legislation) in the national parliaments have been collected. During interviews *internal* policy documentation was requested to complement the interview. All internal or confidential documentation used in this dissertation was made available by the various respondents interviewed in light of the research. The documents include presentations and charts on the number of clubs, chapters, and members over the course of the past years, or concept policy plans related to national or cross-border responses, or the practical application of legal tools in different areas of law to combat OMCGs. These documents first and foremost provided more background information and illustrations to the points made by the respondents during interviews and expert meetings. This is why, given the confidential nature of the documents, other sources – if available – were used to illustrate the same point and no references are made to the specific names of the documents when the internal policy documents were used for the argumentation.

Naturally, the downside of such a broad literature and policy document search is that one mostly keeps track of the major developments and the outrageous incidents, which are usually well-documented. The exceptions to these major developments, the nuances, and more ordinary incidents are perhaps less well-documented and subsequently do not make their way into this research. This is further reinforced by the fact that OMCGs remain closed subcultures. They seldomly express their views or provide substantive accounts of their (criminal) workings. Therefore, the (auto)biographic books and documentaries referred to in this research can be viewed as small (personal) fragments of outlaw bikers to a larger theme. Nevertheless, all information combined provides an image of the history and contemporary issues regarding OMCGs and the public response.

2.3.2 Expert meetings, court hearings and explorative interviews

During the research, 14 expert meetings and 16 public court hearings were attended.[3] These events served to get acquainted with (new developments on) the research topics and insights from practice. Moreover, they provided ample opportunity to speak to experts and practitioners in the field. References to these events will be made throughout the research to illustrate certain findings and reflections.

The public court hearings concerned both the national civil cases in the Netherlands and the larger regional criminal cases in the Dutch province of Limburg. Notes were taken during the court hearings and expert meetings. Relevant documentation (e.g. presentations,

3 For an overview of the expert meetings, see appendix I.

hand-outs) of these meetings and hearings were collected when possible. Especially the expert meetings have provided an opportunity to reach out to various practitioners in the field. At the very beginning of the research, in March 2016, the opportunity arose to attend the "*EU Conference on the administrative approach to prevent and tackle crime*" in Amsterdam, as mentioned in the general introduction. The possibility to build a small network of respondents from this conference has provided a further opportunity to attend Benelux + NRW meetings, where the national and regional judicial authorities, police, and public administration of the Netherlands, North Rhine Westphalia, Belgium, and Luxemburg were present and discussed aims for future cross-border cooperation. Some of those present during these meetings were able to assist in arranging interviews with experts in their own country or region. In other words, many of the interviewed practitioners were selected in a pragmatic manner or through 'snowball sampling'. A clear advantage of this technique is that the already interviewed respondent and the suggested candidate are familiar, trusted persons who can alleviate possible concerns regarding the interview. A logical downside to this is that the researcher may be selectively fishing in the same pond if the network tapped into soon reaches its limits (Hennink, Hutter & Bailey 2011, 100-102). The abovementioned advantage can be illustrated by the first personal attempt to interview respondents at the State Police Office (*Landeskriminalamt*) of North Rhine Westphalia; in which a formal request, signed by both supervisors, had to be sent to the office on paper. After repeated attempts to learn the status of the request for an interview there was still no response from the office. At a later stage, a Dutch respondent who had been interviewed in light of this research, proposed to contact the Dutch liaison officer at the State Police Office. Within a short period of time an interview with two experts was arranged. Moreover, the Dutch liaison officer was also present during the interview in order to indicate any similarities or differences between the Dutch and German approach and to help bridge any linguistic difficulties.

In a similar manner, the opportunity to write part of this dissertation at a public prosecutor's office and (informally) speak with prosecutors and policy officers from the strategy and investigations department has contributed to a better understanding of how (cross-border) criminal investigations are carried out in practice. The importance of working at this specific location, attending these expert meetings and court hearings, and talking with the practitioners and public prosecutors for keeping up with new developments cannot be stressed enough.

In total, 16 explorative interviews with 25 respondents were conducted in the Netherlands, Germany, and Belgium in 2016 and 2017; some of these interviews involved one respondent, others involved multiple respondents.[4] The interviews were all semi-structured, which has the advantage of offering a predefined framework, while still

4 For an anonymized list of the interviewed respondents, see appendix II.

offering the respondent ample opportunity to expand on their knowledge, experiences, and perceptions (Hennink, Hutter & Bailey 2011, 108-120). The purpose of the explorative interviews was getting acquainted with the developments regarding OMCGs, the policies, practical implementation of measures and cross-border cooperation in the Meuse Rhine Euregion. Although the research centers on the Meuse Rhine Euregion, interviews with respondents on the national (Germany: State) level as well as the regional and local level were conducted since decisions and developments on the national level may have consequences for the (implementation of) regulations on the regional or local level and vice versa. In order to understand developments on the national level, relevant national authorities were contacted (e.g. Public Prosecution, LIEC, Highsider, Landeskriminalamt North Rhine Westphalia) and in order to understand developments in the Meuse Rhine Euregion, relevant regional or local authorities were contacted (e.g. public prosecutors, police officers, mayors, and policy advisors in the safety and security domain of municipalities, RIEC practitioners). In examining the cross-border approach, practitioners involved in cross-border cooperation departments of the relevant authorities or cross-border cooperation structures were contacted. Oftentimes a respondent who was already identified in an earlier stage of the research was able to provide contact information of a colleague working on the topic in a different organization or region.[5]

2.3.3 Media analysis of regional newspaper articles

A large portion of the data collected in this dissertation comes from various state authorities, either by means of policy documents and progress reports (which highlight the priorities), or interviews with practitioners (which illustrates the implementation). However, as with definitions of crime, these policy priorities are not created in a vacuum but are subject to a social construction process: a crime (that subsequently warrants attention from a wide range of authorities) derives its status not only from its inclusion in the penal code but rather from the definition process as such by various actors – including perpetrators, victims, law enforcement, experts, mass media, and the public (Sacco 1995, 146-148; Barak 2011, 4-8). Similarly, it can be argued, that the social construction of OMCGs as a crime problem depends heavily on the interplay between (1) the policies, laws and regulations conceived by the authorities in charge, (2) the narrative of OMCGs themselves, and (3) the representation of the said crime problem and justice by the media (Koetsenruijter & Burger 2018, p. 131).[6] In this respect, a media analysis helps identify relevant developments in the

5 For a topic list of the explorative interviews, see Appendix III.

6 It can even be said that in some cases the interaction between OMCGs, politicians, the media and the public may develop into a moral panic (as with the mods and rockers; Cohen 2002). This theory of moral panic was not used for the current media analysis, as it seeks to answer a more descriptive question oriented

Meuse Rhine Euregion and shows the 'public image' or representation of OMCGs and the responses.

The sub-question is formulated as follows:

– *What OMCGs are present in the Meuse Rhine Euregion, with which crimes are they associated and which interventions are predominantly used?*

Data collection

Regional newspapers were selected because they generally provide more frequent and detailed information about regional news topics. Four regional newspapers (Dagblad de Limburger, Aachener Zeitung, Het Belang van Limburg and La Meuse) in the three respective countries (the Netherlands, Germany, and Belgium) were selected based on the highest distribution rates in the corresponding province or state. Permission to search the publishers' digital databases was requested and obtained. In light of the demarcation of the research, the names of the largest OMCGs in the Meuse Rhine Euregion were entered into the database's search engines: Hells Angels MC (2500 hits), Bandidos MC (1519 hits), Outlaws MC (715 hits), and Satudarah MC (679 hits). In total, the search provided 1297 newspaper articles covering 323 single identifiable events in the Netherlands, Germany, and Belgium, of which 185 concerned the Meuse Rhine Euregion specifically. The search covered the period from January 1st, 2010 until December 31st, 2016 as the primary objective was to gain an insight into the representation of OMCGs and the public response in recent years.

Data analysis

After the selection of newspaper articles, the codebook was prepared, tested, and finalized by two coders in order to ensure inter-coder reliability (Neuendorf 2002, 142-146; Rourke & Anderson 2004). Subsequent to the finalization of the codebook, the newspaper articles were systematically coded in ATLAS.ti for the OMCGs concerned, the geographical area in which an event occurred, the nature of the OMCG-related activity and the public response. It is important to stress that only single identifiable events were coded since oftentimes various newspaper articles covered the same event.

After this first coding stage, the (criminal) activities associated to OMCGs were attributed to the pre-established category following Quinn and Koch's (2003) criminality typology: spontaneous expressive acts, planned aggressive acts, short term instrumental acts, and ongoing instrumental enterprises. The law enforcement measures were counted and categorized following the most recent situational crime prevention framework (Freilich & Newman 2014): increase effort, increase risk, reduce rewards, reduce provocations,

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towards frequency and nature of the (criminal) activities and responses in the Meuse Rhine Euregion. For a study on OMCGs as a moral panic, see Katz (2011).

remove excuses, and provide alternative opportunities. The abovementioned analysis procedure thus quantifies the (criminal) activities and responses and subsequently takes into consideration the contextual information provided in the newspaper articles in order to attribute the activities and responses to the respective frameworks.[7] To illustrate this point: a conflict between Hells Angels and Bandidos is mentioned several times over a week, e.g. once as a headliner with the basic knowledge immediately available, once with additional background information on possible tensions, and then with a statement from victims, mayors, the legal defense team et cetera, and perhaps at some point there are newspaper articles about criminal proceedings. In order to prevent double coding, only one of the newspaper articles describing the event or law enforcement measure is coded as such. However, in order to assess the crime category or crime prevention effort, all (contextual) information in these articles *together* is considered.

2.3.4 Focused semi-structured interviews

Semi-structured interviews are a qualitative method which provides the researcher with a topic list or guide which consists of logically structured questions or topics but still allows the researcher or respondent to deviate during the interview. It is a dynamic way of conducting an interview and getting information on certain topics in a systematic way whilst also valuing the personal experiences and perceptions of the respondent (Beyens & Tournel 2010, 206-208; Hennink, Hutter & Bailey 2011, 109-120).

Contrary to the explorative semi-structured interviews mentioned earlier, these interviews are focused in the sense that they address the specific contemporary issue of displacement. This issue will be discussed in chapter 6. The sub-question central to this chapter is:

– *Do practitioners perceive (cross-border) OMCG-related displacement in the Meuse Rhine Euregion, and if so, how?*

Data collection

In order to explore this contemporary issue and gain an insight into practitioners' *views and perceptions* on OMCG-related displacement, 19 semi-structured interviews were conducted with 27 respondents from administrative-, police-, judicial-, and legal defense backgrounds involved in the response to OMCGs in the Netherlands, Germany, and Belgium.

The respondents included in these interviews operated on different levels, as policy developments on the national level may have consequences for the (implementation of)

7 For the codebook see Appendix VI.

regulations on the regional or local level and vice versa. The national practitioners were contacted because they were tasked with the national policies and police analyses, e.g. the National Intelligence and Expertise Center (LIEC), as well as the public prosecutors involved in the national cases regarding the club bans in the Netherlands, the Police working group of North Rhine Westphalia in Germany and the Federal Judicial Police service Highsider in Belgium. In the Meuse Rhine Euregion specifically, regional as well as local authorities were interviewed. The regional practitioners interviewed concerned the respective public prosecutors and police officers responsible for the monitoring and prosecution of criminal members. The local practitioners consisted of Mayors and policy officers in the safety and security domain of municipalities who have had OMCGs present within their territory since 2010. Some of the interviewed practitioners were also specifically tasked with questions relating to transnational developments and exchange of 'best practices' regarding the multi-agency approach against OMCGs.

The interviews were semi-structured with a limited number of general topics and ample opportunity for respondents to expand on their perceptions. The addressed topics included: 1) the background and geographical working area of the respondent, 2) the OMCGs active in their area and the measures imposed, 3) what developments in the field of OMCGs as well as the multi-agency approach towards OMCGs have taken place in the eyes of the respondent in recent years, 4) how OMCGs respond to measures implemented under the multi-agency approach, and 5) if respondents have perceived displacement of OMCG-related activities, criminal or otherwise, if they can provide examples, and why they would consider this to be displacement.[8] During the interviews, respondents were asked about their perception of OMCG-related displacement but were not in any way directed to provide examples that would fit into the existing categories. In this regard, the interviews were conducted in an exploratory manner.

Data analysis

The interview transcripts were subsequently analyzed in ATLAS.ti. First, text fragments from the interviews were coded in terms of (1) interventions or measures from the side of the authorities in light of the barrier model, and (2) developments in the OMCG scene or responses from OMCGs or outlaw bikers. With regard to measures, think for example of measures aimed at locations, measures aimed at the image or status, measures aimed at mobility and motorcycles, or a club or chapter ban. As for responses of OMCGs or outlaw bikers, examples include decreased visibility, decreased stability, relocation etc. These fragments were subsequently analyzed on the basis of concept-driven coding (also called deductive coding, see Hennink, Hutter & Bailey 2011, 218-202), i.e. coded with a predefined

8 For a topic list of the focused semi-structured interviews, see Appendix IV.

codebook which essentially follows the displacement framework (for elaboration on this framework see chapter 6). This coding practice is aimed at attributing the perceptions and examples provided by the respondents to the existing categories of displacement.[9]

2.3.5 Case study

A case study is often used to capture the complexity of a particular phenomenon; or if it is difficult to isolate the phenomenon from its conditions and context (Leys, Zaitch & Decorte 2010, 174-176). It concerns a detailed study of a demarcated unit of analysis captured in its own social reality. Case studies are an effective research strategy when the study seeks to answer a) how and why questions, b) when the behavior of those involved cannot be manipulated, and c) the contextual conditions are relevant to the phenomenon under study, which is a contemporary event (Yin 2009, 9-16). Notwithstanding the findings often provide little basis for generalization, it may however, expand and generalize theories. In the current study the purpose is an exploration into contemporary (cross-border) offending on the basis of an embedded[10] case study (see analysis below). This case study can be found in chapter 7 and aims to answer the following sub-question:

– *How is crime socially embedded in a case of a local OMCG chapter in the Meuse Rhine Euregion and how does this relate to transnational crime?*

Data collection

A case study is an intensive approach which requires data from many sources in order to provide a thorough understanding of the subject (Swanborn 2010). Ideally, a case study with the aim of exploring a complex issue like transnational OMCG-related crime uses recent and detailed data since the focus is on *contemporary* offending. Furthermore, recent data has the advantage that the situation at the time, e.g. the developments in the scene, contacts and tensions between chapters, was reasonably well-known through previously conducted exploratory interviews.

Therefore, permission to examine a criminal case involving OMCG-related crime was requested and obtained from a public prosecutor's office located in the Meuse Rhine Euregion.[11] The criminal case at hand targeted 29 offences committed by a network of

9 For the codebook see Appendix V.

10 "*The same single-case study may involve more than one unit of analysis. This occurs when, within a single case, attention is also given to a subunit or subunits. For instance, even though a case study might be about a single organization, such as a hospital, the analysis might include outcomes about the clinical services and staff employed by the hospital (…) No matter how the units are selected, the resulting design would be the called an embedded case study design. In contrast, if the case study only examined the global nature of an organization or of a program, a holistic design would have been used*" (Yin 2009, 50).

11 For which access was granted by the General Prosecutor's Office (*Parket-Generaal*) in the Netherlands.

offenders in and surrounding a local OMCG chapter in the Meuse Rhine Euregion from roughly 2013 until 2015. The case files contained general background information on the OMCG as well as the specific chapter in question, on offenders' personal information and their financial situation, and (if applicable) their criminal record. The case also contained information from the criminal intelligence unit, summary reports of the respective criminal activities, and all underlying investigative reports (investigative interviews with offenders, victims, and witnesses), police observation reports, reports from wiretaps and other audio equipment, and financial reports. In the case of finalized criminal investigations conducted in a neighboring country relating to the current criminal case, the complete case files of the offenders prosecuted in the respective country were also included in the files. Such detailed reports – especially from the application of special investigative powers, e.g. wiretapping and audio equipment – provide information (as extensive and objective as possible) on the offenders, their social ties, and the *modus operandi*. This concerns information that could otherwise not be gathered by using alternative data sources. It should be noted however, that various transnational offences included in the files provided limited relevant information for systematic analysis. According to law enforcement authorities, possible reasons for the limited data regarding these offences include the fact that the focus of their investigations shifted from drug importation and trade to extortion and power display,[12] as well as difficulties encountered with requests for legal assistance and international cooperation. After assessing the transnational offences in the case files, only three provided enough detailed information for further analysis.

In addition to the detailed case files, eight interviews were conducted with police officers and public prosecutors involved in the case and two interviews were conducted with police officers and public prosecutors in similar positions abroad. The interviews with those who had worked on the case provided ample opportunity to ask specific questions regarding the case files, to get background information on the start of the case, its focus and limitations and opportunities for prosecution, and cross-border cooperation. The interviews with the respondents abroad served to broadly ask them about the embeddedness of OMCG-related crime in their respective regions in relation to transnational crime.

Data analysis

The embedded case design allows for a review of the conceptual factors assumed to constitute social embeddedness and influence transnational offending opportunities. The choice for this research design implies that multiple units of analysis may be divided into subunits of analysis which are all nested in the same context (Yin 2009; Swanborn 2010). This allows for a distinction of relevant variables on different levels while still taking into

12 In order to provide evidence for an operational criminal organization with the intent to commit crimes.

account the natural context that influences the units of analysis under research. For the purpose of analysis, a stratified framework with concepts presumed to influence social embeddedness was constructed (Hutjes & van Buuren 1992, 137; see Appendix VII). These concepts were derived from organized crime literature and OMCG-specific literature. The checklist for the analysis of the case files was heavily influenced by the (second and third) Dutch Monitor on Organized crime. It included social ties, offence logistics and binding mechanisms, and incorporates OMCG characteristics. Subsequently, case information regarding these concepts were analyzed following a stratified conceptual framework.[13]

2.4 Ethical considerations

Since OMCGs are a (politically) sensitive topic which deals with personal information from respondents as well as subjects involved in OMCGs, some ethical considerations with regard to the use of this information will be discussed here.

In recent years, some Mayors and other law enforcers have been threatened by OMCG members (EenVandaag 2016, November 2). In light of these circumstances, and the explicit request of some of the respondents not to be mentioned by name, all interviews have been anonymized with the sole exception of mentioning the respondent's (general) position and organization for transparency purposes.

The gathered data in some cases included the names of OMCG members. However, this information was never included in the analysis itself. The current dissertation does not mention these names or any other personal information of OMCG members unless the information is available from public information (e.g. OMCG members' own autobiographies). The reason for this is that although OMCGs, their chapters, their members, and their behaviors are the subject of this study, it was never the goal to specifically analyze data on this (micro) level.

With regard to the case study (see paragraph 2.3.5 above), extra precautions were taken since these case files concern particularly sensitive data on the OMCG members and related family, social, and criminal ties included in the files. For the purpose of examining the social embeddedness of crime committed by members of a local OMCG chapter, the information on abovementioned ties have been included in the analysis but in such a way that the risk of identification of individuals is reduced to a minimum. Therefore, the analysis on the subjects involved (in such a specific cross-border region) may seem abstract at certain points. However this was necessary to ensure the privacy of the individuals concerned. As to the process of gaining and using the data, the researcher and

13 For the checklist and stratified conceptual framework used to analyze the criminal case files, see Appendix VII.

supervisors – in a prior stage to applying for approval to view a criminal case – discussed with the relevant authorities the potential avenues for analysis. Subsequently, a formal letter of approval from the General Prosecutor's Office was requested and obtained. This letter contained specific information regarding the requirements that had to be met in relation to the privacy of the individuals involved. All files on the criminal case were analyzed on site at the public prosecutor's office. Any digital files were made available by respondents through a secure USB stick provided by the public prosecutor's office, which was kept in a safe in the researcher's absence. None of these paper or digital files ever left the office. Any digital personal notes in relation to the analysis were anonymized from the onset. These notes were stored in the safest Virtual Research Environment (VRE) the University had to offer at the time, and were only accessible for the researcher and supervisors. This process of safekeeping of data was explicitly discussed with – and more importantly, approved of by – the relevant authorities, the supervisors, and a privacy security officer of the Faculty of Law. After completion of the analysis, the prospected chapter was sent to the relevant public prosecutor as well as the General Prosecutor's Office to be assessed in terms of privacy and potential damage to ongoing investigations. In terms of data storage, all of the other data gathered, the analyses and drafts have been safely stored in a password-protected folder. With regard to the storage and deletion of data, the guidelines of the Faculty of Law of Maastricht University are followed.

2.5 Limitations and reflections

Each of the data and methods described in this chapter has its own merits and constraints. One aspect that can be viewed both as a merit and a constraint, and which applies to the newspaper and policy documentation as well as the case study, is that it concerns secondary information; the data on which the analysis is based, was collected with a different purpose than the answering of the research question in this particular dissertation. The initial purpose of journalism is to cover a story as it unfolds; the purpose of policy documents often relates to the monitoring and implementation of interventions; and the purpose of criminal investigations is to identify the necessary information to prosecute criminals. Journalists, policy officers, and prosecutors operate in geographically demarcated regions and do not necessarily concern themselves with consequences beyond the national border. This essentially means that this particular data is not influenced in any way by the current research. A potential side-effect, however is that transnational elements (which are particularly interesting for this research) in news coverage, policies or criminal cases may have been devalued by the source in favor of following up on national priorities or practicalities *before* analysis in light of this dissertation could take place. By means of using different data and methods, the limitations associated to individual sources are parried to

some extent. Although the current use of different frameworks, data, and methods cannot be viewed as triangulation in the narrow sense, it does prevent from relying too much on one source of information. It allows for 'double-checking' the information collected and reflecting critically upon the used theories, and as such strengthens the internal validity of the conclusions (Maesschalck 2010, 133-136). Using different sources may also provide the researcher with new vantage points to explore and to get different perspectives on the same event. For example, where newspaper articles may provide an overview of developments, or policy documents may provide a basic argumentation for the responses in relation to the problem, the interviews with practitioners serve as a means to elicit professional experiences and perceptions regarding the problem and response.

It should also be noted that, at the onset of the research, OMCGs were a popular and sensitive political topic. Developments regarding OMCGs as well as the responses followed each other in quick succession. There were several national as well as Euregional high-profile cases and new conflicts or crimes were often met with (a call from authorities for more or) stricter enforcement. In some occasions, this may have influenced either the willingness of practitioners to be interviewed or the eagerness to share information.

Another side effect of the data collection is that the research (unintentionally) focuses more on some subregions than others. Ideally, this dissertation pays equal attention to the various subregions of the Meuse Rhine Euregion in discussing the developments of OMCGs, OMCG related crime, and public responses. However, as will become clear from the substantive chapters, the province of Liège is hardly addressed in this dissertation: the news reports examined suggested relatively few incidents. Respondents interviewed in the context of cross-border cooperation mentioned that authorities in Wallonia (including the province of Liège) were more preoccupied with the problem of radicalization and terrorism than with OMCGs, and that the ideas behind the merits of the administrative approach had not yet 'landed'. Liège was also not well-represented in the early meetings on the Benelux + working group for the administrative approach to OMCGs. The few practitioners that were contacted for an interview in this subregion had not responded or refused to be interviewed. In contrast, most of the interviews were conducted with Dutch respondents. One reason is that Dutch practitioners have a more informal work environment and are relatively open in interviews. In Belgium and Germany, work relationships are generally more formal. In some cases, a formal letter with a request for an interview was necessary, in others practitioners oftentimes needed permission from their superiors to participate and could not share internal documentation. What also contributes to this focus on the Netherlands is the fact that the Dutch authorities publish various policy documents and progress reports on the topic, which provides the researcher with a basis to enquire further in interviews. This is more difficult in Belgium and Germany, where hardly any information on OMCGs is publicly available. Moreover, the Dutch national as well as regional authorities had attempted (and continue) to propagate the

perceived merits of the administrative or multi-agency approach (against OMCGs) abroad – as demonstrated by the translation and distribution of the Dutch barrier model to OMCGs in the Meuse Rhine Euregion. Therefore, the current research may have a bias towards the Dutch situation and interpretation of the public response. Such side-effects are inherent to most research to some extent but should be kept in mind regardless.

Lastly, it should be stressed that this research is mainly a criminological endeavor and not a legal exercise. Although cross-border cooperation and information sharing between authorities is inextricably linked with international, national, and regional laws, regulations and guidelines, this dissertation focuses on the practical reality of the phenomenon and public response at hand. It does not define in detail what powers can be used in the light of the public response in the respective countries, which treaties and regulations exist that may enhance cross-border cooperation, or what the lowest common denominator for cross-border cooperation would be based on all these laws and regulations. Although relevant for the identification of the theoretical opportunities and bottlenecks in cooperation, this dissertation rather focuses on the practically perceived opportunities and bottlenecks. Such (legal) questions, taking into account the legal as well as practical realities of crime control and crime prevention in a cross-border region, merit a study in its own right.

Part 2
OMCGs, OMCG-related crime, the public response to OMCG-related crime and their development in the Netherlands, Germany, and Belgium

3 From bikers to gangsters

On the rise of OMCGs and the development of repressive approaches in the Netherlands, Germany, and Belgium from the 1970s until 2010

3.1 Introduction[1]

In contemporary western society OMCGs have become one of the largest organized crime policy priorities. Governments no longer perceive outlaw bikers as deviant groups with a passion for motorcycles, mechanics, and riding. Instead, they are predominantly viewed as public security threats and criminal organizations due to their intimidating presence and their involvement in drug-, weapon-, prostitution-related, and violent crimes. This chapter examines how OMCGs have become increasingly associated with organized crime and how this has influenced policymaking in the Netherlands, Germany, and Belgium from the 1970s until 2010. The time period after 2010 roughly marks a new time period in which the zero-tolerance strategy is fully employed. This merits its own analysis and discussion in chapter 4.

The basis for the current chapter is a review of relevant literature and policy documents. In addition to the scarce academic literature on OMCGs in this time frame, popular literature (e.g. (auto-)biographies of outlaw bikers and available true crime books) was collected in order to examine the developments in the outlaw biker scene. The available public policy documents on OMCGs, OMCG-related crime, organized crime policies and responses were collected for the purpose of analyzing the stance of the authorities towards OMCGs. It should be noted that there was but little public information available on the developments before the turn of the century[2] and therefore the developments described in this chapter are only indicative of the increasingly repressive stance. This chapter will mainly focus on those clubs which are currently considered the major 'outlaw motorcycle gangs' by the authorities in the respective countries, i.e. Hells Angels MC, Bandidos MC, Outlaws MC, Gremium MC, Satudarah MC. The reason for this is that it reaches too far to review the history of all biker clubs that have existed in the Netherlands, Germany, and

1 Part of this chapter was published as Geurtjens, K., Nelen, H., and Vanderhallen, M. (2018). From Bikers to Gangsters: On the Development of and the Public Response to Outlaw Biker Clubs in Germany, the Netherlands and Belgium. In T. Kuldova and M. Sánchez-Jankowski (Eds.), *Outlaw Motorcycle Clubs and Street Gangs: Scheming Legality, Resisting Criminalization* (pp. 93-122). New York: Palgrave Macmillan.

2 For a comprehensive analysis of the Dutch tendency towards raising increasingly more barriers to outlaw bikers see 'Raising Moral Barriers' by Van Ruitenburg (2020), who included internal documentation from before and after the turn of the century.

Belgium. Smaller, national clubs (oftentimes predecessors) will be discussed in case their organization and activities had a great influence on, or strong connections to, the larger OMCGs.

This chapter takes a bird's eye view by first addressing the international origins, characteristic features, and expansion of the clubs that have served as an example for many other clubs in the Netherlands, Germany, and Belgium who are currently referred to as outlaw motorcycle gangs (OMCGs). Subsequently, the chapter zooms in on the respective countries to examine both the developments in the OMCG scene and policies regarding (organized) crime. These developments are chronologically discussed on the basis of a pre-existing framework from Blokland, Soudijn, and Teng (2014) regarding characteristic time periods. Based on a categorization of policies towards OMCGs in the Netherlands, their framework identifies the following time periods: (1) regulated tolerance towards outlaw bikers during the 1970s and the beginning of the 1980s, (2) a laissez-faire attitude during the 1980s and 1990s, and (3) a repressive stance roughly after the turn of the millennium (Blokland et al. 2014). This framework is expanded by including relevant developments in Germany and Belgium. For each time period, the developments within the (outlaw) biker milieu and the dominant policies regarding outlaw bikers in relation to organized crime in the Netherlands, Germany, and Belgium will be addressed systematically. Subsequently, similarities and differences between the countries will be discussed. In short, the analysis will demonstrate a convergence of the increasing internationalization of clubs and involvement in (organized) crime and an increasingly repressive approach against outlaw bikers.

3.2 The origin, characteristic features, and expansion of OMCGs

The first OMCGs were established in the United States roughly after the Second World War. Since then they have expanded to all continents and become known worldwide (Barker, 2005). Still today, these American-based clubs – like the Hells Angels MC, Bandidos MC, and Outlaws MC – are the most prominent clubs around the world. Although the history of the large OMCGs has been repeatedly outlined by various scholars already, a brief overview of relevant developments on the international level is in place here in order to better understand and interpret the developments in the Netherlands, Germany, and Belgium. It illustrates quite clearly how in the United States the formation of MCs has been influenced by the era of wars and increasing societal insecurities. The evolution and expansion should be viewed as an organic process that interacts with new social and technological advancements (e.g. increasing mobility, globalization and digitization).

As far as the early history of OMCGs goes, Dulaney (2006) identifies three important periods: (1) the preformative period, from 1901 until 1944; (2) the formative period, which lasted only from 1945 until 1947; and (3) the transformative period, from 1948 onwards.

In the preformative period, motorcycles became popular in the U.S. as relatively affordable vehicles and enthusiasts started to form the first small motorcycle clubs (MCs) around long-distance touring and racing (Dulaney 2006, 48). The previously mentioned Outlaws MC was one of the few enduring clubs of that time, as the first chapter, called "McCook Outlaws", was founded already in 1936 in Cook County, Illinois (Dulaney 2006, 48-49).

In the formative period – after the Second World War – the emergence of OMCGs certainly took off as restless (and sometimes traumatized) war veterans sought relief from their past experiences and the societal expectations in leisure activities such as motorcycling (Dulaney 2006, 49-50). They felt in these clubs the comradery and excitement they had missed from the war, something that could not easily be experienced elsewhere in the post-war civil society. Many of the clubs established by veterans and blue-collar workers in the formative period would separate themselves from the American Motorcycle Association (AMA, the AMA being a collective organization aimed at improving the driving conditions, protecting the motorcyclists' rights and assisting and supporting motorcycle racing and competition). In doing so, they organized various tours, races, and events, in which only AMA-members were allowed to compete. In July 1947 the AMA organized a Gypsy Tour during and after which members from various clubs (e.g. the Pissed Off Bastards of Bloomington MC and the Boozefighters MC) as well as non-bikers went into the town of Hollister and "*raced their bikes through the streets of the small town and consumed massive amounts of beer*" (Dulaney 2006, 52). This incident gained large-scale media attention after a report accompanied by a staged photograph of a drunken man on top of a Harley Davidson motorcycle surrounded by bottles of beer appeared in Life magazine. Although the level of disturbance was relatively minor, the stories and images in the media had caused fear and disapproval among American citizens (Austin, Gagne, & Orend, 2010; Barker, 2015: 17-22). The AMA, in the interest of maintaining the image of motorcycling as a family-friendly sport, in response to the incident supposedly stated that 99% of all motorcyclists were decent, righteous bikers. Whereas conventional MCs distanced themselves from the Hollistor riots, clubs like the Boozefighters MC apparently reveled in the deviant image that was created. This event – or myth (Dulaney 2006) – along with other similar incidents around the same time have greatly influenced the emergence of outlaw MCs, that is: of non-AMA sanctioned clubs (Barker 2015).

In the transformative period various other outlaw MCs were founded and spread out their chapters across the United States. A group of members from the Pissed Off Bastards of Bloomington separated and formed the infamous Hells Angels MC. The Bandidos MC were founded in San Leon, Texas, in 1966, and other well-known American OMCGs such

as the Pagans MC, Sons of Silence MC, Vagos MC, and the Mongols MC saw the light of day. The Vietnam war from 1958 until 1975 was another conflict which resulted in many disillusioned veterans of adolescent age retreating in outlaw MCs (Dulaney 2006, 55). At some point, the various outlaw MCs claimed to be the 'one percent' – referring to the alleged statement of the AMA – and subsequently started wearing diamond-shaped 1% patches to truly emphasize their outlaw status (Dulaney 2006, 56-57). During this transformative period, there were increasing news reports on incidents and crimes involving outlaw bikers. Aside from the negative media attention, the outlaw biker image has also been greatly influenced by films, such as The Wild One (1953), The Leather Boys (1964), The Wild Angels (1966), Hells Angels On Wheels (1967), Easy Rider (1969) and others; possibly aiding to the mystique surrounding the outlaw motorcycle clubs (Wolf 1991, 4-7; Ward 2010; Lauchs et al. 2015, 14).

It was in this period that the term 'outlaw motorcycle gang' was introduced by journalist Hunter S. Thompson in 1966, after following and observing the Oakland chapter of the Hells Angels for up to a year. This term was later adopted by local and federal authorities in the United States and spread internationally (Barker 2015, 36-37). With this term OMCGs are clearly distinguished from conventional motorcycle clubs (Barker 2005; Barker and Human, 2009; Quinn and Forsyth, 2009). Contrary to conventional motorcycle clubs which are based on a passion for motorcycles, the joy of riding together, and brotherhood, OMCGs are being increasingly associated with antisocial and criminal behavior (Quinn 2001; Barker 2005; Barker & Human 2007; Quinn & Forsyth 2009; Blokland et al. 2014). They choose to portray a deviant, dangerous, and unpredictable image of being outlaws who do not feel the need to adhere to the values of the established order in civil society (Quinn 2001; Quinn & Koch 2003; Quinn & Forsyth 2009; Lauchs et al. 2015).

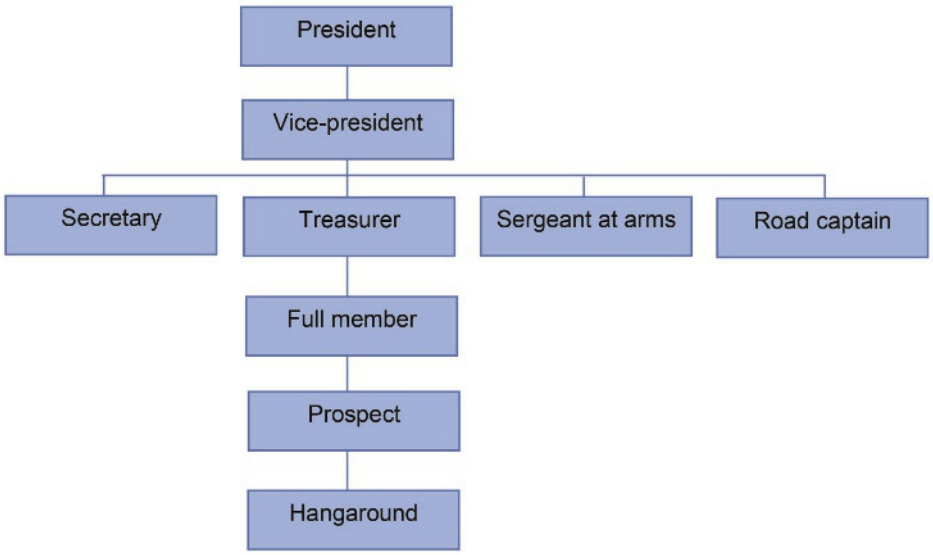
Apart from prosecuting individual criminal members, federal authorities in the United States first took action against the Hells Angels as a *criminal organization* in 1979 under the Racketeer Influenced Criminal Organization (RICO) statute. Although the first attempts by the federal authorities failed as the jury found no proof that the crimes were committed as a part of club policy, various OMCGs – including the Hells Angels MC – have later been prosecuted under RICO successfully (Barker 2015, 37-38).

The central features of these clubs include strict rules, a certain organizational structure, and distinctive club logos accompanied by other club-related patches. These central features that have now become characteristic for OMCGs around the world since many clubs adopted (and some slightly altered) them from how they were first used by the Californian Hells Angels (Barker 2015).

Traditionally, the club rules (and bylaws) and "mores" include: not fighting with fellow members, always supporting fellow members in relation to others, not talking about club business to outsiders, owning, riding, and being able to repair one's motorcycle, but also aspects related to visiting (world) events, voting and the admission of new members (see

e.g. Wolf 1991; Barger 2001). Their organization is hierarchically structured with one 'mother chapter' which generally provides club orders for local chapters and nomads (elite bikers who do not belong to one single chapter, Wolf 1991). Within each chapter there is a president at its head, followed in rank by a vice-president, and other officers such as a secretary (responsible for organizational tasks), a treasurer (responsible for financial tasks), a road captain (responsible for the logistics of ride-outs and runs), and a sergeant at arms (responsible for the internal discipline and rule enforcement). The officers constitute the board of a chapter (Barker 2015). They are followed in rank by the full members, prospects (prospected members who still have to prove their loyalty to and compatibility with the chapter and its members by carrying out tasks), and hangarounds (those who might aspire to become a member one day, but are first getting acquainted with the chapter and finding a full member willing to mentor them into the next stage, Wolf 1991; Barker 2015). For the hierarchical club structure, see figure 3.1.

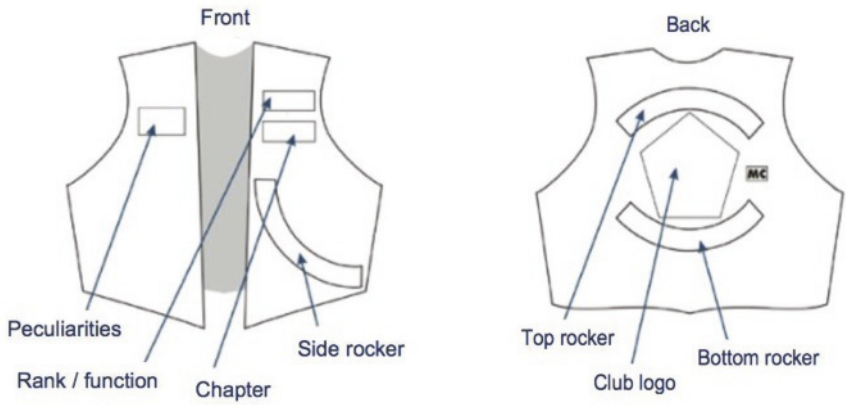
Figure 3.1: Organizational club structure of an OMCG.



The most visible characteristic involves the colors, which refers to the specific logo of a club, e.g. for the Hells Angels a winged skull with a pilot's helmet; for the Bandidos the "fat Mexican" with a sombrero, holding a sword and pistol; for the Outlaws "Charlie" - a

skull with two crossed pistons (Barker 2015, 104-111). These logos are at the center of a member's back, accompanied by a top rocker stating the club's name, and a bottom rocker naming the state, region or city of the specific chapter for full members. Prospects have yet to earn their 'full colors' and may only wear the club and/or chapter's name. On the front of the vest a patch indicating one's rank is located (e.g. president, road captain or one of the other functions described earlier). Prospects and hangarounds may also be identified by a front patch indicating their status (see e.g. Dutch National Police 2014 for examples). See figure 3.2 for a visualization of the vests with recognizable OMCG patches.

Figure 3.2: Front and back patches of an OMCG. Copied and translated from Dutch into English from: Dutch National Police. (2014, p. 82). *Outlawbikers in Nederland*. Woerden: DLIO.



These features make members, and more specifically also their chapter and their rank, instantly recognizable for fellow members, as well as rivals and outsiders – especially when it concerns a large international club such as the Hells Angels. For example, the Hells Angels MC expanded outside of the United States with the foundation of a chapter in New Zealand in 1961, and Australia in 1975. A few years later, Europe was put on the map with chapters in, among others, the United Kingdom (1969), Germany (1973), and France (1981). The first country in South America to welcome a Hells Angels chapter was Brazil in 1984 (other countries followed from 1999 onwards), whereas the first countries in Africa and Asia were South Africa (1994), and Thailand (2012) respectively.[3] Many national and international clubs copied the characteristic features previously described, and various

3 https://hells-angels.com/world.

OMCGs would later be associated to organized crime. In relation to this expansion, Marsden and Sher remark that OMCGs are

> "*the United States' only homegrown contribution to international organized crime. Italy gave the world the Mafia; Asia spawned the triads; Russia and the collapsing Soviet Empire gave birth to the new eastern mob. But America gave the world the bikers.*" (Marsden & Sher 2007, 5-6).

3.3 From the 1970s until the mid-1980s

Whereas the United States had already experienced serious incidents involving major OMCGs like the Hells Angels, Bandidos, Outlaws, and Pagans (Quinn & Forsyth 2011), the European biker landscape was still dominated by relatively small, national motorcycle clubs. The foundation of several small national motorcycle clubs can best be explained against the background of increasing welfare in the period after the Second World War, the increasing influence of the United States in Europe and the emergence of youth cultures. Some of the national MCs formed in this period would later join the previously mentioned international MCs.

3.3.1 Bikers riding out together

In relation to the Netherlands, Van Ruitenburg (2020, 106-111) specifically mentions an increased number of sold mopeds, the receptivity for American music, radio and television – including movies such as The Wild One – and the emphasis on identity and youth (counter) culture. This youth culture involving (mostly) young working-class males in some of the first moped clubs – mirrored after examples like the mods and rockers – served as a breeding ground for later motorcycle clubs (Van Ruitenburg 2020). Clubs like the Rogues MC and the Demons MC were founded in in 1979 and 1982 respectively, making them two of the oldest national clubs in the Netherlands (Dutch National Police 2014). The first Hells Angels chapter was formed in Amsterdam from a group of youngsters previously known as the Kreidler Ploeg Oost. Before assuming the name 'Hells Angels' in the 1970s – without formally asking the Californian Hells Angels for permission – individuals in this group were already known by the police as repeat offenders for disturbance of public order, several violent incidents and thefts. Since they did not fit in with other youth cultures and their needs were not met in the mainstream youth centers in the city, the municipality of Amsterdam decided to endow the Kreidler Ploeg Oost with monetary means in 1974. This money was meant to build a clubhouse in order to facilitate the expression of their own youth culture and avoid problems with the

mainstream youth centers in the city (Van Ruitenburg 2020, 122). In the following 14 years, the group received money for organizing charity events for youth and motorcycle enthusiasts. In 1978, they formally joined the Hells Angels, that is to say, with the formal approval of the American Hells Angels (Blokland et al. 2014, 8; Van den Heuvel & Huisjes 2009, 42-43). The spending of taxpayers' money by the municipality of Amsterdam can best be understood against the background of the 1970s – the era of counterculture (Blokland et al. 2014, 8; Van Ruitenburg 2020). Instead of taking a confrontational stance, authorities sought dialogue with members in order to stay informed about the developments in the biker milieu.

In Germany, although the youth was also organized in moped clubs, some of the largest national MCs at the time were established by American soldiers who were stationed in Germany. An American named Coleman founded the Bones MC together with other soldiers and recruits stationed at the Rhine-Main air base in 1968 (Scheibe n.d.).[4] According to the founder it was merely an idea of motorcycle enthusiasts in the army; the logo – a bony hand holding a cigarette against a black background – was conceived and copied after a similar cartoon warning for the dangers of smoking, which the members had found humorous. Becoming a member was not difficult in the early years, as the most important thing for the club was comradery, loyalty, and riding together (Scheibe, n.d.). These particular clubs rode motorcycles from the beginning, such as BMWs, Indians, Triumphs, and Nortons. According to Coleman (founder and president until 1971) they never had any problems with the (military) police and were largely neglected (Scheibe n.d.). The Ghost Riders MC were established in 1973 by German youth with mopeds alongside U.S. soldiers stationed in Kitzingen.[5] In addition, another Ghostriders MC with origins in Brunssum (the Netherlands) in 1972 – not to be confused with the aforementioned MC – was established in Gelsenkirchen and later expanded further into Germany. In *Ziemlich böse Freunde*, an autobiographic work of the Bandidos founders in Germany, Peter Maczollek similarly mentions that he often associated with the Harlem Boys group in the 1970s, of which the older boys drove mopeds and the young ones joined with their regular bikes. Around 1980 they changed the name to the Devil Snakes and got motorcycles. Both founders emphasize the importance of the law of the streets for their development, rather than watching cult movies like The Wild One or Easy Rider (Maczollek & Hause 2013, 23-31). Gremium MC was established in 1972 in Mannheim. It organized many biker activities throughout the 1980s and 1990s and rapidly grew in number of members and chapters since its foundation.[6] The first Hells Angels chapter in Germany originated

4 http://www.winni-scheibe.com/ta_portraits/bones.htm.
5 http://www.outlawsmc.de/history.htm.
6 http://www.gremium-mc.com/d/history.html.

from the former 'Bloody Devils MC Hamburg' in 1973 but was banned in 1983 (Zeit Online Archive 1986, n.d.).

In Belgium, from the 1970s onwards, relatively small motorcycle clubs dominated the landscape. One club that is nowadays included in the Belgian government's list of OMCGs is the Blue Angels MC, founded in 1978.[7] Originally a national club, they agreed with the unrelated Scottish Blue Angels MC to wear the same colors and thus merge as an international club in 1992. As such, they are one of the oldest 1% motorcycle club in Europe.[8] In the 1970s an indigenous Outlaws chapter was founded in Belgium, which would later join the previously mentioned international Outlaws MC.[9]

In short, the German MCs appeared to be the first of the three countries to be formed. These clubs had direct links to American soldiers, whereas in the Netherlands and Belgium the clubs seemed inspired by the American clubs rather than co-founded.

3.3.2 Regulated tolerance

During the 1970s and 1980s, in contrast to the United States, no organized crime policy existed in the Netherlands, Germany, and Belgium. The German federal police were the first to start exploring the field of organized crime and organized crime groups. In addition, the Hamburg Hells Angels chapter was banned in 1983.[10] In short, although the association's statutory purpose was permitted (namely the preservation and promotion of motorsports in general), the activities of its members were contrary to the criminal law: members were encouraged or obliged to conduct deviant and criminal behavior under the Hells Angels' informal rules.[11] In a large-scale police operation during the early 1980s, involving hundreds of police officers, 80 premises and businesses were raided and 24 individuals were arrested for charges including murder, drug trade, human trafficking, and racketeering (Weisfeld 2013, October 21). However, due to insufficient evidence, it was not possible to elicit an official judgment stating that the Hells Angels constituted a criminal organization (Zeit Online Archive 1986, n.d.).[12] This ban, however, can be viewed as remarkably tough for this specific time period.

In general, OMCGs in Europe shared the same mystique as the original clubs in the United States. Young adolescents and adults, sometimes war veterans or stationed U.S. soldiers, some directly inspired by the American biker movies, others involved in the 1970s

7 https://www.blueangelsmc.be.
8 Since the first Blue Angels chapter was installed in Glasgow already in 1963.
9 https://www.blueangelsmc.be/about.
10 On the basis of Article 9(2) of the German Constitutional Law and §3 (1) of the Association Act.
11 Bundesverwaltungsgericht, October 18th, 1988, NJW 1989, 993.
12 On the basis of Article 129 of the German Criminal Code.

counterculture and known for disrupting the public order, created national biker clubs (Lauchs et al. 2015, 14-17). During these early years, authorities often had an ambivalent attitude toward bikers. This attitude could therefore more or less be assigned to the era of 'regulated tolerance' and 'understanding authorities' (Blokland et al. 2014). Governments generally stimulated young adolescents to express themselves – even if that included the display of non-conforming behavior.

3.4 From mid-1980s until 2000

In the international context, several conflicts or 'biker wars' between the Hells Angels, Bandidos and Outlaws and their support clubs resulted in many deaths and injuries.[13] Authorities often assumed these clashes to emanate from long-lasting feuds over control of geographical territories and subsequently over the command of organized crime in the respective areas (Barker 2015). Quinn and Forsyth go as far as to state that '*constant internecine warfare is one of the most dominant themes in biker life*' (Quinn & Forsyth 2011, 218). In the Netherlands, Germany, and Belgium, the existing indigenous clubs expanded their reach. More importantly however, the internationalization of OMCGs in Europe took flight. This internationalization is demonstrated by a vast number of patch-overs of indigenous motorcycle clubs to international clubs, that is, when one biker club is assimilated into another club and subsequently abandons its old name and colors (Quinn & Koch 2003, 290). The foreign conflicts contributed to the image of outlaw bikers as dangerous and inherently antisocial men who do not shun violence.

3.4.1 Growth and internationalization of clubs

In the Netherlands, Satudarah MC grounded its first chapter in Moordrecht in 1990. Contrary to, for example, the Hells Angels MC, who maintained an all-white policy for a long time, Satudarah was founded by Dutch-Moluccan men and sympathizers,[14] and predominantly included men from different ethnic backgrounds. The playing field now contained internationally established clubs and indigenous clubs. Both grew in numbers during this second period. In order to maintain peace, Dutch biker clubs set up a Council of Eight (*Raad van Acht*) in 1996, which served as a consultative body that supposedly

13 Most notably, the Québec biker war from 1994 until 2002, which claimed far over a hundred lives; and the Great Nordic biker war from 1983 until 1985 and later from 1994 until 1997, with dozens of deaths and approximately a hundred wounded individuals.

14 The Moluccas had been part of the Dutch Indies. Moluccan men who had served in the Royal Dutch military against the insurgence of Indonesia after the Second World War were brought to the Netherlands. There, they had been collectively discharged as soldiers and struggled to settle in society.

decided which club was allowed to wear patches and which club was entitled to which territory (Dutch National Police 2014, 24-25). The Council of Eight consisted of the Hells Angels, Satudarah, Rogues, Confederates, Veterans, Black Sheep, Demons, and Animals (KLPD 2010). According to Henk Kuipers, later a prominent president of No Surrender MC (a club that will be discussed in the next chapter), he and his small 'Harley Davidson Club Zuid-Oost Drenthe' at the time were not being taken serious by the Council of Eight. They were not allowed to wear a three-piece patch and, despite good relations with some Hells Angels members, they were repeatedly threatened in order to take off their patches (Blijboom 2015, 50-54). Crucial in this time period was the dominance of the Hells Angels in the Netherlands. This was further exemplified by the increasing status of the Amsterdam Hells Angels chapter, which soon became known as 'mother chapter' for Europe.

More so than in the Netherlands, the number of national clubs and chapters in Germany grew immensely from the 1980s onwards,[15] which over time repeatedly led to interclub conflicts. Brecht (2019, 40) mentions that clubs were more often concerned about growth, and showing off by strength in numbers, that they cared less for the characters of the people who joined. In other words, quantity was preferred over the quality of the members, i.e. how well they fitted into a particular club and bonded with their brothers. During the 1990s, neutral venues were created and 'roundtables' of regional MCs (similar to the abovementioned Dutch Council of Eight) were established in order to set the rules for everyone (Brecht 2019, 43). Noteworthy patch-overs in Germany included the Bones MC – one of the oldest and most influential clubs in Germany – of which many chapters and members decided to join the Hells Angels MC in 1999 (Scheibe n.d.; Diehl et al. 2014, 81-82). The Dutch-German Ghostriders MC, which existed since 1972, patched over to the Bandidos MC in 1999. In addition, Ghost Riders MC (est. 1973, not to be confused with the former) first expanded their indigenous club to Belgium in the late 1990s, and later, patched over to the international Outlaws MC in 2001.[16]

Due to the fact that the Hells Angels only set foot on the Belgian soil in 1997, and other small biker clubs patched over at a later stage, there had not yet been much attention paid to outlaw bikers by the government. Most biker clubs were still perceived as folkloric and not as criminal organizations. This view changed with the arrival of the Hells Angels, whom the Belgian police started observing promptly; a specialized project group for organized crime called Highsider was set up to monitor OMCGs who founded new chapters

15 In his autobiographic overview of the nineties, Brecht (2019) mentions the Hell Brothers MC, Heaven's Own MC, Grave Diggers MC, Zombie's Elite MC, Caveman MC, Dragons MC, Skull Spider's MC/Scum MC, Condor MC, Lobo MC, Trust MC, Road Eagle MC, and Freeway Rider's MC; Maczollek and Hause (2013, 43) mention – among others – the Free Spirit MC, Motor Tramps MC, Spiders MC, Liberty MC, Devils Advocates MC, and Lonely Rider MC.

16 http://www.outlawsmc.de/history.htm.

in Belgium (Van Daele 2015). The Belgian indigenous Outlaws MC, which had been independent for 25 years, joined the international Outlaws in 1999.[17]

3.4.2 Laissez-faire attitude

Both the Netherlands and Germany had their share of violent crimes involving outlaw bikers in this period (Maczollek & Hause 2013; Blijboom 2015; Brecht 2019; Van Ruitenburg 2020). However, as the outlaw biker scene in Germany was much larger this arguably led to more attention from authorities and the media. In Germany, due to the increasing number of interclub conflicts and public disorder, the attention from media and police rose and a call to intervene grew louder (Maczollek & Hause 2013, 43-45; Brecht 2019). At the same time, first debates regarding organized crime led to parliamentary committees exploring its nature and scope. First assumptions in the discourse regarding organized crime in the European Member States incorporated the idea of mafia-type, hierarchical organizations with strict subcultural mores and division of tasks. Such assumptions were presumably derived from American experiences, as the United States' policy against organized crime was particularly concerned with structured groups such as the Cosa Nostra (Cressey 1969; Fijnaut 1985; von Lampe 2016, 20-25). In Europe, this image was soon debunked for the European context in exploratory reports on the nature and scope of organized crime in the Netherlands, Germany, and Belgium (Rebscher & Vahlenkamp 1988; Dörmann et al. 1990; Fijnaut 1985; Fijnaut & Bovenkerk 1996; Vander Beken et al. 2012, 5; Von Lampe 2016, 37-44). In Germany and the Netherlands, the fear that organized crime groups would infiltrate and exploit economic sectors took hold of policy makers in the late 1980s and the beginning of the 1990s (Fijnaut 1985, 28; Graf 1997, 28-35). The fight against organized crime was viewed primarily as a task of the police, though it was questioned whether the police had sufficient powers to effectively tackle the perceived problems (Fijnaut & Bovenkerk 1996; Huyse 1997; Kleemans 2007). While referring to an internal Federal Police report the German media published that the Bones MC, Ghostriders MC, Ghost Riders MC, and Gremium MC were now listed as "outlaw motorcycle gangs". According to the Federal Police this meant that they were clubs who consciously operate outside of the existing laws, despise civil society, and only accept their own rules.[18] Some of their members had been involved in prostitution, extortion of protection money, drug-,

17 https://www.outlawsmc.be/history.

18 "Der *Bones MC* entwickelt laut einem vertraulichen BKA-Lagebild zur Rockerkriminalität "in Deutschland derzeit zweifelsfrei die meisten kriminellen Aktivitäten". Die Bundesbehörde rechnet den Club zu den "Outlaw motorcycle gangs" Gruppen, die sich in einer Art Gegenwelt "bewusst außerhalb der bestehenden Gesetze bewegen, die bürgerliche Gesellschaft verachten und nur ihre eigenen Regeln akzeptieren"." (Focus Magazin 1999, May 10).

weapons- and human trafficking, as well as stealing motorcycles and motorcycle parts. Additionally, the media reported that, according to an Interpol conference, these clubs maintain real joint ventures with the Mafia and Colombian drug cartels (Focus Magazin 1999, May 10). The Dutch Parliamentary Enquiry Committee concluded that the city of Amsterdam had become an international focal point of organized crime and had addressed the involvement of the Amsterdam Hells Angels chapter in synthetic drugs, weapons trafficking, and extortion (Fijnaut & Bovenkerk 1996, 57).[19] The clubs that posed no (apparent) threat to public order were commonly disregarded. As Van Ruitenburg rightly notes, the authorities in the Netherlands did take an active role in minimizing the disturbance of public order (2020, 152-157) but in doing so also facilitated club-related events of the Hells Angels MC.

Belgium followed its neighboring countries somewhat later, in the 1990s, with a Parliamentary Committee that adopted the organized crime definition as posited by the Federal Police in Germany.[20] In their report, containing first explorative overviews of organized crime manifestations in Belgium, the authors concluded that organized crime was most certainly present and that the consequences should not be underestimated. Nonetheless, they also noted that organized crime had not yet taken the shape of extremely structured organizations such as the Italian mafia or the Scandinavian outlaw motorcycle gangs. The report mentions that there are of course OMCGS (*motorbendes*) on the Belgian territory but they are not considered a main group in organized crime (Coveliers & Desmedt 1998). An action plan was subsequently created to promote research on organized crime in Belgium in order to be able to formulate policy priorities in the upcoming years (Vander Beken et al. 2012). Just before the turn of the century, in 1999, Belgium did have an international scoop: a first instance court assessed a crucial case in favor of the public prosecutor, which attempted to ban the Belgian Hells Angels. The public prosecutor argued that the Hells Angels MC (by means of their violent criminal activities, outward appearance and possession of weapons) pursued to appropriate the power of the state and could therefore be viewed as a private militia.[21] The Court of Appeal overturned this decision in

19 The conclusions of this Committee sparked the City of Amsterdam to launch one of the first administrative approaches to organized crime in order to keep out (alleged) criminal entrepreneurs. Various selected areas and businesses perceived to be connected with or vulnerable to organized crime were screened, and subsequent action taken if necessary (Huisman & Nelen 2014). Arguably, this also had consequences for the activities and businesses of the Amsterdam Hells Angels. But it should be noted that at the time, they were not specifically targeted as an MC.

20 The definition included in the action plan against organized crime of the government reads: 1) the planned commission of crimes, each of which individually or in its entirety are of considerable significance; 2) aimed at profit or power; 3) in which more than two persons involved act together; 4) over a fairly long period of time; 5) with a division of tasks, where: a) commercial structures are used, and/or; b) offenders resort to violence or other means of intimidation and/or; c) the political life, the media, the public administration, the judiciary, or businesses are being influenced (Coveliers & Desmedt 1998, 19).

21 Correctionele rechtbank Gent Court, April 28, 1999.

2000. It found that the Belgian Hells Angels did have a hierarchical structure with internal rules, a uniform and provocative appearance; and that individual members had been involved in criminal activities. However, the Hells Angels could not be considered a manifestation of military troops in the sense of the law, i.e. that the Hells Angels instilled fear in the general public so that they might take over public authority (Arnou 2005, 18-28; Verspeelt 2000, 174-181).[22]

In short, whereas OMCGs were already explicitly mentioned, described, and associated with various organized crimes in some reports during the late 1980s and 1990s (Rebscher & Vahlenkamp 1988; Fijnaut & Bovenkerk 1996), this did not immediately lead to a tougher approach toward outlaw bikers per se. Arguably, the approach to outlaw bikers was still rather incident- or criminal act-based. The approach toward outlaw bikers in this era is therefore best characterized by the 'laissez-faire attitude of authorities' (Blokland et al. 2014). When comparing the countries, it must be underlined that Germany was again the pioneer in terms of systematic analyses of organized crime. From this time period onwards (organized) crime policies became stricter; the scope of criminal law expanded, new laws were introduced, and awareness was raised about the importance of crime prevention (Heinrich 2017).

3.5 From 2000 to 2010

While the 1990s were more or less an exploratory decade with regard to organized crime policy (which slowly but surely generated an overview of the nature and extent of organized crime in society), the 2000s can be characterized as a period in which national authorities further developed their policy structures and started taking firmer action against outlaw bikers. The increase in violent incidents, which were broadly covered by the media, left governments no room to sit back.

3.5.1 Internal and external conflicts

With regard to the developments in the outlaw biker milieu, it should be mentioned that the newly established international clubs sought to maintain and expand their influence by founding new chapters in the respective countries. In the Netherlands, the national Confederates MC and some Demons MC chapters patched over to the Hells Angels, making it the largest OMCG at the beginning of the century. Their dominance soon faded, however, due to various internal conflicts (Dutch National Police 2014). The Hells Angels Amsterdam chapter threw out its president (and founding father back in the 1970s) "Big Willem" van

22 Hof van Beroep Gent, May 2, 2000.

Boxtel in bad standing in 2004. The members suspected that their president planned an attempt to have 'friend of the club' and Dutch crime boss Holleeder murdered. In the same year, three Hells Angels Nomads members and associates had allegedly been murdered by their own 'brothers' over a stolen cocaine shipment (Schutten, Vugts & Middelburg 2004; KLPD 2010). However, all suspected Hells Angels members were acquitted by the Court of Appeals, since the Court could not establish which person(s) fatally wounded the victims (Blokland et al. 2014, 7).[23] In 2004, the Trailer Trash Travellers MC were founded, which patched over to Satudarah MC in 2009 while keeping the 'Trailer Trash' bottom rocker. Later, some of the members decided to return to their original motorcycle club (Blokland et al. 2017b, 97-98).

Especially in Germany, feuds between the rivaling Hells Angels MC and Bandidos MC grew intense. Several high-profile cases took place in the late 2000s. For example, a Hells Angel was shot by two Bandidos members in Ibbenbüren in 2007 (Diehl et al. 2014, 9-10). In 2009, an attack on a convoy of Hells Angels members by Bandidos members left several wounded in Finowfurt; there was an attack on an Outlaws president in Stetten by two Hells Angels members; a Hells Angels member was murdered in Berlin-Hohenschönhausen; there had been a deliberate collision with a Bandidos member by a Hells Angel on the highway; a Bandidos member had been murdered by a Hells Angel in the Duisburger red light district; multiple shots had been fired at a Hells Angels member in Usingen; and a Hells Angels prospect had been attacked by two Bandidos in Erfurt (Diehl et al. 2014). In addition, fifty members of the Hells Angels forced their way into a Bandido restaurant in Duisburg called 'The Fat Mexican' and fought with Bandidos members. A few hours later, a hand grenade – which did not detonate – was thrown into a Hells Angels clubhouse in Solingen (55kms from Duisberg) and shots were later fired at a Bandidos clubhouse in Essen (25kms from Duisberg; KLPD 2010, 111-112). Many of these (interclub) fights in the Ruhr area were assumed to be related to control over organized crime in the area: it was a public secret that various OMCGs – including the Hells Angels MC and Bandidos MC – were present in nightlife industries such as prostitution businesses and security services (Diehl et al. 2014, 74-90). In February 2010, the Berlin 'Centro' chapter of the Bandidos MC defected to their rival club the Hells Angels MC – something that would not have been possible in earlier years (KLPD 2010, 112). Three months later, the presidents of the Hells angels MC and Bandidos MC shook hands and stated to be committed to peace in front of all the media that had gathered to witness the reconciliation (Maczollek & Hause 2013, 189-192).

In Belgium, national clubs such as the Long Riders MC and Snake Riders MC had been involved in several small incidents. The international clubs such as the Blue Angels MC,

23 Gerechtshof Amsterdam, June 15, 2007. ECLI:NL:GHAMS:2007:BA7689. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHAMS:2007:BA7689.

Hells Angels MC, and Outlaws MC, however, gained attention over more serious offences. For example, three Outlaws members were accused and convicted for a murder in their own ranks in 2005 (Het Laatste Nieuws 2011, February 17). In relation to inter-club conflicts, a few dozen Outlaws members forced themselves into a club of the Red Devils MC (a support club of the rivalling Hells Angels), wrecked the place and engaged in physical violence against the Red Devils members in 2007. Two years later, the clubhouse of a Hells Angels chapter was shot at, presumably by another OMCG (KLPD 2010, 110).

3.5.2 Repressive stance

The approach to outlaw bikers during the 2000s was predominantly based on criminal law – characterized by several high-profile criminal cases – and attempts to ban OMCGs.

In the Dutch context, several high-profile incidents marked the turn of the century. One concerned a case where a Hells Angels full member, a hangaround and two friends were killed in a sex club after a heated argument between the hangaround and the bouncer of the club in Haarlem in 2000. Another was the intimidation and physical abuse of two tv-show hosts by Hells Angels members who demanded them to apologize for having called the club a criminal organization in previous broadcasts and slandering and disrespecting (fallen) members. A year later, the authorities cracked down on the Hells Angels MC and found a machine-gun, three handguns with ammunition, a gun silencer, 74 bullet cartridges, 21 shell bullet cartridges, five cans of teargas, pepper spray, illegal fireworks, three MDMA pills, and 1.82kgs of hashish (Van Ruitenburg 2020, 162-163).[24] Without question the Hells Angels Nomads murders in 2004 and their aftermath had a huge impact on the depiction of outlaw bikers as alien others and the shaping of further policies. In the wake of this case and other violent incidents the Dutch public prosecutor's office and the police raided the clubhouses more often. In 2007, an attempt to have the Hells Angels declared as a criminal organization in a criminal case failed because the public prosecutor's office omitted to delete confidential telephone conversations between the defendants and their lawyers. The case was deemed inadmissible by the court and was never substantively addressed.[25] Other attempts to ban Hells Angels chapters in civil proceedings (Amsterdam, Nomads, Harlingen) failed. The courts argued that the individual criminal acts were not grave enough to justify a ban: they did not prove to be carried out

24 Rechtbank Amsterdam, April 11, 2007, ECLI:NL:RBAMS:2007:BA2761. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBAMS:2007:BA2761.

25 Hoge Raad, July 12, 2011, ECLI:NL:HR:2011:BP2720. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2011:BP2720; Article 140 of the Dutch Criminal Code.

on a large scale and in an organized manner in such a way that it would benefit the club.[26] The Supreme Court ruled that the conduct of individual members could not be attributed to the legal entity (in practice: the club) if the leadership did not purposefully provide the opportunity for that conduct.[27] With these rulings, similar to the Belgian Court of Appeals in 2000, the Dutch courts underlined the importance of the right to association. Regardless, a Dutch police report mentions that although these cases have not led to the desired result, the dominance of the Hells Angels had evidently been weakened – which in turn may have provoked the emergence of other clubs (KLPD 2010, 83). While the Dutch authorities still mainly utilized a repressive stance against OMCGs, at the same time several pilot projects with administrative and multi-agency approaches in the fight against organized crime took place in the broader context of crime policies. This development will be more thoroughly discussed in the following chapters.

In Germany, the continuing feuds between the Hells Angels and Bandidos dominated the outlaw biker landscape and resulted in many criminal cases. Additionally, annual reports by the federal police agency started categorizing OMCGs as organized crime groups from the 2000s onward (Bundeskriminalamt 2000, 2005-2015). Nearly all of those reports mentioned the number of organized crime cases[28] and emphasized the involvement of outlaw bikers in nightlife-, drugs-, weapon-related, and violent crimes. In this regard, especially the Hells Angels were viewed as a group of organized criminals: they included brothel operators and game hall owners with their own security firms and were allegedly involved in drug- and weapon trafficking (Bundeskriminalamt 2006; Diehl et al. 2014). Two chapter bans were issued in Germany during the 2000s. Hells Angels Düsseldorf was banned in 2000[29] and the Bandidos support club Chicanos Barnim was banned in 2009 (Ministerium des Innern Brandenburg 2009). Additionally, the Bandidos probationary chapter Neumunster and Hells Angels chapter Flensburg were banned in 2010 (SHZ 2012, November 14).

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26 Rechtbank Amsterdam, April 11, 2007, ECLI:NL:RBAMS:2007:BA2761. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBAMS:2007:BA2761.
Hoge Raad, June 26, 2009, ECLI:NL:HR:2009:BI1124. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2009:BI1124.
Gerechtshof 's Hertogenbosch, April 25, 2008, ECLI:NL:GHSHE:2008:BD0560. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHSHE:2008:BD0560; Article 2:20 of the Dutch Civil Code.

27 Hoge Raad, June 26, 2009, ECLI:NL:HR:2009:BI1124. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2009:BI1124.

28 In 2004, there were 11 organized crime proceedings involving OMCGs; in 2005, 13; in 2006, 18; in 2007, 19; in 2008, 15; in 2009, 21; and in 2010, 35 (Bundeskriminalamt 2005-2011).

29 Verbot von Vereinen MC Hells Angels Germany Charter Düsseldorf Bek. D. Innenministeriums v. 25.01.2001 – IV A 3-2205. Retrieved from https://recht.nrw.de/lmi/owa/br_bes_text?anw_nr=1&gld_nr=2&ugl_nr=2180&bes_id=589&val=589&ver=7&sg=&aufgehoben=N&menu=1.

In Belgium, similar to the Netherlands and Germany, although the attempt to ban the Hells Angels failed, the police appeared to crack down on OMCGs more often. For example, three Hells Angels members (of whom two Dutch nationals) were convicted for the international transport of 100kg of hashish in 2005 (KLPD 2010, 99), and another Belgian Hells Angels member was convicted in 2009 for the trade in 150kg of cannabis and 13kg of amphetamines. Additionally, a large-scale police raid in 2010 resulted in the discovery of weapons, a hemp plantation, and a potential synthetic drugs laboratory (KLPD 2010, 110).

As authorities determined that some outlaw bikers were involved in organized crimes and that members repeatedly demonstrated a clear willingness to use violence against each other, they implemented a more punitive 'tough-on-bikers' approach. As is evident from the discussion of this particular time period, this approach is characterized by more commonly carried out raids of clubhouses, criminal cases, and attempts to ban chapters. National as well as international clubs came in sight of police authorities due to the public's attention for several high-profile cases and the subsequently increased visibility of the clubs. Therefore, this period can indeed be seen as a first outing of the 'repressive stance' (Blokland et al. 2014) and a further build-up to the subsequent zero-tolerance approach for all three countries.

3.6 Role and meaning of national borders

From this socio-historical overview it appears that the first and foremost role of the national border pertains to possibilities for expansion of clubs. But one other reflection regarding cross-border activities in the last time period comes to mind: around the turn of the century, the Hells Angels MC were the supreme club in the southern part of the Dutch province of Limburg and, as such, would not tolerate any rivalling motorcycle clubs. During this time, a small group of Dutch men in the region were part of a German Bandidos chapter just across the national border. In order to avoid problems with the Dutch Hells Angels – who specifically forbade them to wear any Bandidos-related insignia in the Netherlands – they would therefore supposedly stop their motorcycles after passing the Dutch-German national border on their way to club parties and meetings, in order to put on their colors (respondent 13; respondent 29). It is this German Bandidos chapter led by Dutch nationals, which at the same time was characterized as a transit chapter for large amounts of drugs. These drugs came in from the Netherlands and were subsequently distributed throughout Germany and Scandinavia. Various members – including the aforementioned Dutch nationals – were convicted for these offences in 2005 and sentenced to years in prison (Diehl, Heise & Meyer-Heuer 2014). It is striking that while the same members casually imported large amounts of drugs into Germany for several years, at the

same time they seemed to worry about repercussions from the Hells Angels regarding the visibility of their club colors in the Netherlands. This anecdote therefore illustrates quite clearly how national borders can also be viewed as a broader social construct from which outlaw bikers may derive certain meanings in different situations.

3.7 Discussion and conclusion

This chapter sought to provide an overview of socio-historical developments in the field of OMCGs, and the implemented approaches related to OMCGs in the Netherlands, Germany and, Belgium. In doing so, the pre-existing framework from Blokland et al. (2014, 7) was used. This framework distinguishes between a first period in which the phenomenon of OMCGs emerges and the authorities generally demonstrate an understanding attitude; a period of growth in which the authorities adopt a laissez-faire attitude; and a period of unrest followed by repression.

When extrapolating this framework to the developments in Germany and Belgium, it is evident that, although the developments in the time periods in the respective countries overlap to a large extent, there are several noteworthy differences. The first is that German authorities generally appear to have taken a more critical stance against OMCGs ahead of the Netherlands and Belgium. Many national clubs in Germany were founded and greatly expanded already during the seventies and early eighties, which at times resulted in inter-club conflicts. Arguably, this has led to increased police attention for OMCG related crime early on. Due to the various conflicts over (presumed) influence in prostitution, drugs, and security services related to nightlife businesses, the German Federal Police warned for the danger of a bikerwar as early as the nineties (*Rockerkrieg*; Focus Magazin 1999, May 10). When reflecting on the first discussions regarding organized crime policies, it was also Germany which came with a definition and explorative studies, followed by the Netherlands and finally Belgium. And lastly, although it was an isolated case, the Hamburg Hells Angels chapter was already banned in 1983. Another, similarly isolated, case in Belgium was the attempt at banning the Hells Angels MC as a private militia in 1999.

Blokland et al. (2014) argued that, from the turn of the century onward, a period of unrest led to an increasingly repressive approach in the Netherlands. From the earlier discussion of the developments in Belgium, and especially Germany, it is evident that the same is undoubtedly true for these countries. Various small clubs, and even large national clubs, joined the infamous international OMCGs. They brought with them the ongoing feuds with other individuals and clubs; but especially the international rivalries between the Hells Angels and Bandidos, and Hells Angels and Outlaws were presumed to have further deteriorated the relations. It is therefore ironic that it was mostly several internal affairs in Dutch Hells Angels chapters that led to the demise of their own hegemony and

consequently the emergence of other clubs. As for the increasing association between OMCGs and organized crime, it can be argued that from the nineties onwards the authorities were already generally alerted by the reports providing first insights into outlaw biker involvement in drug- and prostitution-related offences. Their self-made image had always included a hedonistic and violent lifestyle involving drinking, drugs, sex, and outrageous behavior. Due to the connections of various members in nightlife businesses it was only a matter of time before outlaw bikers – and by extension their respective OMCGs – were increasingly viewed as orchestrators and facilitators of these activities – e.g. by engaging in drug-, weapon- and human trafficking or extortion of protection money of clubs and bars.

While discussing the turn from generally "understanding" governments to "repressive" governments two general reflections are in place.[30] One is the often referred to dramatic changes in crime control ideas. Generally speaking, policies in the 1970s and 1980s could roughly be characterized as socially respective and oriented toward stimulating individual freedoms, including those of countercultures. Crime policy was not yet a prominent topic on the political agenda; there was a tendency toward liberalization of criminal law and offending was primarily perceived as a consequence of unfortunate economic and social circumstances. Thus, offenders were conceived of as needing help from social service and penal professionals. Governments had faith in the viability of society and its citizens through social integration, regulation, and rehabilitation and training of convicts (Garland 2001, 46-47). These crime control ideas have changed considerably over the past decades and have become more oriented towards upholding order and authority through deterrents and disincentives. As offenders have become viewed as more or less rational agents – rather than victims of their social circumstances in need of a helping hand – the police have become more and more central to crime-reduction strategies; either through repression or general prevention (Garland 2001, 187-188). Repressive instruments have become the status quo because they are "*immediate, easy to implement and can claim to 'work' as a punitive end in themselves even when they fail in all other respects*" (Garland 2011, 200). It could be argued in this respect that the perception regarding OMCGs changed as organized crime policy began to take shape by the end of the twentieth century and organized crime became a container concept for mainly drug- and prostitution-related crimes. Because it was precisely these markets of illegal (or in the Netherlands: regulated) pleasures in which outlaw bikers were predominantly present (and which they occasionally successfully exploited), it may be so that they have become increasingly associated with organized

30 E.g. the first Dutch Hells Angels in Amsterdam were endowed with funds for their own clubhouse, the Belgian clubs were predominantly viewed by authorities as folkloric, and the first German national clubs were largely neglected by (military) police. Later, the MCs were subject to an increasing number of (attempted) club and chapter bans, and criminal investigations into violent conflicts as well as organized crime committed by their members.

crime and viewed as a criminal group that should be dealt with accordingly. Repressive policies on organized crime – and those involved – would have few opponents.

A second reflection is that, although the government's stance has indeed changed over the past decades, presumably so has the OMCGs' composition. That is, it may have been so that the authorities facilitated or turned a blind eye to some of the activities of the earliest national clubs. But these often started out as small moped clubs (mopeds were relatively affordable compared to motorcycles) consisting of young adolescents in an era of secularization and the emergence of many subcultures and countercultures (Van den Heuvel & Huisjes 2009; Maczollek & Hause 2013; Blijboom 2015). These youngsters, however, eventually grew older. In addition, some admission policies of MCs later required a prospected member to have reached the age of 21 (e.g. Hells Angels; KLPD 2010, 45-46). Also, the more expensive motorcycles became the status quo in MCs – and for some, owning a relatively costly Harley Davidson was a prerequisite for joining. The purchase and maintenance of a motorcycle, parts, gear, and the commitment one is required to show to one's club in the later decades would not have been a low-cost hobby in terms of both money and time. In other words, there was a higher threshold for youngsters to join. Therefore, it is likely that the average age of outlaw bikers was already higher in the 2000s. One empirical study in the Netherlands found that the average age of OMCG members in 2015 was 42.6 years, and the average age of members of a support club was 39.5 years, with only respectively 12,1% and 27,1% of the members being younger than 30 (Blokland, van der Leest & Soudijn 2017a, 46).[31] So, one may question how realistic it is to expect an understanding government similar to that of the 1970s when rowdy behavior and criminal activities of adults are concerned. Undoubtedly, there are different expectations in the behavior of youngsters in their teens and early twenties versus adults after reaching their thirties and forties: whereas authorities may expect or at least understand youngsters to oppose the status quo, surely, they expect adults to behave as law-abiding citizens – regardless of societal changes in crime control ideas.

To conclude this chapter, there has been a clear converging movement of increasing internationalization of clubs and members involved in violent conflicts and organized crime, and increasingly stricter and more repressive approaches by police and judicial authorities.

31 For the researched members of OMCGs, N=1617, for the researched members of support clubs, N=473 (Blokland, van der Leest & Soudijn 2017a).

4 Towards a zero-tolerance strategy against OMCGs

In the Netherlands, Germany, and Belgium, and its implications in the Meuse Rhine Euregion from 2010 until 2016

4.1 Introduction*

The previous chapter provided a bird's eye view of the socio-historical developments of OMCGs and subsequent crime policies in the Netherlands, Germany, and Belgium. On the basis of a pre-existing categorization of time periods it was argued that policies towards OMCGs in these countries have become increasingly repressive as the OMCGs have become more international, more often associated with organized crime, and more often involved in internal and external conflicts. This repressive approach – primarily focused on criminal investigations and prosecution – which was predominantly enforced by the police and judicial authorities in the previous decades, was later deemed inadequate to tackle and prevent OMCG-related crime.

Therefore, whereas the framework of Blokland et al. (2014) discontinues from roughly the 2010s onwards, mentioning some successes for the Dutch public administration in tackling OMCG-related events and crime, this chapter will argue for the introduction of a fourth, additional, time period. This time period centers on the development of a zero-tolerance strategy in the Netherlands, Germany, and Belgium from 2010 until 2016.[1] This new time period is characterized by the increasing implementation of a multi-agency approach and responsibilization of the public. In this period, authorities increasingly turned to alternative (administrative, fiscal) measures complementary to criminal investigations and prosecution in order to effectively prevent and tackle OMCG-related

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1 The time period from 2010 until 2016 was selected in 2017 as this marked the beginning of the study regarding the socio-historical overview of developments concerning OMCGs and the public response, and the data collection for the media analysis. In the conclusion of this dissertation, some general reflections will be made regarding developments from 2017 onwards.

crime. With the implementation of this zero-tolerance strategy the convergence of internationalization of OMCGs, and members being involved in violent conflicts and organized crime, and the increasingly stricter policies, as proposed in the conclusion of the previous chapter is complete. That is to say, whereas previously criminal members found themselves the topic of various criminal investigations, and some chapters were successfully subjected to bans, outlaw bikers now find their entire way of living under scrutiny. It is not just the criminal activities which raise the interest of the authorities but also the non-criminal activities – which are assumed to be a potential catalyst or opportunity for offending.

This chapter chronologically follows up on the previous one. It can be read as two halves which both demonstrate and illustrate the zero-tolerance strategy against OMCGs in this time period. The first half will address the developments in the field of OMCGs and the implementation of a zero-tolerance strategy in the Netherlands, Germany, and Belgium. The second half of this chapter will zoom in on the Meuse Rhine Euregion specifically and discuss relevant developments on the basis of an analysis of regional newspaper reports from 2010 until 2016. The relevant newspapers included Dagblad de Limburger, Het Belang van Limburg, La Meuse, and Aachener Zeitung; relevancy being based on the highest distribution rates in the respective subregions. This media analysis focused on the most prominent OMCGs present in the region, namely the Hells Angels MC, Bandidos MC, Outlaw MC, and Satudarah MC. The analysis was conducted in the qualitative analysis program ATLAS.ti and resulted in 185 single identifiable events regarding (1) OMCG activities, and (2) measures against OMCGs in the Meuse Rhine Euregion. Central to the second part of this chapter is what categories of crimes the most prominent OMCGs are associated with and what measures under the zero-tolerance strategy have been imposed.[2]

4.2 Rapid Growth of OMCGs and continued feuds

From 2010 until 2016, there has been a rapid growth of the number of members, chapters and clubs in the Netherlands, Germany, and Belgium (Dutch National Police 2014; Het Laatste Nieuws 2015, June 6; Schwerdtfeger 2015, October 15). Before 2010, the strict admission policies – involving a hangaround and prospecting stage of at least a year – were viewed as one of the main characteristics of OMCGs. However, from 2010 onwards, it has been argued that the high influx of members may have been caused by more lenient admission policies; persons without a motorcycle or a license to ride a motorcycle were suddenly admitted to large clubs. Moreover, membership used to be 'for life' and therefore one could not simply decide to quit. After consultation with the club and mutual consent

2 For more information on the codebook, see Appendix VI.

a member is allowed to leave the club in 'good standing', indicating that he is still on friendly terms with his fellow members but is no longer part of the club. In case of severe club rule violations or damaged trust a member can be thrown out in 'bad standing', indicating he will have to remove his club-related tattoos and patches, and is considered an outcast (KLPD 2010, 40). In addition to the changed admission policies it appears to have become relatively easy to drop out or even switch clubs without negative consequences (Blokland et al. 2017c) – seemingly demonstrating a 'quantity over quality' attitude.

4.2.1 The Netherlands

In the Netherlands OMCGs and their support clubs grew from approximately 31 chapters in 2011 to approximately 105 chapters in 2014 (Dutch National Police 2014, 128-129). National progress reports over the years 2015 and 2016 have mentioned a further increase, but do not provide an estimation (LIEC 2015; 2016). A relevant development that has been associated to this steep increase in the Netherlands has been the disbanding of the Council of Eight. This Council – as discussed in the previous chapter – was comprised of the various Dutch MCs who deliberated on important topics such as the approval of new clubs. In 2011, Satudarah MC either left the Council or was thrown out after they had refused to cut friendly ties with a German Bandidos chapter as was ordered by the Dutch Hells Angels. Two years later the Council was disbanded (Dutch National Police 2014, 25). The Hells Angels MC grew considerably in 2011 by patching over the national clubs Confederates MC and part of the Demons MC (Dutch National Police 2014, 93). The Dutch club No Surrender MC was founded in 2013, and in 2014 welcomed the prominent Satudarah MC national Henk Kuipers along with several other Satudarah members (Dutch National Police 2014, 101). The club almost immediately expanded its sphere of influence internationally to approximately 40 to 50 chapters around the world (No Surrender MC website 2017). The internationally known rival of the Hells Angels, Bandidos MC, established their first chapter in the Netherlands in 2014. This chapter was also formed by various individuals who had previously been involved in other OMCGs. After this, many incidents occurred in the region where they settled. Other examples of patch-overs include the switching from the Trailer Trash Travellers MC to Satudarah MC, after which some members switched back to the former Trailer Trash Travellers MC again. In addition, other former Hells Angels members are now part of No Surrender (Dutch National Police 2014, 59-61). In 2016, Caloh Wagoh Main Triad MC was founded after the Trailer Trash MC and a Dutch street gang from the Hague called the 'Rollin' 200 Crips' merged. This club was later referred to as a 'hybrid street-outlaw motorcycle gang', as they make use of the hand symbols particular to street gangs, as well as the characteristic patches of OMCGs (Roks & Densley 2019).

4.2.2 Germany

In Germany, various states have witnessed an increase in the number of OMCG chapters and members (Müller & Schneider 2016, December 8). In North Rhine Westphalia, the number of members almost tripled from 532 members in 2010 to 1592 members in 2015 (Seher 2015, October 20), and increased further until 2017 (Schwerdtfeiger 2017, August 28). As for the switching of clubs, whereas the first case of an entire chapter of the Bandidos MC switching to the rivalling Hells Angels MC in 2010 – something previously unheard of – was already discussed in chapter 3, two similar developments occurred in 2012. Two Bandidos chapters in Berlin moved over to the Hells Angels MC – possibly circumventing an impending chapter ban (Süddeutsche Zeitung 2012, May 29). In North Rhine Westphalia, approximately 30 Bandidos members and 70 supporters switched to the Hells Angels in Krefeld (RP-online 2012, November 30). After a brief period of relative peace and quiet between the Hells Angels and Bandidos, tensions started to build up again. Additionally, other clubs started to actively partake in the rivalries. These clubs, most notably the Black Jackets (established 1985), United Tribuns (established 2004), and Osmanen Germania (established 2015) have also welcomed a large number of members from 2010 until 2016. These groups are generally called 'OMCG-like groups' (*Rockerähnliche Gruppierungen*), indicating that they have a hierarchical structure and rules similar to OMCGs and also uniformly present themselves outward with club- and rank-specific symbols (Götzmann 2012, 483). Whereas members from the abovementioned clubs wear similar jackets with their own club logos and patches, they do not have a preference for certain motorcycle brands or even own a motorcycle at all. For instance, the Black Jackets were never founded as a motorcycle club, but as a group of friends with different ethnic backgrounds. The United Tribuns and Osmanen Germania were founded around the shared interest of bodybuilding and contact sports such as boxing (Götzmann 2012; Fengler 2016, June 19). According to the German Federal Police, members from both OMCGs as well as OMCG-like groups have been 'fishing in the same pond' – that is: have been involved in organized crime surrounding drug trade, weapon- and human trafficking, prostitution, and racketeering – making violent conflicts seem inevitable (Bundeskriminalamt 2015). In outlaw biker literature, such clubs are viewed as 'Nike Bikies', that is: "*those who departed from the traditional values of OMCGs most conspicuously in their attire and ethnicity [...], pseudo bikers paying lip service to club culture while focusing on making money*" (Lauchs 2017, 115-116).

4.2.3 Belgium

In Belgium, the number of chapters nationally increased from approximately 28 in 2010 to 54 in 2015.[3] Whereas the number of chapters of the Hells Angels MC, Outlaws MC, and Bandidos MC remained largely the same, it was the 'new' clubs Satudarah MC in 2012 and No Surrender MC in 2013 which grew rapidly. Furthermore, another international club called the Mongols MC founded its first Belgian chapter in 2014. In this time period there have been various violent conflicts and other associations with crime. In the province of Limburg three Outlaws members and associates were murdered in 2011. This happened supposedly as a result of provoking the Hells Angels, after which at least one Hells Angels member killed the Outlaws and dumped them in a nearby brook.[4] In the Antwerp region, the police confiscated 47 weapons and a grenade from a Hells Angels prospect, who was suspected to supply the club with weapons.[5] In 2011, a Hells Angels member was beaten up by a group of Outlaws.[6] In 2013, a Hells Angels prospect working at a prison was convicted for drug trade inside of the prison.[7] In 2015, a group of Hells Angels and Red Devils members got into a fight with Outlaws members at a gas station.[8]

4.3 Zero-tolerance and responsibilization strategy

In the Netherlands and Belgium, the criminal justice system became predominantly viewed in terms of its limitations in the 2000s: prosecuting outlaw bikers involved lengthy criminal investigations and trials and banning specific OMCGs proved to be difficult and did not produce the desired results. However, positive experiences in Dutch pilot projects against organized crime during the 2000s resulted in an increasing use of additional (administrative, fiscal) measures – complementary to the criminal investigation and prosecution.[9] In Germany, after only having imposed a ban on different OMCG chapters twice in the period

3 Personal communication, November 5, 2019. Internal documentation provided during interview.
4 Het Belang van Limburg (2015a, b, c).
5 Het Belang van Limburg (2010, June 24).
6 Het Belang van Limburg (2011, April 11).
7 La Meuse (2013, March 9).
8 Het Belang van Limburg (2015, December 9).
9 Successful projects included the Van Traa-project regarding prostitution and related crime in Amsterdam, the Hector-project regarding drugs Venlo, the Aleida-project regarding dishonest real estate entrepreneurs and the first Regional Expertise and Information Centre regarding the administrative approach in the Southern part of Limburg (Huisman 2010, 47).

from 2000 until 2010, from 2010 until 2016 the states and the federal government combined imposed a club or chapter ban 19 times.[10]

Moreover, in all three countries, the previously more neutral terms of referring to OMCGs have been waivered by authorities. Public reference to 'motorcycle clubs' have often been replaced by terms that imply the forming of a gang. There has been a shift toward using terms as *motorbendes* (motorcycle gangs) or even *criminele motorbendes* (criminal motorcycle gangs) in the Netherlands and Belgium and *Motorradgangs* or *Rockergangs* (both meaning motorcycle gang) in Germany, though the latter also commonly uses the term *Rockerclubs* or *Rockergruppen,* which would translate to motorcycle club. In addition, the Dutch police has replaced the previously used English term 'one percenters' for 'outlaw motorcycle gang' specifically (KLPD 2010; Dutch National Police 2014).

4.3.1 The Netherlands

In 2012, OMCGs were prioritized by the Dutch Ministry of Security and Justice as a problem which requires "*a broad joint offensive on the national and local level*".[11] In the same house minutes, it is mentioned that:

> "*It should be prevented that outlaw bikers are able to acquire subversive control in society through insidious methods. It cannot be tolerated that, because of this, individual citizens and entrepreneurs suffer from feelings of fear and insecurity. The risk of a convoluted under- and upperworld should be counteracted, not only in the hotel and catering industry, but also in other industries if necessary.*"[12]

In order to tackle OMCG-related problems, the house minutes speak of the necessity of shared commitment and a uniform approach among authorities in implementing the '*so-called barrier model in which barriers are raised through the implementation of administrative, tax or criminal instruments*'.[13] The underlying idea of the multi-agency approach against OMCGs is that crime opportunities can be prevented and barriers to withhold outlaw bikers from organizing (criminal) activities can be raised more effectively when authorities mutually share information, identify crime opportunities and bottlenecks, and consequently base their interventions on this information. Instead of focusing on

10 See the BKA infographic on 'Club bans in Germany'. Retrieved from https://www.bka.de/SharedDocs/Downloads/DE/AktuelleInformationen/Infografiken/Infografiken_Deliktsbereiche/infografikRockerkriminalitaetClubverbote.jpg?__blob=publicationFile&v=4.

11 Kamerstukken II, 2011/12, 29 911, 59, p. 1.

12 Kamerstukken II, 2011/12, 29 911, 59, p. 2.

13 Kamerstukken II, 2011/12, 29 911, 59, p. 4.

committed crimes, crime fighting has shifted toward anticipating crimes that have not yet materialized (Van Ruitenburg 2016, 124). For example, necessary permits for events, clubhouses or gatherings can be denied or revoked if there is a risk of abuse of the permit for criminal purposes. If the permit is approved, additional (safety) requirements may be included (Van Ruitenburg 2016). Furthermore, Mayors in the Netherlands have various municipal laws at their disposal to enforce measures in order to maintain the public peace and order.[14] These measures are increasingly being used in the context of the Dutch national policy to not 'facilitate' OMCGs in their organization or activities.[15]

As with the multi-agency approach, the responsibilization strategy is also most evident in the Netherlands. Responsibilization strategies refer to a way of thinking designed to change the manner in which governments act upon crime by activating action from non-state organizations and actors, rather than addressing crime (solely) through police, courts, and prisons (Garland 2001). In short, it involves making actors other than the police and judicial authorities (co) responsible for the safety and security of society. In this context, the concept of positioning of players on a football field by Boutellier and Van Steden (2010) offers a striking comparison: the public prosecutor can be seen as the goalie or a gatekeeper working together with the police as defense for all criminal acts that will have to be investigated and prosecuted, whereas the midfield includes all other governmental authorities, such as municipalities and tax authorities attempting to raise barriers to, and thus prevent, (organized) crime. Private actors, e.g. businesses or individuals, can be viewed as the forwards. They are not explicitly tasked with defending, but they do have a crucial role in making sure the opponent is withheld from 'scoring'; that is, preventing crime opportunities from materializing. Such a responsibilization strategy is, therefore, characterized by raising awareness among the broader public about the criminal activities of OMCGs and actively encouraging various authorities to cooperate. The general aim is to secure that outlaw bikers have the least possible opportunities to 'score' – that is, to successfully engage in (organized) crime or cultivate a violent image and manifest themselves in an intimidating way in the public sphere.[16] In the case of OMCGs, for example, bar owners are advised and supported to draw up collective house rules. By means of implementing a house rule which states that "*no negative atmosphere-determining clothing portraying group characteristics are allowed*", OMCG members are barred from having a drink at that particular establishment while wearing their jackets with colors.

14 On the basis of article 175 (directed at a select group of people) or 176 (directed at anyone) of the Municipal Law.

15 Kamerstukken II, 2011/12, 29 911, 71.

16 This is not to say that a potential criminal biker would have to encounter all layers of defense, or that the public prosecutor—and therefore criminal law—is a last resort. The example of the football field merely illustrates how persons tasked with essentially different purposes work together in order to achieve the same goal: to minimize the risk criminals exploiting fruitful opportunities.

Either they have to take off their characteristic clothing or they have to leave. Agreements are in place for the owner to call the municipality and/or police for enforcement in case the OMCG members do not comply with the house rules (Rosenberg 2014, April 25; Gillissen & van Kampen 2016, July 28; RIEC 2018).[17] Lastly, in this specific time period, Dutch authorities have started suggesting another attempt at banning the largest clubs – a development more thoroughly discussed in chapter 5 and 6.

4.3.2 Germany

In Germany, the number of imposed chapter bans have significantly increased since 2010. Most of these were targeted at the Hells Angels MC: in 2010 Hells Angels Flensburg was banned, in 2011 Hells Angels Westend, Borderland, and Frankfurt; in 2012 chapters in Cologne, Kiel, Berlin City were banned; in 2013 the chapters Hells Angels Oder City and Bremen were banned, followed by Göttingen in 2014, Bonn in 2016, and Concrete City in 2017. As for the Bandidos, the Neumünster chapter was banned in 2010 and the Aachen chapter (and various support clubs) in 2012. Furthermore a Mongols MC chapter was banned in 2011 and a Gremium MC chapter was banned in 2013.[18] These bans, based on the Association Act, can be imposed in case of acts carried out by members of an association, when these acts emanate from a certain organized decision-making process and when these acts are related to the activities or purpose of the association, which tolerates such acts. It is not necessary that the discussed act is, in fact, the main objective or sole purpose of the association.[19] Moreover, the German Minister of Interior has banned the originally Dutch club Satudarah MC nationwide in 2015. It was found that, since the first chapter 'Clown Town' was founded in Duisburg in 2012, club members had been involved in (organized) criminal activities to the extent that the club posed a serious threat to society and social order (Bundesministerium des Innern 2015; Blokland et al. 2017b, 96). In 2017, there has been an amendment of the German Association Act to now include the possibility of prohibiting all colors or brands related to an OMCG in a constituent state once an individual chapter of that club has been banned (Deutscher Bundestag 2017). Furthermore, German districts have frequently implemented a color ban for public spaces in cities on

17 https://magazines.riec.nl/codegeel/2018/04/omg's-in-de-horeca.

18 https://www.bka.de/SharedDocs/Downloads/DE/AktuelleInformationen/Infografiken/Infografiken_Deliktsbereiche/infografikRockerkriminalitaetClubverbote.jpg?__blob=publicationFile&v=4.

19 These bans of individual chapters are based on article 9(2) of the Constitutional law and paragraph 3(1) of the Association law.

the basis of grounded fears for a threat to the public order.[20] Or as a prominent German Hells Angels member characterizes the current stance from his perspective:

> "*One wonders whether one may not expect a bit more legal and historical conscience from a police officer when he calls on customers and retailers in Lower Saxony to not buy from Hells Angels. When officials admonish property owners: do not rent rooms to Bandidos! If police leaders order: block the parties from Gremium! When the time comes: raid the outlaw bikers' homes! Take their motorcycles away! Tear off their insignia! Close their clubhouses! Ban their clubs! Make them cover their tattoos! Confiscate their property! Is this all exaggerated? No! That is all allowed. It's all in the program. To be carried home in black and white by every police officer. And it also has a slogan: zero-tolerance!*" (Schelhorn 2016, 17).[21]

4.3.3 Belgium

In Belgium, as in Germany, the zero-tolerance strategy against OMCGs in this specific time period relies heavily on the police. However, the public administration has various administrative measures at its disposal. Municipalities may – among other measures – deny and revoke relevant permits or require certain conditions to be met, they may carry out various checks at clubhouses or OMCG-related events and they may close down a clubhouse in case of violations (see for a more comprehensive list DJSOC Highsider 2016). The Minister of Interior additionally expressed the intention to explore options of a ban on OMCGs similar to the approach in Germany (Paelinck 2015, May 29; Van Daele 2015).

20 For example, on the famous Christmas market in Aachen, it was prohibited for outlaw bikers to wear their colors in most of the city center for a large portion of the day during multiple weeks (WDR1 2016, August 24). Such an insignia ban is based on a general administrative decree.

21 „*Und man fragt sich, ob man nicht auch von einem Polizeigewerkschafter ein wenig mehr Rechts- und Geschichtsbewusstsein verlangen kann, wenn er Kunden und Einzelhändler in Niedersachsen dazu aufruft, nicht bei Hells Angels zu kaufen. Wenn Beamte Immobilienbesitzer ermahnen: Vermietet keine Räume an Bandidos! Wenn Polizeiführer anordnen: Blockiert die Partys von Gremium! Wenn es heißt: Stürmt die Wohnungen der Rocker! Nehmt ihnen die Motorräder weg! Reißt ihnen die Abzeichen herunter! Schließt ihre Clubhäuser! Verbietet ihre Vereine! Zwingt sie, ihre Tätowierungen zu bedecken! Beschlagnahmt ihr Vermögen! Alles übertrieben? Nein! Alles belegt. Das alles ist Programm. Von jedem Beamten schwarz auf Weiß nach Hause zu tragen. Und es hat auch einen Slogan: Null Toleranz!*"

4.4 The zero-tolerance strategy in light of situational crime prevention

The foregoing demonstrates that each of the countries implements a zero-tolerance strategy against OMCGs in their own way. Regardless of their national differences, the strategies seem to be at least partially inspired by the situational crime prevention framework. This framework has been outlined earlier in chapter 2. In short, it provides techniques aimed at influencing the decision-making process of potential offenders by manipulating the situational context of a given offence. By means of increasing the perceived efforts, risks, reducing the rewards, removing excuses, reducing provocations, and providing alternative opportunities to the crime, the opportunity to commit a crime is reduced. The offender may no longer view the crime as attractive and refrain from offending altogether.

Similarly, the measures imposed by authorities under the zero-tolerance strategy against OMCGs are aimed at preventing crime opportunities from materializing. However, instead of focusing on crime-specific logistical processes, the strategy is targeted at OMCGs as a group and their specific characteristics assumed to facilitate crime (e.g. clubhouses and public appearance).[22]

With regard to clubhouses, an OMCG can be demotivated to acquire a location. If an OMCG pursues a clubhouse, relevant (liquor) licenses permits can be denied (LIEC 2014, 8-10; Van Daele 2015, 212-214; DJSOC Highsider 2016, 8-9). In case of an existing clubhouse, it may be closely monitored by police and municipal enforcers and checks for various violations may be carried out. Depending on the objective of the checks, the observants may include specialists from the municipal departments of public order and safety, construction and environment, social investigation, police officers, (and in the Netherlands tax authorities, labor inspectorate, and fraud inspectorate from non-state parties such as energy companies). If violations are identified, the clubhouse can be closed down (LIEC 2014, 8-10; Van Daele 2015, 212-214; DJSOC Highsider 2016, 8-15). In terms of public appearance by means of events and funerals, additional requirements may be put in place by authorities. In case of ride outs, authorities often find that there is traffic nuisance and disruption of public order due to the antisocial driving behavior of members, Intimidation of other road users, and provocation of police officers. Therefore, in order to curb ride-outs, the police will carry out checks and issue tickets for any violation they observe (see e.g. LIEC 2014, 12-13; Bley 2014, 96-97; DJSOC Highsider 2016, 16-17). But ride-outs may also be prevented altogether by classifying a ride out as procession-event, for which a permit may be required under the local regulations. In case of a grounded fear

22 For the purpose of this chapter, it reaches too far to include the respective national and local legal frameworks here. For general administrative laws and regulations, see for the Netherlands Peters and Spapens (2015, 265-306), for Germany see Van Daele (2015, 191-238), and for Belgium Van Daele (2015, 17-50).

for disturbance of public order, a permit can be denied. The same can be said for other public events. If an event is allowed, police or municipal enforcers may be physically present to monitor, check compliance with regulations, and write out tickets for violations. In case of a grounded fear for disturbance (e.g. a high risk of violence or the use of weapons) during an event, police officers may carry out preventive searches (LIEC 2014; Bley 2014, 96; DJSOC Highsider 2016, 5-7). In Germany, clubs can be banned across the state or nation-wide (Bley 2014).

With these judicial, police and administrative powers, similar in each country, in mind, it is possible to examine which ones and how often they seem to have been implemented in the Meuse Rhine Euregion in relation to OMCG activities. In the next section the analysis of the regional newspaper articles within the same time period will be discussed. This media analysis seeks to put the abovementioned national developments to the test for the particular situation in the Meuse Rhine Euregion. Moreover, it shows the media representation of OMCGs to the local newspaper readers. This is a relevant context to be taken into account when recognizing the influence of the media on the general public's perception and the interplay between the media, the general public, and the policies, laws and regulations established by the authorities in charge.

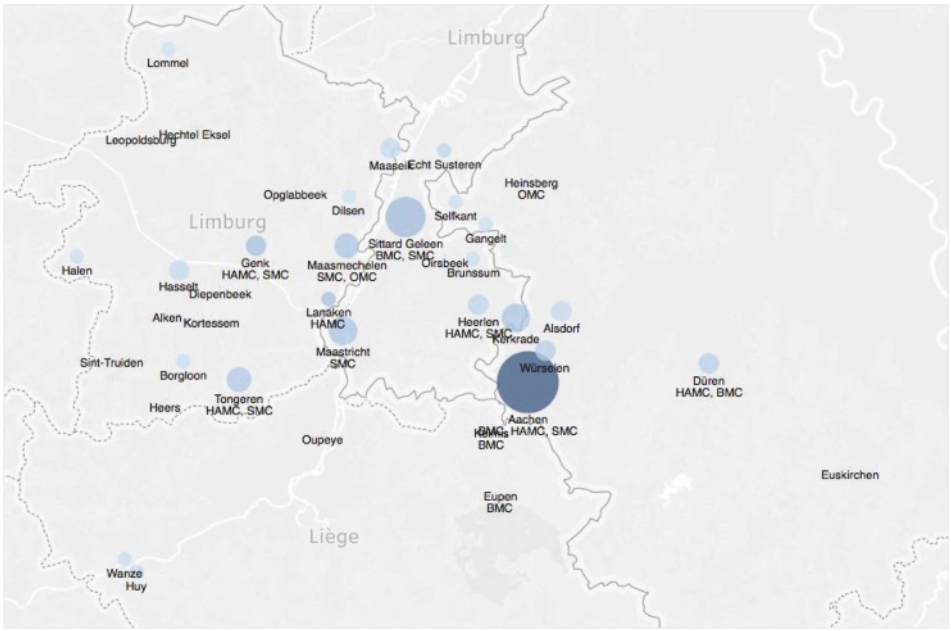
4.5 The situation in the Meuse Rhine Euregion: a pro-active government against OMCG-related crime

Over the period from 2010 up to and including 2016, the Meuse Rhine Euregion counted 20 chapters of Hells Angels MC, Bandidos MC, Outlaws MC, and Satudarah MC, many of which were established during this period.[23] Two of the chapters were banned in this period (respectively Bandidos MC Aachen in 2012 and Satudarah MC Aachen in 2015). By zooming in on the OMCGs in the Meuse Rhine Euregion, their criminal activities and the imposed measures, the following map can be drawn up (Figure 4.1). This visualization shows the respective subregions of the Meuse Rhine Euregion: the southern part of the Dutch Province of Limburg, the Belgian Provinces of Limburg and Liège, and part of the German state of North Rhine Westphalia. The locations where criminal activities have taken place are mapped with differently sized markers to account for the frequency of identified criminal activities (a big marker indicates a higher frequency of criminal activities). The color of the marker shows the sum of law enforcement measures being imposed (a dark marker indicates a higher frequency of imposed measures). Additionally,

23 These are the chapters that were mentioned in the regional newspapers. It may very well be that other (unofficial) chapters of these clubs, as well as chapters of other clubs, have existed during this period of time.

abbreviations of OMCGs have been added to the respective locations of clubhouses: 'HAMC' stands for Hells Angels MC, 'BMC' stands for Bandidos MC, 'SMC' stands for Satudarah MC, and 'OMC' stands for Outlaws MC.

Figure 4.1: Geographical distribution of OMCGs, criminal activities and law enforcement measures from regional newspapers in the Meuse Rhine Euregion during 2010-2016

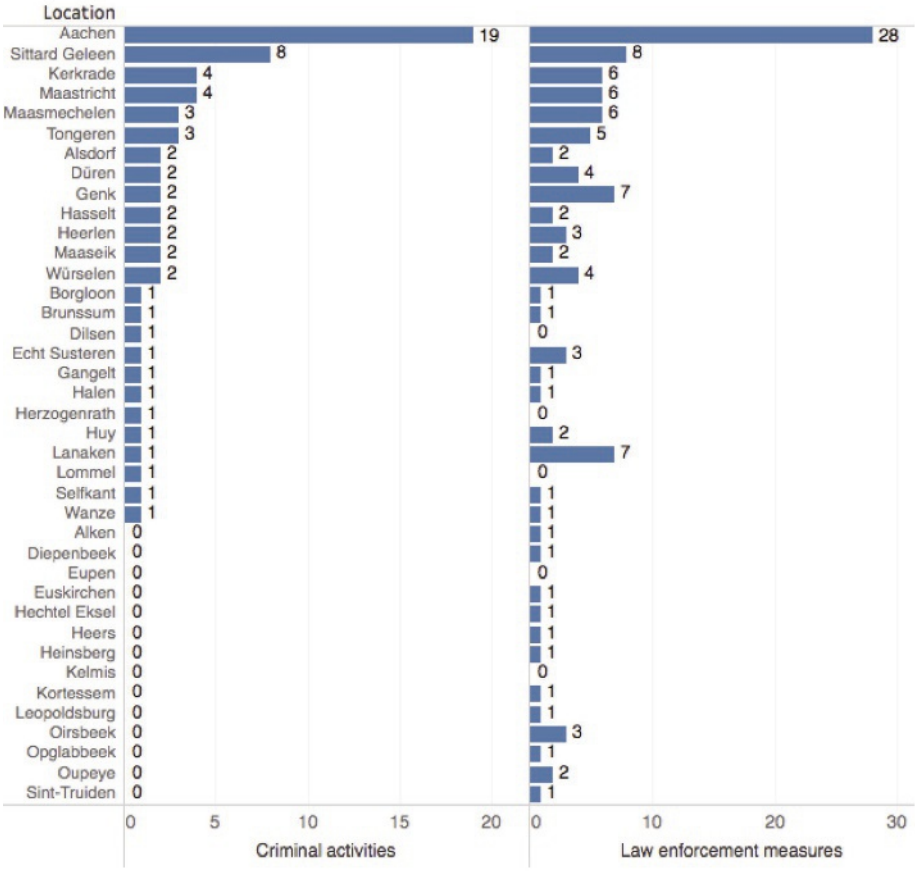


Firstly, it can be observed that from 2010 until 2016 OMCG chapters were dispersed over the entire Meuse Rhine Euregion; each subregion hosted multiple chapters on its territory. Secondly, OMCG-related crime seemed to be less prevalent in the Belgian province of Liège, since only two Bandidos chapters were mentioned and hardly any criminal activities or measures were covered in the newspapers. The figure also shows that criminal activities and measures were concentrated in certain areas. The relatively high frequency of criminal activities and imposed measures in Aachen, Sittard-Geleen, and Maasmechelen can largely be explained by several inter-club provocations. These provocations were the result of a highly tumultuous situation between the Hells Angels MC and Bandidos MC, and Hells Angels MC and Outlaws MC.

When comparing the OMCG criminality to law enforcement measures as they are coved in the newspaper articles, it is clear that a large number of measures have been

imposed compared to the criminal activities which were identified in the newspapers. Moreover, measures were not necessarily concentrated around those areas where chapters were located or where criminal activities have taken place. Those measures were also imposed in places where, for example, events organized by OMCGs were prohibited or monitored, or where suspected outlaw bikers' residences were subjected to police raids as a result of criminal investigations. This is exemplified in Figure 4.2, where the data on criminal activities and law enforcement measures per location are shown in horizontal bar charts.

Figure 4.2: Criminal activities and law enforcement measures per location from regional newspapers in the Meuse Rhine Euregion during 2010-2016



4.5.1 Categorizing the criminal activities associated to OMCGs in the Meuse Rhine Euregion

The regional newspaper reports covered all sorts of crimes of outlaw bikers, including public disorder, intimidation, violence, murder, theft, extortion, prostitution, drug possession, manufacturing, and trade, and possession and trade of weapons. As discussed in the general introduction, various academics have proposed a categorization of crimes associated to outlaw bikers by means of their characteristics. For example, based on accounts in academic literature, policy-, and media reports, Quinn and Koch (2003, 294-295) note that there have generally been two disparate views of outlaw biker criminality: one that focuses on impulsive, spontaneous acts of violence and hedonism – which is often considered inherent to the outlaw biker lifestyle – and the other which portrays members as parts of an international criminal syndicate with contacts across the globe. They argue that these views are neither mutually exclusive nor wholly compatible and as such can be reconciled into a holistic framework of outlaw biker criminality with four categories:

1. *Spontaneous expressive acts usually involve one or a few members in violent crimes directed at rivals or other actors from within the saloon society milieu (e.g. bar fights).*
2. *Planned expressive acts are generally directed at rival groups and are either planned by established cliques or chapter/regional/national officers or tacitly reflect the priorities of the chapter or club.*
3. *Short-term instrumental acts usually involve one or a very few members in thefts that take advantage of unique opportunities or are designed as a response to the particular needs of one of the involved members (e.g. motorcycle thefts, prostitution). They may vary along the continuum from planned to spontaneous.*
4. *Ongoing instrumental enterprises involving the fairly consistent attention of one or more cliques and designed to supply large amounts of money to the members and are usually planned well in advance or their execution (drug production/distribution).* (Quinn & Koch 2003, 296)

This framework has previously been used in a media analysis on outlaw biker crime by Barker & Human (2009), whose methods served as a guideline for this study. Within the crime typology framework, a group of outlaw bikers involved in an amphetamine laboratory or hemp plantation, as indicated by several news reports, can relatively easily be considered ongoing instrumental enterprises. However, a fight between members and sympathizers of Hells Angels MC and Outlaws MC during and after a rock concert[24] can be categorized as either a spontaneous expressive act or planned aggressive act. From the media report

24 Het Belang van Limburg (2012, December 24).

it is not entirely clear whether this was an impulsive outburst of violence late at night after the involved parties had had several drinks or whether it was in fact planned by one of the two factions (considering the fatal shooting between the clubs that had taken place one year before). This example indicates the difficulty in allocating an offense to a particular category. For this particular event, it was decided to allocate the offense to spontaneous expressive crime since there were no clear indications from the news reports that it was in fact a planned attack. To illustrate, a more well-documented event involving a fight between Bandidos and Red Devils members in Sittard was allocated to the planned aggressive typology. In this example (later confirmed by video cameras) a group of Bandidos members walked over to a bar frequently used by Red Devils members and out of nowhere abused a few members standing outside. The Bandidos members only fled the scene after the bartender fired a gun in their direction from inside the bar.[25]

Nevertheless, the framework still offers an unambiguous distinction between the acts related to (inter-club) conflicts and the more instrumental or even organized crimes. In addition, although the framework does not account for non-criminal activities, for the sake of completeness these activities (e.g. events, parties, ride-outs, foundation of clubhouses) have been included in the current study. All the more, because non-criminal activities were often banned pre-emptively or followed by measures. Table 4.1 shows with how many of the abovementioned crime categories a particular OMCG has been associated with in the regional newspaper reports from 2010 until 2016. It demonstrates that, overall, OMCGs are more often associated with criminal activities (85) than non-criminal activities (64).

Table 4.1: Criminality typologies per OMCG from regional newspapers in the Meuse Rhine Euregion during 2010-2016

	Non-criminal	Spontaneous expressive	Planned aggressive	Short-term instrumental	Ongoing instrumental enterprises	*Total*
Hells Angels MC	35	11	9	2	6	*63*
Bandidos MC	11	5	8	4	8	*36*
Satudarah MC	11	1	-	5	19	*36*
Outlaws MC	7	4	2	1	-	*14*
Total	*64*	*21*	*19*	*12*	*33*	*149*

The Hells Angels MC is associated with the largest number of criminal offences, followed by the Bandidos MC and Satudarah MC, and the Outlaws MC. What is striking is the large

25 Dagblad de Limburger (2015, August 1).

number of violent offences related to both the Hells Angels MC and Bandidos MC, compared to the other two clubs. These numbers can partly be explained due to various escalating fights between the two clubs, especially in the German part of the Meuse Rhine Euregion in 2015, as the following excerpt illustrates:[26]

> "*It was 'red alert' for the police in Aachen when on Sunday evening several dozen men brutally attacked each other at a petrol station in the Trierer Street. Apparently, this was not a 'normal' brawl. Rather, the event was part of a biker war which has been smoldering in and around Aachen for some time now. That is to say: various biker groups in changing composition have violently opposed each other in recent years. This time, it was supposedly the 'classics': Bandidos versus Hells Angels.*"[27]

From the newspaper reports, Satudarah MC appears to be mostly associated with economic and organized crimes. These crimes related to the manufacturing and trafficking of drugs, weapons; and extortion:

> "*Fear for reprisals, by the people who were supposedly the real cause of closure [of the bar]: extortioners. The name associated with this is Stateline, the Maastricht Satudarah chapter. In Maastricht, for the past two years there have been more rumors of 'uninvited guests' in the hospitality industry. Various popular cafes supposedly received regular visits from people who stood at the door as some sort of unauthorized bouncer as 'protection' in exchange for money or clean beverage bills.*"[28]

This particular chapter was repeatedly mentioned in relation to various criminal investigations – each time together with other club chapters from outside of the Meuse Rhine Euregion.[29]

The Outlaws MC, however, was only mentioned in connection with fights with Hells Angels members, some of which appeared to be more impulsive (a coincidental encounter) than others (where a group of Outlaws brought weapons to a gathering of Hells Angels members). All of these violent activities related to the Outlaws MC occurred in the Belgian province of Limburg, where – according to the newspapers – tension between the two clubs grew after the previously mentioned fatal shooting in 2011.

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26 In these cases, the newspaper specifically mentions a 'Rockerkrieg' (bikerwar).
27 Aachener Zeitung (2015, September 8).
28 Dagblad de Limburger (2013, October 12a, b).
29 Dagblad de Limburger (2011, December 9a, b); Dagblad de Limburger (2013, December 19); Aachener Zeitung (2015, July 7).

When it comes to *cross-border* aspects of OMCG activities specifically, non-criminal activities were mentioned eleven times and criminal activities were mentioned seven times. Regarding non-criminal activities, most references pertain to outlaw bikers crossing national borders to attend funerals of their brothers,[30] to show support for fellow members during criminal proceedings[31] or to show off status through group display.[32] Other references concerned biker meetings, charity, and the detection of outlaw bikers living in one country but being a member of a chapter in a neighboring country. The cross-border aspects relating to criminal activities involved possession of weapons and drug trafficking. These are offences that could be considered long-term instrumental enterprises (organized crimes) under the criminality typology.[33]

4.5.2 Categorizing the measures under the zero-tolerance strategy

It was previously established that the zero-tolerance strategy encompasses measures aimed at prevention as well as repression, and involves interventions of law enforcement, public administration services and sometimes other parties. Various measures and interventions were covered by the news reports, such as increased police surveillance, traffic checks, personal searches, police raids, arrests, confiscation of assets, club and chapter bans, color bans, the closure of a residence or business, the denial or revocation of a permit, and the use of municipal emergency ordinances, assembly bans or expulsion.

Most of the preventive measures of the administrative kind were imposed by the public administration and often enforced by the police.[34] As mentioned earlier, OMCG parties or events were repeatedly prohibited by means of permit regulations or association bans. The example *par excellence* for such preventive administrative measures, as well as cross-border cooperation by authorities, is the Rommelrock case. This case revolved around a two-day metal festival in Maasmechelen (Belgium). After six years without problems,

30 Het Belang van Limburg (2011, May 30a, b, c); Het Belang van Limburg (2012, June 11); La Meuse (2015, December 31).

31 Most notably during the criminal proceedings in Tongeren in the Burnout-case (Het Belang van Limburg 2015, January 17; Het Belang van Limburg 2015, June 6d, e).

32 Also known as ‚Schaulaufen' in Germany, for example the Hells Angels at the Sint Joep market in Sittard-Geleen after the first Dutch Bandidos chapter was established there (Dagblad de Limburger 2014, March 29a,b); or in Aachen after the foundation of a new Hells Angels chapter (Aachener Zeitung 2015, September 11a,b).

33 For example, a Dutch member of Satudarah Maastricht who was convicted for orchestrating drug transports to Aachen (Aachener Zeitung 2015, July 7); or Bandidos members in both the Belgian and Dutch province of Limburg suspected of drug trafficking to Denmark (Het Belang van Limburg 2015, July 29; Dagblad de Limburger 2015, November 25).

34 For example, in the summer of 2013 the public administration decided that OMCGs were no longer welcome in the province, after which fines were imposed and activities displaced (Het Belang van Limburg 2013, July 5; July 8; July 1 respectively).

the festival was prohibited in 2013. The main reason for the Mayor of Maasmechelen to ban the festival was the unrest in the OMCG scene, illustrated by the previously mentioned fatal shooting between the Hells Angels MC and the Outlaws MC in 2011, as well as the foundation of new chapters by various clubs in the region. The authorities assumed that personal ties existed between the organizers of the festival and the Outlaws MC.[35] Consequently, the authorities feared a confrontation between OMCGs in the light of a perceived ongoing turf war, stating they could 'not guarantee the visitors' safety'. In response, the organizers tried to organize the festival at an alternative location in another municipality unsuccessfully. After the organizers were turned down again on the same grounds,[36] they moved the event across the national border to Geleen (the Netherlands). Shortly after, the Dutch municipality of Sittard-Geleen also prohibited the event following the advice of the police. At the same time, the organizers started a case against the initial prohibition, arguing that the prohibition was unconstitutional.[37] The administrative court ruled in favor of the mayor, which resulted in the event not taking place in both 2013 and 2014 on the basis of the initial reasoning. In 2016, the Council of State ruled in favor of the organizers of Rommelrock.[38] In short, the court found no links between the organizers and the Outlaws MC. In addition, while Rommelrock was prohibited, another (similar) festival was permitted, demonstrating unequal treatment, thus affecting the principle of equality.[39]

In light of the situational crime prevention framework, this example illustrates quite clearly the measures being taken to reduce provocations between OMCGs. The authorities took no risk in avoiding conflicts or escalations of ongoing tensions. The same measure (denial or revocation of a permit) can also be categorized as 'increasing the effort' depending on the specific context. Therefore, as with allocating the events to the criminality typology framework, all available information regarding the imposed measures was taken into consideration in dividing the measures into the situational crime prevention framework.

For example, in cases where OMCGs sought to gain a liquor permit for a clubhouse, this permit was denied to prevent them from abusing the permit for illegal purposes, e.g. to increase the *effort* to commit crime. To illustrate another measure: the confiscation or seizure of goods and assets can be categorized as either increasing the *effort* or reducing the *rewards*. The former relates to guns or other weapons being confiscated prior to an event or party aimed at increasing the *effort* to bring and use those weapons. The latter mostly refers to confiscation of money, motorcycles, and insignia in light of an ongoing

35 Het Belang van Limburg (2013, July 12a, b).
36 Het Belang van Limburg (2013, July 24).
37 Het Belang van Limburger (2013, August 10).
38 Raad van State Brussel, February 5, 2016. Case no. 233.760, in the cases A. 213.119/X-16.047. (I) and 213.946/X-16.031 (II).
39 Het Belang van Limburg (2016, February 20).

criminal investigation or after a criminal trial. The goal here is specifically to *reduce* the monetary reward from criminal activities and in some form to reduce the rewards from their status. The categorization of the measures within the situational crime prevention framework can be seen in table 4.2.

Table 4.2: Situational crime prevention mechanisms per law enforcement measure from regional newspapers in the Meuse Rhine Euregion during 2010-2016

	Increase effort	Increase risk	Reduce rewards	Reduce provocations	Remove excuses	Provide opportunities	*Total*
Permit denied or revoked	4	-	-	7	-	-	*11*
Closing down a residence / business	2	-	1	3	-	-	*6*
Local emergency ordinance / assembly ban / expulsion	11	1	-	6	-	-	*18*
Color ban	1	-	-	3	-	-	*4*
Ban on club / chapter	-	-	2	-	-	-	*2*
Increased police surveillance	-	37	-	-	-	-	*37*
Traffic checks	-	4	-	-	-	-	*4*
Personal search	13	-	-	-	-	-	*13*
Confiscation / seizure of goods or assets	5	-	10	-	-	-	*15*
Total	*36*	*42*	*13*	*19*	-	-	*110*
Raids of (club)houses	Repressive enforcement instrument (24)						
Arrests	Repressive enforcement instrument (27)						

Prior to discussing specific situational crime prevention techniques, it should be noted that in all three countries it appears from the media that the zero-tolerance strategy leans heavily on the police. A first indication of this is the large number of repressive enforcement instruments (51) such as raids of (club)houses and arrests of members. Arguably, these types of measures can be viewed as crime control in the traditional sense, where general prevention is sought through punishment. When comparing the three countries, it appears as though Germany more often than its neighboring countries deploys its police for increased surveillance and checks of outlaw bikers, whereas the Netherlands and Belgium

utilize preventive administrative measures more often – such as denying or revoking permits and closing down premises. Examples of cross-border cooperation of law enforcement involved six cases of requests of mutual assistance and large-scale criminal investigations with raids and arrests that were carried out by the police in the Netherlands, Germany, and Belgium.

With regard to situational crime prevention mechanisms, measures aimed at increasing the effort to commit offences were numerous. These included controlling access to legal pathways by means of denying permits, restraining or deflecting outlaw biker assemblies through emergency ordinances, bans and expulsions, and controlling tools or weapons by means of police searches, and confiscation prior to gatherings and parties. In this respect, two clubhouses-in-the-making were prevented; one after concerns were voiced by local residents and non-compliance with the zoning plan, a second because there were fears for intimidation, public disorder, and violence. Another example of increasing the effort to commit crimes was the use of an emergency ordinance after the president of the Dutch Bandidos MC was discharged from prison. He and his residence had previously been the target of an attack. By means of enforcing an emergency ordinance in his street, the municipality aimed to keep him and his fellow neighborhood residents safe. Along with the emergency ordinance, a street curb was placed in front of his house, and parking spaces were demarcated with posts.[40]

The number one measure for increasing the risk connected to committing a crime was ensuring increased police surveillance in situations that involved outlaw bikers. In several cases of outlaw biker presence in the public domain (without necessarily causing problems), police requested IDs in order to reduce the anonymity of the members; in threatening situations they also searched individuals and their motorcycles or cars.

Reducing rewards from criminal profits as a preventive measure appeared to be used less frequently compared to increasing the crime-related risks or efforts. In most cases, reducing rewards consisted of seizing or confiscating cash, weapons, drugs (or large quantities of precursors), motorcycles or other goods during police searches. However, there were also a few cases of closure of buildings in which drugs had been found and where closure could be considered an additional method of depriving the offenders of advantages. Furthermore, banning a club or chapter or banning colors in public could also be viewed as either increasing the efforts (of profiling oneself as an OMCG member) and reducing rewards, in the sense that it may reduce status. One of the 'trademarks' of OMCGs is the status and reputation they derive from their patches and club affiliation. With their intimidating presence, outlaw bikers succeed in manipulating psychosocial spaces by inducing fear, intimidating and extorting victims or witnesses, hence deflecting potential capable guardians and creating more opportunities for organized crime (Huisman & Jansen

40 Dagblad de Limburger (2014, December 5).

2012). Once the 'rewards' of this status are reduced, it can no longer be used to manipulate social and physical environments in order to facilitate other offences (Huisman & Jansen 2012, 102-105).

As was the case with the Rommelrock festival, other OMCG parties or events were often prohibited in order to reduce provocations:

> '"*Given the tensions between various outlaw motorcycle gangs in Germany and the Netherlands, it is not wise to give them permission to organize a public event. According to [the Mayor of Lanaken] the past has proven that rivalling gang members show up in order to provoke. "After all, it is about control over a territory, so not much is needed to escalate the situation.*"'[41]

Interestingly, the regional news reports themselves showed no examples of 'removing excuses' or providing OMCGs with 'alternative opportunities'. In essence, the reports did not indicate that authorities communicated instructions or assist compliance, decriminalize membership, promote exit programs, or provided yet other alternatives to the outlaw biker life (see for these categories Freilich & Newman 2014; Bjørgo 2016). It therefore seems as though law enforcement indeed relies heavily on preventive measures in service of the zero-tolerance strategy. Several statements made by authorities during these years are illustrative of this stance: '*this behavior shall not be tolerated*', *'we stand together to show them who is boss*', and '*we will clean out their safe havens*',[42] '*we keep a close eye on them, and if they slip up, we'll bust them*'.[43]

4.6 Discussion and conclusion

The previous chapter showed how the outlaw biker landscape has become more international and how authorities have increasingly focused on, and applied, repressive measures to outlaw bikers. This chapter has demonstrated that the association of OMCGs with organized crime and public disorder has only become stronger from 2010 onwards. Ever since, more and more preventive measures are used in an attempt to curb future risks of crime or public disorder. Therefore, this chapter has argued for the extension of the pre-existing framework of Blokland et al. (2014) with a fourth time period: that of zero-tolerance and responsibilization strategies from 2010 until 2016. The statements at the end of the previous section bear witness to this.

41 Het Belang van Limburg (2015, July 2).
42 Dagblad de Limburger (2012, January 31a, b).
43 Dagblad de Limburger (2014, October 9).

When looking at the Meuse Rhine Euregion specifically, it appears that, indeed most of the criminal activities the OMCGs were related to were ongoing instrumental enterprises (33), followed by spontaneous expressive offences (21), planned aggressive offences (19), and lastly short-term instrumental offences (12). Although in total 64 non-criminal activities were registered by the regional newspapers, they were oftentimes reported alongside imposed (preventive) measures. For example, typical outlaw biker events such as the foundation of a new clubhouse, a ride-out or a party were repeatedly mentioned in one breath with denied permits, increased police surveillance or traffic checks.

As previously stated, no measures appeared to be aimed at removing excuses for outlaw bikers to commit crimes and public disorder. Nor did there appear to be attempts of providing outlaw bikers with alternative opportunities. The responsiblization strategies of (especially the Dutch) authorities mostly seemed to attempt to 'remove excuses' for the entrepreneurs and the general public to engage with OMCGs or give them the benefit of the doubt. For example, authorities followed a communication plan aimed at countering the '*romanticized image displayed by the OMCGs*' (LIEC 2016) and a '*demystification*' of the clubs (Bley 2014). Additionally, bars in the Netherlands were encouraged and supported not to let outlaw bikers with colors enter so they are unable to manifest themselves in an intimidating way.

The main conclusion of this chapter is that the abovementioned shift in policy towards zero-tolerance and responsibilization strategies has made it clear that the measures against OMCGs are directly focused on preventing crime opportunities and deescalating inter-club tensions by means of reactive as well as pro-active interventions. However, it should be considered that (in the light of more punitive policies against outlaw bikers) these measures are not purely for the sake of *crime prevention*. Rather, they are part of an all-encompassing zero-tolerance strategy, which is not only aimed at making the commission of crime more difficult – e.g. intimidation through wearing colors in public by means of color bans – but also at making membership in general less attractive. In other words, with the implementation of the zero-tolerance strategy there has been a trend toward using measures against the organization or the group structure of OMCGs, instead of focusing solely on individual outlaw bikers and their criminal activities. Bans on clubs, chapters and wearing club insignia underline this development. As one newspaper phrased the Dutch zero-tolerance strategy in 2012: *"The purpose is to create as many obstacles as possible so that these 1%-clubs [OMCGs], which are regarded as deviant and criminal, can no longer exist"*.[44] Such characterizations of the strategy resonate clearly with what van Ruitenburg calls raising 'moral barriers' to OMCGs, indicating that as a group they mark what is viewed as bad or undesirable in society (van Ruitenburg 2020). Arguably, by repeatedly highlighting the misconduct of outlaw bikers, more public support for serious or moralizing measures

44 Dagblad de Limburger (2012, June 2a, b).

is created. The same trend is visible for prostitution and drugs (Nelen 2010; Huisman & Nelen 2014).[45]

A final concluding remark relates to the comparison between the respective policies in the Netherlands, Germany, and Belgium. As illustrated by chapter 3, Germany appeared to have been the forerunner in terms of a tough approach against outlaw bikers. From 2010 onwards, it seems as though this position has shifted to the Netherlands. The Dutch zero-tolerance strategy truly encompasses a coordinated multi-agency approach in which the available measures under criminal law, tax law, and administrative law are used to pressure outlaw bikers. This strategy has been furthered after 2016 with new attempts to ban various OMCGs nationwide (see chapter 5 and 6).

45 The Netherlands used to be known for its rather pragmatic and rational stance to drugs and prostitution. Whereas the *use* of certain drugs, the *selling* of small amounts of marijuana and hashish or *growing* of five small cannabis plants for personal use are still condoned today, (recreational) users are increasingly being blamed for perpetuating a criminal system that profits from their demand. The same can be said for prostitution businesses, which have been confined to fewer locations and are increasingly regulated. More and more, prostitution is stigmatized, viewed in terms of degradation of the neighborhood and a hotbed for crimes such as human trafficking, forced labor and money laundering, all the while being a permitted profession. Nelen (2010, 14) accurately calls this process "*From normalization to moralization*".

5 Authorities involved in the public response to OMCGs in the Meuse Rhine Euregion

5.1 Introduction

The socio-historical overview in the previous chapters has illustrated that OMCGs are a complex phenomenon which relates to public disorder as well as organized crime. From 2010 onwards, the Netherlands, Germany, and Belgium have started using a zero-tolerance strategy aimed at both repression and prevention of OMCG-related crime. However, although the main premise of the strategy appears to be the same, the practical implementation varies between the countries. Each country has its own legal frameworks, policy priorities, organizational structures, and work processes from which authorities derive their respective powers. These differences in implementation may lead to cross-border cooperation difficulties. In order to identify potential cross-border cooperation difficulties in practice, a discussion of the main authorities involved in the zero-tolerance strategy against OMCG is helpful.

This chapter therefore aims to outline the institutional and organizational context and developments in which the approach to OMCGs takes place in the Meuse Rhine Euregion between (approximately) 2010 and 2019. As has been demonstrated in the previous chapters, the (cross-border) approach against OMCGs in the Meuse Rhine Euregion implies the cooperation of various authorities with the aim of preventing and repressing OMCG-related crime, public nuisance and disorder through a wide range of measures. As such, the current chapter will examine the national and state authorities responsible for the coordination of the approach in each country before zooming in on the respective regional and local authorities involved in the implementation and enforcement of measures. The three authorities mainly involved in the approach include the public prosecutor's office, the police, and the public administration.[1] More specifically, the relevant departments responsible for the approach against OMCGs and their tasks in light of 1) OMCG intelligence and investigation, 2) implementation of measures, and 3) (cross-border) cooperation and information exchange will be discussed as they can be viewed as the

1 These are the main authorities tasked with the repression and prevention of crime, and the prevention of public disorder. In addition, other authorities such as the tax office can be either involved in the existing cooperation structures (e.g. the RIEC in the Netherlands), or requested to provide information in criminal cases.

cornerstones of the approach. The wide variety of measures – mentioned in previous chapters – available to these authorities already implies that some degree of coordination of, and cooperation between authorities is required. In previous years, cooperation structures have been set up to facilitate the sharing of information and coordination of interventions. These national as well as regional cooperation structures present in the respective subregions will be addressed. Furthermore, the established (mono-disciplinary) cross-border cooperation structures, as well as more recent (multi-agency) initiatives in the Meuse Rhine Euregion, will be highlighted – albeit limited to their role in tackling OMCG-related crime.

This chapter is based almost entirely on public policy documents. Since much has been written about the institutional characteristics of the public prosecutor's offices, police and (to a lesser extent) the public administration already, this chapter will not repeat these but instead refer to the existing literature. In addition, the respective authorities' websites have been used because these often show the most recent updates in terms of structure and organization. Lastly, internal documents will only be mentioned in case they are crucial to an understanding of the approach and no public information is available.

5.2 Authorities involved in the fight against OMCGs in the Netherlands

5.2.1 The public prosecutor's office

In the Netherlands there are ten regional public prosecutor's offices (*Arrondissementsparketten*) which are tasked with investigation and prosecution of the criminal cases before a court of first instance in their region – including cases against OMCG members. These regions are the same as the police regions (Nelen et al. 2013, 33-34). Furthermore, the IRC (*Internationaal Rechtshulp Centrum, IRC*) connected to each regional office is responsible for outgoing and incoming requests for international legal assistance (Kop & Sollie 2011, 11).[2] Appeals procedures are handled by the public prosecutor's office on a supraregional level (*Ressortsparket*). In addition to the regional offices, there is a National Public Prosecutor's Office (*Landelijk Parket, LP*). This national office coordinates and takes on cases concerning (inter)national organized crime such as human trafficking, drug trafficking, money laundering, and child pornography. In addition, there is a Specialist Public Prosecutor's Office (*Functioneel Parket, FP*) which tackles complex frauds, confiscation cases, and environmental crimes investigated by special

2 https://www.internationalerechtshulp.nl/samenwerken/internationale-rechtshulp-centra.

investigative services (Nelen et al. 2013, 33-34).[3] Connected to the LP and FP are two International Legal Assistance Centers (*Landelijk Internationaal Rechtshulp Centrum, LIRC;* and *Internationaal Rechtshulp Centrum FP, IRC FP* respectively) which handle requests for legal assistance on the specific topics in those organizations.

In relation to OMCGs these divisions on the national level are also relevant since the LP was the responsible authority for the civil proceedings from 2017 onwards, as briefly mentioned in the previous chapter.[4] With these proceedings, the public prosecutor's office aimed to ban the largest and most problematic clubs: Bandidos MC, Satudarah MC, Hells Angels MC, No Surrender MC, and Caloh Wagoh MC nation-wide. In addition to gathering information on local and national criminal cases, administrative interventions and public information, the LP also requested similar information from authorities abroad for these proceedings.

5.2.2 The police

In terms of the police organization, the Netherlands have one National Police (*Nationale politie*) since 2013. The national police are divided into one national unit (*Landelijke Eenheid*) – with seven different services – and ten regional units (*Regionale Eenheden*). The relevant services in relation to tackling organized crime are the National Criminal Investigations Department (*Dienst Landelijke Recherche, DLR*) and the National Intelligence Department (*Dienst Landelijke Informatieorganisatie, DLIO*). The DLR is responsible for investigating serious and organized crime on the national level and takes on cases concerning serious or organized crime abroad in which Dutch nationals are involved. The DLIO is responsible for gathering intelligence and the information exchange with regional as well as international services (e.g. Europol, Interpol) for the purpose of monitoring the (inter)national safety and subsequently support and facilitate operational police work. The ten regional units are responsible for operational police tasks within their region. Each regional unit consists of different services – including again a Regional Criminal Investigations Department (*Dienst Regionale Recherche, DRR*) and a Regional Intelligence Department (*Dienst Regionale Informatieorganisatie, DRIO*). For the purpose of the information regarding OMCGs, there are various regional 'information cells' under the DRIO service with police officers who are (almost) solely engaged in collecting, enhancing, and forwarding intelligence regarding developments in the subculture, new members, signals, suspicions of criminal activities et cetera to their regional and local colleagues as well as the National Police (Terpstra, Duijneveldt, Eikenaar, Havinga & Stokkom 2016,

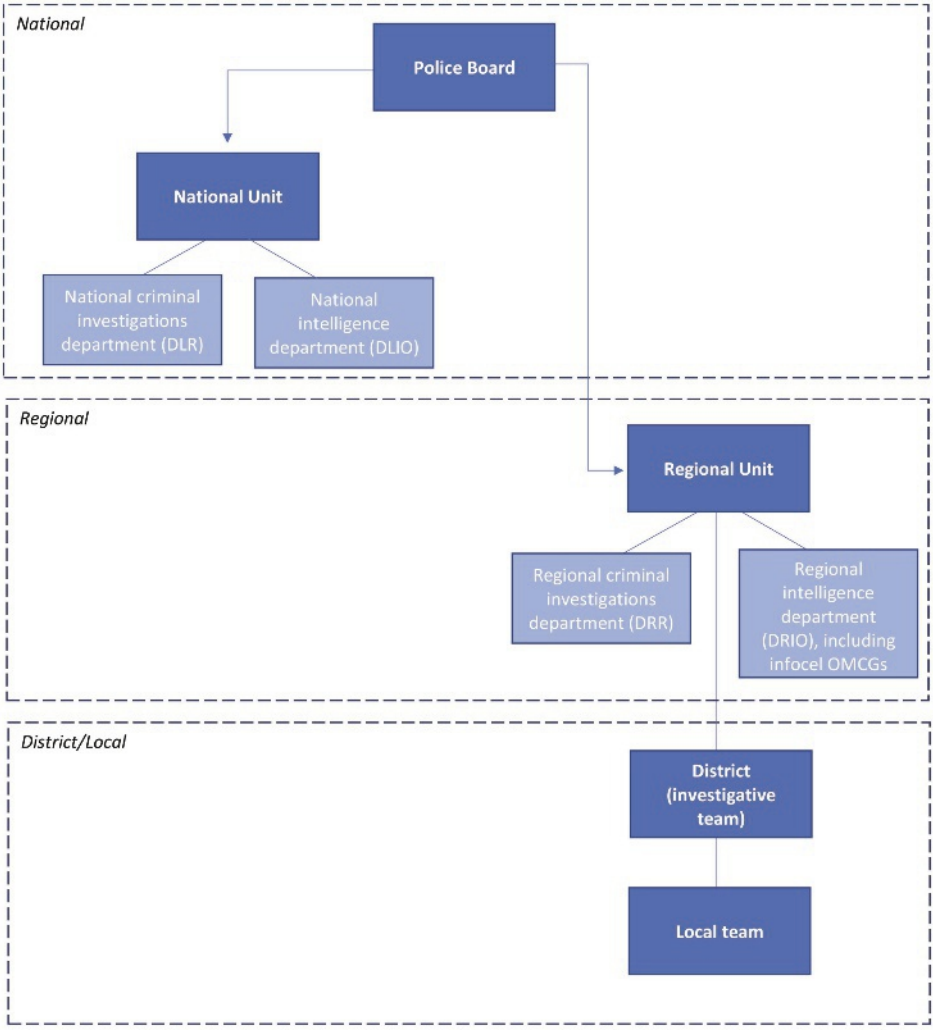
3 https://www.om.nl/organisatie/openbaar-ministerie/organogram.

4 These civil proceedings will be discussed more in-depth in the next chapter.

91). If relevant, this information is sent to the national level for further exploration and enhancement. In other words: there is a continuous information flow from local and regional levels to and from the national level.[5] Each regional unit is further divided into District teams (*Districtteams*) consisting of the Local Teams (*Basisteams*), District Investigative Teams (*Districtsrecherche*) and Flex Teams (*Flexteams*). The Flex Teams can support the Investigative and Local Teams. The Local teams are responsible for investigating common crime, enforcement of public safety and security, and emergency assistance. They are the first point of contact for citizens (Terpstra et al. 2016, 20-23).[6] See figure 5.1 for a visualization of the organizational structure of the Dutch National Police in relation to OMCG-related tasks as discussed above.[7]

5 https://www.politie.nl/informatie/organisatiestructuur-politie-nationaal.html.
6 https://www.politie.nl/informatie/organisatiestructuur-politie-regionaal-en-lokaal.html.
7 For the official visualization from the Dutch National Police, see Appendix VIII.

Figure 5.1: Organizational structure of the Dutch National Police in relation to OMCG-related tasks



5.2.3 *The public administration*

The public administration in the Netherlands has increasingly become a key player in the prevention of organized crime. On the basis of a Probity Screening Act (2003), administrative authorities – mostly municipalities – may request an advice on the risks involved regarding the approval of permits, subsidies, and tenders for individual persons

and companies. Upon request by an administrative body, a National Probity Screening Office (*Bureau BIBOB*) will provide an advice and the administrative body may subsequently decide whether or not to grant a permit (Peters & Spapens 2015, 272-286). A permit can be denied "*when there is a serious risk that the permit or license will be used to commit criminal offences and to take advantage of money obtained from criminal offences or obtain other monetary benefits*" (art. 3:1 Wet Bibob). The mayor is charged with maintaining public order and in doing so has the lead over the local police and presides over the so-called 'triangular consultation' (*Driehoeksoverleg)*. In this consultative meeting the municipality, the police, and public prosecutor on the local level regularly seek agreement on the use of administrative and/or criminal measures in a certain situation (Salet & Sackers 2019, 60). The tendency towards increasing enforcement powers of Mayors (some of which have already been discussed in previous chapters) has raised the question whether the latter should be viewed as a classical guardian of public order and peace or a proactive crimefighter (Salet & Sackers 2019). Oftentimes, departments of public safety and security (*Openbare Orde en Veiligheid*) and/or enforcement *(Handhaving*) are responsible for preparing the municipal policies and advising the mayor. Sometimes other municipal departments may also serve a role in monitoring and enforcing regulations regarding zoning plans (*Omgevingsdiensten, Bouw*).

5.2.4 The multi-agency approach

Of the three countries in this study, the Dutch approach towards organized crime is the most integrated one. The multi-agency approach with various Regional Information and Expertise Centers (*Regionaal Informatie en Expertise Centrum*, RIEC) was established in 2008-2009 and a National Information and Expertise Center (*Landelijk Informatie en Expertise Centrum*, LIEC) in 2011.[8] Essentially, the development of the RIECs and the overarching LIEC attempts to facilitate an *'organized government against organized crime'* and support the cooperation of municipalities, provinces, public prosecutors' office, the police, the tax office, customs, and several other special investigative authorities through a signed covenant and accompanying guidelines on information exchange.[9] Since the multi-agency approach to OMCGs has been prioritized by the Dutch Ministry of Security and Justice in 2012, an additional National Strategic Consultation (*Landelijk Strategisch Overleg*, *LSO*) was set up to stimulate, inform, and support the interdependent national-regional structure. Together with the LIEC the LSO organizes meetings; for example, to make Mayors aware of their competences regarding administrative measures

8 Kamerstukken, 2007/08, 29 911, 1. Attachment 1.

9 https://www.riec.nl/maatregelen-en-documenten/convenant.

under the multi-agency approach. The LIEC coordinates the yearly progress reports concerning OMCGs in the Netherlands. These reports articulate the vantage points of the strategy followed by a list and description including (but not limited to):

- the number and nature of criminal investigations against members;
- the proceeds seized from members;
- the number of clubhouses prevented or closed down;
- the number of events and ride outs prevented or monitored;
- developments regarding the club bans;
- developments regarding the cooperation with non-state actors (such as the catering industry or private security companies); and
- cross-border cooperation.

The information-exchange between authorities and the monitoring of developments in this respect has been especially important in the previously mentioned civil proceedings to ban the largest OMCGs in the Netherlands. In these civil proceedings (based on art. 2:20 §1 BW), initiated by the LP, information other than definitive convictions may be used before the court to strengthen the case such as intelligence from ongoing criminal proceedings, administrative measures, fiscal measures, media reports, and other public information.[10] The LSO and LIEC also create and distribute various legal and practical guidelines on the use of legal instruments for the approach against OMCGs for practitioners (LIEC, June 2014). These legal and practical guidelines have been drawn up nationally and indicate which authority can impose which measure in which situation.[11] The LIEC and LSO receive their information via the RIECs, each of which has a working group responsible for the multi-agency approach of OMCGs in their specific region.

The Dutch RIEC Limburg coordinates the regional multi-agency approach between the police, respective municipalities, public prosecutor's office, tax office, Royal military police, customs, and other governmental health and safety agencies. The RIEC Limburg has a thematic working group on OMCGs, which regularly holds meetings in which liaisons of the respective government agencies discuss developments, specific cases and

10 However, the preparations, hearings, deliberations and potential appeals procedures in these civil proceedings can be quite lengthy. As a result, it takes a long time for the consequences of a ban to materialize – e.g. further administrative enforcement against club colors and symbols, criminal liability in case of continuation (Koornstra et al. 2019). This is one of the reasons why some members of the Dutch Parliament in 2018 have proposed a bill that would provide the Minister of Legal Protection (of the responsible Ministry of Justice and Security) with the discretionary power to prohibit and disband an organization if (1) necessary in the interest of public order and (2) the targeted organization creates, promotes or upholds a culture of lawlessness. Such a prohibition would be effective immediately, after which continuation of the banned organization would be punishable by law (art. 140:2 Sr). Unless the targeted organization appeals against the Ministerial decision and is proven right, the organization remains banned.

11 Personal communication January 11, 2017. Internal documentation provided during interview.

interventions. In this respect, information-exchange is crucial as it provides the basis for imposed measures as well as the argumentation for which intervention is viewed as most efficient in a particular situation. Information-exchange between the partners of the RIEC is possible on the basis of a mutually signed Covenant. However, certain (e.g. privacy) standards must be met. Information-exchange therefore always requires the indication of a specific purpose or goal, and the principles of subsidiarity and proportionality should be guaranteed at all times.[12]

5.3 Authorities involved in the fight against OMCGs in Belgium

5.3.1 The public prosecutor's office

In Belgium, the National Public Prosecutor's Office (*Federaal Parket*) is the competent national authority for prosecuting various types of organized crime – e.g. human trafficking, weapon trade, terrorism – and criminal organizations (Van Daele & Vangeebergen 2007; Nelen et al. 2013). Among its tasks is the coordination of criminal proceedings in case of interrelated offenses brought before various regional public prosecutors or investigative judges and facilitation of international police and judicial cooperation.[13] On a national level, there are fourteen public prosecutor's offices (*Parket van de Procureur des Konings*) in twelve judicial districts (*gerechtelijke arrondissementen*). Three of those cover regions located in the Meuse Rhine Euregion: Limburg, Eupen, and Liège. There are five Public Prosecutor's Offices on a national level (*Parketten-Generaal*), in charge of Appeals

12 RIEC. (2015). Werkproces integrale casusaanpak door het Regionaal Informatie en Expertise Centrum. In short, each partner may introduce a signal (described as: "indication(s) from one or more partners of the RIEC cooperation structure that certain behaviors and/or situations could be related to (manifestations of) organized crime" on p. 14-15) concerning an OMCG (with a specific document called *signaaldocument* or *casusbeschrijving*), after which the working group will assess if the sign meets all the formal substantive and procedural requirements. Whether or not the sign merits information-exchange and analysis between the partners depends on the nature and the number of signs put forward (history of those signs, accumulation of signs, relation between signs, and what actions have already been taken). After all the partners have gathered the information available to them, the information from the partners is bundled. Subsequently, an assessment will be made if the initial signs are confirmed on the basis of new information, and if it is feasible and desirable to intervene (e.g. there should be enough manpower and priority given to intervene, intervention should not jeopardize ongoing investigations). On the basis of this document, an advice regarding intervention(s) is provided to the partner with the best opportunities to intervene, on the basis of the pre-determined goal (mono-disciplinary). It may also be the case that a joint intervention is necessary (multi-disciplinary), or that no intervention is advisable at a particular time (for example when it could harm an ongoing criminal investigation).

13 https://www.om-mp.be/nl/uw-om/federaal-parket/opdrachten.

procedures in the respective areas, of which two cover regions located in the Meuse Rhine Euregion: Antwerp and Liège.[14]

5.3.2 The police

The Belgian integrated police (*Geïntegreerde Politie*) consists of the Federal Police and the Local Police. The Federal Police on the national level has a Board (*Commissariaat-Generaal*) and three general departments: an administrative police department (*Algemene directie bestuurlijke politie*), a judicial police department (*Algemene directie gerechtelijke politie*), and a department concerning resource management and information (*Algemene directie van middelenbeheer en informatie*).[15] The Federal Police operates within the national and international context, as it is tasked with facilitating international police and judicial cooperation (*Directie van de international politiesamenwerking, CGI*) and gathering intelligence and expertise. For example, as one of the specialized units under the judicial police department, the DJSOC (*Directie van de bestrijding van zware en georganiseerde criminaliteit, DJSOC*) is responsible for combating organized crime. It analyses various organized crime phenomena (including OMCGs), it supports and facilitates the multi-agency approach and develops tools aimed at destabilizing and dismantling criminal organizations.[16] Within DJSOC, a project group called 'Highsider' was established in the late 1990s to collect information on OMCGs – at the time most notably the Hells Angels MC. The working group was established to identify the threat posed by OMCGs and report back to competent authorities. The objective of Highsider is to monitor developments regarding OMCGs, e.g. the number of members, chapters, clubs, patchovers et cetera. Furthermore, Highsider supports the multi-agency approach by providing information for criminal investigations of respective police authorities and by informing administrative authorities faced with high-risk events or ride-outs. In this respect, the project group also disseminated guidelines on the applicable administrative measures against OMCGs (DJSOC Highsider 2016).

Apart from these federal police services, the Federal Police is divided into deconcentrated judicial police departments (*gedeconcentreerde gerechtelijke directies*) in the abovementioned judicial districts (*gerechtelijke arrondissementen*). The federal judicial police closely cooperates with the administrative police in their district, carries out supra-local

14 https://www.om-mp.be/nl/over-om/structuur.
15 https://www.politie.be/5998/nl/over-ons/federale-politie.
16 https://www.politie.be/5998/nl/over-ons/centrale-directies/centrale-directie-van-de-bestrijding-van-de-zware-en-georganiseerde.

investigations, and is tasked with supporting local police services (Nelen et al. 2013, 36-37).[17] Additionally, the Coordination and Support Department (*Coördinatie- en Steun Directie*, *CSD*) on the district level may provide operational support and coordination in information-exchange between the different local-, federal-, and administrative police services and assess the application of police intelligence for the motivation of administrative measures (De Ruyver et al. 2016, 136-137).[18]

The Local Police is divided into 185 local police forces (situation in 2019). Its responsibilities are: community policing, enforcement of public safety and security and carrying out local investigations.[19] Each police force and its chief of police operates under supervision of the mayor(s) of the respective police zone – in some cases the police zone consists of only one municipality, in others of multiple municipalities. In relation to OMCGs, local and federal police services gather information and include them in official reports. These reports are sent to and from Highsider through various District and Local Information Crossroads (*Arrondissementeel Informatie Knooppunt*, *AIK* and *Lokaal Informatie Knooppunt*, *LIK*, respectively). Such reports are assessed for relevance at the local level and, if necessary, forwarded to a district level where the same considerations take place and ultimately all relevant bundled information is sent to Highsider, which can then carry out analyses and identify trends. The outcomes, which may be useful for monitoring developments or implementing interventions is subsequently returned from Highsider to other federal and local police services. In this respect, they are the linking pin in the multi-agency approach to OMCGs in Belgium.[20] For a visualization of the organizational structure of the Belgian Integrated Police in relation to OMCG-related tasks, see figure 5.2.[21]

17 https://www.politie.be/5998/nl/over-ons/gedeconcentreerde-gerechtelijke-directies/de-gedeconcentreerde-gerechtelijke-directies.

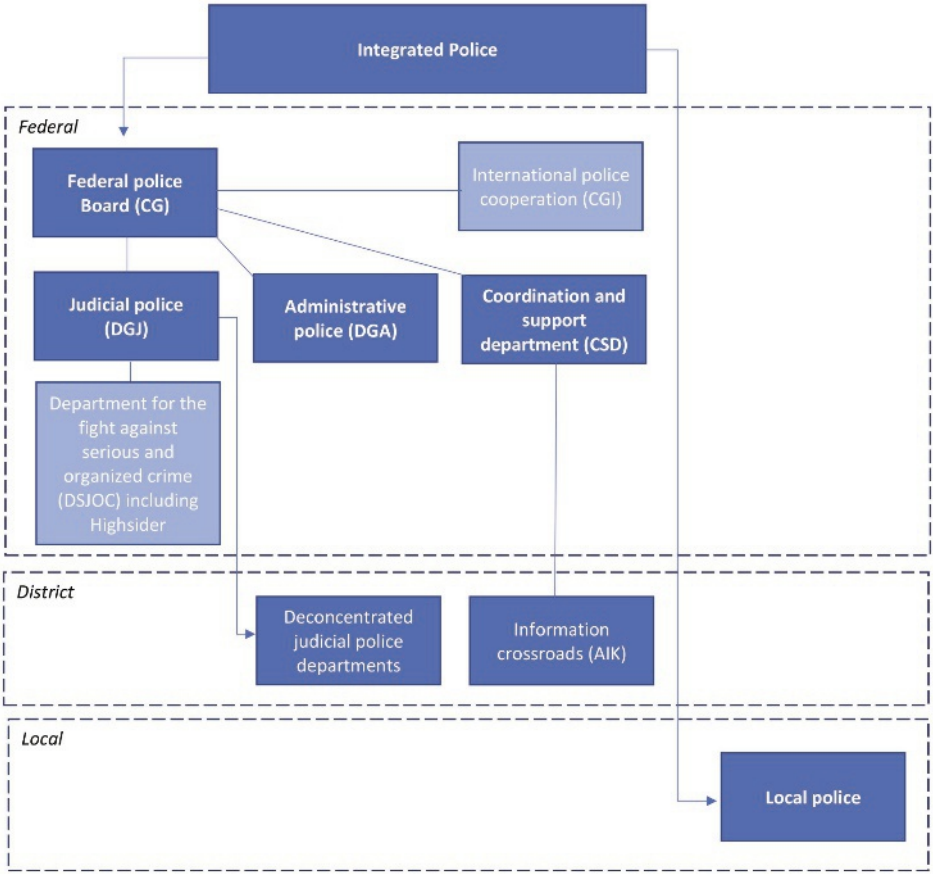
18 https://www.politie.be/5998/nl/over-ons/commissariaat-generaal/de-gedeconcentreerde-coordinatie-en-steundirecties.

19 https://www.politie.be/5412/over-ons/de-politiestructuur-een-geintegreerde-politie/de-lokale-politie-binnen-de-huidige.

20 Personal communication with respondents 14 and 70.

21 For the official visualization of the Belgian Federal Police (not including the local police), see Appendix VIII.

Figure 5.2: Organizational structure of the Belgian Integrated Police in relation to OMCG-related tasks



5.3.3 *The public administration*

The public administration – again most notably the municipalities –, similar to the Netherlands, have a general policing task in that they maintain public order and safety (De Boye, Wouters, Moermans, Geerlings & Dreezen 2015; DJSOC Highsider 2016). Belgian municipalities have the competence to impose municipal administrative sanctions, refuse or withdraw a permit or license and shut down establishments temporarily or permanently. They can also screen and monitor persons and legal entities (De Ruyver et al. 2016). Furthermore, the New Municipality Act provides a framework for maintaining public order (Van Daele 2015, 17-50; DJSOC Highsider 2016). As indicated and illustrated

by the previous chapters, information exchange with the administrative police and judicial authorities is crucial to implementing administrative measures (for the legal framework regarding this information exchange see Van Daele 2015, 43-45; for an overview of the organization of the administrative approach see De Ruyver et al. 2016, 29).

5.3.4 The multi-agency approach

In terms of cooperation structures, the District Information and Expertise Centre (*Arrondissementeel Informatie en Expertise Centrum*, ARIEC) was founded in 2017 in the Belgian province of Limburg[22] after local successes with an ISEC-project on the administrative approach against organized crime in the City of Genk from 2013 until 2015.[23] The goals of the ARIEC resemble that of the Dutch RIEC but compared to the latter the ARIEC is (organizationally and legally) embedded differently and has a smaller organization, consisting of a small group of practitioners, criminologists, and information managers.[24] The general aim of the ARIEC Limburg is to sensitize local public administrations and raise awareness regarding the administrative approach; it provides its partners with support regarding legal expertise and best practices, it monitors supralocal phenomena and it promotes a uniform approach on the provincial level. The ARIEC helps setting up municipal consultation- and coordination structures, municipal databases, interventions, and makes information sessions and model regulations available to practitioners.[25] The ARIEC Limburg can promote information exchange between Belgian municipalities in cases of OMCG-related problems in order to effectuate administrative measures.

5.4 Authorities involved in the fight against OMCGs in Germany

In Germany, the territorial states (*Bundesländer*) have their own sovereign rights and responsibilities in terms of police work and public order. They enforce state as well as federal laws within their territory.

22 https://www.knack.be/nieuws/belgie/ariec-wordt-proeftuin-voor-bestuurlijke-aanpak-van-georganiseerde-criminaliteit/article-belga-934945.html?cookie_check=1610099307.

23 Report Administrative approach to organised crime. Manual and Toolbox.

24 There are currently three ARIECs in Belgium: One in Limburg, one in Antwerp and one in Namur. The latter is in a project stage and is officially called PAALCO (Pour une Approche Administrative de Lutte contre la Criminalité Organisé), see: https://www.besafe.be/nl/veiligheidsthemas/bestuurlijke-aanpak/arrondissementele-informatie-en-expertisecentra/namen. For Antwerp, see: https://www.besafe.be/nl/veiligheidsthemas/bestuurlijke-aanpak/arrondissementele-informatie-en-expertisecentra/ariec.

25 https://www.besafe.be/nl/veiligheidsthemas/bestuurlijke-aanpak/arrondissementele-informatie-en-expertisecentra/ariec-limburg.

5.4.1 The public prosecutor's office

The State of North Rhine-Westphalia has three General Public Prosecutor's Offices (*Generalstaatsantwaltschaften, GStA*) and 19 (regional) Public Prosecutor's Offices (*Staatsanwaltschaften, StA*). The GStA is responsible for investigations related to, for example, treason and crimes against the external security of the state. It also decides on complaints filed against the StA. The StA is responsible for prosecuting criminal offences in its respective region. The Federal Prosecutor's Office (*Bundesanwaltschaft*) deals with appeal procedures on a national level. It should be noted that, whereas the public prosecutors in the Netherlands and Belgium may also steer investigational policies and seek agreement with the police regarding operational aspects of a criminal investigation, the German police take certain (operational) decisions in criminal investigations more autonomously (Nelen et al. 2013, 41).

5.4.2 The police

The State Criminal Police Office (*Landeskriminalamt, LKA*) is the competent police authority for combating organized crime in the respective states, whereas the Federal Criminal Police Office (*Bundeskrimalamt, BKA*) on the federal level provides support to the LKA (Nelen et al. 2013, 39-40). The BKA also provides the yearly "Organized Crime reports" (*Bundeslagebilder*) which include the number and nature of criminal investigations involving OMCG members. The LKA is responsible for the international police cooperation and criminal investigations of serious crime are carried out by the Criminal Investigations Department (*Kriminalpolizei*). The LKA is and always has been the cornerstone of the approach against OMCGs.[26] In this role, the LKA in North Rhine Westphalia created a project group (*Projektgruppe 124 Rockerkriminalität*) in 2010, in order to map and analyze crime related to OMCGs following several violent conflicts between clubs from 2000 onwards. The project group is concerned with intelligence gathering, enforcement, and support of the multi-agency approach – although the multi-agency approach in Germany has barely come to fruition in practice. Within the project group there are police experts

26 Müller, Ulrich & Zietlow (2022, 83-87) mention that the cooperation between police departments on a regional, inter-state, and national level is generally perceived as good – but mostly limited to information exchange between OMCG experts. Their respondents emphasize the importance of informal exchange of information and cooperation. The formal routes must be used for information that can be used in court. Furthermore, their respondents also described a good working relationship between police and judicial authorities. The use of permanent contact persons from departments responsible for OMCG related crime or organized crime was deemed particularly beneficial, as they also have the necessary background to identify whether a given suspect is part of an OMCG.

who are involved in information management, crime analyses, operational analyses, criminal investigations, and the deployment of personnel and resources for interventions.[27]

As no public information is available on the approach and process of information exchange in the state of North Rhine Westphalia, the similar strategy (*Bekämpfungskonzeption)* of the State of Baden-Württemberg will be used in this section for illustrative purposes.[28] The multi-agency approach (*ganzheitlichen Bekämpfungsansatz; vernetze[n] Ansatz*), apart from criminal investigations, also includes public order, traffic, restaurant, business, association, and building law measures. Important in this approach is especially the contact between the State Police, District Police, and regional councils (Jäger 2012, 499).[29] In order to monitor the situation at the state level a 'situation analysis and assessment' is made, which includes information from various sources. Open sources such as the internet – where clubs present themselves on self-made websites and social media – are used to gather information. The numbers of criminal cases in which OMCG members were suspects over a period of several years are analyzed. Furthermore, information from organized crime and gang investigations involving OMCG members is gathered. Such investigations are often carried out through covert measures over a long period of time, resulting in extensive knowledge about the specific organized crimes committed, as well as insights regarding group structures, motivations of suspects, possible dependencies, and hierarchical relationships (Jäger 2012, 495). The LKA of North Rhine Westphalia supports 47 District Police teams (*Kreispolizeibehörde, KPB*) which operate on a district level and carry out administrative tasks and prevention of crime and public disorder, traffic accidents, and other incidents (Nelen et al. 2013, 40).[30] For a visualization of the organizational structure of the German State Police of North Rhine Westphalia in relation to OMCG-related tasks as discussed in this section, see figure 5.3.[31]

27 Personal communication, October 7, 2019. Internal documentation provided during interview.

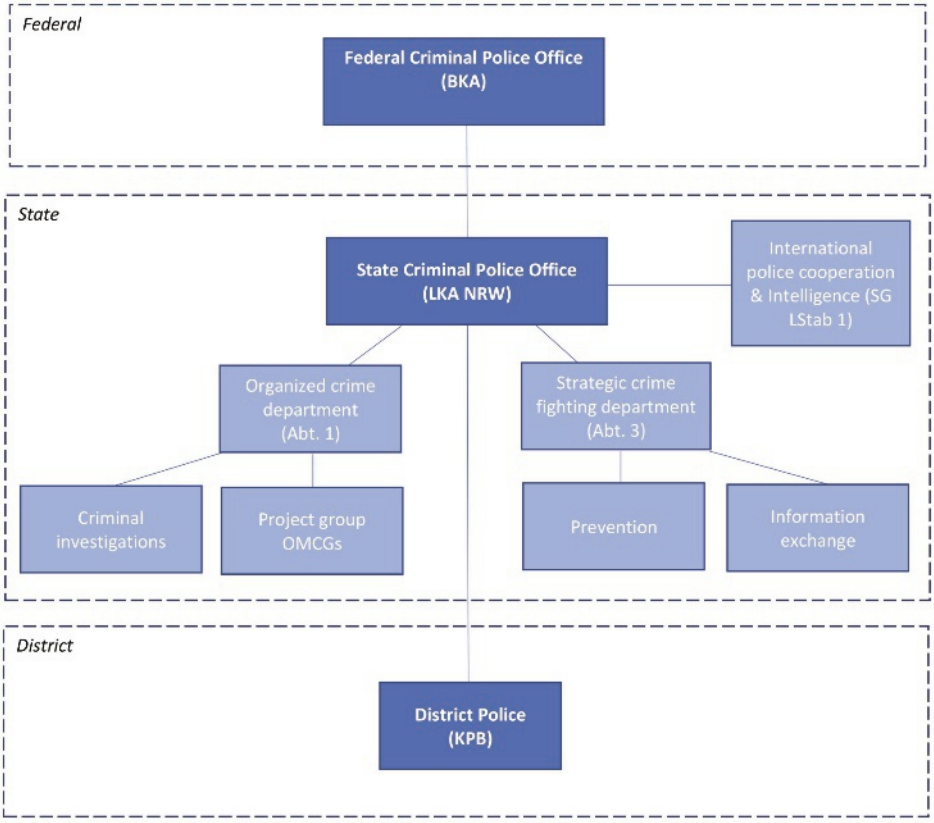
28 From the interviews and provided documentation, it can be said that the approach is essentially quite similar.

29 For more recent information on the strategy and practical use of the administrative approach based on expert interviews in the different states of Germany, see: Müller, Ulrich & Zietlow (2022, 69-74).

30 https://polizei.nrw/artikel/organisation-der-polizei-nrw.
https://lka.polizei.nrw/sites/default/files/2021-07/Organigramm_ohne_Namen.pdf.

31 For the official visualization of the organizational structure of the German State Police, see Appendix VIII.

Figure 5.3: Organizational structure of the German State Police of North Rhine Westphalia in relation to OMCG-related tasks



5.4.3 *The public administration*

The highest level of administration at the state level involves the supreme authorities (*oberste Landesbehörden*) with its government and ministries. In relation to OMCGs, the Minister of Interior of North Rhine Westphalia has the competence to ban chapters or clubs when the purpose or activity of the association is in violation with the criminal law, the constitutional order or the concept/idea of understanding between people.[32] As discussed in the previous chapters, various Hells Angels, Bandidos, and their respective support

32 Art. 3 Vereinsgesetz.

chapters have been banned with this legal tool.[33] Such a ban will provide administrative authorities and police with additional powers, e.g. symbols or colors are no longer allowed to be displayed and authorities may seize the assets of the banned association;[34] replacement or continuation of the banned organization is punishable by criminal law (Koornstra, Roorda, Vols & Brouwers 2019, 290-318).[35] Van Daele (2015, 194) remarks that, while administrative authorities have competences to maintain public order, the administrative approach is not targeted at combating or preventing organized crime and as such does not have a specific set of tools or institutional framework. Germany has a tradition of administrative sanctions, administrative fines, the possibility of limiting, denying, and revoking permits – or requiring certain conditions to be met – for pubs, and the possibility of screening and monitoring persons and legal entities (Van Daele 2015, 191-226). It should be noted that there are various administrative authorities on the intermediate, district, regional, and local level. Municipalities (regional councils) are the primary administrative enforcers of interest for the purpose of this chapter, as they are responsible for carrying out supralocal tasks. In this respect, the district police services, as well as the *Ordnungsbehörden,* are responsible for preventing public disorder. They may issue general rules to protect public order and security as regulations and bylaws (Van Daele 2015, 224-226).

5.4.4 The multi-agency approach

As previously discussed, the German approach against OMCGs is predominantly a police-task (its coordination, and the repression as well as the prevention aspects). It is the police service that monitors and assesses the situation and works together with other partners where possible. As such, the police have also established working groups to promote the multi-agency approach. Such a working group or 'roundtable' may include practitioners from the Ministry of Interior, Ministry of Justice, Ministry of Finances, local public administration, and public prosecutors.[36] In this respect, the police in North Rhine

33 HAMC Düsseldorf (2001), HAMC and Red Devils MC Cologne (2012), BMC Aachen, Chicanos MC Aachen, Alsdorf, Düren, Diablos MC Heinsberg and X-Team Aachen (2012) HAMC Concrete City and Clan 81 (2017). The nationwide bans of Satudarah MC (2015) and Osmanen Germania BC (2018) have also resulted in the termination of various chapters in North Rhine Westphalia. It should be mentioned however that Osmanen Germania is not a motorcycle club but a boxing club with a similar structure and appearance to OMCGs.

34 Art. 10 Vereinsgesetz.

35 Respectively art. 84 and art. 85StGB.

36 Report Working conference 'Partners against OMCG related crime' (internal documentation). The mentioned roundtable was set up by the Flensburg police (not located in the Meuse Rhine Euregion). The existence of such roundtables elsewhere has also been confirmed by a Europol officer (personal communication March 19, 2019). Unfortunately, no information is available on the internal workings of the working groups.

Westphalia work together with various administrative authorities in terms of labor inspections (*Arbeitsamt*), checking building applications, and compliance with regulations (*Bauaumt*), compliance in traffic (*Verkehrsbehörde*), monitoring trade registrations and liquor licenses (*Gewerbeaufsichtamt*), checking permits and conditions at events, and issuing color bans (*Ordnungsamt*).[37] It should be noted however, that there appears to be more resistance towards the administrative or multi-agency approach as part of the zero tolerance strategy in Germany as compared to the Netherlands and Belgium (see e.g. Feltes 2020; Müller, Ulrich & Zietlow 2022).

5.5 Fragmentation and compartmentalization

The previous sections have outlined the most prominent authorities involved in the approach against OMCGs on the national level and how this relates to the approach on the regional level. Naturally, there are geographical boundaries with respect to the competences of the regional and local authorities in the Meuse Rhine Euregion. In terms of public prosecutors' offices in the Meuse Rhine Euregion, one is situated in the Dutch part (*Arrondissementeel Parket* Maastricht), one in the German part (*Staatsanwaltschaft* Aachen), and three in the Belgian part (*Procureur des Konings* Limburg, -Liège, and -Eupen). For the police in the Dutch province of Limburg, there is one *Regionale Eenheid*, which is divided into three district services (*Districtpolitie*) and twelve local police services (*Basisteams*), of which eight local services are located in the Meuse Rhine Euregion. There are 14 police zones in the Belgian province of Limburg and there are 20 local police zones in the province of Liège. In North Rhine-Westphalia, there are 16 *Kriminalhauptstellen* and 47 *Kreispolizeibehörden*, of which one *Kriminalhauptstelle* and four *Kreispolizeibehörden* are located in the Meuse Rhine Euregion. In terms of public administration tasked with maintaining public order and security, there are 20 municipalities in the Dutch part of the Meuse Rhine Euregion, 126 municipalities in the Belgian part (of which 42 are located in the province of Limburg and 84 in the province of Liège), and 45 municipalities in the German part (the entire state of North Rhine Westphalia encompasses 296 municipalities). In other words: there is a geographical as well as organizational patchwork of authorities occupied with the problem of OMCGs. This clearly illustrates the complexity of the approach in practice.

Moreover, it is not just these geographical and organizational demarcations that divide prosecutorial-, police-, and administrative authorities. Within these organizations, there are also internal departments and divisions with certain duties and competences. For example, within the respective police organizations there may be different departments

37 Personal communication October 7, 2019. Internal documentation provided during interview.

for information and intelligence, cross-border cooperation, and for criminal investigations. It reaches too far to include a full overview of internal departments but in order to illustrate the complexity of further internal divisions in the respective organizations some examples from the Dutch situation will be highlighted here; in the Dutch Public Prosecutor's Office, there is an internal division of those who concern themselves with 'Policy and strategy' (*Beleid en strategie*), 'Investigations' (*Onderzoeken*), and 'Crime undermining society and the rule of law' (*Ondermijning*).[38] In relation to OMCGs, this means that a person working in the 'policy and strategy' department may be tasked with internal coordination of the strategy and external information-exchange with other partners (e.g. in the previously mentioned RIEC cooperation structure), whereas a colleague in 'Investigations' may be tasked with specific criminal investigations on OMCG members. In the Dutch police organization, there are few practitioners whose core activity is monitoring OMCGs (e.g. the aforementioned regional and national 'infocells'). In addition, there are others who occasionally concern themselves with OMCGs as part of their work, such as those practitioners who work for the criminal intelligence unit, those who support criminal investigations, or those who – based on police information – make administrative reports for the public administration so that they may take administrative measures. Lastly, in the public administration of a municipality, one person may be occupied with advising the mayor to impose administrative measures on a clubhouse, whereas another is responsible for the information exchange (*Team Openbare Orde & Veiligheid*) with other partners or refusal of a permit (*Team Vergunningen*), and a third person is responsible of enforcement of those measures (*Team Handhaving*).

To summarize, due to the broad scope of OMCG-related problems (e.g. public order versus organized crime) in the first place and the all-encompassing multi-agency approach to tackle and prevent these problems, there is a high level of separation of tasks on the policy, strategy and operational level and in terms of information gathering, -analysis, -exchange, investigations, and interventions. Arguably, this separation of tasks makes it difficult for practitioners, but especially outsiders, to keep track of the daily practices in the fight against OMCGs. Coordinated cooperation structures between the various authorities – such as the RIEC, ARIEC, and German Roundtables – can provide a solution. It should be prevented however, that such cooperation structures start to lead a life of their own after some time, as this may adversely add another layer of complexity.

38 *Ondermijning* is a 'catch-all-term' introduced in the Dutch policy around approximately 2018. It often relates to serious and organized crimes which are assumed to 'undermine' the fabrics of society and damage existing social structures due to interdependence between 'underworld' and 'upperworld'. OMCGs are repeatedly used as a concrete example of 'ondermijning'.

5.6 Cross-border cooperation structures and other initiatives in the Meuse Rhine Euregion

The Meuse Rhine Euregion is known for its various past initiatives regarding cross-border cooperation.[39] Eventually, these (mono-disciplinary) initiatives became anchored cross-border cooperation structures in the current landscape. Those cooperation structures which – within their competences - have specifically concerned themselves with the problem of OMCGs in recent years will be discussed in this section.[40] Following up on these mono-disciplinary cooperation structures, initiatives in recent years have focused on establishing a multi-disciplinary cooperation structure in the Meuse Rhine Euregion.

5.6.1 Mono-disciplinary cooperation structures

In 1969, the NeBeDeAgPol (*Niederländisch-Belgisch-Deutsche Arbeitsgemeinschaft der Polizeien*) was established to promote trilateral police cooperation in the Meuse Rhine Euregion. It comprises the police of the Dutch province of Limburg, Dutch National Police, Belgian Federal and local police services in Liège, Limburg, and the German-speaking community, and the German state and local police services in the Aachen region (Kop & Sollie 2011; Fennig 2015, 75). The NeBeDeAgPol has thematic working groups, including

39 In terms of supranational cooperation structures, Europol can also be mentioned - although it does not specifically deal with the Meuse Rhine Euregion. Europol is the European Union's law enforcement agency supporting Member States in preventing and combating serious (organized) crime. Europol provides support to law enforcement authorities in EU Member States by means of providing (1) a support centre for law enforcement operations, (2) criminal information hub, and (3) centre for law enforcement expertise (European Police Office 2013). Europol Review: General report on Europol activities, p. 9). Europol receives the information on which it bases its analyses from the respective authorities in the Member States. Europol's project 'Monitor' helps prevent and combat criminal activities of OMCGs. The project follows a multidisciplinary and horizontal approach, focusing on organized crime groups rather than just OMCGs by (1) identifying the structures and members of OMCGs, (2) revealing the meaning of new phenomena within this subculture and detecting new trends through strategic analysis, (3) informing the public and law enforcement about threats through Early Warning Briefs, Scan Notices and press releases, (4) initiating, promoting and coordinating new operational activities, (5) supporting partners in policing major biker events, (6) organizing OMCG expert conferences and training courses, and (7) providing high level support to law enforcement, judicial and government authorities (European Police Office. (2013). Europol Review: General report on Europol activities, p. 61-62). In practice, this means that Member States can use Europol's Secure Information Exchange Network Application (SIENA) to securely exchange both operational and strategic police information and intelligence, thus making it available to the Europol organization and/or Member States. It is entirely within the Member States' discretion whether and which information is exchanged. Europol can try to moderate and support this information exchange by assisting in finding the right partners in addressing Member States' questions (including ongoing investigations). Furthermore, the information received by Europol is used to create overviews of developments, similarities and differences between cases, and other strategic documents aimed to help the Member States. These documents are not publicly available (personal communication March 19, 2019).

40 For cooperation structures such as EPICC and IRC, see Fennig (2015).

one on OMCGs. This working group consists of police officials tasked with monitoring and analyzing OMCGs and their members in their respective subregion of the Meuse Rhine Euregions. Regular meetings between the officials are scheduled in order to discuss the latest trends, and if possible, police information is exchanged. In 2005, the NeBeDeAgPol established the EPICC; a cooperation structure aimed at managing and coordinating the information flows between the Dutch, Belgian, and German police services. In the EPICC, the Dutch police, public prosecutor's office, the royal military police, and customs, the Belgian federal police and customs, and the German police from Aachen and the LKA as well as customs are represented and working in the same location (Nelen et al. 2013, 44-45; Fennig 2015, 75).

In 2004, the Bureau for Euregional Cooperation (*Bureau voor Euregionale Samenwerking*, *BES*) was established as a trilateral partnership of the public prosecutors' offices in the Meuse Rhine Euregion. As a center of expertise on judicial cooperation, the BES assists international criminal law cooperation (Fennig 2015, 75-76). It transfers knowledge within the respective public prosecutors' offices and (international) partners and organizes trainings and expert meetings.[41] The BES supports information exchange and requests for legal assistance, also in cases related to OMCGs. In addition, until mid-2019, monthly media overviews including a segment on OMCGs were circulated in a network of practitioners in the Meuse Rhine Euregion, so that all practitioners with a particular interest in the field were aware of recent developments. Furthermore, the BES has supported a judicial working group of public prosecutors on OMCGs in recent years.[42]

The Euregio Meuse-Rhine (*EMR*) is an organization founded in 1991 and tasked with the promotion of cross-border cooperation in various fields. It encompasses the Dutch province of Limburg; the Belgian provinces of Limburg and Liège; and the German region of Aachen. The EMR is a central point of contact for authorities, partnerships, organizations and citizens in initiating projects. It brings together competent actors and practitioners for the purpose of removing bottlenecks, developing innovative solutions, networking, and mediating.[43] As such, the EMR is also involved in promoting cross-border cooperation in the field of safety and security. More in particular, a small team is tasked with spreading awareness (for example by organizing expert meetings) and distributing practical guidelines for combating organized crime in the Meuse Rhine Euregion by means of administrative measures under the multi-agency approach. In doing so, practitioners of the EMR are in

41 https://www.om.nl/onderwerpen/internationale-samenwerking/bes.

42 Müller, Ulrich & Zietlow (2022, 87-92) mention that the cross-border information exchange and cooperation between police and judicial authorities is perceived as beneficial in terms of having a permanent contact person and exchanging OMCG reports (*Lagebilder*), but that carrying out cross-border investigations can be difficult due to different priorities and legal systems.

43 https://euregio-mr.info/euregio-mr-de-wAssets/img/Dokumente/Neuigkeiten/Euregio-konkret/NL_Euregio-concreet-Euregio-Maas-Rijn.pdf p. 8.

close contact with practitioners from other regional and cross-border cooperation structures.

5.6.2 *Multi-agency initiatives in recent years*

Authorities in the Meuse Rhine Euregion have been working together to raise awareness regarding usefulness of the administrative approach in general,[44] but also the multi-agency approach in the fight against OMCGs in particular, and explore ways to create a more uniform approach.[45] To this end, the Dutch barrier model against OMCGs has been shared and disseminated among authorities in the Meuse Rhine Euregion with the aim of visualizing and explaining the benefits of said approach to (foreign) practitioners. This barrier model is one of the central tools in the Dutch multi-agency approach against OMCGs.

As previously discussed, there have long been concerns in the Meuse Rhine Euregion regarding the relatively easy ways in which criminals may operate across national borders. In fact, the Dutch government already mentioned a desire to create a pilot in the Meuse Rhine Euregion in 2008:

> "*Organized crime is pre-eminently a form of crime that has an international nature. Adequate application of the administrative measures therefore requires international cooperation*" and "*in the Meuse Rhine Euregion, the various partners feel that displacement [of organized crime] can only be countered if the underlying problems are tackled jointly (and thus internationally). In order to be able to combat organized crime in the best possible way, an attempt will be made during this cabinet period to set up a Euregional analysis and expertise center as an experiment. This analysis center will have to fulfil the same tasks for the Euregion as those described for the Dutch regional intelligence and expertise centers.*"[46]

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44 For an overview of European legislation, and potential legal basis for cross-border cooperation and information exchange in light of the administrative approach see Peters & Spapens (2015, 615-670).

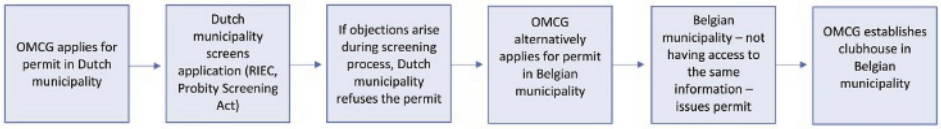
45 Various meetings in which the exchange of best practices were promoted and at which the author was present as observer include: Netherlands Presidency EU "*Working apart together: EU Conference on the administrative approach to prevent and tackle crime*", Amsterdam, March 21st-22nd, 2016; Mayor conference on "*Outlaw motorcycle gangs and the administrative approach*", Maastricht, November 22nd, 2016; Europol working conference "*Partners against OMCG related crime*", The Hague November 30th, 2017; and the "*Euregional Symposium*", Maastricht, May 17th, 2018.

46 Kamerstukken, 2007/08, 29 911 no. 10. Attachment "Programma bestuurlijke aanpak georganiseerde misdaad".

However, no such Euregional analysis and expertise center was created at the time.

The general fear of practitioners in the region with regard to OMCGs remains that – due to lacking cross-border information exchange and cooperation – members may circumvent measures imposed in their own country by exploiting opportunities posed by the national borders (i.e. leading to displacement of crime and activities). When returning to the barrier model against OMCGs, the 'administrative' pathway of acquiring a location for a clubhouse can be visualized as in figure 5.4.

Figure 5.4: Pathway of acquiring a (alternative) location for a clubhouse



A tightly knit network of practitioners involved in several of the previously mentioned authorities and cooperation structures have attempted to raise awareness regarding these cross-border problems in recent years. One of those initiatives is that of the Benelux and North Rhine Westphalia. The initiative concerned a working group as part of the implementation of the Senningen 2013-2016 plan for the exchange of good practices on the administrative approach to organized crime.[47] It was aimed at organizing meetings and consultations between (supra)local actors, preparing and, if possible, developing joint initiatives regarding a selection of phenomena of organized crime (Benelux + North Rhine Westphalia 2016, 7-8). In their 2016 progress report, the Benelux + NRW working group recommended:

- *"to strengthen the information-exchange between mayors, administrations and law enforcement agencies;*
- *to promote the administrative approach to OMCG-related crime through a cross-border barrier model;*
- *to ensure protection of privacy, professional secrecy and legal protection;*

47 For the Netherlands the Ministry of Security and Justice, Public Prosecutors Office, the National Police, the LIEC and RIEC Limburg were involved. For Belgium the Ministry of Interior, the Federal Public Service Justice, the Federal Police, and the City of Genk were involved. For Luxembourg the Ministry of Interior, and the Grand Ducal Police were involved. For the German state of North Rhine Westphalia, the Ministry of Interior and Municipal Affairs, the Ministry of Justice, and the state police were involved. Internationally, the BES, EMR and the Benelux were involved.

- *to set up a pilot project for an international information and expertise center for the administrative approach with a view to preventing and combating organized crime in the EMR by making use of existing structures;*
- *to optimize cross-border cooperation with regard to OMCGs in the Meuse Rhine Euregion through an operational Benelux + NRW declaration of intent for cross-border information-exchange, and;*
- *to allow the initiative to serve as a testing ground for the EU."* (Benelux + North Rhine Westphalia 2016, p. 22-24).

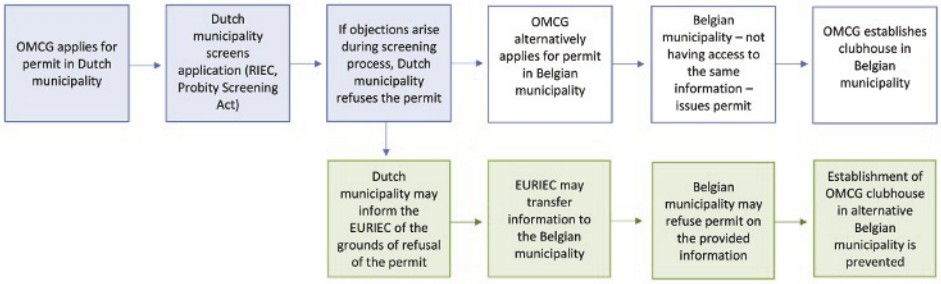
This initiative specifically tailored to OMCGs in the Meuse Rhine Euregion was not brought into practice. And although this chapter generally focuses on the situation up to and including 2017, one important development after this time period should be mentioned here. Although the Euregional analysis and expertise center (PVAGM 2008) and the cross-border OMCG initiative (2016) were not founded as such, the underlying ideas and aims of these initiatives – to promote a cross-border administrative approach in the Meuse Rhine Euregion – were subsequently embodied by the EURIEC. The EURIEC (Euregional Information and Expertise Centre) was founded in September 2019 (EURIEC 2019, February 12, p. 2-3) and, unsurprisingly, many of the practitioners involved in the Benelux + NRW initiative were the driving force behind the materialization of the EURIEC. In the plan of action, it is mentioned that the EURIEC is – similarly – focused on:

- *"The development of policy and legal knowledge and experience – on the basis of casuistry – in order to advise stakeholders regarding effective application of legal instruments;*
- *The development of screening methods in order to prevent and repress infiltration on the 'underworld' into the 'upperworld';*
- *The development of standard working processes for the administrative approach and securing these processes;*
- *Training practitioners in order to increase awareness and efficacy;*
- *Recognizing criminal trends;*
- *Encouraging the optimization of legislation."* (EURIEC 2019, February 12, p. 3).

In due time, the EURIEC hopes to accumulate knowledge based on casuistry and prepare barrier models, manuals and language tools in order to increase cross-border knowledge sharing (EURIEC 2021). Ideally then, the EURIEC would serve as a central contact point for cross-border cooperation in the abovementioned fictive situation. It could ensure, for example, that relevant information which led to the refusal of the permit for an OMCG

clubhouse in the Netherlands found its way to Belgian administrative colleagues (see for an example of this situation figure 5.5).

Figure 5.5: Working process of prevention of OMCGs acquiring a (alternative) location for a clubhouse through the EURIEC



Until date, this aspiration has not yet been realized due to the existing legal barriers concerning cross-border information exchange. However, in their concluding report on the period 2019-2021, the EURIEC notes that they have received 122 cases with transnational characteristics in which they were able to provide assistance with their legal expertise or clarify the opportunities, structures, and processes in the respective countries (EURIEC 2021, 3). Moreover, they provide a first overview of the opportunities and limitations with regard to sharing administrative and police information or the consultation of relevant social, financial, personal, cadastral or company information in the respective countries (EURIEC 2021, 6-10). Based on this overview, they outline which (mostly national) laws and regulations need to be altered in order to facilitate cross-border information exchange and cooperation for the administrative approach (EURIEC 2021, 11-37). Apart from the legal challenges, Nelen and Hofmann (2021) note that efforts to raise awareness regarding organized crime and raising administrative barriers can be further intensified (especially in Germany and Wallonia) and that it remains important to identify *common* problems, include alternative sources of data, and involve partners from other organizations than is currently the case.

5.7 Discussion and conclusion

The previous chapters have elaborated on the shift towards a zero-tolerance strategy in the Netherlands, Germany, and Belgium in the previous decades. This chapter has outlined the more organizational aspects of this strategy: the involved authorities and their cooperation in light of a multi-agency approach.

This chapter has demonstrated that in each country, the organizations tasked with gathering information on OMCGs, implementing measures, conducting criminal investigations, and exchanging information are differently organized. Each has its own history which explains that the respective national and local approaches are differently sculpted. It is safe to say that the general ideology behind the multi-agency approach ("an organized government against organized crime", see ISEC Genk 2015; LIEC 2016) has taken flight more in the Netherlands and Belgium than it has in Germany. This is reflected in the local approaches and can be explained at least partly due to the larger role of the Mayor and the municipality. In the Netherlands and Belgium, the Mayor has specific competences when it comes to public order and security, as well as administrative tools to prevent organized crime. Although legally unjust, the Mayor is sometimes even characterized as a *crimefighter* (note the statements in the newspaper articles from the previous chapter).[48] The main difference between the Netherlands and Belgium at this time lies in the national coordination. In the Netherlands, the coordination also takes place in a multi-agency setting (the LIEC, LSO) whereas in Belgium it is the DJSOC Highsider as part of the Federal Police which gathers and analyses the relevant information. Germany has some administrative tools similar to the Netherlands and Belgium and some more far-reaching such as the administrative ban. However, crime prevention and repression are still primarily seen as police and judicial responsibilities. The police service (LKA) is the main coordinator of the approach, and gatherer and analyzer of the available information. It is important to acknowledge that in all three countries most administrative- or other measures are based on police information, but that the information-sharing process between different authorities in the Netherlands (on the basis of a signed covenant) appears to be more embedded in the daily practice. Therefore, the situation can be summarized as follows: whereas the multi-agency approach is ingrained in the work processes in the Netherlands, information-sharing and cooperation to this end in Belgium and Germany takes place on a more ad hoc basis.

Secondly, the discussion of the involved authorities, and their internal divisions has indicated, on the one hand, how compartmentalized the approach is and, on the other, how intertwined the tasks concerning information management, implementing measures, and carrying out criminal investigations and (cross-border) information exchange are. For example, police information on an OMCG member's successful criminal career in the drug trade can be valuable to a municipality when that member is on social benefits and seeks to launder money by opening up a bar or acquiring an expensive piece of land.

48 In a questionnaire conducted by the Dutch news program EenVandaag, 8 Dutch Mayors mentioned they had received personal threats from OMCGs after having implemented measures against their club. 1V Opiniepanel. (2016, November 2). *Onderzoek onder burgemeesters: 'Overlast en aanpak motorbendes* (OMG's). Retrieved from http://opiniepanel.eenvandaag.nl.

Similarly, the observations of municipal enforcers on the streets or reports of concerned neighbors regarding new members of an OMCG at a certain location and perceived public nuisance can be quite valuable for the local police in case of escalation. Ultimately, all of this information can be used for the argumentation for a ban of that OMCG.

Lastly, for the cross-border approach to OMCGs in the Meuse Rhine Euregion specifically it should be noted that the geographical fragmentation in combination with the different internal divisions of authorities operating on different levels may be an additional difficulty for everyday practice. Authorities have long questioned themselves what measures can (at least) be implemented in all three countries, on the basis of what information, which may be shared among the relevant authorities. Or in other words: it has proven incredibly challenging to find a 'lowest common denominator' in order to flesh out a joint transnational approach. It is not clear in advance, for example, what the most adequate approach or information-sharing practice would be of an outlaw biker living in one country, being a member of a prominent chapter known for various types of crime in another and investing his criminal proceeds in a third. In the current situation, regional authorities attempt to work together on problems related to OMCGs in specific working groups in their respective subregions. This relates mostly to reactive information sharing in relation to transnational requests, and sharing of best practices. At the moment, cross-border cooperation structures which have thematic working groups or individuals concerned with the approach against OMCGs are still rather mono-disciplinary, although the EURIEC may bring change to this in the future.

Interim conclusion part 2: answering the sub-questions

How have OMCGs and the public response to OMCGs developed into a zero-tolerance strategy in the Netherlands, Germany and Belgium?

During the 1970s and 1980s, the outlaw biker landscape in the Netherlands, Germany, and Belgium mostly consisted of the Hells Angels MC and other, national, MCs. These clubs consisted both of youngsters and military personnel (the latter especially in Germany). Although members were already known for their rowdy and violent behavior, the clubs were still mainly seen as folkloric at the time. They were viewed as part of the existing countercultures and accepted (or even facilitated) as such. This slowly changed from the 1980s onwards, following the first studies on the manifestations of organized crime in Western Europe; first in Germany (1980s), later in the Netherlands and Belgium (1990s). With this changed focus, clubs like the Hells Angels were no longer only viewed in terms of public disorder but as groups involved in organized crime. Following several patchovers of large clubs around the turn of the century, various violent and lethal incidents involving members of various clubs, as well as organized crime charges in the 2000s, the respective governments took a repressive stance. A first attempt to ban the Hells Angels in Belgium and the Netherlands (in contrast to Germany) failed, however. While more clubs were founded, the number of chapters and members increased and tensions between the clubs grew further and the repressive stance became increasingly viewed in terms of its shortcomings; thus other venues for tackling OMCGs were explored. From 2010 onwards, the governments in all three countries implemented a zero-tolerance strategy, utilizing complementary (administrative) measures to make sure that authorities in no way unknowingly facilitate OMCGs in their (criminal) activities.

These developments toward a zero-tolerance strategy were certainly fueled by the 'success of OMCGs': the fact that the idea of a club appealed to many young men, who founded various small clubs, which expanded and internationalized, but at some point might have admitted too many members and have gotten too big to control, leading to tensions and conflicts. However, it is also important to highlight the increased focus of authorities on combating organized crime (in which members from various clubs were involved) and the dramatic change in crime control ideas towards deterrence and crime prevention.

What OMCGs are present in the Meuse Rhine Euregion, with which types of crimes are they associated and which interventions are predominantly used?

The Meuse Rhine Euregion is home to many international clubs with their respective support clubs, as well as national OMCGs. In 2015, approximately 63 chapters were located in the Meuse Rhine Euregion specifically. Among these chapters were 6 Hells Angels chapters with 9 additional chapters of recognized support clubs; there were 3 Outlaws chapters with 3 chapters of recognized support clubs; 4 Bandidos chapters with one recognized support chapter; 6 Satudarah chapters with 7 chapters recognized support clubs; and lastly 24 local chapters of either international (e.g. Mongols MC, No Surrender MC, Blue Angels MC) or indigenous clubs (e.g. Animals MC, Veterans MC, Free Bikers MC) with only one or two chapters in the Euregion.

When examining with which crimes the largest OMCGs (Hells Angels, Bandidos, Outlaws and Satudarah) in the Meuse Rhine Euregion were associated in the media, it is evident that first and foremost the interclub conflicts are covered by the media. From 2010-2016, various conflicts have taken place between especially the Hells Angels, Bandidos, Outlaws, and their respective support clubs. Whereas these three clubs are mostly associated with spontaneous expressive and planned aggressive crimes, especially Satudarah was often associated with organized crime. In total, they were linked to 85 criminal activities and 64 non-criminal activities. However, apart from various classic law enforcement interventions (e.g. increased police surveillance, searches, raids of (club)houses and confiscation of goods) various administrative measures were also used to prevent crime and disturbances – especially in relation to the non-criminal activities such as parties, events or new clubhouses. A total of 110 preventive measures and 50 repressive interventions could be identified from the newspaper articles between 2010 and 2016.

What does the public response towards OMCGs entail in the Meuse Rhine Euregion, and which authorities are involved?

The public response entails the partly joint and partly fragmented approach by various authorities towards OMCGs. Following from the policy documents and the discussion of the measures covered in the newspaper articles (see above), the response is mostly dominated by the judicial authorities, different branches of the police organization, and administrative authorities; in particular the municipalities and relevant Ministries. The response is joint in the sense that nowadays authorities cannot work completely independently from each other; the zero-tolerance strategy implies a coordination of some sort. But it is fragmented in the sense that there are various branches within the respective organizations tasked with different aspects of the response, as well a multitude of subregions (which are differently sized, staffed, and have distinct priorities).

Essentially, the judicial authorities and investigative teams of the police are responsible for the investigations and prosecution of criminal individuals and networks in their region. The intelligence department or working groups of the respective police organization are responsible for combining and analyzing the information on new members, developments and incidents available in the different branches of the police organization. The local police services together with municipalities (mostly in the Netherlands and Belgium) are tasked with maintaining public order and providing a first line of contact for reports and complaints from citizens. In overcoming this fragmentation, there are working groups on a regional (RIEC, ARIEC) and national or state level (LIEC, Highsider, Projektgruppe 124) which try to coordinate an integrated or multi-agency approach. On a transnational level in the Meuse Rhine Euregion, there are also various structures aimed at overcoming potential barriers in cross-border cooperation, e.g. by providing legal aid, exchanging information, and sharing best practices. In contrast to the regional and national coordination structures aimed at improving the multi-agency approach, however, these cross-border cooperation structures are mostly mono-disciplinary (e.g. for judicial cooperation BES; for police cooperation NeBeDeAgPol and EPICC; for administrative cooperation the Meuse Rhine Euregion institute and since 2019 the EURIEC). This is not to say that no cross-border multi-agency cooperation takes place. In fact, many administrative measures are based on police information, which makes it all the more relevant (and sometimes difficult) to continuously work towards a more integrated cross-border approach.

Part 3
Zooming in on two particular OMCG-related issues in the Meuse Rhine Euregion

6 Outlaw motorcycle gangs without borders?

Perceived displacement in relation to the multi-agency approach in the Meuse Rhine Euregion[1]

6.1 Introduction

As the first part of this dissertation has demonstrated, authorities in the Netherlands, Germany, and Belgium – like many other Western countries – have increased their efforts in combating OMCGs with a zero-tolerance strategy. How the zero-tolerance strategies are implemented *in practice* differs between the countries due to different legal competences, tasks, and organizational aspects (compartmentalization and fragmentation). Of the three countries, the Netherlands currently has the most integrated and coordinated approach against OMCGs in terms of information-exchange and cooperation between authorities. Since the implementation of the multi-agency approach and the barrier model against OMCGs in 2011, the Dutch authorities have become stricter: since 2017 the Dutch Public Prosecutor's Office (LP) has initiated several civil proceedings to ban the largest and most problematic OMCGs in the Netherlands: Bandidos MC, Satudarah MC, Hells Angels MC, No Surrender MC, and Caloh Wagoh MC. It was expected that a legal judgment by a court would further disrupt the organization of OMCGs and limit the possibilities of showing one's affiliation by providing the public administration with additional ammunition to impose even stricter administrative measures on OMCGs (Koornstra et al. 2019, 262-268).

From the perspective of situational crime prevention,[2] measures under the zero-tolerance strategy can be viewed to alter the perceived costs and benefits of being an outlaw biker. It tries to make *committing* crimes as an OMCG member, and even *being* an OMCG member, in the Netherlands generally less attractive. Subsequently to the bans, local mayors and other authorities in border regions voiced their concerns regarding OMCG-related displacement:

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1 In the author's effort to understand what academic perceptions of OMCG-related displacement exist, and what different shapes displacement may take around the world, various OMCG researchers have been contacted. I would like to thank Teun van Ruitenburg, Joep Koornstra, Christian Klement, Mark Lauchs, and James Quinn for their helpful comments based on their own experience and research.

2 As discussed in chapter 2.

> '*After the [Dutch] ban on the Bandidos MC last year, the effect was immediately visible in Belgium. The club relocated to Lommel, to establish a first Belgian 'chapter'. Two 'support clubs' followed in Landen and Hasselt. According to [two Mayors in the region] there is a risk [that] the Hells Angels will cross the border to settle in Limburg as well. "That will surely happen" says [the] section head of the organized crime department of the public prosecutor's office in Limburg. "Although I do not expect new chapters to be established in our country, as with the Bandidos. Because the Hells Angels already have chapters here. New clubhouses will probably not be created, but we do expect an influx of Dutch members.*"' (Bosschaerts 2019, May 31).

Another Dutch mayor in a bordering municipality mentions the following: "*It may be selfish, but I focus on putting my own house in order. As a result, the problem shifts, that's correct. Because OMCGs know exactly where they will not face any obstacles*" (Endedijk & Van Kampen 2018, February 26). In other words: some authorities (e.g. Mayors, policy officials, and public prosecutors) assume a resulting 'waterbed effect'; if authorities respond to OMCGs with a tough approach on one side of the national border the problem shifts to the other side.[3] In an attempt to counter this the DJSOC Highsider argues that "*a uniform approach by various neighboring municipalities is advisable to counteract displacement effects*" (2016, 18). Similarly, the LIEC mentions: "*In recent years we have seen some Dutch OMCGs expand abroad. This year it seems, possibly as a result of the bans, that activities are relocated to Belgium. An international approach and coordination are of great importance*" (2018, 26). These examples are specifically related – though not limited – to the particular situation of border regions such as the Meuse Rhine Euregion. To illustrate, in the Meuse Rhine Euregion one may travel freely from the Belgian province of Limburg or Liège, through the Dutch province of Limburg, to the German state of North Rhine Westphalia in less than an hour.

The expressed concerns regarding the issue of displacement appear to be a direct result of each of the countries' attempts to combat OMCGs and OMCG-related crime. The theoretical assumption underlying those fears is that there are incentives in place that would facilitate displacement, i.e. close geographical proximity to other countries and asymmetries in enforcement between those countries. Therefore, the first aim of this chapter is to examine whether OMCG-related displacement may be anticipated in the Meuse Rhine Euregion. In order to do so, the theoretical framework regarding displacement and its prior applications to street crime and organized crime will be discussed, followed

3 Diffusion of crime control benefits – as opposed to displacement – relates to positive side effects: not only the targeted area benefits from certain measures, but also adjacent areas (Clarke & Weisburd 1994). This positive side-effect was not examined in this study.

by a description of the Dutch multi-agency approach, and a brief comparison with the German and Belgian responses to OMCGs. The second aim of this chapter is to explore if and how practitioners perceive (cross-border) OMCG-related displacement in practice. For this, 19 semi-structured interviews have been conducted with 27 practitioners from administrative-, police-, judicial-, and legal defense backgrounds, involved in the response to OMCGs in the Netherlands, Germany, and Belgium.

The structure of this chapter follows the same order, in that it first describes the theoretical framework and application to the current issue. The second part of this chapter will address the used data and methods and subsequently deals with the question of *if, and how,* practitioners actually perceive OMCG-related displacement. Based on the perceptions captured through interviews, some reflections will be drawn up about displacement of both criminal and non-criminal OMCG activities.

6.2 Crime displacement

From a routine activity perspective, the occurrence of crime depends on three situational conditions: (1) a motivated offender, (2) a suitable target, and (3) an absence of capable guardians (Cohen & Felson 1979). When a rational offender encounters a situation in which all conditions are met, he is likely to decide in favor of committing the crime. This decision, based on limited knowledge and previous experience, comes down to whether the potential rewards of a crime are worth taking the risk (Cornish & Clarke 1987). Following this perspective, a crime can be prevented by manipulating the perceptions of the offender so that they view the intended crime as too risky or unproductive (Clarke & Weisburd 1994; Johnson et al. 2014). The situational crime prevention framework outlines several ways of manipulating a given situation in order to reduce opportunities and make offending less attractive, namely by: increasing the effort, increasing the risk, reducing the rewards, reducing provocations, removing excuses and providing alternative opportunities (Clarke 1983; Cornish & Clarke 2003; Freilich & Newman 2014, 33-42).

Crime displacement indicates the belief that reducing crime opportunities in the manner described above may result in motivated offenders trying to exploit alternative crime opportunities. If measures are implemented in one area, crime will take place elsewhere: crime simply 'moves around the corner' (Reppetto 1976; Gabor 1981). Various explanations have been proposed for crime displacement. Some look at the motivation or disposition of offenders, e.g. offending is 'necessary' to fulfill certain needs (Johnson et al. 2014, 553). Others emphasize the rational choice perspective, whereby certain characteristics of the offender, such as motivation, experience or preference, may relate to perceived characteristics of the *offense,* - such as necessary skills, risk, and payoff - as opposed to its specific location. These characteristics of the offence may lead an offender to decide to

displace the crime (Cornish & Clarke, 1987). Measures aimed at reducing crime opportunities would then only change crime patterns and not the volume of crime itself (Clarke & Weisburd 1994, 166). There are various categories of crime displacement as a theoretical change in crime patterns (Reppetto 1976; Barr & Pease 1990; Guerette & Bowers 2009):

- *Spatial displacement: offenders may commit a crime at another location.*
- *Temporal displacement: offenders may commit a crime at a different time than before.*
- *Target displacement: offenders may search for other targets.*
- *Tactical displacement: offenders may use other modi operandi (also called methodical displacement).*
- *Offense displacement: offenders may commit different types of crime.*
- *Offender displacement: other offenders fill the places of the previous offenders.*

Underlying the foregoing, is the idea that displacement may occur because there will always be (crime) opportunities – suitable targets with an absence of capable guardians – to exploit. Most of the early empirical studies specifically on the question of displacement focused on intervention evaluation and displacement of street crimes. For example: a study on car security in the 1970s found that newly introduced steering column locks in cars reduced the number of thefts of those specific cars, whereas the number of thefts of older models which were not equipped with this tool increased (an example of target displacement, Mayhew et al. 1976). A study by Ekblom (1987) showed that target hardening in sub-post offices had resulted in a decrease of robberies but an increase in failed armed robberies, as offenders in some cases changed their *modus operandi* to include or alternatively use a firearm to threaten and intimidate workers or use it against the protective screens, which often failed (tactical displacement). This indicates that human behavior is dynamic and offenders may be fairly adaptable (Gabor 1990, 67; Barr & Pease 1990). But offenders may also desist from crime altogether when they are unable to identify alternative crime opportunities (Cornish & Clarke 1987, 934; Eck, 1993). In other words, displacement is certainly not inevitable. Various studies in the past decades showed that the occurrence of displacement is the exception rather than the rule (Eck 1993; Hesseling 1994; Guerette & Bowers 2009; Johnson et al. 2014; Telep, Weisburd, Gill, Vitter & Teichmann 2014; Braga, Weisburd & Turchan 2018). Guerette and Bowers (2009) found some form of displacement in 26% of their researched cases and concluded that while a portion of the crime may be displaced after the introduction of SCP-oriented measures, often there is a greater effect in the diffusion of crime control benefits – a positive and unexpected side-effect of a certain measure. Similarly, Telep et al.'s (2014) results based on a narrative- and meta-analysis suggest that displacement was also not very common in interventions implemented in larger geographical areas (e.g. police districts, cities or countries as opposed to hot spots or other particular settings in earlier studies).

The specific circumstances under which displacement may or may not occur remain largely unknown as this is dependent on a particular situation as well as the perceptions of an offender regarding their 'risk versus benefits' deliberation and their alternative opportunities (Johnson et al. 2014). It is likely that 'organized' offenders, by virtue of their knowledge, time and resources, are able to actively seek out and create crime opportunities, or neutralize and circumvent barriers (Ekblom 2003; Von Lampe 2011; Vijlbrief 2012). In other words: 'organized' offenders may not be as dependent on a certain situation as an opportunistic street offender and as such displacement of organized crime may be more likely than in non-organized crime (Von Lampe 2011). In relation to the drug trade, it has been demonstrated that criminal networks can be very adaptive: routes and methods can relatively easily be changed across national borders when there are criminally exploitable ties who can navigate in their own regional or local context (Desroches 2005; Van Dijk & Spapens 2013).

Some studies have demonstrated that 'organized' criminals appear to be especially resourceful; in an evaluation of new policies regarding prostitution businesses in Amsterdam, the Netherlands, Huisman and Nelen (2014, 616) found that "*minor brothel owners had sold their 'windows' to a few large, but not always criminally immaculate, players*" (offender displacement). Some entrepreneurs attempted to set up businesses in different districts (spatial displacement) whereas others remained in the same area but shifted to other types of business not subject to regulation (target displacement, Huisman & Nelen 2014, 618). With regard to synthetic drug production in the Netherlands, Vijlbrief (2012) demonstrated the occurrence of spatial as well as tactical displacement. He notes that once Dutch authorities started to intervene in the market of precursors, producers of ecstasy faced a shortage and started to either create their own precursors or use various other psychoactive substances in their process (tactical displacement). In terms of spatial displacement, they also used different equipment from alternative countries after implementation of interventions and used alternative source countries for their chemicals (Vijlbrief 2012, 207-210).

Another example of drug-related displacement – this time especially related to border regions – deals with illegal drug supply moving from the Netherlands to Belgium after the implementation of a stricter Dutch approach, including joint investigation teams in the 2000s (De Ruyver 2006). Later, when the Dutch government introduced more stringent rules prohibiting foreign nationals from buying cannabis in Dutch coffeeshops from 2012 onwards, the supply of cannabis moved to the streets around those coffeeshops as well as to the relocation of supply to Belgium (De Middeleer et al. 2018). With regard to displacement of drug markets in the Dutch-Belgian border region, Ceulen, van Nimwegen and Spapens (2021) noted that there is limited geographical displacement. They identified some changes in modus operandi, e.g. that ecstasy is often being distributed through postal services (from Belgium) to prevent apprehension and grow shops opening up in Belgium

(and continuing online in both countries; De Clercq 2018). In a large-scale study on drug-related crimes in the Dutch seaport of Rotterdam spatial and tactical displacement was perceived. For example, offenders would take out drugs from containers at smaller terminals when they were aware of stricter monitoring and controls at larger terminals or they would 'dump' their shipment at sea to be picked up (Staring, Bisschop, Roks, Brein & Van de Bunt 2019, 81). The researchers also point to concerns in the media regarding spatial displacement of drug shipments from Rotterdam to Antwerp, although actual displacement could not be verified (Staring et al. 2019, 52; De Middeleer et al. 2018, 261).

6.3 How the Dutch multi-agency approach aims to reduce OMCG-related crime opportunities

Crime displacement is thus certainly not inevitable but it remains difficult to identify circumstances in which displacement may be more or less likely to occur, given that this varies from case to case. Generally speaking, when measures are targeted at certain situational characteristics surrounding a crime, making the commission of that crime less attractive, other (less costly) opportunities are still available to (or can be created by) offenders. This section focuses on the measures under the Dutch multi-agency approach aimed at reducing OMCG-related crime opportunities. A clear distinction should be made here between the measures targeted at crime specifically and those that are targeted at non-criminal characteristics of OMCGs as a group, which are presumed to ultimately facilitate crime (see Quinn & Koch 2003; Huisman & Jansen 2012).

Firstly, the Dutch multi-agency approach intensifies and prioritizes the repression of OMCG-related offences, whether these are committed by individuals or organized groups. One of the central elements relates to the focus of intensive criminal investigations on leading chapters and key figures in OMCGs in order to disrupt organizing capacities (LIEC 2018; 2019; 2020). Furthermore, in criminal cases involving multiple members, law enforcement often additionally charges those members with participation in an organization whose objective is to commit crimes. This may lead to an additional prison sentence up to six years or even more in the case of the organizers or leading figures.[4] Members from various large clubs have been charged with this offence (LIEC 2019; 2020).

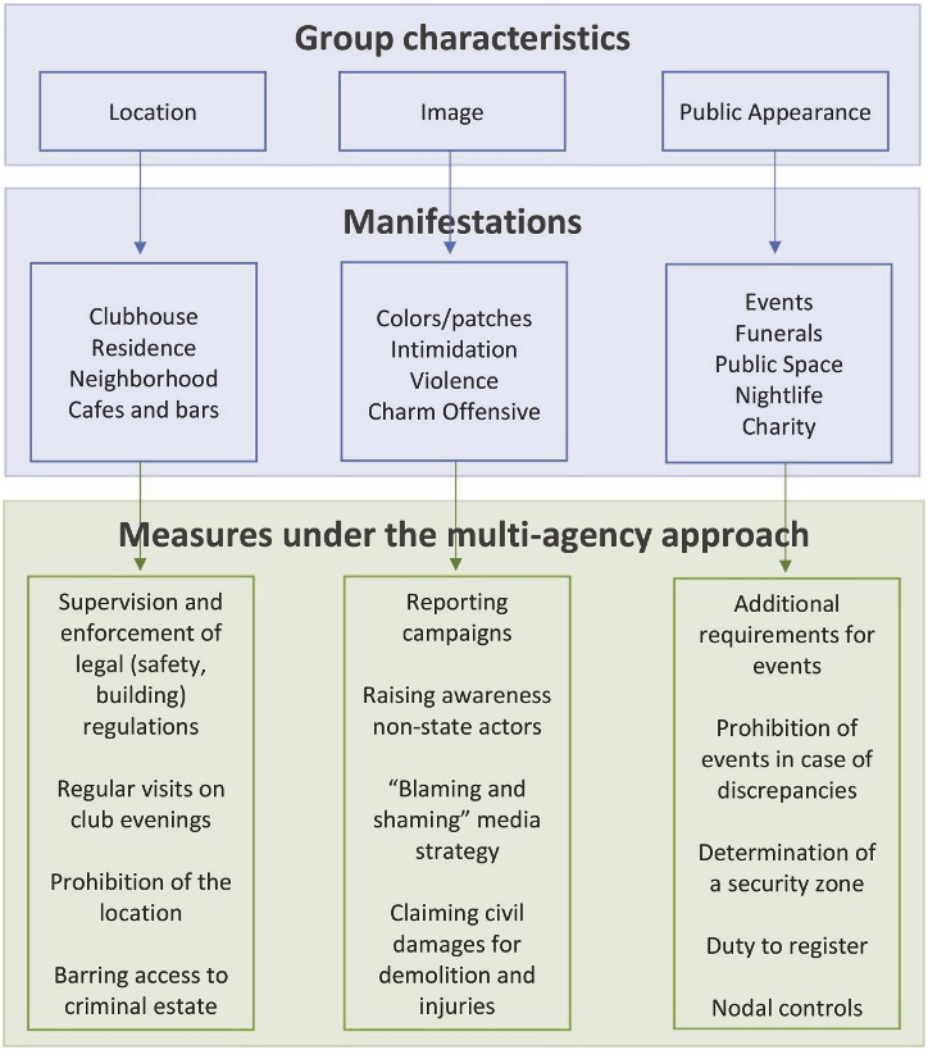
Secondly – as an integral part of the Dutch multi-agency approach – the barrier model targets various group-characteristics of OMCGs which are non-criminal in themselves but are associated with violations of administrative rules or considered to be crime-facilitative by the authorities (Huisman & Jansen 2012; Dutch National Police 2014, 162-184). These targeted group characteristics are subsequently narrowed down to (visible)

4 Article 140:1 of the Dutch Criminal Code.

manifestations of those characteristics. In figure 6.1, some of the characteristics, manifestations, and available measures are visualized.[5] This visualization also shows that one particular characteristic (e.g. image) can also be broken down into two seemingly different types of manifestation (e.g. intimidation and violence to secure a dangerous or violent image on the one hand and a media- or charm offensive to showcase generosity and a display a romanticized view of themselves on the other). As such, the measures proposed can be targeted at both (e.g. reporting campaigns to break the 'untouchable' image and persuade citizens to report observed crimes or disturbances by outlaw bikers but also demystify the romanticized image of a close brotherhood by addressing the culture of violence).

5 These specific characteristics in the barrier model were visualized because they concern manifestations and measures already tackled in this dissertation, in publications by other researchers and are even addressed in the LIEC progress reports on OMCGs, so they do not contain any information not already publicly available.

Figure 6.1: Barrier model concerning the OMCG group characteristics 'location', 'image', and 'public appearance'



Several measures targeted at these group characteristics have repeatedly been discussed in previous chapters, and are generally aimed at curbing or preventing future crime and disturbances, but also making OMCG life in general less attractive. For example: closing down a clubhouse may not only stop infringement of zoning rules and regulations (in case there are any), it may also lead to a chapter not having a regular meeting place where

criminal activities can be discussed[6] and take away a place that is central to the outlaw biker philosophy.

In accordance with the logic of the situational crime prevention framework, the following can be said about opportunity reducing measures targeted at OMCGs: by enforcing strict conditions and checks on clubhouses, the *effort* required by a chapter to be able to put down its roots is expected to increase. By raising awareness among authorities, private parties, and the public, the *risk* of identification or apprehension, as well as willingness to report, is expected to increase. By directing focus to the monetary (confiscation of assets) and status (insignia, colors) aspects, the *rewards* of being an outlaw biker are expected to be reduced. By banning OMCG-related or public biker events, a stage for profiling themselves is denied and *provocations* and conflicts between clubs are expected to decrease. Furthermore, utilizing a media strategy aimed at portraying a 'realistic' image of OMCGs involved in crime is expected to remove *excuses* of them portraying themselves as a regular motorcycle club (MC) with good intentions (LIEC 2016, 7).

Lastly, the bans under the multi-agency approach aim to further disrupt the organizing capacities of OMCGs more generally (LIEC 2017). Since 2017, the Dutch Public Prosecutor's Office (LP) has been attempting to ban the most problematic OMCGs through civil proceedings, namely: Bandidos MC, Satudarah MC, Hells Angels MC, No Surrender MC, and Caloh Wagoh Main Triad MC. The Dutch Public Prosecutor's Office argued that in all of the cases there was a tightly organized structure with a hierarchy, strict rules, and a 'culture of violence and lawlessness'. The Prosecutor's Office based their argumentation on information from various criminal cases, investigative police data, administrative reports, media reports, and academic literature from the Netherlands and abroad. They put forward many examples of (promotion and glorification of) the use of violence, intimidation, obstruction of justice, and jail- and defense funds for OMCG members. Ultimately, the respective courts in their judgments followed the line of reasoning of the Public Prosecutor's Office and argued that becoming a member in such a tightly organized structure essentially means giving up one's personal freedom and submitting oneself to the club's rules and culture. Therefore, the courts reached the conclusion that due to the pervasiveness of this 'culture of violence and lawlessness' a ban was necessary to prevent further disorder and commission of offences. Appeals procedures in the cases of the Hells Angels MC and No Surrender MC are still pending. Once the bans have become definitive,

6 In a large criminal investigation in Limburg, the Netherlands, a camera and covert listening device were installed in a clubhouse of a Satudarah chapter over the course of a few months in 2017. It was established that criminal activities were repeatedly subject of conversation between members. In addition, various (ex-) members were physically abused for non-compliance with the internal rules. For the judgment, see: Rechtbank Limburg, February 22, 2019, ECLI:NL:RBLIM:2019:1674. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBLIM:2019:1674.

the continuation of the prohibited organization will be punishable under criminal law.[7] In the meantime, the preliminary bans are meant to provide authorities with more ammunition to use the existing legal tools in the multi-agency approach. Dutch authorities expect that the independent courts' argumentation (that the respective OMCGs are a threat to public order and safety) can be used as an additional basis to strengthen the general municipal by-laws in order to decrease their possibility of publicly manifesting themselves as a club (Koornstra et al. 2019, 262-268).

The reasoning in these judgments again indicates that the multi-agency approach not only focuses on criminal activities but also on the non-criminal characteristics associated with the deviant subculture of OMCGs as a potential catalyst for offending. Essentially, the Dutch multi-agency approach not only aims to combat and prevent OMCG-related crime but to disrupt overall organizational abilities and to make OMCG-life riskier and less attractive (LIEC 2018). Van Ruitenburg (2020, 311-322) notes that the current Dutch approach increasingly views OMCGs and their members as 'future risks' as well as 'enemy deviants' who not only repeatedly break the law but also undermine society and the rule of law by placing themselves 'above the law'. As such, the abovementioned preventive barriers should also be viewed as *moral* barriers in the sense that they mark what is viewed as bad or undesirable in society (van Ruitenburg 2020).

6.4 How the Dutch multi-agency approach could influence OMCG-related displacement

The foregoing indicates that crime opportunities for OMCG members have been reduced in the Netherlands; members know they are 'in the spotlight', so it is riskier for them to

7 For the respective judgments in Dutch, view:
Hoge Raad, April 24, 2020, ECLI:NL:HR:2020:797 (Bandidos MC, definitive). Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2020:797.
Hoge Raad, November 13, 2020, ECLI:NL:HR:2020:1789 (Satudarah MC, definitive). Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2020:1789.
Gerechtshof Arnhem-Leeuwarden, December 15, 2020, ECLI:NL:GHARL:2020:10406 (Hells Angels MC, Court of Appeals). Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHARL:2020:10406.
Gerechtshof Arnhem-Leeuwarden, December 15, 2020, ECLI:NL:GHARL:2020:10385 (No Surrender MC, Court of Appeals). Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHARL:2020:10385.
Rechtbank Midden-Nederland, April 19, 2021, ECLI:NL:RBMNE:2021:1484 (Caloh Wagoh Main Triad MC, Court of First Instance). Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBMNE:2021:1484.
Interestingly, all first instance courts in the cases mentioned in this footnote banned the respective club and their local chapters as inseparable elements of that club. In the case of Bandidos however, the judgment from the Court of Appeals and the Highest Court of Appeals involves a ban of 'Bandidos Holland MC', but not of its local chapters as they are viewed as independent elements.

operate overtly and cause public disturbances. One might also argue that the prioritization of OMCGs has also made covert (organized) crime riskier since the Dutch multi-agency approach has targeted various branches of organized crime (e.g. drugs, weapons, prostitution) for years already (Ceulen et al. 2021). Moreover, being part of an OMCG in general has arguably been made less attractive by the multi-agency approach and the negative media attention. The question remains whether the situation is more attractive – whether there are more opportunities or incentives to settle and/or commit crime – in Germany and Belgium. The first part of this dissertation has already addressed the shared zero-tolerance premise on the national level along with the different enforcement possibilities and fragmentation of authorities involved on the regional and local level based on the institutional context. In light of displacement, some of the key elements in this strategy suggestive of a potentially (theoretically) attractive locational advantage in Belgium or Germany will be highlighted here.

As far as criminal activities of OMCG members are concerned, both Germany and Belgium have long established police working groups (Projektgruppe 124 NRW and DJSOC Highsider respectively) which monitor OMCGs, analyze developments in this field, and propose interventions if and where needed. In terms of repression and general prevention of criminal activities it is therefore unlikely that OMCG members are under lesser scrutiny from the police and public prosecutors in Germany and Belgium. Regardless, it should be noted that organized criminals generally take measures to shield off their activities but can rarely effectively assess the risks of apprehension in a specific case.

As far as non-criminal characteristics of OMCGs are concerned (e.g. clubhouses, events, ride-outs), both Germany and Belgium have their respective legal tools and competences to prevent the facilitation of crime and to disrupt organizational abilities of the clubs through measures. Various examples of such imposed measures have already been provided in the previous chapters. Additionally, in terms of banning OMCGs, the German Ministry of the Interior (at the federal level) has had a legal basis to ban chapters of clubs for decades and has done so repeatedly (Bley 2014; Koornstra et al. 2019). Following a ban, additional enforcement possibilities become available including (but not limited to) seizure of goods and assets, prohibition of continuation, and prohibition on wearing insignia in public.[8] This has not stopped OMCGs in Germany of finding alternative ways of organizing and showing affiliation (as will become clear in the next sections). In Belgium, a discussion on the advantages versus the disadvantages of a ban is ongoing but as of yet the authorities do not have the legal basis for such a ban (Van Daele 2015; Maenhout 2019, June 1).

The main (and important) difference in the execution of the respective zero-tolerance strategies in the three countries, however, relates to the fact that the Dutch multi-agency approach has been nationally coordinated and improved for over a decade. And while the

8 Art. 3:1 Vereinsgesetz, art. 8 Vereinsgesetz, and art. 9 Vereinsgesetz respectively.

approach tailored to OMCGs in the Netherlands is coordinated at the national level with guidelines, legal frameworks for information exchange (covenants) and toolboxes for interventions by these various authorities, the German and Belgian approaches are more ad-hoc and legal bases regarding information exchange and interventions are rather fragmented (Bley 2014; Van Daele 2015; DJSOC Highsider 2016). Such fragmentation of legal frameworks, approaches and enforcement tools may be especially pressing in a border region like the Meuse Rhine Euregion. Offenders may benefit from the European internal market with the freedom of movement, whereas the police and judicial authorities and the public administration are bound by strict regulations regarding enforcement and information-exchange. Theoretically, this situation may provide OMCG members with alternative opportunities across national borders in terms of decreased (or at least less focused) levels of monitoring, checks or apprehension;[9] especially when taking into account the many OMCG chapters located in each part of the Meuse Rhine Euregion. In other words: the Meuse Rhine Euregion may be especially vulnerable to cross-border displacement of OMCG activities.

6.5 Data and methods: from theory to practice

The concerns of some local government officials regarding displacement, which served as starting point for this explorative study, were expressed rather vaguely. They did not specify what type of displacement was expected and how or why precisely. It is clear from the theoretical outlining of the problem that OMCGs are associated with a wide range of crimes and that various situational as well as organizational aspects are assumed to influence and facilitate offending. Because of this rather broad framework and lack of available data it is not possible to conduct a quantitative study into displacement.[10] Therefore, in order to explore this contemporary problem and gain an insight into practitioners' views on the topic, 19 semi-structured interviews were conducted with 27 practitioners from administrative-, police-, judicial-, and legal defense backgrounds, who were involved in the response to OMCGs in the Netherlands, Germany, and Belgium.[11]

The respondents included in these interviews operate on different levels as policy developments on the national level may have consequences for the (implementation of) regulations on the regional or local level and vice versa. The national practitioners were contacted because they were tasked with the national policies and police analyses, e.g. the

9 For example, it is not evident that the Belgian police would instantly monitor – or even be aware of previous offences committed by – a Dutch OMCG member if he decides to relocate his activities a few kilometers across the national border in Belgium.

10 As is usually the case in more traditional displacement studies.

11 For an overview of the respondents, see Appendix II.

National Intelligence and Expertise Center (LIEC), as well as the public prosecutors involved in the national cases regarding the club bans in the Netherlands, the Police working group of North Rhine Westphalia in Germany, and the Federal Judicial Police service Highsider in Belgium. In the Meuse Rhine Euregion specifically, regional as well as local authorities were interviewed. The regional practitioners interviewed for the purpose of this chapter concerned the respective public prosecutors and police officers responsible for the monitoring and prosecution of criminal members. The interviewed local practitioners consisted not only of Mayors and policy officers in the safety and security domain who had previously expressed concerns about displacement in the media but also of others practitioners in different of municipalities who have had OMCGs present within their territory since 2010. Some of the interviewed practitioners were also specifically tasked with questions relating to transnational developments and exchange of 'best practices' regarding the multi-agency approach against OMCGs.

The interviews were semi-structured with a limited number of general topics and ample opportunity for respondents to expand on their perceptions. The addressed topics included: 1) the background and geographical working area of the respondent, 2) the OMCGs active in their area and the measures imposed, 3) what developments in the field of OMCGs as well as the multi-agency approach towards OMCGs have taken place in the eyes of the respondent in recent years, 4) how OMCGs respond to measures implemented under the multi-agency approach, and 5) if respondents have perceived displacement of OMCG-related activities, criminal or otherwise, if they can provide examples and why they would consider this to be displacement.[12] Respondents were asked about their perception of OMCG-related displacement but were not in any way directed to provide examples that would fit into the existing categories. In this regard, the interviews were conducted in an exploratory manner. It follows naturally from the focus on practitioners' perceptions and experiences that no causal inferences regarding displacement can be made from the accounts of the practitioners, also due to the oftentimes rapid policy developments.

The interview transcripts were subsequently analyzed in ATLAS.ti. First, text fragments from the interviews were coded in terms of (1) interventions or measures from the side of the authorities in light of the barrier model, and (2) developments in the OMCG scene or responses from OMCGs or outlaw bikers. With regard to measures, think for example of measures aimed at locations, measures aimed at the image or status, measures aimed at mobility and motorcycles, or a club or chapter ban. As for responses of OMCGs or outlaw bikers, examples include decreased visibility, decreased stability, relocation etc. These fragments were subsequently analyzed on the basis of concept-driven (also called deductive coding, see Hennink, Hutter & Bailey 2011, 218-220) coding, i.e. coded with a predefined codebook which essentially follows the displacement framework. It is aimed at attributing

12 For the topic list of the semi-structured interviews, see Appendix IV.

the perceptions and examples provided by the respondents to the existing categories of displacement. One step in the analysis process that requires further explanation is the inclusion of *non-criminal activities*: the different types of displacement mentioned earlier in this chapter were expanded to include non-criminal activities. That is, whereas spatial displacement traditionally refers to a crime being committed at another location, non-criminal spatial displacement refers to a non-criminal activity being carried out at another location. Similarly, non-criminal temporal displacement refers to a non-criminal activity being carried out at a different time, non-criminal tactical displacement refers to outlaw bikers finding different ways to organize their activities, non-criminal 'offense' displacement refers to outlaw bikers organizing different types of activities, and non-criminal 'offender' displacement refers to new outlaw bikers filling in the places of previous outlaw bikers. Non-criminal target displacement was disregarded because, effectively, there is no non-criminal counterpart of a 'target'.[13]

6.6 Categorizing perceptions of practitioners in the displacement framework

The most remarkable finding, perhaps, is that none of the respondents could provide examples of actual OMCG-related crime displacement as a response to the multi-agency approach – no cross-border crime displacement and no crime displacement within the same country.

By expanding the existing displacement framework, a total of 20 examples were identified, which could be considered as non-criminal types of displacement. These examples occurred between 2012 and 2019. Seven examples concerned non-criminal spatial displacement of clubhouses (of which five examples concerned relocation across national borders). Four examples related to events or parties (of which one example concerned an intended relocation across national borders). Four OMCG responses could be categorized as non-criminal tactical displacement and five as non-criminal 'offender' displacement. No examples of target-, temporal-, and offence displacement were identified. It should also be noted that some respondents perceived no displacement at all.

6.6.1 Non-criminal spatial displacement

The examples regarding spatial displacement related solely to non-criminal organizational aspects, such as relocation of clubhouses or events. However, despite the repeatedly voiced concerns in the media, only five examples of cross-border spatial displacement between

13 For an overview of the codebook, see Appendix V.

the Netherlands, Germany, and Belgium were provided by respondents. These examples were not limited to the Meuse Rhine Euregion but were assumed to be closely related to the geographical proximity to a national border: No Surrender Emmen, the Netherlands, moved their meeting location just across the border, close to Meppen, Germany (approximately 35 kilometers by car), when their original clubhouse was closed down and demolished (respondent 68; Naber 2017, January 17). According to the president of the chapter they have *"(…) enough opportunities. We live close to Germany, and there, motorcycle clubs and clubhouses are not prohibited. There, people can still use their brains*" (Wageman 2017, January 13). Nevertheless, German police said they keep a close watch on the clubhouse (Hannoversche Allgemeine 2017, January 26). A similar example is the relocation of No Surrender Tilburg in the Netherlands to Poppel, in Belgium, after a long but fruitless search for a clubhouse on Dutch soil (Eikenaar 2014, August 14). As one administrative practitioner notes about this particular move:

> *"They just crossed the border. I thought it was quite absurd, okay they can wear their colors, sure, but if that's all… I mean, it has nothing to do with criminal activities in that sense, it's just being able to wear colors while coming together. I have not received any signals that the same would happen here. But anyway, we cannot monitor beyond the border, otherwise you would know." (respondent 55).*[14]

However, as the local police in Belgium suspected criminal activity of the No Surrender members, they repeatedly orchestrated coordinated transnational raids and arrests (Inklaar 2017, March 8; Dutch police 2018, April 18). An example in the Meuse Rhine Euregion specifically concerned the move from a Bandidos chapter in the Aachen region, Germany, to Eupen in Belgium, (approximately 20 kilometers by car) as a response to a chapter ban in Germany in 2012. According to respondents this was a clear 'cut and paste' relocation, as the chapter consisted (almost) entirely of German nationals previously active in the Aachen region, with the same structure and the same colors (respondents 48, 49, 50). The last (double) example of cross-border spatial displacement that was mentioned by practitioners was that of Bandidos Lommel in Belgium (approximately 70 kilometers by car), which was established in 2017 around the time that the Dutch Public Prosecutor's Office announced the initiation of proceedings with the aim of banning the Bandidos MC countrywide. The Belgian chapter consisted of at least part of the members previously active in the Sittard chapter in the Netherlands (respondent 42; respondent 69). The members frequently gathered at a bar, which was subsequently warned by the authorities

14 Both examples from No Surrender Emmen and Satudarah Tilburg did not occur in the Meuse Rhine Euregion specifically, but these were repeatedly mentioned by regional and local authorities in that region.

about the possible consequences that these gatherings could have for the owner's business and public order:

> "*After a coordinated check, several infringements of housing legislation and urban planning were found. Then we learned that they came together at a campsite, so the same thing happened there. The problem now is that, from the website it is apparent that they still have activities and a chapter in Lommel (BE), but we don't know where.*" (respondent 56).

Interestingly, spatial displacement of non-criminal OMCG-related aspects was also perceived in regional contexts – where they relocated clubhouses and events either inside or outside the boundaries of the respective administrative or municipal authorities. For example: The Hells Angels in Kerkrade, the Netherlands, relocated their clubhouse three times over the course of three years due to administrative measures of the municipality. Before going off the radar completely they decided to hold their meetings at one of the members' residence where the municipality could do little more than place (ANPR)[15] cameras, monitor the situation, and employ a personal approach towards the individual members (respondent 66).

As to parties or events, it was mentioned that parties of a Belgian local Hells Angels chapter, which lost its clubhouse, were later held at another chapter's clubhouse in a neighboring province, which according to the respondent perhaps was not monitored as closely (respondent 64). Other examples included the music festival Rommelrock and a boxing gala organized by – or otherwise linked to – OMCG-members, which were rejected in certain municipalities and subsequently relocated to other municipalities within the same country. In the case of the music festival, the organizer continued to look for other locations in Belgium and the bordering region in the Netherlands but was refused in all of them due to a fear for an escalating conflict between clubs (respondent 56).[16]

These examples from interviews underline that displacement is most often associated with location and public appearance measures under the multi-agency approach; when clubhouses or events are shut down, or rejected at the outset, chapters or individuals may look for other locations. Interestingly, as the Kerkrade example demonstrates, members may not look to other municipalities for alternatives but stay in their immediate

15 Automatic Number Plate Recognition. This is a technology that 'reads' vehicle registration plates in order to establish the location of vehicles at a certain point in time. It can be used to check if vehicles are registered or licensed, as access control or for other crime control purposes.

16 As discussed in chapter 4, the organizer challenged the municipality's decision in court and argued that the prohibition of his event was unconstitutional. In 2016, the Belgian Council of State ruled in favor of the organizer: Raad van State, Brussel, February 5, 2016. Case no. 233.760 (Rommelrock), in the cases A. 213.119/X-16.047 (I) and 213.946/X-16.031 (II).

surroundings. Also, in contrast to some of the more resourceful alternatives, a few respondents also mentioned cases in which the targeted member or chapter appeared to desist after just one administrative measure (or even a letter of intent).

6.6.2 *Non-criminal tactical displacement*

In relation to examples that could be categorized as tactical displacement, certain changing organizational aspects could be noted. These examples all occurred in a regional setting – specifically not in a cross-border setting. For example: apart from using alternative locations for their clubhouses, clubs have also started using locations with different characteristics, such as bars and residences, more often. According to respondents, these locations with different characteristics could indicate an attempt to evade monitoring and control (respondent 68; LIEC 2018). In the previously mentioned example of Kerkrade, the administrative practitioner mentioned that it is more difficult to monitor and intervene at a private residence than at a clubhouse due to stricter privacy regulations (respondent 66).

In addition, tactical displacement could include certain techniques used to evade interventions. One example that was mentioned was the use of a 'cover'; meaning that clubs sometimes create new legal entities, such as non-profit organizations or cooperatives. These organizations have no visible affiliation with the club, and may have different goals or purposes on paper, but can be used for acquiring a meeting place or organizing events (respondent 64; respondent 65). In Eindhoven, the Netherlands, a Satudarah clubhouse was closed down because it was in violation of the zoning plan. The chapter had rented a space as a non-profit organization that sends supplies to the Moluccas but also built a bar and a meeting place with all the club colors, which was not allowed.[17]

Another example relates to the administrative chapter bans in Germany. Respondents noted that forbidden chapters initially did not relocate in some instances but merely renamed their local chapter 'region' to make the public believe that it was in fact a different chapter. Incidentally, chapters who knew that they were 'nominated to be banned' simply dissolved so that their club insignia and other goods would not be impounded by the state, making it possible for them to start a new chapter elsewhere (respondents 61, 62). The German legislator responded to this situation by changing the Association Law. With the amendment, trademarks, signs or colors of prohibited organizations, regardless of the indicated region on the patches, could no longer be used in public in the Federal territory.[18] The Hells Angels, Bandidos, and Gremium claimed a violation of their right to freedom

17 Rechtbank Oost-Brabant, June 25, 2013, ECLI:NL:RBOBR:2013:2444 under paragraph 8.2. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBOBR:2013:2444.

18 Deutsche Bundestag, Drucksache 18/9758, September 26, 2016, p. 1.

of association, freedom of expression, and other fundamental rights. In 2020, the constitutional court acknowledged that a ban on colors would be a serious infringement of fundamental rights, since these symbols and insignia had been used and valued by clubs for decades. However, the infringement of fundamental rights of the prohibited *and* non-prohibited groups was deemed reasonable as it served to protect 'legal interests of particular significance', namely those rooted in the Association Law. The continuation of the use of signs *in public* (including other place or regional designation by sister associations) is banned only when an organization has been prohibited.[19] Pending the complaints before the constitutional court, the large OMCGs designed alternative patches which are not forbidden and can therefore be worn in public:

> "*When they drive around the world with the original colors and patches, they are an international group. Now, when they have to come up with something like this [the alternative patches], they differ from the international club they belong to or want to belong to*." (respondent 61, 62).

These creative solutions developed by OMCGs in response to the chapter bans in Germany were exactly what the public prosecutor in the Netherlands wanted to prevent by addressing (and thus banning) all chapters under the name of their respective clubs: Bandidos MC, Satudarah MC, Hells Angels MC, and No Surrender MC. By banning individual chapters, the Dutch Public Prosecutor's Office expected that the members would simply start a new chapter elsewhere, or use the name of another location to continue, as was the case in Germany (respondents 53, 54). The aforementioned examples all relate to applying different tactics in order to continue their club-related activities and show their affiliation.

6.6.3 Non-criminal offender displacement

No 'offender' displacement in relation to crime was observed by respondents. However, as stipulated by some and voiced by a Dutch police OMCG specialist in a media interview:

> "*We see fragmentation. A lot of leaders are behind bars. Others now think: what they can do, I can do too. They demand a piece of the pie. Members who were nobodies at their old clubs suddenly find themselves with a high rank on their own 'rock'. […] Opportunists just see an opportunity. They jump into the gap that has emerged*." (De Ree 2019, February 20).

19 Bundesverfassungsgericht July 9, 2020 in cases 1BvR 2067/17, 1BvR 423/18, 1BvR 424/18, ECLI:DE:BVerfG:2020:rk:20200709.1bvr206717. Retrieved from https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/07/rk20200709_1bvr206717.html.

In this regard, the establishment of several new clubs could be considered as a form of 'offender' displacement; the disappearance of the old club or its leading figures leaves a power vacuum that is filled by new leading figures and new clubs. In the aftermath of the series of club bans in the Netherlands, some of the (ex-) members established new OMCGs with similarly looking colors. Ex-Satudarah members have established at least three new clubs[20] and a former Hells Angels-member has also founded a new club, called the Hardliners MC (respondents 53, 54). As a result of the bans an increasing fragmentation of clubs is taking place in the Dutch OMCG subculture (LIEC 2019). Whether these examples constitute a continuation of old clubs, or the beginning of several new clubs, remains unclear at this time. About Satudarah and Darah Baru MC, and Hells Angels and Hardliners MC two prosecutors mentioned the following:

> "*I think that's already a sign of continuation: Satudarah, Darah Baru, One blood, New blood… yes. They look so much like the old ones. The name, club colors, logo image, the members of course, so… I think they are afraid of being in the spotlight. […] That's also important, the fact that they use the same club colors. You see if another club starts using their club colors, they'll start threatening: 'take it off or we'll come over', you know?*[21] *So, the fact that this new club uses those club colors and don't have any problems with Satudarah is remarkable. It really is a mystery at the moment that requires further investigation, but it is an interesting development. The Hardliners is a real point of discussion. The font and colors are very similar […] The Hells Angels have taken a stand themselves and said: 'this is not us, this is not a continuation'. In fact, they said in the media they wanted to start a procedure against the Hardliners due to illegal use of their club letters and logo. It would be in violation of their intellectual property rights.*" (respondent 53, 54).

6.6.4 No displacement

Some respondents rejected the idea of displacement altogether or identified some sort of reduction of non-criminal as well as criminal aspects.

In relation to *not* perceiving any displacement a Belgian federal police officer argued that, if displacement had started taking place after the Dutch bans from 2017 onwards, Belgium would have to see an increase in the number of chapters or an influx of Dutch members, as was expected in the media. Yet, the Belgian police does not have data to

20 Darah Baru MC, Singa 19 MC, and 13 Originals MC.

21 As previously seen for example with a German No Surrender MC chapter called La Familia, which started new chapters by itself. See Van Den Heuvel & Van Wely (2019, April 8).

substantiate this assumption. Instead, they have seen a decline in the number of chapters from 2017 onwards,[22] which the Belgian federal police attributes to their own intensified zero-tolerance strategy, as demonstrated through a range of substantial criminal investigations and administrative measures in recent years (respondent 70). Whereas spatial displacement of chapters was often associated with an influx of foreign members, several respondents argued that a foreign national in a chapter does not necessarily indicate displacement but rather confirms the international structure of OMCGs, which – according to some practitioners – is aimed at international expansion. They pointed to the subculture as inherently transnational; members visit their 'brothers', parties, events, and world runs abroad. A club may expand its influence by opening up chapters in other countries and individuals may join a foreign club in close geographical proximity which does not exist in one's own country. For example: some respondents saw Belgian ex-members of certain OMCGs 'prospecting' at other clubs in the Netherlands, only to return to Belgium to establish their own chapter and maintain close contact with their foreign 'mother-chapter' (respondent 42; respondent 56; respondent 65; respondent 70). Some also noted Belgian members gaining influence in other Belgian or French chapters (respondent 56, 70).

In relation to a reduction of non-criminal aspects, various respondents from all three countries believed OMCGs to be less visible in the public domain and on social media and claimed this as a positive outcome of the multi-agency approach (respondent 51, 52, 55, 58, 61, 62, 66, 70). In the Netherlands specifically, respondents argued that already after the initial bans clubs were less visible in the streets and rarely wore their patches in public (respondents 53, 54, 68; LIEC, 2019). According to German police practitioners, the same was true for Germany after the legislator amended the Association Law in order to prohibit the use of trademarks, insignia or colors of banned organizations – including banned OMCGs, regardless of the indicated region on the patches; clubs became less visible, but simultaneously created non-prohibited new patches with the abbreviation of their club (respondents 61, 62). Whereas some clubs, chapters or individuals go to great lengths to find alternative ways to show their affiliation, and appeal against administrative measures, bans, and amendments,[23] others appear to easily cease their associational activities.[24]

In relation to a reduction of criminal aspects – although acknowledging that no causal inferences could be made – Dutch judicial practitioners argued that the "power of the patch" appeared to be neutralized. They saw less extortions of bar owners and intimidations

22 Personal communication, November 5, 2019. Internal documentation provided during interview.

23 E.g. the previously mentioned Belgian Rommelrock example, Bandidos, the Dutch Hells Angels, Satudarah and No Surrender have appealed in their respective cases regarding the bans, German Hells Angels, Bandidos and Gremium have filed a complaint against the previously mentioned amendment of the Association Law.

24 E.g. the Dutch Catervarius Brotherhood did not file for appeal in 2018, the German Osmanen Germania did not file for appeal in 2018. Following suspicions of a gym being used as a Hells Angels cover and subsequent checks and measures, the gym never opened (respondent 65).

'in name of the club', whereas in relation to the decreased visibility and other types of (organized) crimes they mentioned:

> "*The fact that those guys will do all sorts of things 'underground', well, they already did that. Naturally they never dealt drugs in public but you simply don't want them to manifest themselves in the public domain.*" (respondents 53, 54).

In other words, organized crime was and will remain a covert activity, but the real victory of the bans pertains to breaking their status and reputation (which, subsequently, they will no longer be able to use for criminal purposes). Or as the German police practitioners put it: "*make the untouchables touchable.*" (respondents 61, 62).

6.7 Discussion and conclusion

This chapter started out with the voiced concerns of authorities in the Meuse Rhine Euregion that the strict Dutch multi-agency approach in the Netherlands would cause displacement of OMCG-related problems (mostly) to Belgium. Displacement generally relates to the belief that, by altering a specific situation with (preventive) measures, making the commission of crime in that situation more costly and less attractive, an offender will accordingly change his behavior and circumvent this measure by exploiting alternative opportunities. This logic has subsequently been applied to the Dutch multi-agency approach against OMCGs, which aims to make the commission of crimes by OMCG members, as well as membership in general, riskier, and less attractive. Whereas German and Belgian authorities share the same zero-tolerance premise, their approaches are more ad-hoc and their legal tools rather fragmented. Moreover, due to specific circumstances present in the Meuse Rhine Euregion – geographical proximity to national borders, the freedom of movement across borders and limited enforcement possibilities – the border region is assumed to be especially vulnerable to displacement.

However, when returning to the main question of *if*, and *how*, practitioners perceive OMCG-related displacement, it can be concluded that displacement is by no means a confirmed structural pattern. No examples of actual crime displacement were provided by respondents of various backgrounds. By extending the conceptual framework to include non-criminal, organizational aspects, however, the perceived responses of OMCGs to measures could be categorized within this extended framework. As such, there is some evidence of occasional occurrence of several types of non-criminal displacement. The most commonly perceived category was *spatial displacement* (in the form of relocation of clubhouses or events), followed by *tactical displacement* (in the form of other types of meeting places and other means of organization, e.g. a new name or a 'cover' in order to

continue activities), and *offender displacement* (in the form of new clubs filling the void of those that have been prohibited). None of the provided OMCG-responses could be categorized as *temporal*, *offense* or *target displacement*. It is important to note that only a few examples were provided; so by no means do these findings indicate that these types of non-criminal displacement are a systemic pattern. It should also be noted that, although the data collection for the purpose of this chapter was primarily focused on the Meuse Rhine Euregion, some national as well as regional and local respondents mentioned examples elsewhere. This may be indicative of a general lack of personal experience with the topic of OMCG-related displacement as well as common familiarity with developments related to the phenomenon of OMCGs – which were occasionally reported by the national media.

As to *why* certain types of displacement could be identified and not others, some reflections can be drawn up. In relation to crime displacement, which was not perceived by the respondents, it should be mentioned that it can be very difficult to analyze the impact of preventive policies on organized crime (Van der Schoot 2006; Kleemans, Soudijn & Weenink 2012). It can be argued that this is especially true when the targets of the policy concern OMCGs and their members, as studies have repeatedly indicated that they are rather diffuse and dynamic groups of people with a changing composition and involvement in various types of (organized) crime. So, in order to identify OMCG-related crime displacement, authorities would have to monitor, analyze, and share information on the nature and frequency of offending of members on different levels, as well as information on the developments and patterns of those specific crimes (what, where, targeted at whom, how) by those specific members. Such pro-active information exchange between administrative-, police-, and judicial authorities (especially across national borders) appears to be limited.

Moreover, literature has established that OMCGs may consist of traditional, impulsive outlaw bikers and more entrepreneurial, criminal bikers alike (Wolf 1991; Quinn & Koch 2003). The club and chapter's composition changes over time and this may influence the crime opportunities available to members (e.g. by means of criminal contacts or criminal expertise of certain members), hence potentially influencing the crime patterns. If anything, the OMCG scene has become increasingly complex and dynamic in recent years[25] and, as such, more difficult to monitor. Therefore, some respondents have also argued that the foundation of some chapters in Belgium may also be a sign of *expansion* rather than *displacement*, as OMCGs have always sought to expand their sphere of influence.

25 Demonstrated by the weakened admission policies of existing clubs, decreasing loyalty to the club, frequent switches and patch overs, numerous internal conflicts and newly established clubs – which have been described in chapter 4.

Additionally, as illustrated by this chapter, the multi-agency approach targets all kinds of criminal as well as non-criminal aspects to OMCGs. This makes it (almost) impossible to find a relationship between a specific measure and a specific crime. In other words: the current zero-tolerance strategy targets a heterogeneous group of people, rather than a specific criminal process for which specific interventions can be implemented. For these various reasons it can be difficult to identify OMCG-related crime displacement.

In relation to displacement of non-criminal aspects it seems that the examples mentioned are most likely a result of either administrative measures, specifically or in combination with police checks. The Dutch OMCG bans may have further facilitated the use of administrative measures. Interestingly, OMCGs are not necessarily looking for the 'path of the least resistance' as suggested in the quotation of a Dutch mayor used in the introduction. The Kerkrade example has demonstrated that despite being repeatedly frustrated by the police and administrative authorities, members from a local chapter may still attempt to establish a clubhouse in the same municipality. Of course, clubhouses still serve as a *local* meeting place for local members and as such it may take a greater effort to find an alternative location elsewhere. Instead, it may be more attractive to stay in the surroundings one is familiar with or simply use a member's residence for meetings (categorized in this chapter as tactical displacement). In any case, information exchange regarding administrative measures of non-criminal aspects is especially rare; whereas the administrative practitioners in the Dutch part of the Euregion mentioned that they know each other and share information via the RIEC structure if necessary, *cross-border* information exchange between administrative authorities is uncommon.

In this respect, the findings from this qualitative endeavor indicating a lack of (perceived) systematic displacement are in line with previous (mostly quantitative) empirical findings which demonstrate that (crime) displacement is not inevitable but rather an exception (Guerette & Bowers 2009). And whereas 'organized' offenders – like some OMCG members – may have more alternative opportunities and therefore may be more likely to displace their activities, OMCGs and the crimes associated with them may be too diffuse a term for proper analysis. It may be that displacement is difficult to perceive, because data is lacking (e.g. due to limited information exchange and diffuse concepts), or it may be that displacement simply does not take place. If the latter is true, one might ask why authorities have previously rung the alarm bells by voicing their concerns in the media. Some respondents argued that the statements in the media might just reflect the political outcry of authorities demanding more legal tools to combat OMCGs. If lacking data is the main limitation in analyzing such behavioral (crime) patterns, enhanced (cross-border) information-exchange between police-, judicial-, and administrative authorities might reveal more examples of displacement.

7 Social embeddedness of OMCG-related crime in the Meuse Rhine Euregion and transnational offending

7.1 Introduction

Gradually, OMCGs have become increasingly associated with organized crime related to their involvement in the nightlife scene; particularly in private security firms, brothels, and bars. Law enforcement authorities also found members involved in drugs- and weapon-related offences, including possession and trade (see chapters 2 and 3). Thus, outlaw bikers became perceived as organized criminals rather than deviant rebels. This paradigm shift was influenced by the emergence of research into the nature and scope of organized crime in Germany, the Netherlands, and Belgium from roughly the nineties onwards. Since then, especially in the Netherlands, the general idea that organized crime does not operate within a social vacuum, but instead interacts with it (Kleemans & Van de Bunt 1999), gained influence among researchers and policymakers.[1] Oftentimes, organized crime – such as prostitution, drug trade, weapon trade, brand counterfeiting – thanks its existence to a certain demand in society and people willing to provide for the particular service or good. Equally important, it means that there is a social surrounding which (tacitly) approves or turns a blind eye to these activities. Whether or not these activities can be carried out successfully depends on – among other things – an offender's social network, their skills, knowledge, access to legal (e.g. administrative) pathways and the relevant infrastructure. In other words, organized crime is embedded in its social surroundings.

While organized crime research has repeatedly emphasized the importance of social surroundings in relation to crime opportunities, most research on OMCGs and the involvement of members in (organized) crime has primarily focused on the organizational structure of clubs without taking into account the broader surroundings they operate in. One of the main discussions in the literature continues to be whether OMCGs should be perceived as clubs or gangs. Another important topic in this respect is whether or not group characteristics have facilitated the criminal activities of its members – either directly or indirectly (von Lampe 2008, 10). As previously discussed, club characteristics have been presumed to create a crime-facilitative environment that members can exploit; OMCGs

1 Especially through the Dutch National Monitor on Organized Crime.

revel in their dangerous image and non-conformist reputation. Membership may result in a criminal status, contacts, and information and the club may reinforce deviant (subcultural) norms for the in-group, while keeping outsiders at bay (Dutch National Police 2014, 162-169; Barker 2015, 73-75). As such, their group characteristics create a physical and psychosocial space in which crime thrives in the absence of formal and informal social control (Huisman & Jansen 2012). The clubhouses are viewed as offender convergence settings in which members can exploit each other's social ties for criminal purposes. And as OMCGs have expanded worldwide since their inception (Barker 2015), transnational crime opportunities have presumably become accessible to criminal members through the international tentacles of the club (von Lampe 2008). In 2005 the Bandidos MC Aachen chapter was characterized as a transit chapter for drugs coming in from the Netherlands (some of the prominent members were Dutch nationals) for further distribution among chapters throughout Germany in a large criminal case (Diehl, Heise & Meyer-Heuer 2014; confidential judgment). In 2016, Dutch Satudarah members were convicted for trafficking weapons into Germany in order to fight off the Hells Angels.[2] In 2013, a large group of Hells Angels were arrested on the Spanish island of Mallorca, where members from Germany and Luxemburg supported the foundation of a new chapter and were subsequently suspected of drug trafficking, extortion, prostitution, money laundering, and corruption (Europol 2013).[3] In a 2019 UNODC report it is mentioned that OMCGs from Australia and New Zealand are expanding their sphere of influence in South East Asia and trafficking illegal drugs and precursors, partly due to law enforcement efforts in their own respective countries (UNODC, p. 40-41).[4]

In recent years, a scarce amount of empirical research has appeared which indicates that OMCG members also commit crimes with external offenders, independently from the club they are associated with (Van Deuren, Kleemans & Blokland 2021). A comprehensive social network analysis of the Quebec Hells Angels MC showed members to be involved with a vast network of external offenders operating in drug markets (Morselli 2009). Another social network analysis regarding the organizational pattern and criminal collaboration of the Hells Angels MC sphere in Sweden similarly demonstrated a vast majority of the members co-offending with non-members (Rostami & Mondani 2017). A Dutch study examining what role OMCGs play in the criminal activities of their members on the basis of criminal case files found 32% of the co-offenders were non-members (Van Deuren, Kleemans & Blokland 2020). Despite these findings, no research has attempted

2 Rechtbank Overijssel, January 19, 2016, ECLI:NLRBOVE:2016:125. Retrieved from https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBOVE:2016:125.

3 Retrieved from https://www.europol.europa.eu/newsroom/news/major-international-operation-against-hells-angels.

4 Retrieved from https://www.unodc.org/documents/southeastasiaandpacific/Publications/2019/SEA_TOCTA_2019_web.pdf.

to describe how OMCG-related crime is socially embedded, both within and outside of the club, and how this may relate to transnational crime.[5] That is to say, members may be well-known for their OMCG affiliation and violent reputation and therefore be hired as bouncers in entertainment areas. But members may also have families living in countries that are involved in cocaine export and profit from these connections. Members may have friends at customs or trucking companies who may provide a gateway to distant or nearby drug trade.

Essentially, the aforementioned suggests that crime opportunities relating to structural and social embeddedness may be further facilitated within – but are not dependent on – the organizational structure of an OMCG (Klement 2016; Von Lampe 2016, 168-184; Van Deuren et al. 2020). As such, this chapter aims to combine insights from the literature on OMCGs as well as social embeddedness in order to examine how this facilitates OMCG-related crime and what this means for transnational crime in a cross-border region. By means of a case study based on a recent criminal case, as well as semi-structured interviews with the involved law enforcement authorities, this chapter seeks to formulate an answer to the following question:

– *How is crime socially embedded in a case of a local OMCG chapter in the Meuse Rhine Euregion and how does this relate to transnational crime?*

First, social embeddedness will be further conceptualized, and its underlying constructs for the purpose of this chapter will be outlined. Second, the data collection process and research design of the case study will be described. Third, the findings will be addressed following the identified concepts constituting the social embeddedness of the criminal activities surrounding the local chapter. Lastly, the general conclusions will be drawn up and reflected upon in a closing discussion.

7.2 The social embeddedness of (organized) crime

As briefly mentioned in the introduction of this chapter, the concept of social embeddedness suggests that organized crime does not take place in a social vacuum. Instead, criminal behavior is constrained or enhanced by ongoing strong social ties (e.g. family, friendly or work relationships; Granovetter 1985; Kleemans & Van de Bunt 1999) and weak social ties (e.g. superficial contacts; Granovetter 1983). Strong ties may provide crime

5 In 2016, an EU-wide questionnaire demonstrated that 16 Member States reported transnational OMCG-related activities. Such activities ranged from frequent contact with foreign chapters, which is taking place mainly near – but not limited to – border regions', and participation in transnational crimes, such as drug and weapon trade (Council of the European Union 2016, 3-5). However, the report does not contain further information regarding the circumstances under which these transnational activities take place.

opportunities with a common basis of trust (Van de Bunt et al. 2014, 323; Von Lampe 2016, 218). Weak ties may provide crime opportunities due to alternative criminal expertise, contacts or positions (Kleemans, Brienen & Van de Bunt 2002; Van de Bunt et al. 2014). Offenders, either through weak or strong social ties, require some level of trust to successfully engage in crime together. Especially because they operate – by means of their criminal activities – in uncertain and hostile environments (Kleemans & Van de Bunt 1999; Paoli 2002). Offenders cannot simply resort to state institutions and legal procedures to enforce (criminal) contracts. Instead, they have their own rewards and compliance mechanisms (Paoli 2002). Because of these highly uncertain and hostile environments, organized crime is rarely committed by sustainable hierarchical organizations with a clear division of tasks and sanctions (as the organizational structure of OMCGs is perceived to be). Rather, organized crime is carried out by criminal networks that are dynamic and fluid, with offenders dropping in and out at different logistic stages to facilitate a particular crime (Kleemans & van de Bunt 1999; Paoli 2002; Van Dijk & Spapens 2013; Von Lampe 2016). The general lack of hierarchical organizations, however, does not mean that there is no dependency between offenders in a network (Kleemans et al. 2002). Offenders require social ties which possess certain skills, knowledge, reputation, contacts or money in order to commit particular crimes. In other words, a crime materializes when the right people are found for the right job (e.g. task in the criminal process).

The previous discussion holds that many factors together constitute and influence the social embeddedness of organized crime. The central element here is the social ties between the offenders involved, but these social ties in turn relate to the level of trust and compliance, and the role of offenders in the criminal process necessary to accomplish criminal activities. Therefore, these are the main elements outlined in the next sections in the following order: 1) the offenders' social ties, 2) the trust and compliance mechanisms, and 3) the distribution of tasks in the criminal process. As this chapter seeks to combine the insights of social embeddedness and facilitating factors associated to OMCGs, relevant OMCG research is included under each of the abovementioned elements in order to describe if and how the organizational structure could facilitate offending.

7.2.1 Social ties

Social ties are understood as the social relationships between individuals. A distinction can be made between strong ties and weak ties. Strong social ties relate to established relationships through family, friendship or work. Such ties often follow the laws of geographical and social proximity; the closer individuals live together, participate in the same daily activities or share the same values and ideas, the more likely it is that social ties exist between them (Kleemans & van de Bunt 1999; Kleemans et al. 2002, 142). Weak social

ties, on the other hand, pertain to superficial contacts that emerge from daily activities and to contacts created and maintained deliberately for offending (Granovetter 1983; Van de Bunt et al. 2014, 322-324).

Social ties represent an important explanatory factor for the materialization of organized crime. An individual's social surroundings may (tacitly) encourage or reject criminal behavior. Social ties may also build trust between the individuals involved (Kleemans et al. 2002) and provide social opportunity structures (Kleemans & de Poot 2008; Ouellet, Bouchard & Malm 2016). The concept of trust will be elaborated upon later but it should be noted that those with a common background and a common goal or future are theoretically less likely to trick and cheat each other because they rely on one another (Paoli 2002, 84; Jaspers 2020). However, as the density of criminal social ties is higher at the local level, and organized crime manifests itself as a tangible process of local activity (Hobbs 1998, 408; see also Tremblay, Bouchard & Petit 2009), specific social and geographical barriers exist between countries, ethnicities or at the legal-illegal nexus (Kleemans et al. 2002, 44; Paoli & Reuter 2008; Van Dijk & Spapens 2013; Berlusconi, Aziani & Giommoni 2017). Only few individuals are able to overcome these barriers and reach a strategic position in a network (Kleemans et al. 2002, 43-45; Tenti & Morselli 2014). Offenders who are able to fulfil such strategic positions are referred to as 'brokers' because of their access to knowledge, goods, services or contacts, and intermediate role between criminal networks (Kleemans et al. 2002, 49-63). For example, theoretically, a drug trade operation may take shape (and even center around one single individual) when an offender has a family member with land fit for a cannabis plantation in Morocco, a friend who owns a trucking company operating between Morocco and a European destination country and a financial facilitator able to launder the illicit money. More often than not, however, various local networks are involved in the different aspects of the abovementioned criminal process of a drug trade operation. This makes the position of the few individuals who are able to connect these different aspects – and in doing so overcoming the social or geographical boundaries – vital to the overall criminal process.

Those who are not able to fulfil a strategic position on the international level will remain 'local heroes'; traditional local crime entrepreneurs who know everyone in their direct surroundings and vice versa (Van de Bunt & Kleemans 2007, 89-95; Van de Bunt, Siegel & Zaitch 2014). They have many social ties but these are mostly redundant due to the level of cohesion and mutual knowledge in tight social networks (Kleemans et al. 2002, 47-49). 'Local heroes' do not have access to the extraordinary opportunities that arise from having a strategic position with ties to advantageous countries, ethnic groups or the licit world. However, their success and versatility stems from the thorough knowledge of – and embeddedness in – their local, social environment. This makes it possible for them to respond quickly to emerging local crime opportunities (Kleemans et al. 2002, 78; Spapens 2006, 48-49; Van de Bunt & Kleemans 2007, 89-95).

OMCGs are assumed to be offender convergence settings; environments in which criminal members can easily exchange information, contacts and goods (Felson 2003; Kleemans & De Poot 2008). The local chapter regularly has meetings, members are generally quite close and as such they can be considered from the outset as strong social ties. Moreover, they are part of an international club with chapters all over the world. Members are quite mobile and are required to visit world runs and attend international meetings (Barker 2015). Generally, there are higher risks involved in criminal activities on a large geographical scope – for example due to long distance communication and transportation, or the difficulty to monitor co-offenders (Paoli 2002, 66). But the international structure of the club has been assumed to ameliorate these risks to some extent and be a facilitative factor for members of different chapters to orchestrate and commit crimes (Lavigne 1997; Von Lampe & Blokland 2020), as the examples in the introduction have demonstrated.

7.2.2 Trust and other compliance mechanisms

As previously mentioned, social ties represent an important explanatory factor in organized crime. However, crime opportunities do not simply arise from social ties – regardless of whether they are weak or strong. It is important to understand how these social ties are turned into criminally exploitable ties aimed at furthering criminal endeavors, despite risks of betrayal (von Lampe 2016, 113). This process often relates to trust and although various concepts of trust exist, for this chapter it is defined as "*the high subjective probability of an individual performing an action that is beneficial or at least not detrimental to another person, so that they may consider engaging in some form of cooperation*" (Gambetta 1988, 217). When it comes to strong ties, familial bonds, friends, and local communities may provide the required trust, mainly owing to a mutual set of values and norms, as well as a sense of familiarity and similarity (Kleemans & van de Bunt 1999). Trust can also be derived from successful previous cooperation in (licit or illicit) activities (Zaitch 2002) or from an individual's status or reputation on the basis of hear-say regarding specific (criminal) knowledge or skillsets (Van de Bunt & Kleemans 2007, 60-61). By no means do these factors in themselves create trust; it is up to the individual to judge whether another person is trustworthy or not and to cooperate accordingly if desirable.

Trust can be built over time but if trust is not present or unlikely to develop over time, it may still be beneficial for criminals to cooperate, for example, when they are under economic pressure. In these cases, other mechanisms can be put in place to protect one's interests. Examples include financial rewards as an incentive for loyal behavior or coercion in order to reduce the probability of disloyal behavior (Van de Bunt & Kleemans 2007, 17; Von Lampe 2016). Financial rewards often mirror the (a)symmetry of relations between the offenders involved. Organizers may operate on a more leveled playing field and therefore

on an 'equal share' basis. Helpers, on the other hand, are often replaceable and may be paid for one particular service (Van de Bunt & Kleemans 2007, 67). Offenders may also assert control over other criminals by means of intimidation or violence; an individual may, for example, have little (financial) interests in the prospected offence and might therefore be more prone to show opportunistic behavior. This behavior can potentially damage criminal cooperation and therefore these risks can be mediated through rewards or sanctions (Van de Bunt & Kleemans 2007, 62-64).

In the context of OMCGs trust between members is often presumed to emanate from the fact that it is impossible to simply join a club on an individual's own initiative. One has to be introduced by a member and complete a 'prospect' phase during which the prospective member shows that they are trustworthy and loyal to their club by looking after their fellow members and by doing chores (Barker 2015, 80-85). When involved in organized crime trust is an important element, as offenders have to maneuver their way through an unregulated and hostile world in which they fear actions from law enforcement authorities, as well as from competing organized crime groups (Paoli 2002; Kleemans 2007, 179-180; 2012, 619). Especially for OMCGs, constant internecine warfare is a dominant theme, which can boost the group's comradery, solidarity, and trust (Quinn & Forsyth 2011, 219-221). Members are expected to support each other unconditionally (Wolf 1991, 98; Barger 2001). In this regard, one might think of a 'status upgrade' from prospect to full member as a potential non-financial reward for criminal cooperation (Barker 2015, 80-81). In the same vein, the threat of a status downgrade or 'bad standing' in an OMCG may be a non-financial control mechanism with the aim of ensuring compliance. Especially since the loss of membership often results not only in the loss of reputation or status but also in the loss of relations with the club. In the case of the Amsterdam Hells Angels chapter, the original president 'Big Willem' was thrown out in bad standing in 2004. He was forced to remove all Hells Angels related tattoos and leave his residence which was located next to the chapter's clubhouse (Schutten, Vugts & Middelburg 2004, 173-182).

7.2.3 Distribution of tasks in the criminal process

In order to find out whether an offender within the network holds a strategic position, it is important to identify an individual's role in both the network and the criminal process (Spapens 2006; Van de Bunt & Kleemans 2007). From the socio-economic perspective of organized crime there are four main types of roles in the criminal process: organizers, financers, helpers, and facilitators (Spapens 2006, 44; Spapens 2008, 19-27).

Organizers can be characterized as entrepreneurs or 'criminal masterminds' who initiate the offending process and exercise control over the operation. Their ability to do so depends on the finances, knowledge, and tools available to them (Spapens 2006, 44; Spapens 2008,

19-27). Financers provide the necessary monetary investments to initiate the criminal process and do not need to have further crime-specific knowledge (Spapens 2006, 44; Spapens 2008, 19-27). Helpers are those who are hired by entrepreneurs to perform a particular task for an agreed price. Such a task usually does not require any substantive knowledge, thus rendering the performer replaceable. The main condition here is that the helper is perceived as reliable and trustworthy (Spapens 2006, 45; Spapens 2008, 19-27). Lastly, facilitators are hired by organizers for their expertise or skills in a certain field, again for a fixed price. Due to the fact that they have the specific expertise required to make the criminal process a success, facilitators fulfil a more important role and are scarcer than helpers. Because of the fixed price allocated to both helpers and facilitators they do not share the profits like the organizers and financers do (Spapens 2006, 45; Spapens 2008, 19-27).

It is important to distinguish between these different roles because they characterize relationships of dependency in and between networks – a certain role comprises the access to either money, skills or knowledge. This directly relates to social embeddedness in the sense that some 'roles' may be more easily replaced than others (Kleemans et al. 2002). If, for example, a network is involved in large scale drug transactions (involving money laundering) and their money mule is being prosecuted, the role of the money mule is a relatively easy one to replace as this act does not require much specific knowledge or expertise (helper). Someone else can be brought in to fill the position, exemplifying the fluidity of the network. In the same vein, if the network uses a corrupt customs officer in a port to (de)select containers for control purposes in order to evade checks, and this person is being prosecuted, it may be more difficult to replace this facilitator as he has specific knowledge on, and access to, an important part of the logistics of the import of drugs.

In relation to the organizational structure of OMCGs, Barker notes that a club or particular local chapter could be viewed as a 'social club' or a 'criminal gang' or anything in between. This characterization essentially depends on the extent of the members' involvement in organized crime and whether the club's leading figures are involved in the planning and execution of these criminal activities (Barker 2015, 73). It has been assumed in the past that OMCG-related offending mirrors the formal hierarchy (Barker 2015); lower ranking members, prospects or members in support clubs are tasked with carrying out certain criminal activities conceived by the leading figures of a club or chapter. Morselli (2009) found that the leading figures were often not 'hands-on' participants but rather indirectly involved, although no causal link between networking and formal ranks could be identified. Additionally, some have theorized that in some cases new members may be admitted by virtue of their prior criminal career, contacts, and knowledge (Quinn & Forsyth 2011). In theory, this would mean that a chapter has to take less risks in finding suitable external co-offenders when engaging in a particular organized crime. By combining the

insights regarding the distribution of tasks in the criminal process with the knowledge about status ranks, one could argue that if leading figures of an OMCG partake in the criminal process – for example as organizers – a club or chapter is more likely to be characterized as a criminal gang.

7.3 Data collection

In order to explore and gain insight into the social embeddedness of contemporary OMCG-related crime, a large-scale criminal case was selected for this study. This criminal case contained general background information on the OMCG as well as the specific chapter in question, on offenders' personal information and their financial situation, and (if applicable) their criminal record. The case also contained information from the criminal intelligence unit, summary reports of the respective criminal activities and all underlying investigative reports (investigative interviews with offenders, victims, and witnesses), police observation reports, reports from wiretaps and other audio equipment, as well as financial reports. In the case of closed investigations conducted in a neighboring country relating to the current criminal case, the complete case files of the offenders prosecuted in the respective country were also included in the files. Such detailed reports – especially from the application of special investigative powers, e.g. wiretapping and audio equipment – provide information (as extensive and objective as possible) on the offenders, their social ties and the *modus operandi*; information that could otherwise not be gathered by using alternative data sources.

Permission to examine a criminal case involving OMCG-related crime was therefore requested and obtained from a public prosecutor's office located in the Meuse Rhine Euregion.[6] The criminal case at hand targeted offences committed by a network of offenders in and surrounding a local OMCG chapter in the Meuse Rhine Euregion.[7] Complementary to the case files, eight semi-structured interviews were conducted with police officers and public prosecutors who had worked on the case in order to gain more background information on the offences, offenders, and the investigative choices in relation to the available case files. Two interviews were conducted with police officers and public prosecutors in neighboring countries working in similar positions in order to broadly question them about the embeddedness of OMCG-related crime in their respective regions in relation to transnational crime.

6 For which access was granted by the General Prosecutor's Office (Parket-Generaal) in the Netherlands.
7 For the checklist and stratified conceptual framework used for the analysis, see Appendix VII.

7.4 Case study design

The case study followed an embedded research design (Yin 2009, 50), in which the elements constituting the concept of social embeddedness – i.e. the offenders' social ties, trust, and other compliance or binding mechanisms and the distribution of tasks in the criminal process – were systematically addressed, while taking into account the possible influence of OMCG characteristics. Two stages of analysis will be outlined here. The first stage was aimed at generating an overview of all offences in the criminal case and the respective offenders involved in these offences (the checklist used for this first stage was heavily influenced by the second and third Dutch Monitor on Organized Crime). In the second stage, three offences with inherent transnational characteristics were selected to be analyzed further in order to draw inferences from the social embeddedness of these offences in particular. In this respect it should be noted that, despite the geographical proximity to national borders, the actual number of transnational offences was limited. Of the 29 offences, eight offences were transnational and only three of those were detailed enough to analyze further. The other 22 offences showcased no or only *ad hoc* transnational aspects that did not relate to the offence specifically. For example: in one instance it was mentioned that the victim in the current case was suspected for prior drug-related offences in Belgium. In another, one of the offenders talked about how after the offence he might be able to send his foreign girlfriend some money to help with her debts. These national offences involved cases of extortion, small-scale drug-related offences, weapon-related offences and other economic offences. As for the transnational offences: those that reached outside of the Meuse Rhine Euregion can be distinguished from those committed within the Euregion. The transnational offences that reached outside of the Meuse Rhine Euregion were all drug-related but provided limited relevant information for a systematic analysis. According to law enforcement authorities, possible reasons for the limited data regarding these offences include the fact that the focus of their investigations shifted from drug importation and trade, to extortion and power display,[8] as well as difficulties encountered with requests for legal assistance and international cooperation. The selected transnational offences that occurred in the bordering countries, however, provided ample information regarding social ties, trust and compliance mechanisms, and about the distribution of tasks in the criminal process.

A criminal investigation inherently seeks to answer different questions than those posed in the current study. Therefore, not all desired data could be gathered from the case files. Although the criminal investigation did not initially focus on the local chapter, it soon became the center of attention for both the police and the public prosecution when they found that members were involved in various offences and rising tensions in the

8 In order to provide evidence for an operational criminal organization with the intent to commit crimes.

region. Following this development, the scope of their criminal investigations started focusing on cases of extortion rather than international drug trafficking. This might explain why there was insufficient data for a systematic analysis of the offences that reached outside of the Meuse Rhine Euregion. The next section discusses a general summary of the case.

7.5 Case description: the offences and the offenders

In total, the case spanned 29 offences from 2013 onwards, of which the nature was (in order of frequency):

- (attempted) drug offences, including possession of drugs, dumping of drug waste and drug trade (10);
- (attempted) extortion and violent theft (6);
- offences against the weapons act (4);
- money laundering (4);
- other economic offences, e.g. handling stolen goods, forgery (3)
- aggravated assault (1); and
- being part of a criminal organization (1).

These offences involved 40 offenders.[9] Of these 40 offenders, three were legal persons[10] (transport and car services). Of the 37 individuals, 23 were born in the Netherlands, seven in Germany, four in Belgium, and three outside of Europe. Only three of the individuals were female. Of the offenders, the youngest was 23 at the start of the criminal investigation and the oldest was 64; the average age of the offenders was 41 years old. All of the offenders were born – or at least had lived – in the region for several years preceding both the involvement in the offence(s) and the foundation of the local chapter. Many (though not all) offenders had criminal records relating to extortion, violence, traffic offences, drug offences, weapon offences or economic offences.

Of the 37 individuals, 19 offenders could be considered members or otherwise affiliated (either "prospect" or "hangaround") to the local chapter under scrutiny, while 18 offenders were non-members. As for pre-existing ties within the chapter, as well as outside of the chapter, family and friendly ties appeared to represent a common bond between individuals.

9 Including offenders involved in the three selected transnational offences which were prosecuted and convicted elsewhere. Not including unidentified contacts in other offences.

10 Legal persons, e.g. companies, can be prosecuted under Dutch criminal law. A company can be held criminally liable for the actions of employees when the actions (or omissions) of an employee can reasonably be attributed to the company, and when they are committed in the name or context of the legal person, e.g. when the (c)omission happens in the normal operation process of the legal person, when the person involved works for the legal person, when the (c)omission has benefited the legal person, when the (c)omission was in the discretion of the legal person and whether it was intended or accepted by the legal person.

Some of the members were family or had known each other for a long time prior to when the offences took place. Others were even associated in other OMCGs together – prior to the foundation of the local chapter in this particular case. Others joined via friendly relations with full members and were introduced to the chapter through the – more or less – conventional way of "prospecting". In total, 13 of the 37 offenders were connected through relationships based on marriage or cohabitation,[11] as well as father-son or in-law relationships. The only three women indicted in the case were all partners of the male offenders. There were no apparent corrupt ties with public administration or other government agencies. In relation to the broader social surroundings, and the dynamics in the outlaw biker scene, it should be noted that friendly inter-club relations with one particular OMCG chapter existed at the time of the criminal investigation, whereas (violent) rivalry with another club was also observed.

When looking at the network of offenders as a whole: 12 individuals were indicted for five or more offences, ten individuals were indicted for two to four offences and 15 individuals were indicted for only one offence. Generally, the criminal investigation revealed that the organizers of these crimes were the chapter's original members (some of whom had a prominent status), sometimes assisted by a family member or external offender.

7.6 The social embeddedness of crime involving members from the local chapter

By summarizing the different types of crime committed by the offenders in the current case, it is already possible to identify some differences in the relevant aspects constituting social embeddedness.

The ten drug offences include four acts of possession or trade which are perpetrated by one or two individuals (either inside or outside of the club) with no clear connections to other offenders in the case, no apparent trust or compliance mechanisms, no apparent transnational element and, due the solemn nature of the act, no clear distribution of roles. The other drug offences relate to acts which are more planned or organized such as cannabis cultivation, synthetic drug production, trade, and dumping of drug waste. These offences were often perpetrated by one (and often more) members of the same chapter together with several external offenders. They also possessed more transnational elements or were inherently transnationally orchestrated. In these offences, there were clear club and family ties between the offenders within the chapter and criminal – rather weak – ties between the involved members and the external offenders, whereas the external offenders among

11 Cohabitation in this respect refers to individuals with an affectionate relationship living together, possibly without any legal arrangement.

themselves maintained friendly or family ties. Trust therefore appeared to emanate mostly from the existing strong ties between the cliques of offenders, and from the monetary aspect – the mutual interest – between the involved members and external offenders. In addition, some form of compliance was observed in a case where the violent status of the club in general and one of its members in particular was emphasized. Later there was an attempt to persuade the external offenders not to testify to the police. Moreover, there was a clearer distribution of roles in these offences where, in some cases, an external offender and member orchestrated and carried out the offences together; and in others they appeared to orchestrate the offence but let other members and external friends do the work.

As for the (attempted) extortions and violent thefts: these always included members of the chapter. Four offences shared the same modus operandi: they were quite opportunistic and started as a personal quarrel with the victim 'owing' money to one of the members. This member subsequently involved other members to intimidate the victim or steal goods as collateral. In one case, there was a dispute over previous engagement in drug production and another concerned the extortion and intimidation of an (ex) member who received a bad standing. These offences all took place in a regional or national setting. Furthermore, there was some degree of organization and distribution of roles in the sense that members discussed who would come along to intimidate the victim. The trust appeared to emanate from within the club and its values. The offences clearly demonstrated the 'one for all and all for one' mentality of the group.

The offences against the weapons act pertained to members and a close friend possessing weapons illegally. These offences possessed no transnational elements.

The four instances of money laundering each related to a member and/or their families being involved in laundering money through their own companies or relatives' bank accounts. Two of these involved inherent money transfers to and from other countries, whereas two remained within national boundaries. The money was suspected to originate from the criminal activities of the involved member and as such they were perceived as the orchestrator whereas the relatives had a more subordinate role as facilitator or helper.

The other economic offences, e.g. handling stolen goods and forgery, mostly involved a few members in combination with one external offender. In one case of extortion, an external offender (a friend) was contacted by a member in the attempt of fencing stolen goods through his business. In others, members themselves handled the stolen goods. These offences revealed no inherent transnational elements, were rather opportunistic and therefore no clear evidence of trust, compliance or distribution of roles was perceived.

In the case of public violence caused by a feud between two rivalling clubs, all of the offenders involved were members and associates. Although it took place in a regional setting, the offence revealed various transnational elements. The trust pertained mostly to club – and more specifically older, pre-existing, friendly – ties between members. There

was no clear distribution of roles, although the intention to intimidate and abuse was discussed in advance.

The last offence, being part of a criminal organization is a rather peculiar charge as it does not relate to an actual, materialized and practically distinguishable offence but rather to the involvement in a network or organization that has the intent to commit criminal activities. All of the members and some external offenders were presumed to take part in this criminal organization. Although not solely related to the club, its structure and values do account for an important part of the argumentation for a criminal organization: e.g. the club was viewed as offender convergence setting in which members can discuss criminal activities. Especially relevant in this context was the influence of foreign chapters to establish this particular chapter, the presence of Belgian as well as Dutch members and the close links between the chapter with other German members and Belgian prospects. Additionally, there are the aspects of status and reputation of the club to ensure compliance of victims or co-offenders, the codes of secrecy and silence to outsiders and the police, the support between members in terms of jail and defense funds, the promotion of members who have been in jail, and the use of a support club as a 'fight squad'.

To conclude this general outline of the case and the discussion of social embeddedness of the OMCG-related criminal activities, a general characterization of the members, provided by the law enforcement authorities in the interviews, seems in place. The abovementioned offences already illustrate that some offences are rather opportunistic and nationally or regionally oriented. Others appear to be more sophisticated and planned, with inherent transnational elements. By noting which members were involved in which types of crimes, the authorities broadly made a distinction between the – so-called – 'dumb muscle' (those who valued reputation and were open to participating in criminal activities) and 'calculating criminals' (those who knew how to effectively shield their criminal activities and position or recruit other offenders). On the basis of their experiences with this particular case, as well as previous criminal investigations involving the same offenders, the law enforcement authorities suspected that 'the calculating, criminal masterminds' had been operating in drug markets, in varying networks, for years. However, they also explained that it is difficult to effectively investigate and prosecute these, often transnational, drug-related offences due to flawed or limited international police or judicial cooperation. Despite the lack of 'hard evidence' of international criminal involvement, intercepted communications demonstrated that the 'calculating criminals' maintained international relations with other members and with foreign external offenders. Meanwhile the social network of the – so-called – 'dumb muscle' seemed to have a limited geographical scope. In the context of relations of this chapter in the broader OMCG scene, the authorities explained that due to the opportunistic attitude of the members, friendly interclub relations will always be exploited when mutually beneficial. In this criminal case either as a cover for illicit activities or for financial gain through criminal cooperation. In one instance,

members discussed involving another OMCG in a cooperative as a cover for their own OMCG. On the other hand, the authorities argued that some bridges cannot be crossed: if chapters engage in a feud regarding criminal activities, or over a claim on a certain territory, reconciliation in favor of criminal cooperation is unlikely to take place.

7.7 Transnational offending

The purpose of the case study was to see how the social embeddedness discussed above relates to transnational offending in particular. As a result, the transnational offences were examined for suitability for analysis. From the entire case – comprising of 29 offences – eight offences were related to cross-border activity and only three of these transnational offences were sufficiently detailed to allow for further analysis. One offence concerned the possession and trade of amphetamines and hemp from the Netherlands to Belgium. Another was related to the cultivation and processing of cannabis in Germany, which was sold in the Netherlands. The third offence concerned an incident of aggravated assault in the Netherlands about which intercepted communication went back and forth with foreign chapters repeatedly.

In the first offence – concerning the medium to low quantity possession and transnational trade of amphetamines and hemp – one organizer on either side of the border was identified; both had involved friends and one had involved their partner as helpers. In this case, the link between both organizers was crucial: one of whom was a member of the local chapter who recruited another member and an external friend for the physical transactions. Although it was clear that both organizers had known each other for some time, it was not exactly clear how, when or why they became acquainted. Originally, the Belgian organizer had acquired the drugs in the Netherlands but due to police controls at the national border, he asked his partner and friend to pick up the drugs – which they considered a friendly favor. This transport was intercepted by the police. The profits, according to the offenders, ranged from 150 to 600 euros per kilo for the respective resellers, and 4 euros per gram for the person selling the drugs in low quantities to customers in Belgium. The proceeds of the deal for the Dutch organizer remain unknown. It was also not clear where the drugs originated from.

In the second offence – concerning the cultivation, processing, and selling of cannabis – the father of one of the local chapter members in the Netherlands contacted a German individual (previously unknown to him), via a friend (known to him through the amphetamine market), in order to set up a cannabis plantation. This German individual involved another German friend, while the father introduced his son (member of the local Dutch chapter) to arrange the plan. In this case, the father, son, and the two German contacts could be considered to be the organizers, as they were involved from the onset.

However, while the father (non-member) and son (member) were involved in the initial discussion, the German individuals (non-members) committed the offences. They signed a rental contract for a location with a third party and helped out with establishing and operating the plantation. One member was involved in the supply of specialized equipment, as he had experience in (and a reputation for) setting up plantations and can therefore be viewed as a facilitator. Another member was asked to oversee the process and subsequently also helped to grow the plants. Most of the equipment and soil was paid for by the German individuals based on a promise of return payment. Five, of seven, individuals in this core group had a criminal background. The Dutch members all knew each other and were introduced to the German individuals through their cooperation in this offence. The plantation was always operated by the core group in varying compositions. According to the main German offenders, they were promised 70.000 euros by the father and son but at the time of arrest they had only received approximately 15.000 euros between them. This covered the initial start-up costs and counted as an advance payment for the expected revenue. At a later stage, the German individuals contacted friends to assist in taking care of the plants. None of these friends had a criminal record and they all volunteered to help as a favor. In total, one harvest of over 500 plants, consisting of around 35 kg of cannabis, with an estimated purchase value of 105.000 euros, was transported to the Netherlands. When the German police cracked down on the plantation, 1.700 plants were confiscated and destroyed.

In the third offence – concerning the aggravated assault – the attack appears to have been provoked by the existence of the local chapter in question. The conflict transpired in light of ongoing tensions between two chapters, from different clubs, in the Meuse Rhine Euregion. During these ongoing tensions, foreign "brothers" repeatedly offered the Dutch members back-up in the event that the situation would escalate. One of the leading figures of the local chapter refused this offer. Nevertheless, on one occasion, a group of foreign members on their way to the Netherlands were stopped and searched by the police due to repeated clashes with rivalling chapters in their own country. Following these developments, a group of Dutch members from the local chapter in question repeatedly intimidated a rivalling club, making it clear that they will not tolerate the rivalling club's existence in the region. In the months before the eruption of violence, members of both clubs repeatedly threatened and attacked each other, as well as those supporting them. At a certain point, almost the entire chapter, with members from all ranks, visited a pub (assumed to function as clubhouse for the rivalling club) and assaulted three members. As shots were fired by a rival the members withdrew. After the conflict, members contemplated informing their foreign "brothers" and taking future precautions, as they expected a retaliation. Later that day, members of the local chapter in question were joined by foreign members to celebrate their 'victory' with drinks on the territory of their rivals, taunting the rival club even further. A memento of this night was distributed to a prominent member from a foreign chapter

who subsequently joined the next local chapter meeting. In the following months, attacks on members from both sides continued in the Dutch and German border region. In this case, all of the offenders, as well as the victims, formed a part of the OMCG scene. Moreover, all of the offenders consisted of members from all ranks of the local chapter.

Both drug-related offences were financially motivated, and cooperation was sought between members and non-members. In both cases, it appears that the organizational structure of the local chapter in question did not directly facilitate the offence; the only relation to the local chapter was that two or more offenders originated from the same chapter. The reputation of the club appears to have been used to instill fear in external co-offenders in one case. In the events leading up to the proceedings in the cannabis plantation case, a club lawyer of a foreign chapter asked to take over the criminal defense of the external German offenders and transferred money to their bank accounts. These external German offenders perceived this as hush money. Both refused the offer for counsel and the money and went to court with their own respective lawyers. Contrary to the drug-related offences, there was no question of financial gain in the case concerning the aggravated assault. In this case, no outsiders (non-members) were allowed to cooperate and even the involvement of hangarounds was frowned upon by some members. In a wiretapped conversation, two members spoke about the fact that they did not (yet) trust the hangarounds as they did not know these individuals the way they knew each other. They expressed concern that the hangarounds might talk to the police. This demonstrates that the members not only have faith in the bond created by being members of the same club but that they also consider their common history as an important trust factor. The reputation and status of the club seemed to be the primary motive for starting the fight, as a member explicitly viewed the use of violence as 'advertisement': a warning to others not to mess with them. Here, the presence of other chapters across the border who were ready to send their "brothers" for support was viewed as a necessity in the event of any trouble. However, the fact that foreign members located further away expressed their willingness to provide back-up demonstrates that geographical proximity to a national border alone is no decisive factor; the social proximity should always be considered as an important factor. "Brothers" living abroad – who the members know and have met, who hold influential positions and stay in touch in times of need – are just as welcome.

7.8 Discussion and conclusion

This chapter, a case study based on a criminal case file and interviews with law enforcement authorities set out to answer the following question:

– *How is crime socially embedded in a case of a local OMCG chapter in the Meuse Rhine Euregion and how does this relate to transnational crime?*

In conclusion, based on the abovementioned findings, the crimes connected to members of the local OMCG chapter under scrutiny were quite diverse and ranged from extortion, aggravated assault, weapon and drug-related offences, to money laundering, and other economic offences. In addition, a large number of offenders – most of whom were members – were indicted for being part of a criminal organization. Some offences were committed by individuals, whereas most were committed in small groups of varying composition. The involvement of (lower ranking and prominent) members in impulsive, violent, as well as organized crimes indicates that the local chapter could be characterized as (being close to) a 'gang' on Barker's criminal organization continuum (Barker 2015, 73). In various offences, prominent members orchestrated and carried out criminal activities. But as Van Deuren et al. (2020) rightly note: this does not imply that the club has a direct role in the offending. In this specific case, the club played a direct role in only one offence. The presence of this particular chapter in relation to the pre-existence of rivalling clubs directly resulted in growing tensions between the two. This particular offence seemed to have no other function than to assert dominance in the region, which was clearly demonstrated by the willingness of foreign members to provide back up. In this respect the organizational structure can be viewed as a catalyst for the rising (transnational) tensions and the assault in the current case.

Other than this offence, there was no evidence to suggest that the club had a direct role in the offending of its members. For example, there was no evidence to suggest that the club financially profited from the crimes committed by its members. There was also no evidence to suggest that crime was orchestrated at a higher (international) level. Rather, it appears that the club indirectly played a role as the status derived from the club and its colors were used to intimidate and coerce victims and, in one occasion, an external co-offender. The chapter can also be viewed as an offender convergence setting in which members support each other – even in personal quarrels. In other words: examples such as "the power of the patch", "power by numbers", and entrusting loyal club lawyers to deal with external co-offenders, were observed as sole advantage.[12] Furthermore, while club members remained silent during the police interrogations in both transnational drug-related offences, the external offenders made incriminating statements and, by doing so, revealed information regarding the distribution of roles and logistics in the criminal process. In this context, the secretive environment and the rules and regulations of the OMCG may have provided indirect opportunities. Importantly however, some members were family; various others had already been friends for years. So, although some rules and values – e.g. to remain silent to outsiders – may have been formalized through the club, it is plausible that the necessary trust did not necessarily emanate from the fact that they considered each other to be 'brothers' but rather from their pre-existing strong ties.

12 Although the external offenders refused the legal assistance of the club's lawyer.

These strong ties also play a major role in some of the (organized) crimes in which only one or two members cooperated with family members outside of the club. Moreover, in various instances, members told their spouses or other relatives about their criminal activities. This appeared to be tolerated and in some cases the actions were approved of, encouraged, or even facilitated. For example: (illegal) goods or money was stored at other peoples' houses or bank accounts, and motorcycles were registered to other peoples' names (to prevent them from being confiscated). There were no signs of disapproval of the offenders' behavior from their social environment. These findings imply that it is not just the club structure which is important in explaining the offending of its members but also, or even *especially*, their embeddedness in broader social surroundings. This is definitely true for the examined transnational offences observed in this case. The transnational offences mostly concerned drug-related crimes and illustrate the Netherlands' status as a transit country for drugs (Kleemans 2007), as well as the southern border region as one of the largest drug production sites of Europe (in which Dutch, German, and Belgian offenders increasingly cooperate in networks; Spapens et al. 2007; Spapens et al. 2016; De Middeleer et al. 2018; Nelen et al. 2021). The role of the club appeared to be more limited in these offences, which were the result of cooperation with external offenders. The cooperation between the members and external offenders in these offences appeared to be based on 'trust' in the sense of mutual criminal interest and monetary payments. The external offenders in turn also relied on friends and relatives for favors and cooperation in these offences.

The apparent importance of strong social ties could also explain (to some extent) why the offences were in fact national (rather than transnational) offences. Strong social ties are often socially and geographically clustered and may therefore limit the crime opportunities available to individuals who are subsequently unlikely to fulfil a strategic position on the international level (Van Dijk & Spapens 2013). The membership to an international OMCG did not seem to have changed this state of affairs. That is, there was no hard evidence that the club provided a vehicle to further crimes with other chapters around the world, nor in the same border region. Most of the offenders in this network simply did not have much intricate criminal knowledge, nor international contacts or status, which is illustrated by the opportunistic nature of the national and regional crimes. The accomplices were either friends and family providing a favor, or the – so called – 'dumb force' carrying out services for the 'calculating criminals'. The 'local heroes' seemed better informed and equipped; they consisted of the original club members who did not seem to have abundant access to international crime opportunities but were able to exploit regional opportunities due to their vast social network and their reputation in the region. These offenders were known – through interviews with law enforcement officials – to have contacts with other internal chapters and other OMCGs, as well as external (local) underworld figures involved in large-scale drug operations. The case files and interviews

suggested that only two offenders in the network could be capable of fulfilling a strategic international (broker) position. These members, holding prominent positions within the chapter, appeared to have both private and club-related ties to other countries and continents. They were identified by law enforcement authorities as the organizers of the transnational drug offences; the 'calculating criminals' with knowledge, international contacts and willing 'footsoldiers' (both members and external offenders) to commit the crime(s).

This chapter has demonstrated the added value of looking at social surroundings beyond the club structure to describe or explain (transnational) offending of OMCG members. In theory, their crime opportunities may be potentially unlimited due to their membership to a reputed club with chapters around the world. In practice, however, many offences committed by members of the current local chapter in the Meuse Rhine Euregion are limited to national or regional crime opportunities. Whereas empirical OMCG research on the nature, scope, and frequency of offending among members is on the rise, knowledge on OMCG members' interactions with their broader environment is lacking. Therefore, if anything, this chapter can be viewed as a request for more extensive research into the concept of social embeddedness of crime involving OMCG members.

Interim conclusion part 3: answering the sub-questions

Do practitioners perceive (cross-border) OMCG-related displacement in the Meuse Rhine Euregion and, if so, how?

The reasons for exploring this specific issue stem from earlier insights making it clear that each country had implemented a zero-tolerance strategy aimed at combating and preventing OMCG-related crime, and making OMCG life in general less attractive, whereas the public response in the Meuse Rhine Euregion, despite all efforts, remained quite fragmented. Following the Dutch bans, several Mayors in the border region were worried that OMCG-related problems would be displaced to Belgium. Therefore, judicial-, police-, and administrative authorities in the Meuse Rhine Euregion were asked about their perceptions and experiences with OMCG-related problems, especially displacement.

From the literature, various types of crime displacement can be distinguished: spatial displacement, temporal displacement, target displacement, tactical displacement, offense displacement, and offender displacement. This explorative study found no indications of actual crime displacement. By extending the framework to non-criminal activities, some types of displacement could be identified. There were some instances of regional as well as cross-border spatial displacement of clubhouses and events following measures from authorities. In terms of tactical displacement, there was mention of members deliberately using bars and residences in an attempt to evade monitoring and control. Another example involved chapters using an alternative name, region or a different legal entity to cover up their identity as a club. Lastly, the foundation of new clubs by those previously a member of a banned club could be viewed as 'offender' displacement in the sense that they seek to fill a vacuum left by the disappearance of the old club. It should also be noted that some practitioners rejected the idea of displacement altogether for various reasons.

How is crime socially embedded in a case of a local OMCG chapter in the Meuse Rhine Euregion and how does this relate to transnational crime?

The reason for exploring this specific question was that, although the zero-tolerance strategies seem to be aimed mainly at OMCGs as a group, previous research showed that OMCG members involved in (organized) crime also often cooperate with external offenders. Therefore, one specific criminal case involving members from a local chapter in the Meuse Rhine Euregion was studied in depth in order to see how crime committed by those

members was socially embedded and how this related to transnational offences in this particular case.

Members of the particular chapter under scrutiny were involved in various crimes ranging from extortion, aggravated assault, weapon and drug-related offences, to money laundering and other economic offences. Additionally, a large number of offenders were indicted for being part of a criminal organization. Some offences were committed by individuals, whereas most were committed in small groups of varying composition. In relation to the club structure and characteristics, the very existence of the chapter in relation to pre-existing rivalling clubs played a direct and decisive role in one violent offence. In some cases, the club indirectly played a role as the status derived from the club and its colors were used to intimidate and coerce victims or an external co-offender. There was no evidence to suggest that the club financially profited from the crimes committed by its members. In relation to the (trans)nationality of the offences, most were regionally or nationally oriented despite the fact that the chapter and its members were located in the Meuse Rhine Euregion in close proximity to national borders. Additionally, there was also no clear evidence to suggest that crime was orchestrated at a higher level in cooperation with other foreign members. However, of the transnational organized crime offences, only two provided enough information for analysis. According to those conducting the criminal investigation, at some point the priority of the case shifted from transnational drug offences to the extortions due to – among other things – difficulties in international police and judicial cooperation. This is important in that it highlights the difficulty in establishing the potential role of OMCG members in international networks if authorities decide to focus on national offences. Nevertheless, with regard to the social embeddedness of crimes, it is important to note that many members already knew each other prior to joining the club or committing offences, and that especially family and external friends were important in condoning, supporting and facilitating or even cooperating in the offences.

Part 4
Conclusion and recommendations

8 The role of the border for OMCG-related crime and the public response thereof in the Meuse Rhine Euregion

8.1 Introduction

The Meuse Rhine Euregion has a rich history of studies on crime and police and judicial cross-border cooperation. Various studies have repeatedly urged for more (transnational) analyses on existing crime phenomena and bottom-up cross-border cooperation initiatives. Prior to the start of this research, one of the most urgent issues in the Meuse Rhine Euregion concerned OMCG-related crime, which the respective authorities in the Netherlands, Germany, and Belgium sought to tackle through zero-tolerance strategies and intensified cross-border cooperation (Benelux + North Rhine Westphalia 2016). Authorities found OMCG members to be involved in violent conflicts as well as various types of (organized) crime in the Meuse Rhine Euregion. Following the rapid increase of the number of clubs and chapters, and ongoing rivalries, there were concerns for a widespread conflict between chapters of different countries. In addition, there were assumptions that OMCG members could make clever use of the national borders in their vicinity to exploit differences in the legal system and abuse the weakest legal infrastructures for the purpose of (organized) crime. Therefore, the main aim of this dissertation was to explore the (cross-border) problems regarding OMCGs-related crime and the public responses towards OMCG-related crime in the Meuse Rhine Euregion. In doing so, a variety of sources was collected and different theoretical insights were used to highlight various issues. This approach has resulted into two different substantive parts of the dissertation (part 2 and 3 respectively), with each their own sub-questions and purpose. Part 2 presented a more general overview of developments in the Netherlands, Germany, and Belgium; it subsequently zoomed in on the Meuse Rhine Euregion. Part 3, building on insights from part 2, sought to address two contemporary issues in the Meuse Rhine Euregion specifically. The sub-questions addressed in each of the parts were answered in a short summary following those parts.

Before addressing the main research question, a discussion of the three central elements of this dissertation will provide a more coherent discussion on the combined findings of this dissertation. These three central elements include (1) OMCGs and OMCG-related crime in the Meuse Rhine Euregion, (2) the public response in the Meuse Rhine Euregion,

and (3) the role of the national border. The discussion of each element will be accompanied by a brief glance at new developments on this topic from 2017 onwards. Finally, an overall reflection will pave the way towards answering the main research question: *What is the role of the national border for OMCG-related crime and the public response of OMCG-related crime in the Meuse Rhine Euregion?* The last pages of this dissertation are reserved for recommendations for policy and research.

8.2 OMCGs and OMCG-related crime in the Meuse Rhine Euregion

The OMCGs analyzed in this dissertation are those that were mentioned on the respective countries' 'shortlists', which indicate their members' involvement in criminal activities based on national police intelligence. However, as this research also takes interest in the transnational workings of OMCGs, a particular focus was placed on the larger clubs, which either have a rich international history or have rapidly expanded in the past decade, and which have multiple chapters in the Meuse Rhine Euregion. Prior research has established that members from OMCGs have been involved in various types of crimes (Blokland, Soudijn & Teng 2014; Bley 2014; Blokland & David 2016; Blokland 2017). Furthermore, OMCGs are generally assumed to facilitate the offending of their members through the club structure or characteristics (Quinn & Forsyth 2011; Barker 2015), although few studies address how this takes place in practice (Morselli 2009; Huisman & Jansen 2012; Van Deuren et al. 2020). Therefore, in order to prevent taking too narrow a view, OMCG-related crime in this dissertation was defined from the onset as *all* criminal activities committed by members from OMCGs, whether committed individually or with co-offenders (members or otherwise). A general distinction of criminal activities can be made between (oftentimes *overt*) conflicts (spontaneous expressive and planned aggressive acts) and the *covert* organized crime (ongoing instrumental enterprises).

8.2.1 Developments of OMCGs and their presence in the Meuse Rhine Euregion

As for the developments leading up to the tense situation at the onset of this research, chapters 3 and 4 have demonstrated that over time OMCGs have increasingly become viewed by authorities as vehicles for (organized) crime. In the 1970s until halfway into the 1990s, mostly national clubs dominated the landscape. They were sometimes considered a public nuisance since various members were involved in violent incidents but mostly they were viewed as folkloric and part of the counterculture at the time. This changed in the 1990s when members of the larger OMCGs such as the Hells Angels MC were increasingly associated with organized crime. Moreover, around the turn of the century,

several national clubs in Germany and Belgium patched over to international clubs like the Hells Angels MC, the Bandidos MC, and the Outlaws MC. Whether or not it was a result of those patchovers: violent inter-club, as well as intra-club, conflicts arose from the 2000s onwards. From 2010 until 2016, new OMCGs were founded and clubs rapidly expanded. In 2015, there were 15 chapters of Hells Angels MC with support clubs, 13 chapters of Satudarah MC with support clubs, 6 chapters of Outlaws with support clubs, 5 chapters of Bandidos MC with support clubs, and 24 chapters of other international or indigenous clubs with one or two chapters present in the Meuse Rhine Euregion. It has been therefore been argued in this dissertation that the time period from 2010 until 2016 can be characterized as a period of expansion and zero tolerance strategies.

8.2.2 OMCG-related crime in the Meuse Rhine Euregion

In line with previous research, this dissertation has found OMCGs in the Meuse Rhine Euregion to be associated with various types of crime. The analysis of the regional newspaper articles has demonstrated that members from the four largest clubs in the Meuse Rhine Euregion were repeatedly associated to various types of crimes from 2010 until 2016. The Hells Angels MC, Bandidos MC, Satudarah MC, and Outlaws MC were associated with 85 crimes in the Meuse Rhine Euregion. Combined, they were associated with ongoing instrumental enterprises 33 times, with short-term instrumental crimes 12 times, with planned aggressive acts 19 times, and spontaneous expressive acts 21 times.[1] The case study, which focused on one particular OMCG chapter in the Meuse Rhine Euregion, also showed members to be involved in a wide variety of crimes, ranging from assault, possession of weapons and drugs, to extortion, drug manufacturing, and money laundering.

When examining the *spontaneous expressive* and *planned aggressive acts* in the media analysis, both the Hells Angels MC and Bandidos MC stand out as they were involved in various conflicts together and with other clubs. Several of these conflicts have resulted in high profile criminal cases – e.g. the "biker war" between Hells Angels MC and Bandidos MC in the German subregion, the fatal shooting between the Outlaws MC and Hells Angels MC in the Belgian subregion and increasing tensions surrounding the first Bandidos MC chapter in the Dutch subregion. Although these conflicts seemed to result mostly from interpersonal or interclub tensions, the club's cohesion and characteristics – especially the colors – could be viewed as a catalyst for conflicts: on several occasions, members from foreign countries came to demonstrate support for a particular chapter or offered to provide

1 However, there were quite large differences between the clubs. For example, the Outlaws MC were only associated with 7 offences, of which none could be categorized as ongoing instrumental enterprises, whereas Satudarah MC was associated with 25 offences, of which 19 could be considered ongoing instrumental enterprises.

back up in an ongoing conflict. Despite some cases of public disorder and potentially intimidating presence, this never appeared to influence the scale of the conflict in such a way that it involved chapters from different countries. Whether or not this is a result of the many interventions by police and the public administration aimed to disrupt the organizing capacities of clubs and reduce provocations between them remains unclear. Chapter 6 showed only few examples of displacement of clubhouses or events to other municipalities and even fewer across national borders. In short, most conflicts appeared to remain local or regional and neither cross-border conflicts nor any type of *crime* displacement were observed throughout the research.

When looking at the coverage of members' involvement in *organized crime* in the media analysis, the Outlaws MC were hardly mentioned, in contrast to Hells Angels MC, Bandidos MC, and especially Satudarah MC. These organized crimes related mostly to drugs, weapons, extortion schemes and money laundering. The extent to which the structure and characteristics of the OMCG appeared to influence offending could not be analyzed by means of the media analysis. The case study, however, demonstrated that the influence of the club was different from one offence to the other. As indicated by previous research, the characteristics most associated to the organized crimes were the 'power by numbers' and 'power of the patch' to intimidate victims of extortion. In the various examples of extortion analyzed in the case study, a quarrel between one of the members and the victim eventually resulted into other members joining the initial member to intimidate the victim and help in taking away the victim's property as 'security' for the payment of 'what is owed' – sometimes with explicit reference to the membership of their OMCG. With regard to the money laundering, weapon-, and drug-related offences (mostly drug manufacturing and trade) the influence of the club was not as evident. For these offences, rather than relying (solely) on their 'brothers', the involved members depended on *external* co-offenders such as family members, friends or criminal ties. In this respect, two in-depth examples have been provided regarding external co-offenders delivering drugs and receiving cash, acquiring a location and equipment for cannabis production, helping in the cultivating process and the cuttings, and discarding the drug waste or contaminated products. Moreover, whereas the examples of extortion pertained only to regional or national affairs, the analyzed cases of drug manufacturing and trade were inherently transnational. The case study clearly illustrated that only few members of this chapter could be viewed as 'calculating criminals' with an international network, whereas most of the members relied on strong ties in their direct socio-geographical surroundings, thus limiting their scope of opportunities. As such, most of the members can be viewed as generally opportunistic criminals who constitute the '(dumb) muscle' and local heroes with an extensive regional network. Importantly, the involved members could also depend on the support of relatives and friends both in words and deeds. None of the family members appeared to criticize the criminal activities; indeed, some showed their approval of previous crimes or

participated in crimes. In other words, their social surroundings appeared to condone crime instead of frown upon it.

8.2.3 *A fifth period: rapid changes and the decline of (traditional) OMCGs*

By taking a provisional glance back from 2017 onwards and into the near future, one might mark the years from 2017 until 2021 as a fifth time period characterized as a period of '*rapid changes and the decline of (traditional) OMCGs*'. On the one hand, authorities have noted that OMCGs have been less visible in the public domain since approximately 2019, and that the number of chapters seems to have decreased in their respective subregion. Some authorities directly attribute this 'success' to the zero-tolerance strategy to OMCGs. On the other hand, new developments indicate that the phenomenon of OMCGs (and which groups may be included in this definition) is only becoming more diffuse and complex: in the Netherlands, some new clubs have been established by ex-members following the civil bans of their previous clubs. Additionally, hybrid 'gangs', which contain associational or group elements of both OMCGs and street gangs have entered and expanded the scene. In Belgium, clubs such as the Black Jackets and Bulldogs, which have copied the OMCGs' appearance and structure, have founded chapters (Vandebroek & Pergens 2021a, b, May 29). In Germany, the largest OMCGs have adopted new 'colors' with the abbreviation of their respective clubs in response to the bans on wearing their club-colors in public. In recent years, the German police have also established links between some family-clans and OMCGs, which arguably makes it even more difficult to assess whether conflicts or involvement in organized crime are influenced by family relations, the club or personal accounts (Focus Online 2019, April 8).

8.3 The public response to OMCG-related crime in the Meuse Rhine Euregion

The public response to OMCG-related crime in the Meuse Rhine Euregion has been understood in this dissertation as the (joint) effort of judicial-, police-, and administrative authorities.[2] The implementation of the response on the local or regional level depends on the national (Germany: State) strategies. The description of the development of the national strategies (as discussed in chapters 2 and 3) suggests that each country has increasingly intensified their response to OMCG-related crime from the 1990s onwards and in the past decade has implemented a zero-tolerance strategy. How the respective

2 Although the response in the Netherlands is a more integrated, multi-agency approach in which also the tax office, royal military police and other authorities are involved.

national strategies are implemented at the regional or local level is different for each subregion. From chapter 5 it is clear that Germany puts a greater emphasis on the police apparatus for the repression as well as the prevention of crime, whereas Belgium and especially the Netherlands have given the mayor and administrative authorities a more prominent role in (organized) crime prevention efforts. The Netherlands even centralized their response (multi-agency approach or, in Dutch, '*integrale aanpak*') with a barrier model and detailed 'toolboxes' that specify which competences can be used by which authorities in particular situations.

8.3.1 The public response to OMCGs in practice

In practice, the judicial authorities are in charge of the prosecution of criminal individuals and networks. In the past decade they carried out various large-scale criminal investigations against members from various chapters. Additionally, the courts – on request of the Dutch Public Prosecutor's Office – have banned the largest OMCGs in the Netherlands in civil proceedings from 2017 until 2020.

The various police departments carry out the criminal investigations involving OMCG members. They control and search OMCG members in the public setting in case of disturbances or intimidating presence and they gather criminal intelligence, monitor OMCG members on- and off-line, analyze the available information, and provide other authorities with reports on which administrative measures can be based. Chapter 4 showed that, from 2010 until 2016 the police apparatus in all three subregions was involved in various repressive interventions such as raids of (club)houses, arrests, and confiscation of goods and assets. In terms of preventive action, the police were involved in (traffic) checks, increased police surveillance and personal searches.

The administrative authorities – most notably the mayors and municipalities – generally impose restrictions on OMCG-related activities (e.g. parties, ride-outs, establishing clubhouses, wearing colors in public) or prevent them from taking place altogether. This can be done in case there are serious concerns that issuing a permit – necessary to organize such an activity – will be abused for criminal purposes or when it may lead to serious disturbances of public order. In Germany, colors were banned in public in several situations by regional authorities and 7 chapters were banned by the Ministry of Interior from the state of North Rhine Westphalia from 2010 until 2017. Throughout the Meuse Rhine Euregion, ride-outs and (biker) events were limited by imposed conditions or prevented altogether. In several cases, clubhouses or residences were closed down. Emergency ordinances were ordered predominantly in (the Dutch speaking parts of) the Netherlands and Belgium. Additionally, the Dutch authorities implemented a responsibilization strategy by brokering an alliance with organizations and businesses in preventing outlaw bikers

from wearing colors in bars, preventing influence from outlaw bikers in private security firms and government agencies, and to demystify the romanticized image which outlaw bikers themselves present by 'informing' the general public about the 'real' nature of OMCGs through the media.

From the description of the respective strategies on the national level and the implementation of those strategies on the regional and local level it is clear that authorities in the subregions enforce their respective zero-tolerance strategies differently. These differences, paired with the first 'successful' bans of Dutch OMCGs, raised concerns among Belgian government officials regarding displacement of OMCGs and OMCG related problems into their own territories. Despite these publicly voiced concerns, chapter 6 demonstrated that hardly any cross-border displacement was perceived by practitioners. There was no apparent *crime* displacement and only some cases of *non-criminal* displacement. These cases of non-criminal displacement related to relocation of clubhouses or events, which are not criminal activities in themselves. Although theoretically one might argue that displacement of such activities could lead to provocation of other clubs, there were no clear indications that these types of non-criminal displacement might also lead to a (structural) displacement of crime. Moreover, respondents repeatedly discussed the same examples (e.g. Rommelrock, ride out, Bandidos Eupen) or mentioned examples from outside of the Meuse Rhine Euregion. This raises the question if the presumed displacement problem was simply overestimated by some local Mayors or if displacement is a too difficult concept to capture with current levels of cross-border information-exchange.

8.3.2 A fifth period: competing with other priorities

It has previously been mentioned that some authorities attribute the decrease in the number of chapters and visibility of clubs to the zero-tolerance strategy to OMCGs. However, it remains unclear whether this is actually the case. It is definitely true that since 2017 authorities seek to curb OMCGs even more. The ongoing debates regarding the possibility of a ban in Belgium, the continued administrative bans in Germany and the civil bans in the Netherlands bear witness to this. In the Netherlands, the possibilities surrounding the Dutch civil bans are broadened[3] and legislation to enable the implementation of administrative ban has been formally proposed in 2018.[4] In Germany, the Minister of

3 Staatsblad 2021, 310. Retrieved from https://zoek.officielebekendmakingen.nl/stb-2021-310.html.

4 Kamerstuk 35 079, nr. 6. Retrieved from https://zoek.officielebekendmakingen.nl/kst-35079-6.html. Administrative ban on subversive organizations Act. This legislation grants the Minister for Legal Protection the power to ban an organization when this is (1) necessary in the interest of public order, and (2) the organization creates, promotes or maintains a culture of lawlessness. The Minister is also authorized to dissolve an organization in case of a legal person. According to the initiators of the proposal, this administrative ban will be more effective as it has immediate effect and violation is immediately punishable. They

Interior banned the "Bandidos MC Federation West Central" including 38 chapters in July 2021 after the police raided clubhouses and residences in five states and confiscated weapons, ammunition, drugs, motorcycles, large amounts of cash, and digital storage media (Bundesministerium des Innern 2021, July 12).

The ban as capstone of the zero-tolerance strategies, in relation to the reduced visibility of OMCGs, may give rise to the idea that the problem has been solved and authorities can move on to new 'urgent' crime problems. With regard to all the attention and manpower that has been used for the Dutch bans, for example, some respondents warned for a 'cat-and-mouse game' between authorities and newly established clubs with members from old clubs: when does a new club qualify as a continuation of an old club and when can it be viewed as a new club? Throughout the research, respondents have warned for a decrease of attention for OMCGs following the intensified approaches to the most prominent OMCGs. As repeatedly mentioned by authorities*: if you don't look, you don't see*. In other words: if authorities decide to stop monitoring OMCGs, naturally they may not be aware of new developments and criminal activities in the scene. That is not to say that the topic of OMCGs has not previously had to compete with other crime topics but it does indicate that the sense of urgency seems to have diminished.

Namely, although at the onset of this research OMCGs were a 'hot' topic in the Meuse Rhine Euregion, it has had to compete with various other crime topics. From 2016 onwards, the attention shifted towards radicalization and terrorism in all three the countries. This likely happened due to the terrorist attacks in Paris in January and November 2015, Brussels in March 2016, and Berlin in December 2016. Especially in the French speaking part of Belgium, police and judicial authorities were focused on terrorist threats. In Verviers, in the province of Liège, the police prevented a terrorist attack already in January 2015 (Belgian Federal Police 2021, January 15). In 2018, two police officers and a citizen were killed in the city of Liège. The attack was later claimed by Islamic State (ISIS; Nieuwsblad 2018, May 30). As previously mentioned, clan crime has also become quite a prominent topic in Germany in recent years. Meanwhile, the Netherlands launched a long-term fight against 'subversive crime' (*Ondermijning*), a term used to indicate all sorts of crime in which offenders utilize legal services and infrastructure and, in doing so, convolute the 'under' and 'upper' world and fade the norms in society. Additionally, cybercrime has been another popular topic in recent years. Therefore, it could be argued that the topic of OMCGs has slightly moved to the background in recent years.

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also want to include a criterion in the legislation on the basis of which (punishable) behavior of third parties (e.g. members) can be more easily attributed to organization to be banned (as this was one of the key points in which the 2009 Hells Angels MC Harlingen civil case failed).

8.4 The role of the national border

When examining the problems and crimes associated to OMCGs in the Meuse Rhine Euregion, a distinction between *cross-border crime* and *crime in a cross-border region* can be made. The first category is *inherently* transnational, e.g. because a network of offenders involved in a crime originates from different countries, or because the crossing of a national border is instrumental to the commission of crime. The latter relates to crimes which occur within one subregion but which may possess transnational *elements* which are perceived to be potentially problematic by authorities, departing from the idea that transnationality makes information exchange and cooperation more difficult.

8.4.1 Cross-border crime or crime in a cross-border region?

In relation to *cross-border crime*, one might expect (extensive) criminal partnerships of outlaw bikers covering different subregions of the Meuse Rhine Euregion (like the Bandidos Aachen case in 2005) due to their generally presumed mobility, quest for expansion, and crime-facilitative characteristics of the club. This research, however, found no evidence of *extensive* criminal partnerships of outlaw bikers (e.g. between chapters of the same club) covering the Meuse Rhine Euregion. In other words: the network/offender convergence setting in relation to the close proximity to national borders, assumed to facilitate offending *within* the club structure, did not appear to be present in the Meuse Rhine Euregion. Instead, the case study showed that transnationally it was mostly cliques of members who were involved with other, external offenders. The traditional way of tackling these types of organized crime is through criminal investigation and prosecution. In the Euregional transnational offences from the case study, cross-border cooperation between the police and judicial authorities was considered sufficient and helpful. In the interviews throughout the research, respondents were generally quite content with the police and judicial cooperation in criminal investigations. They also praised the liaison officers from the discussed cooperation structures (BES, NeBeDeAgPol) for assisting when problems or delays occurred.

In relation to *crime in a cross-border region* the situation is a bit more complex. First of all, there are those offences related to OMCGs that occur within one subregion and do not necessarily have any transnational elements, e.g. violent conflicts between two chapters, extortion, possession of drugs or weapons. These are all crimes related to OMCGs and in the past have resulted in authorities underlining the importance to work together. Depending on the details and scale of the offence, the regional or national police and judicial authorities may investigate and prosecute the crime and confiscate illegal assets. Information from the criminal case may be used in some cases for other (administrative)

purposes. These are crimes common to all subregions and, as such, authorities from the different subregions have underlined the importance to work together. Second, there are those activities that are non-criminal in essence but are feared to attract public disorder and conflicts covering the Meuse Rhine Euregion and therefore trigger the attention from the respective authorities. Throughout the research, examples were found of members visiting each other's funerals, parties, and events: a national from Belgium joined a Dutch club, a German national was a prominent member in Belgium. Parties, clubhouses, and events were *occasionally* displaced to evade measures from the authorities. One club expanded into its neighboring countries and founded new chapters and chapters from the same OMCG in two different countries maintained close contact. Members from neighboring countries (sometimes *en masse*) asserted dominance or showed their public (intimidating) support in the interest of their club. These situations all related to *potential* disturbance of public order and sparked the attention from police, as well as administrative authorities, to limit or prevent activities altogether, monitor the situation, prevent escalation, and intervene on site when necessary. It should be noted here, that either by virtue of, or despite all these (preventive police and administrative) measures, it appears that no regional conflicts between clubs have spilled over to neighboring countries. In other words: the fears for a large-scale, transnational biker war like in Canada or the Nordic Countries in the eighties and nineties, have not materialized in the Meuse Rhine Euregion. However, whereas (mostly) reactive cooperation between police and judicial authorities was perceived as sufficient; until recently, cooperation of administrative authorities in the field of security and public order rarely occurred. Through attending various expert meetings and conducting interviews it became clear that setting up a new cooperation structure in the Meuse Rhine Euregion has proven to be quite difficult. The Benelux + North Rhine Westphalia cooperation structure, which was recommended in the 2016 working report and discussed during the Dutch National Presidency, never materialized. From 2016 onwards, several practitioners from the working group landed different jobs. Its ideological successor, the EURIEC – with the tireless persistence of some regional practitioners already involved with the RIEC, ARIEC, and Benelux + North Rhine Westphalia working group – was established in September 2019 and since has been working to identify and resolve legal and practical bottlenecks for administrative cross-border cooperation (EURIEC 2021; Nelen & Hofmann 2021). The interviews suggested that practically no pro-active administrative information sharing took place and mayors or their policy advisors from neighboring countries rarely contacted each other on these matters.

8.4.2 *Cross-border cooperation in Covid-19 times*

One important development which so far has not been addressed at all in this dissertation concerns Covid-19, since data collection and interviews all took place before the outbreak in the Netherlands, Germany, and Belgium around March 2020. However, in light of cross-border cooperation, it is relevant to briefly highlight its impact and beware of future difficulties. For one, the Covid-19 pandemic has surely impacted the deployment of police and municipal enforcers in terms of public order and security. For example, depending on the numbers of infections, shops, bars, and other public areas were repeatedly closed and opened (under certain conditions) and people were not allowed to gather in groups or go certain crowded places. Police and municipal enforcers were tasked with ensuring that all of these conditions were met. Logically, all the personnel tasked with the monitoring and enforcement of Covid-19 measures, could not pay attention to other areas of disturbance or crime (including OMCGs).

In the Meuse Rhine Euregion, the national borders were literally closed off and barricaded for traffic in the early months of the pandemic. Once the borders were opened, for a long time there were (and perhaps still continue to be) problems and insecurities for people who lived in one country and worked or studied in another. Additionally, since each country decided on its own strategy, there were regional and local differences in the Meuse Rhine Euregion. Some mayors of neighboring municipalities feared rising numbers of infections as a result of citizens opportunistically benefiting from less strict measures on the other side of the national border by going 'funshopping' (Donné 2020, November 19).

Therefore, in relation to cross-border cooperation specifically it is worrying that, despite the many years of free movement between countries in Europe, the Covid-19 pandemic has demonstrated that – rather than cooperating transnationally in terms of societal measures, Covid-19 testing, healthcare, and hospital beds – countries were mostly preoccupied with their own national strategies in crises (ANP & Metsemakers 2020, November 20).

8.5 General reflections

In order to try and gain an understanding of (the complexity surrounding) OMCG related crime and the public response thereof, different theoretical insights were applied throughout the dissertation. What this use of different theoretical insights has mostly demonstrated, however, is the difficulty of focusing on OMCGs as a *group* when attempting to examine *crimes* associated to them.

8.5.1 *Zero-tolerance strategies in light of situational crime prevention*

This dissertation has placed the zero-tolerance strategies against OMCGs within broader risk-aversion and tough-on-crime policy developments. Since the eighties and nineties of the previous century, governments have increasingly focused on the prevention of crime – whether it be (overt) street crime or (covert) organized crime (Garland 2001). In this light, multi-agency approaches and responsibilization strategies are increasingly being used to prevent and curb crime – or even the risks of crime. Situational interventions (better lighting, better locks, entrance gates, identification measures, camera surveillance) in the public domain have been implemented in order to prevent street crimes. Administrative interventions (checks of applications for permits, tenders, and other compliance to regulations) prevent the facilitation of illegal activities by denying criminals the use of the legal administrative infrastructure, e.g. by safeguarding the granting of permits and tenders. Emergency ordinances, increased police surveillance, revocation of permits for public events are used to prevent public disorder. In addition, civil society has been encouraged to contribute and take responsibility to create a safe environment: citizens by participating in neighborhood crime prevention teams, shops by investing in well-equipped alarm systems, cameras, and access portals; other organizations by joining public-private crime partnerships and in incorporating assessments to minimize the risks of malicious parties abusing or corrupting an organization. All such measures are presumed to increase the perception of risk and effort, and reduce the anticipated rewards from committing a particular offence, or to reduce provocations and remove excuses for offending. However, such situational crime prevention techniques, regardless of whether they are applied to street crimes or organized crimes, work best with a specific offence in mind with regard to which one can dissect the deliberations or logistical process into small steps which can then be hampered by interventions.

8.5.2 *The aims of the zero-tolerance strategy against OMCGs*

Undoubtedly, these theoretical concepts of situational crime prevention have influenced the zero-tolerance strategy against OMCGs. But instead of focussing on the commission of specific offences, the responses have focused on group characteristics assumed to facilitate a wide range of crimes committed by members. The group characteristics, the visible appearance, and organizing capacities of OMCG members are frustrated in an attempt to prevent conflicts in the public domain, to curb the club as an 'offender convergence setting', and to counter their 'culture of violence and lawlessness'. The new hybrid-OMCGs or OMCG-like groups (in German: *Rockerähnliche Gruppierungen*) are tackled in the same vein. The strategies appear to make OMCG life in general less attractive. This underlines

that the strategies can not only be viewed as a coordinated intervention to prevent and disrupt serious or organized crime and public disorder related to OMCGs. They also indicate that OMCG members are viewed as 'undesirables' in today's society whose 'inviolability' will no longer be tolerated (van Ruitenburg 2020). In this respect, van Ruitenburg coins the term 'moral barriers' to highlight that the administrative measures used to 'raise barriers' to the commission of crimes by OMCGs also serve to establish clear norms in society about not only what is desirable behavior and what is not.

This clearly raises questions as to the specific aims of the zero-tolerance strategy against OMCGs: by focusing broadly on the group or organizational structure one might lose sight of what the problem is and therefore what the aim of the strategy is or should be. Is it to prevent involvement of outlaw bikers in organized crime? Is it to prevent violent conflicts between clubs in the public domain? Is it to establish clear norms in society about which groups are desirable and which are not? Or is it all of the above? Subsequently, how do all of these measures then relate to these aims: do they strengthen each other, or potentially compete with each other?

8.5.3 The importance of the (situational and social) context in OMCG-related crime

Following the insights from situational crime prevention and social embeddedness, it is important to focus on the situational and social context of OMCG-related crime. One should acknowledge that by implementing an all-encompassing zero-tolerance strategy on OMCGs, the (side) effects of measures may be contrary to each other from one situation to another. In light of this research, it could be argued that the measures focused on their visible public appearance – the patches and colors as symbol of a violent status and reputation for example – may decrease the intimidating capacity they have over victims and witnesses. Simultaneously, the same measures may increase their anonymity. This could make it more difficult for the police to monitor the phenomenon, developments, and mutual relationships between clubs. In addition, the importance of external ties in offending and a generally supportive environment found in this study stress the importance of taking into account the social surroundings. In some cases, the club may well provide crime opportunities or cause tensions. In others, club members may operate autonomously or with external co-offenders without knowledge or any type of support from the club's formal leaders (von Lampe & Blokland 2020).

Focusing broadly on the group or organizational structure might even be counterproductive. Naturally, not all members, chapters, and clubs are criminal (Wolf 1991; Blokland et al. 2014; Barker 2015; Klement 2016). It is therefore important to acknowledge and underline once more the diversity between clubs and assess the nature

and seriousness of committed crimes, the frequency of convictions of individual bikers, and the rank and number of criminally active bikers in a club or chapter (Barker 2015). The generalization of clubs under the current zero tolerance strategies is problematic for two reasons. For one, it remains to be seen whether the general public can spot the difference between a regular MC and an OMCG, since MCs also wear patches. The other reason pertains to feasibility (and desirability) of monitoring an increasingly diverse composition of OMCGs with new and hybrid clubs being established.

Furthermore, notwithstanding the apparent decrease of numbers of chapters and members in recent years, for a long time these numbers have increased. There seems to be something about OMCGs that has still appealed – and perhaps still appeals – to people, despite all the efforts of authorities in light of the zero-tolerance strategies. When asked about their expansion, spokespersons of OMCGs often attribute their growth to the – in their mind – incompetence of the established order and the constricting rules of contemporary society (see e.g. Barger 2001; Kuldova 2019). As one member in a Dutch No Surrender MC documentary phrased it:

> "*I dig my heels in the sand. I'm going to dig further and further … I continue to show that I … it's my right. I have the right to be a member of a club. I have a right to wear this jacket. I am proud to wear it. And I become more and more proud of it, the more I get bullied, the more I get harassed.*" Or: "*The strange thing is this: if we get bad publicity, we grow. So, for that matter, I'm thinking: Keep it up! Let them [the government] continue like this because our club will only get larger, not smaller.*" (Powned 2017, November 2).[5]

No Surrender MC was eventually banned in the Dutch civil proceedings in 2019[6] but the anti-government sentiment is not limited to this particular club. A prominent German Hells Angels member acknowledges that in Germany clubs have admitted too many members who have no business in the club, since they have abused the club for their own personal gain. In relation to this he mentions:

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5 Episode 4, minute 7:30-8:00. "*Ik zet mijn hakken dwars. Ik ga steeds dwarser in het zand staan. Ik laat steeds meer zien dat ik… Het is mijn recht. Ik mag lid zijn van een club. Ik mag dit jasje dragen. Ik ben er trots op dat ik het draag. En ik word er steeds trotser op naarmate ik meer gepest word, en meer dwarsgezeten word.*" Retrieved from https://www.youtube.com/watch?v=jUHU7JLGbVM.
"*Het rare is eigenlijk, als wij slecht in het nieuws komen, dan groeien we. Dus wat dat betreft denk ik: Ga zo door! Laat ze doorgaan, want wij worden alleen maar groter, niet kleiner.*"

6 Rechtbank Noord-Nederland. June 7, 2019 ECLI:NL:RBNNE:2019:2445 via https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBNNE:2019:2445. And for higher appeals: Gerechtshof Anrhem-Leeuwarden. December 15, 2020 ECLI:NL:GHARL:2020:10385 via https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:GHARL:2020:10385.

> "*I have previously said: The club is too big for me. And it is not only too big for me, it is too big for almost all members. It is not about the number of members. The main thing is that too much has been lost in this rapid growth. Many 'rocker' want to return to their roots, to their freedom, and want to have fun again. Therefore, what we call our own ideology, will now prevail again. But it is not only us 'rocker' who erred, something has also happened to this country. Something has grown in society that does not fit the rule of law, democracy, and the free but also conscientiously acting press. When houses are raided and demolished by the police, when the spouses of 'rockers' lie naked and cuffed on the floor, when their children are so frightened that they require psychological treatment, when dogs are shot, when livelihoods are destroyed and rights are suspended, because some regulatory politicians want to bask in a success against the supposed OMCG crime, then that is a dangerous consequence for everyone.*" (Schelhorn 2016, 26).[7]

In other words, the harsh stance of the authorities may increase the animosity between the government and OMCGs. And for some people in society, this harsh stance may be a catalyst for empathy and support for OMCGs. The growth of the number of clubs, chapters, and members necessitates a consideration of what it is about OMCGs that appeals to people; to whom, and why? Kuldova suggests that OMGs "*thrive, grow, and feed off the insecurities, inequalities, and existential angst that contemporary neoliberal societies produce in abundance.*" (2019, 5). This is demonstrated by a widespread belief among OMCGs that the government no longer cares for its less fortunate citizens (e.g. from lower class incomes, from different ethnic backgrounds), while OMCGs themselves substitute as a family or safety net which organizes charity events and provides support for those in need.

7 "*Ich habe manchmal gesagt: Der Club ist mir zu groß. Und er ist nicht nur mir zu groß geworden, er ist fast allen Membern zu groß. Dabei geht es nicht um die Zahl der Mitglieder. Es geht vor allem darum, dass bei diesem schnellen Wachstum zu viel verloren gegangen ist. Viele Rocker wollen wieder zurück zu den Wurzeln, zu ihrer Freiheit, und wollen wieder ihren Spaß haben. Deshalb setzt sich das, was wir selbst unsere Ideologie nennen, jetzt wieder durch. Aber nicht nur bei uns Rockern ist etwas verrutscht, auch mit diesem Land ist etwas geschehen. Es ist etwas herangewachsen, was nicht zu einem Rechtsstaat, zu einer Demokratie und einer freien, aber auch gewissenhaft handelnden Presse passt. Wenn von der Polizei Häuser gestürmt und Wohnungen demoliert werden, wenn Ehepartnerinnen von Rockern nackt und gefesselt am Boden liegen, wenn deren Kinder so verschreckt werden, dass sie in psychologische Behandlung müssen, wenn Hunde erschossen werden, wenn Existenzen zerstört und Rechte außer Kraft gesetzt werden, will sich irgendwelche Ordnungspolitiker in einem Erfolg gegen die vermeintliche Rockerkriminalität sonnen wollen, dann ist das ein für alle gefährlicher Auswuchs.*"

8.5.4 *Providing alternative opportunities*

Since there continues to be an appeal of OMCGs, marginalizing clubs and their members as 'undesirables' through zero-tolerance strategies might not only lead to sympathy. It may also reduce the legal opportunities available to them. All of the observed measures have been aimed at increasing risks, increasing efforts, reducing rewards, reducing provocations, and removing excuses – the latter to the extent that citizens and organizations associate with OMCGs. None of the measures was aimed at providing alternative opportunities. This latest category includes five techniques: facilitating compliance, forgiving past offences, offering alternatives to cause less harm, subsidizing desired outcomes, and legalizing behaviors or shifting regulation away from criminal law (Freilich & Newman 2014). It is difficult to imagine the respective authorities abandoning the zero-tolerance strategies and suddenly forgiving past offences of outlaw bikers, subsidizing clubhouses or drag races again, and legalizing or regulating particular club activities – as was sometimes the case in the seventies and eighties of the previous century. However, the category offers the space to implement a dialogue strategy aimed at reducing harmful effects of OMCG activities. In this respect police officers and mayors – as they did in the past – could attempt to create a mutual understanding, provide clear instructions, visit and talk to each other about relevant developments in the scene (Bjørgo 2016, 150-153). Or they could reduce recruitment by providing incentives not to join an OMCG (e.g. by means of social prevention work; Bjørgo 216, 122-126). Another option is to stimulate resocialization and exit programs to members who want to leave their club but are afraid of retaliation (Bjørgo 216, 153-161).

Especially in relation to the current strategy, it is worrisome that outlaw bikers are being barred from certain (private security) jobs and government positions. Based on a viewpoint that his may lead to infiltration and abuse of one's position for criminal purposes this is understandable. Certainly, in the Netherlands, the policy to tackle 'subversive' or 'undermining' crime is aimed at counteracting the intertwinement of the underworld and the upperworld. But at the risk of sounding cynical, caution must be taken that the government does not undermine its own society by implementing such tough policies. When outlaw bikers are dismissed by the government as undesirables and ostracized by the general public, what venues other than crime do they have left? Due to the increasing complexity of the current individualistic society, in which governments are more than ever entrenched in risk thinking, it is not surprising that groups in society that identify with a particular passion or philosophy continue to organize themselves in clubs, associations, or online.[8] Therefore, from a perspective that attributes the tribalism of

8 In this respect, reference can also be made to other groups or associations which have publicly spoken out against the current political climate. It is undeniable that political policies are being criticized from more

OMCGs, the deviant behavior of its members, and their resentment towards the establishment to an individualistic and neoliberal consumerist society (Kuldova 2019, 18), it may be wise in some instances to adopt a more empathetic rather than judgmental attitude and assist OMCG members in working and living opportunities. Precisely to prevent them from slipping through the cracks. The question should therefore be: can authorities facilitate and help (ex-) members in becoming the 99% motorcyclists – the 'law abiding citizens' – instead of the 1%? Or at least acknowledge the value of countercultures and solely reduce the specific harms posed by OMCGs.

8.6 Answering the research question

The overarching research question at the onset of the dissertation was formulated as follows: *What is the role of the national borders for OMCG-related crime and the public response of OMCG-related crime in the Meuse Rhine Euregion?* As underlined in the general introduction, this question hints at the idea that the specific region of focus is a conditioning element in shaping both the phenomenon and crime, as well as the public response by authorities. It bears the implicit assumption that crime related to OMCGs may be *facilitated* and public responses *hampered* merely by the cross-border nature of the region. In short, this assumption was derived from previous literature indicating that the Meuse Rhine Euregion is a lucrative region for the commission of crime and the evasion of prosecution or sanctioning. But also, because national borders hardly exist in everyday life – there is free movement of persons, goods, services, and capital. Due to the close proximity to the national borders, it is easy for citizens to live in one country and work or study in another – sometimes deliberately making optimal use of the laws and regulations that apply to, for example, housing permits, rent, taxes, and other legal arrangements. Or in terms of criminal involvement: it is easy to venture into transnational crime and criminal networks; to fragment a criminal process into different countries and tap into crime opportunities close by – think of the coffeeshop example in the general introduction.

The foregoing has indicated that, with all findings of the current study taken together, there are no clear indications for *structural* cross-border OMCG-related crime. Cross-border crime involving OMCG members does take place in the Meuse Rhine Euregion but it appears to be less evident for fellow members across national borders to forge alliances with the intent of committing crimes than assumed. In this respect, external ties seem to

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and more quarters in the Western world, which cannot be solely attributed to 'left-wing' or 'right-wing' ideologies. Think for example of the Proud Boys in the United States, the Gilets Jaunes in France, Belgium and the Netherlands, the Farmers Defence Force in the Netherlands. Or the many conspiracy theorists and antivaxxers online. This is not to say that these groups have similar ideas or ways of organizing, but they illustrate a larger unrest in society.

be more important than the club as facilitating factor. Despite the cross-border nature of the region, especially regionally and nationally oriented public disorder, conflicts, and crime were identified. Other than this, the nature and frequency of offending by OMCG members or the networks involved were difficult to determine on the basis of the collected data. This point illustrates exactly how the influence of the national border has proven to be quite substantial – just not in the way anticipated or sought after. It is true that the very existence of national borders (in that they divide territories, each with their own (legal) systems, organizations, priorities, and competences) makes that a uniform public response is unlikely to materialize any time soon. Similarly, it also puts the brakes on pro-active exchange of information between judicial, police, and administrative authorities. And as a result of this substantial influence, for the purpose of this research it has proven impossible to collect systematic data available for a comprehensive analysis of the phenomenon of OMCGs.

8.7 Recommendations

As becomes clear from the previous section, this research has only partly found what it set out to examine. But in the search for the role of the national border for OMCG-related crime and the subsequent public response it has highlighted other, equally relevant, insights which can serve as a basis for policy as well as academic recommendations.

Not much research exists on transnational crime committed by OMCG members, but existing research – including this dissertation – have demonstrated the importance of external ties. Future research is necessary in understanding how OMCG members operate in international networks and whether or not their OMCG membership or the club's characteristics influence the commission of crimes – either in other border regions or beyond. Considering that it is difficult to collect the data necessary to conduct such a detailed analysis, the most comprehensive framework which also takes into account the importance of situational as well as social aspects to offending would be the scenario model proposed by Von Lampe and Blokland (2020).

In relation to displacement specifically, additional research could further untangle the organizational and criminal aspects of OMCG-related displacement and see if this topic is also of interest in other (cross-border) regions around the world. Alternatively, future research could focus on members' personal accounts regarding motivations for displacing (organizational or criminal) activities or not, as their perceptions and experiences are rarely covered by existing research – and the actual subjective perceptions and experience of the 'offender' are crucial in understanding displacement. More generally, it would be interesting to gain their perception on how the current zero-tolerance strategies have influenced their day-to-day workings.

Following previous research, this dissertation urges practitioners to start conducting systematic analyses of crime phenomena in the Meuse Rhine Euregion in order to reduce the strength of existing assumptions. Only then will it be able to assess the role of the national border for various types of offences – including those involving OMCG members. This either requires authorities themselves to conduct such analyses *together* or to provide independent researchers with access to information so they may carry out such analyses. In a recent study on drug markets in the Meuse Rhine Euregion, authors similarly address the value of in-depth analyses and (bottom-up) cross-border cooperation between authorities who share the same ideas regarding an urgent crime problem and are willing and capable (in terms of knowledge, skills, and manpower) to jointly tackle the problem (Nelen et al. 2021, 49-53).

Another call – also previously addressed by others – concerns the encountered difficulties regarding cross-border cooperation, especially in the field of administrative cooperation and information-exchange. In light of previously identified bottlenecks, it is important to take small steps forward.[9] Oftentimes, a lack of efficient cooperation or information exchange was blamed on the existing (e.g. GDPR) legislation being too restrictive or on the absence of national frameworks providing opportunities for information exchange. Examining whether or not this is the case falls outside of the scope of the current study but future legal research could assist in comparing each country's legal frameworks and the subsequent practical implementation of legal tools on a particular topic in relation to relevant transnational, and European, agreements and treaties.

In terms of policy recommendations, authorities could complement the zero-tolerance strategies to OMCGs with a more social approach aimed at reducing recruitment to OMCGs through social prevention and education work or introduce exit-programs for members who wish to leave (but fear retaliation). Naturally, such approach should be widely communicated and adapted to the circumstances of the target group. Various insights from exit-programs for terrorists, street gang members, or even OMCG members in other countries can be used as a starting point. They could also pay more attention to the benefits of regular motorcycle clubs, to avoid stigmatization of these groups in light of their zero-tolerance strategies.

9 For example, whereas there appears to be much more resistance to the administrative approach in Germany than in the Netherlands or Belgium, the Netherlands are currently undertaking various ad-hoc nationally subsidized projects to counter 'Ondermijning', of which many are based on the notion that intelligence – essentially the mining and connecting of data systems - will lead to more efficient interventions (Nelen, van Wingerde, Moerland, Bisschop, Geurtjens, Thelen & Servaas 2021). However, as this already appears to be difficult for projects on a local or regional level, let alone national level, it is inconceivable that this way of thinking *and* working would be implemented in transnational cooperation in the near future. In other words: Countries move in their own pace, with their own backgrounds, and their own policy priorities.

A last policy recommendation in relation to cross-border cooperation in the Meuse Rhine Euregion involves a pragmatic reality check of all the involved authorities. This study mostly found nationally or regionally oriented offences, at least in part because this was a conscious decision of the competent authorities involved in the investigation of the criminal case analyzed in this dissertation. This suggests that authorities still mainly have obligations towards their national governments and must achieve their own 'targets'. It is not difficult to imagine that in this criminal justice environment, complicated international cases often lose out to simpler cases in a regional or national context – the so-called 'low hanging fruit'. In this context, the repeatedly mentioned 'you cannot tackle what you do not see' can be viewed both as a curse and a blessing. Lacking information prevents an effective response to crime. However, this may also be a perverse incentive. Namely, it implies that if one would see a problem, one would have to tackle it. The question then arises whether – in light of national priorities and regional manpower issues – people would be prepared to jointly tackle the perceived problem, as this means that multiple parties will want to have a say on the matter, each with their own interests, priorities, and backgrounds. This continues to be a problem in cross-border cooperation and it needs to be recognized and discussed.

8.8 Closing remarks

An observing reader might point to an apparent contradiction in this conclusion. On the one hand, it is critical of focusing on OMCGs as a group and the used zero-tolerance strategies in the fight against OMCGs in light of the findings and proposes to (at least) complement this with social programs. On the other, it encourages authorities and researchers to gather and exchange even more information on OMCGs.

This apparent contradiction means that we have come full circle in a self-sustaining problem which maintains that an effective strategy can only be implemented on the basis of a clear image and understanding of the problem at hand. The image and understanding of the problem require detailed information gathered, combined, and exchanged between authorities. These authorities, however, may only exchange information with a specific and legal purpose, which is difficult to assess if there is no clear image and understanding of the problem. While underlining the importance and necessity of privacy regulations, practitioners often felt they lacked information to adequately respond to the problem of OMCGs and were always 'one step behind'. If the image and understanding of a problem is missing and a general strategy is rolled out, there is a considerable risk of missing important aspects or imposing contradicting measures. Arguably, such processes fuel the assumptions addressed in this dissertation. This point was also put forward in a more critical manner during the Dutch civil proceedings against the Hells Angels MC. In these

proceedings the lawyer suggested there was a clear link between the *prioritization* of OMCGs as criminal organizations and finding information that suits this particular hypothesis. He argued that the prioritization of OMCGs had led to more monitoring and interventions. These interventions in turn resulted in more information – not just criminal information – which was admissible in court in order to ban the respective OMCG.

To conclude, great caution is required with regard to prioritization of crime phenomena (especially groups) and the exchange of information in order to prevent a self-fulfilling prophecy.

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Appendix

I. Overview of attended (expert) meetings and court cases

Meeting number	Meeting	Type of meeting	Date of meeting(s)	Place of meeting	Notes
1, 2	Dutch Presidency of the Council of the EU	*'Working apart together: EU conference on the administrative approach to prevent and tackle crime'*	21-03-2016 22-03-2016	Amsterdam (NL)	Yes
3	OMCG working group RIEC Limburg, NL	Introductory meeting	01-06-2016	Hoensbroek (NL)	Yes
4	Benelux + NRW initiative	Follow-up meeting	14-09-2016	Brussels (BE)	Yes
5	Benelux + NRW initiative	Follow-up meeting	16-11-2016	Brussels (BE)	Yes
6	Meuse Rhine Euregion Conference	*'OMCGs – administrative approach'*	22-11-2016	Maastricht (NL)	Yes
7, 8	Lectures PhD-Candidate Rotterdam University	'*Ban on bikers'* and '*OMCGs: de ontwikkeling van aanpak en verbod op motorbendes in Nederland'*	13-02-2017 30-10-2018	Rotterdam (NL)	Yes
9	Benelux + NRW initiative	Follow-up meeting	29-03-2017	Brussels (BE)	Yes
10	Criminal case EMR	Preliminary hearing	13-06-2017	Maastricht (NL)	Yes
11	Benelux + NRW initiative	Follow-up meeting	05-07-2017	Brussels (BE)	Yes
12	OMCG Symposium Leiden University	'*Profiling Dutch Outlaw Bikers and Dutch Outlaw Biker Clubs'*	28-09-2017	Leiden (NL)	Yes
13	Europol / LIEC Symposium	EU Working Conference '*Partners against OMCG-related crime'*	30-11-2017	The Hague (NL)	Yes
14 – 16	Civil case Bandidos	Court of first instance substantive hearings and verdict	03-10-2017 06-10-2017 20-12-2017	Utrecht (NL)	Yes

Meeting number	**Meeting**	**Type of meeting**	**Date of meeting(s)**	**Place of meeting**	**Notes**
17 – 22	Criminal case EMR	Preliminary hearing, substantive hearings and verdict	04-05-2018 11-12-2018 14-12-2018 08-01-2019 09-01-2019 22-02-2019	Roermond (NL)	Yes
23	Civil case Satudarah	Court of first instance substantive hearing	08-04-2018	Amsterdam (NL)	Yes
24	EURIEC Symposium	On the administrative approach and cross-border crime problems	17-05-2018	Maastricht (NL)	Yes
25	Expert meeting Groningen University	*'Handhavings-mogelijkheden ten aanzien van verboden motorbendes'*	07-06-2018	Amersfoort (NL)	Yes
26-28	Civil case Hells Angels	Court of first instance substantive hearings and verdict	06-03-2019 13-03-2019 29-05-2019	Utrecht (NL)	Yes
29	Civil case No Surrender	Court of first instance substantive hearing	22-03-2019	Assen (NL)	Yes
30	Civil case appeals Satudarah	Court of Appeals substantive hearing	14-04-2019	Amsterdam (NL)	Yes

II. Overview of interviews

Respondent number	Organization (country)	Position in organization	Date of interview	Type of conversation	Recorded	Summary or transcript
1, 2	Police Mid-Limburg (BE)	police officer, police officer	29-04-2016	Explorative interview	No	Summary
3	Police South-Limburg (NL)	police officer	20-05-2016	Explorative interview	No	Summary
4	RIEC (South-Limburg, NL)	account manager	30-06-2016	Explorative interview	No	Summary
5, 6, 7	Public Prosecutor's Office / BES (NL, BE, DE)	public prosecutor, BES-liaisons	12-07-2016	Explorative interview	No	Summary

8	Royal military police (NL)	information officer	12-07-2016	Explorative interview	No	Summary
9, 10	RIEC (NL)	account manager, tax officer	27-07-2016	Explorative interview	No	Summary
11, 12	RIEC, Meuse-Rhine Euregion (NL, BE)	account manager, policy coordinator	28-07-2016	Explorative interview	No	Summary
13	Police South-Limburg (NL)	OMCG-expert	03-08-2016	Explorative interview	No	Summary
14	Federal Judicial Police (BE)	former Highsider expert	24-08-2016	Explorative interview	No	Summary
15, 16, 17	Police Limburg (BE)	administrative director, judicial director, head of administrative information cycle	07-10-2016	Explorative interview	No	Summary
18, 19	Ministry of Security and Justice (NL)	senior policy director, senior policy officer	04-11-2016	Explorative interview	No	Summary
20, 21	Ministry of Security and Justice, LIEC (NL)	senior policy advisor international criminal cooperation, OMCG expert	11-01-2017	Explorative interview	No	Summary
22	LIEC (NL)	OMCG expert	11-01-2017	Explorative interview	No	Summary
23	Police Mid-Limburg (BE)	police officer	02-02-2017	Explorative interview	No	Summary
24, 25, 26, 27	4 municipalities in South Limburg (NL)	all policy advisors administrative approach	14-03-2017	Explorative interview	No	Summary
28	Police North/ Mid-Limburg (NL)	police officer (administra- tive information cycle)	02-10-2017	Explorative interview	No	Summary
29, 30	BES (NL, DE)	BES liaison officers	02-03-2018	Interview (displacement, transnational cooperation)	Yes	Transcript
31	Meuse Rhine Euregion (BE)	Policy coordinator	11-04-2018	Interview (transnational cooperation)	Yes	Transcript

32	Police Limburg (NL)	police officer (OMCG-expert)	30-04-2018	Interview (case study)	No	Summary
33	Police Limburg (NL)	analyst	01-02-2019	Interview (case study)	No	Summary
34	Police Limburg (NL)	police officer (OMCG-expert)	04-02-2019	Interview (case study, displacement)	No	Summary
35	Europol (DE)	OMCG officer	19-03-2019	Interview (transnational cooperation)	No	Summary
36, 37	Police Mid-Limburg (BE)	police officer, police officer	23-05-2019	Interview (case study)	Yes	Transcript
38, 39	Police Limburg (NL)	police officer, police officer	05-06-2019	Interview (case study)	Yes	Transcript
40	Public Prosecutor's Office (DE)	public prosecutor	07-06-2019	Interview (case study)	No	Summary
41	Police Limburg (NL)	analyst	21-06-2019	Interview (case study)	Yes	Transcript
42	Police Limburg (NL)	police officer (OMCG-expert)	03-07-2019	Interview (case study)	No	Summary
43	Public Prosecutor's Office (NL)	public prosecutor	09-07-2019	Interview (case study)	Yes	Transcript
44, 45	Public Prosecutor's Office (NL)	public prosecutor, public prosecutor (focus on OMCGs and international cooperation)	09-07-2019	Interview (displacement, transnational cooperation)	Yes	Transcript
46, 47	Public Prosecutor's Office (NL)	public prosecutor, assistant public prosecutor	19-07-2019	Interview (case study)	Yes	Transcript
48, 49, 50	RIEC, ARIEC, Meuse Rhine Euregion (NL, BE, BE)	account manager, account manager, policy director	24-07-2019	Interview (displacement, transnational cooperation)	Yes	Transcript
51, 52	Public Prosecutor's Office (NL)	public prosecutors (& OMCG coordinators)	19-08-2019	Interview (displacement)	Yes	Transcript
53, 54	Public Prosecutor's Office (NL)	public prosecutors, public	05-09-2019	Interview (displacement)	Yes	Transcript

		prosecutor (& policy advisors)				
55	Municipality (NL)	policy advisor	06-09-2019	Interview (displacement)	Yes	Transcript
56	Public Prosecutor's Office (BE)	public prosecutor organized crime	11-09-2019	Interview (displacement)	Yes	Transcript
57	Public Prosecutor's Office (DE)	public prosecutor organized crime	30-09-2019	Interview (displacement)	No	Summary
58	Municipality (NL)	policy advisor	02-10-2019	Interview (displacement)	Yes	Transcript
59, 60	Municipality (NL)	policy advisor, policy advisor	04-10-2019	Interview (displacement)	Yes	Transcript
61, 62, 63	Police NRW (DE), Dutch national police (NL)	OMCG expert, OMCG expert, liaison officer	07-10-2019	Interview (displacement)	Yes	Transcript
64	Police Mid-Limburg (BE)	police information officer	11-10-2019	Interview (displacement)	Yes	Transcript
65	Municipality (BE)	mayor	14-10-2019	Interview (displacement)	Yes	Transcript
66	Municipality (NL)	policy advisor	22-10-2019	Interview (displacement)	Yes	Transcript
67	Municipality (BE)	mayor	25-10-2019	Interview (displacement)	Yes	Transcript
68	LIEC (NL)	policy advisor	30-10-2019	Interview (displacement)	Yes	Transcript
69	Legal defense firm (NL)	legal defense lawyer civil proceedings	01-11-2019	Interview (displacement)	Yes	Transcript
70	Federal Judicial Police (BE)	Highsider expert	05-11-2019	Interview (displacement)	Yes	Summary

III. Topic list of exploratory interviews

This general topic list served as a vantage point for the exploratory semi-structured interviews. This means that not all topics were discussed in each interview, the direction and depth of the interview was always determined by the role and experience of the respondent with one of the abovementioned topics and their willingness to discuss these in detail. Due to the wide range of respondents interviewed at the onset of the research, the main goals of the exploratory interview were to 1) gain an insight into developments regarding the OMCG phenomenon and the multi-agency approach on the transnational

/ national / regional level, and 2) to expand the researcher's understanding of the different backgrounds of respondents, their experiences with the topic and availability for future substantive interviews.

Introduction of the research and researcher
- Provide background information on the researcher.
- Provide information on the goals, progress and data management of the research.
- Provide information on the goal and structure of the interview, and ask for a consent for the interview to be used in this research.

Introduction of the respondent
- Ask for background information of the respondent (e.g. career background, current position, experience with OMCGs / multi-agency approach / cross-border cooperation).

Questions regarding OMCGs
- How has the phenomenon of OMCGs developed over the past decades in your experience, until +/- 2010?
- How has the phenomenon of OMCGs developed over the past years in your experience, +/- from 2010 onwards?
- Which clubs are present in this area, since when, how have they developed, how are they structured and how do their members interrelate with each other / other chapters of the same club / other clubs?
- Why are OMCGs considered a crime problem nowadays, what is your view on this?
- Are the clubs you are familiar with involved in criminal activities, if so, which activities?
- Are there any cross-border activities, either criminal or non-criminal, that clubs in this area are known for?
- Is there any lacking knowledge in the field of OMCGs?

Questions regarding the (multi-agency) approach to OMCGs
- How has the approach to OMCGs – or crime policies in general – developed over the past decades in your experience, until +/- 2010?
- How has the approach to OMCGs – or crime policies in general – developed over the past years in your experience, +/- from 2010 onwards?
- In what role / capacity / expertise do you deal with OMCGs, and what does this entail in practice?
- How is the cooperation / information flow with other organizations in the field?
- How is information on OMCGs gathered and processed? How is the information flow from the regional to the national level and vice versa?
- Are there any clear successes or obstacles in the approach to OMCGs at this time?

Questions regarding cross-border cooperation

- Which types of cross-border cooperation are applicable in the field of OMCGs, e.g. criminal, administrative, multi-agency?
- Which types of organizations are involved in which types of cross-border cooperation?
- How many times are there meetings held and what is discussed during these meetings? Who visits these meetings?
- What kind of information on OMCGs is shared, and how?
- Are there any clear successes or obstacles in the cross-border cooperation in relation to OMCGs at this time?

Closing

- Do you have any remaining questions or reflections relating to this interview, any of the topics discussed or the research in general?
- Would you be willing to participate in future interviews on one of the topics highlighted in this research?

IV. Topic list of semi-structured interviews on displacement

This topic list served as a vantage point for the semi-structured interviews on the topic of displacement (chapter 6). This means that not all topics were discussed in each interview, the direction is indicated by the specific topic – in contrast to the exploratory interviews – but the depth of the (subtopics in the) interview was always determined by the role and experience of the respondent with one of the abovementioned topics and their willingness to discuss these in detail.

Introduction of the research and researcher

- Provide background information on the researcher.
- Provide information on the goals, progress and data management of the research.
- Provide information on the goal and structure of the interview, and ask for a consent for the interview to be used in this research.

Introduction of the respondent

- Ask for background information of the respondent (e.g. career background, current position, experience with OMCGs / multi-agency approach / cross-border cooperation).

Questions regarding OMCGs

- How has the phenomenon of OMCGs developed over the past years in your experience?
- Can you describe the chapters active in your area?

- Are the OMCGs (chapters) you are familiar with involved in criminal activities, if so, which activities?
- Are there any cross-border activities, either criminal or non-criminal, that OMCGs (chapters) in this area are known for?

Questions regarding the (multi-agency) approach to OMCGs

- Familiarity with the barrier model and its assumptions?
- Role of repression and prevention?
- How has the (multi-agency) approach to OMCGs developed over the past years in your experience?
- Are there any specific developments relevant to discuss? E.g.:
  - DE: How has the amendment of the association laws taken shape over the past years and are you experiencing any changes in practice? If so, can you elaborate on this?
  - NL: How has the civil ban taken shape over the past years and are you experiencing any changes in practice? If so, can you elaborate on this?
  - BE: How has the shift towards the multi-agency approach taken shape over the past years (e.g. ARIECs) and are you experiencing any changes in practice? If so, can you elaborate on this?
- Legal means and grounds to take measures in the respective organization?
- Cooperation / information flow with other organizations?
- Uniformity of the approach, in theory and in practice?
- Successes or obstacles related to the approach to OMCGs?

Questions regarding displacement

Specifically ask for examples for every question

- Familiarity with the concerns voiced by mayors in the media regarding displacement?
- Do you experience any types of displacement in relation to OMCGs in your own area?
  - If so, how can you best describe these types of displacement? Do you have any ideas on why displacement occurs?
  - If so, can you distinguish between non-criminal displacement and crime displacement?
  - In case of spatial displacement, where to, e.g. municipality, province, state, country? Does this at all relate to administrative boundaries in your experience?
  - If not, do you have any idea why concerns relating to this issue have been voiced repeatedly?
- Define displacement? Or use of term 'waterbed effect'?
- Any interaction between the measures used by authorities and the behavior of OMCG members? In other words, do they react or respond to measures in any way?
  - If so, difference between criminal / administrative / tax / informal / other measures?

Closing

– Do you have any remaining questions or reflections relating to this interview, any of the topics discussed or the research in general?

V. Codebook semi-structured interviews on displacement

The first coding stage was aimed at identifying interventions or measures from the side of authorities in light of the barrier model, and to identify responses from OMCGs or outlaw bikers. The barrier model was used as a vantage point for this coding stage, since the theoretical description outlines the idea behind the barrier model and how it potentially influences displacement.

Code(group)	Definition
Interventions or measures	*Interventions or measures imposed by the authorities in light of the barrier model.*
measures ban	When a club or chapter has been banned (e.g. by means of an administrative ban or civil proceedings) or when an attempt to do so has failed.
measures finances	When measures are targeted at the finances of outlaw bikers (e.g. tax or social security benefits).
measures image	When measures are targeted at the image and status of OMCGS (e.g. the colors, power, untouchable status).
measures location	When measures are targeted at the location of a chapter (e.g. the clubhouse or other venues for gatherings such as bars, residences, businesses and other organizations).
measures mobility and motorcycles	When measures are targeted at members' mobility and motorcycles (e.g. absence of helmet, papers, road behavior).
measures public domain	When measures are targeted at the clubs' manifestation in the public domain (e.g. events, ride outs).
measures social	When measures are aimed at getting members to quit or trying to impede recruitment into OMCGs.
measures work	When measures are related to work of outlaw bikers (e.g. their involvement in security businesses, tattoo/piercing studios, government jobs).
criminal proceedings	When authorities either started or finished criminal proceedings against outlaw bikers.
Developments/responses in the OMCGs scene	*Developments in the OMCG scene, which in some cases are assumed to be responses from outlaw bikers or OMCGs to previously imposed interventions or measures.*
clubhouses & other meeting places	When respondents mention clubhouses or other meeting places being established by outlaw bikers.
colors and insignia	When respondents mention the use of colors, patches, insignia or other visible characteristics of OMCGs.

recruitment & stability	When respondents mention developments regarding recruitment and stability of the clubs (e.g. an influx of new members or exodus of old members, lenient or strict admission policies)
new club	When respondents mention the foundation of a new OMCG.
international connections	When respondents mention clear international connections between outlaw bikers from different chapters (e.g. a member from one country becoming a president of a chapter in another country, a bond between a prospected chapter in one country and a mother-chapter in another, members visiting foreign chapters or events etc.).
influences from other scenes	When respondents mention influences from other scenes (e.g. more members coming from or being in contact with football hooligans, ethnic groups, or street gangs).

The second stage of the (concept-driven) coding process was aimed at attributing the previously identified events to the (expanded) displacement framework. A miscellaneous category was included in this stage to account for other explanations that might contradict the assumptions of displacement.

Code(group)	Description
Displacement framework	*The framework influenced most by Reppetto, Barr & Pease.*
(non-criminal) spatial displacement	Offenders may commit a crime at another location. Outlaw bikers may carry out a non-criminal activity at another location.
(non-criminal) temporal displacement	Offenders may commit a crime at a different time than before. Outlaw bikers may carry out a non-criminal activity at a different time than before.
(non-criminal) target displacement	Offenders may search other targets. Non-criminal target displacement was disregarded, because there is no non-criminal counterpart for a 'target'.
(non-criminal) tactical displacement	Offenders may use other *modi operandi*. Outlaw bikers may find different ways to organize their activities.
(non-criminal) offense displacement	Offenders may commit different types of crime. Outlaw bikers may organize different types of activities.
(non-criminal) offender displacement	Other offenders fill the places of the previous offenders. Other outlaw bikers fill in the places of previous outlaw bikers (e.g. in relation to new clubs).
Miscellaneous	*Other options that do not fall in the scope of the displacement framework.*
no displacement	When respondents specifically mentioned they did not believe displacement to take place.
expansion	When respondents specifically mentioned they believed the perceived (cross-border) developments to take place in light of expansion.

VI. Codebook media analysis

The first coding stage was aimed at identifying the location, frequency and nature of (criminal) activities of the respective OMCGs and public responses.

Code(group)	Definition
OMCG – Bandidos – Hells Angels – Outlaws – Satudarah	*Allocate a corresponding code when an event involves one of the following clubs as supposed perpetrator (non-victim).*
Area – LiègeBE – LimburgBE – LimburgNL – NRWDE – (OtherBE) – (OtherDE) – (OtherNL)	*Allocate a corresponding code when an event occurs in one of the regions or members of an OMCG from that region are involved in an event. Other refers to events outside of the Meuse Rhine Euregion in one of the respective countries.*
Non-criminal activities	*Those activities which are not inherently of criminal nature.*
charity/community	Allocate this code when outlaw bikers from one of the researched OMCGs are involved in a charity event or community-building (e.g. neighborhood barbecue).
funeral	Allocate this code when outlaw bikers from one of the researched OMCGs are involved in or visiting a funeral (either from one of their own brothers or third parties).
new club	Allocate this code when one of the OMCG researched establishes a new club (either with or without formal clubhouse); or seeks to establish a clubhouse which was prevented by authorities.
party	Allocate this code when one of the researched OMCGs themselves organize a party.
public presence	Allocate this code when a group of outlaw bikers from one of the researched OMCGs is present in the public domain (without a specific purpose: see public event).
public event	When outlaw bikers from one of the researched OMCGs visit a public event (not specifically organized by themselves) which is open to the general public.
ride out	When outlaw bikers from one of the researched OMCGs take part in a ride out (a motorcycle tour with typically many members taking over the highway while wearing their colors).
Public disorder	*Those activities that can be considered deviant behavior in public.*
general public disorder	When outlaw bikers from one of the researched OMCGs conduct disorderly behavior (e.g. drunk, loud, non-compliant).
wrecking of objects	When property or other objects in the public domain get destructed, or damaged by outlaw bikers from one of the researched OMCGs.

Drug offences	*Those events or law enforcement measures that involve drugs.*
drug manufacturing	When outlaw bikers from one of the researched OMCGs is involved in the manufacturing of drugs (either synthetic drugs or cannabis/hemp cultivation).
drug possession	When outlaw bikers from one of the researched OMCGs carries drugs with him or drugs were found in their (club)house.
drug trade	When outlaw bikers from one of the researched OMCGs are involved in trading, shipping or otherwise selling drugs.
Weapon offences	*Those events or law enforcement measures that involve weapons.*
weapon possession	When outlaw bikers from one of the researched OMCGs carries a weapon(s) with him or weapons were found in their (club)house. No additional coding when an armed assault is concerned.
weapon trade	When outlaw bikers from one of the researched OMCGs is involved in weapon trading, shipping or otherwise selling weapons.
Violent offences	*Those activities that involve (a threat of) force and are primarily aimed at causing grave damage to a person or property.*
threat/intimidation	When an outlaw biker from one of the researched OMCGs is involved in inducing fear in a victim, typically by mentioning club-affiliation (no obvious financial incentive).
arson	When an outlaw biker from one of the researched OMCGs is involved in deliberately setting fire to property (e.g. by a Molotov-cocktail).
physical abuse	When an outlaw biker from one of the researched OMCGs is involved in physically abusing/assaulting a victim, causing injury, mostly without weapons or non-firearms.
homicide/murder	When an outlaw biker from one of the researched OMCGs is involved in killing another person (including attempt in which a person did not die but grave bodily harm was inflicted with a weapon).
Economic offences	*Those activities which are essentially aimed at financial gain, potentially harming persons or goods in the process.*
theft/burglary	When an outlaw biker from one of the researched OMCGs is involved in stealing property either in the public domain or from someone's home.
extortion/blackmail	When an outlaw biker from one of the researched OMCGs is involved in blackmailing or threatening a victim in order to gain a financial advantage.
money launderin	When an outlaw biker from one of the researched OMCGs is involved in concealing the origins of criminal proceeds (e.g. by investing in companies).
prostitution	When an outlaw biker from one of the researched OMCGs is involved in the process of exploiting women in prostitution businesses.
Enforcement measures	*Those events involving authorities (either police, judicial, administrative or tax) enforcing measures against OMCGs.*
ban on club/chapter	When a chapter or entire club from one of the OMCGs researched is banned.
color ban	When wearing the colors (leather jacket with club insignia) from one of the OMCGs researched is banned.

closing a residence or business	When a residence or business is closed due to (criminal) behavior involving outlaw bikers from one of the OMCGs researched.
confiscation of assets	When money, goods, weapons, drugs or other property is confiscated or seized from outlaw bikers from one of the OMCGs researched.
denying or revoking a permit	When the request for a permit (e.g. liquor license, event) is denied or an already issued permit is revoked because of general abuse of the terms, involving behavior of outlaw bikers from one of the OMCGs researched.
emergency ordinance	A local emergency ordinance, assembly ban, expulsion or other measure aimed at preventing outlaw bikers from one of the OMCGs researched to gather, potentially temporarily providing police with more powers.
more visible police	When a number of police officers is deployed in order to monitor a situation and keep the peace.
traffic checks	When police specifically check vehicles from outlaw bikers from one of the researched OMCGs on the road.
personal search	When police carry out a personal search and establishes ID from an outlaw biker of one of the researched OMCGs (but not necessarily making an arrest).
raids of (club)houses	When (club)houses of outlaw bikers from one of the researched OMCGs are raided by police (and potentially other authorities) in a criminal investigation.
arrest	When an arrest of an outlaw biker from one of the researched OMCGs is made.

The second stage of the (concept-driven) coding process was aimed at attributing the previously identified events to the criminality typology and situational crime prevention framework.

Code(group)	Description
Criminality typology	*The framework created by Quinn and Koch to categorize outlaw biker behavior.*
spontaneous expressive	When an outlaw biker(s) from one of the researched OMCGs committed a crime because of emotional arousal, oftentimes violent behavior.
planned aggressive	When an outlaw biker(s) from one of the researched OMCGs committed a coordinated attack directed at a rival group, oftentimes planned by (at least a part of) an OMCG or reflecting its priorities.
short-term instrumental	When an outlaw biker(s) from one of the researched OMCGs committed small-scale economic crime arising from a unique opportunity, e.g. theft of motorcycle parts.
ongoing instrumental enterprises	When an outlaw biker(s) from one of the researched OMCGs committed a crime aimed at profit-making, oftentimes involving much planning and organization with a more complicated logistical process (e.g. drug production or trade).

Situational crime prevention	*The framework influenced most by Clarke, Cornish and Felson, but expanded by other researchers over time aimed at crime prevention by intervention devised to manipulate situational factors and thus reduce crime opportunities.*
increase efforts	When a measure aimed at increasing the efforts to commit crime concerns behavior of outlaw bikers from one of the researched OMCGs.
increase risks	When a measure aimed at increasing risk of apprehension concerns behavior of outlaw bikers from one of the researched OMCGs.
reduce rewards	When a measure aimed at reducing rewards of criminal behavior concerns outlaw bikers from one of the researched OMCGs.
reduce provocations	When a measure aimed at reducing emotional arousal and provocation concerns outlaw bikers from one of the researched OMCGs.
remove excuses	When a measure aimed at emphasizing the wrongfulness of acts by taking away excuses and rationalizations concerns outlaw bikers from one of the researched OMCGs.
provide alternative opportunities	When a measure aimed at providing alternative opportunities concerns outlaw bikers from one of the researched OMCGs.

VII. Checklist and conceptual framework of the case study

Checklist data selection process

1. General information regarding the process of criminal investigation and substantive characteristics of the criminal case:
   - start of the investigation;
   - grounds or reasons for the start of the investigation;
   - types of investigative methods used during the investigation;
   - priorities, important limitations/bottlenecks or change of focus during the investigation (with particular interest in cross-border aspects);
   - the nature, location and duration of the criminal offenses (with a particular interest in cross-border aspects).

2. Information regarding the individual suspects:
   - first and last name;
   - date of birth (and age at the time of the start of the investigation);
   - place of birth;
   - sex;
   - nationality;
   - place of residence (and/or stay);
   - occupation (and income if documented);
   - income from social benefits (if documented);

- other capital (e.g. property, cars, motorcycles, large quantities of cash if documented);
- criminal record;
- club status, e.g. hangaround, prospect, full member, leading figure (state which function), or external offender.

3. Information regarding companies:
   - name of the company;
   - type of company;
   - location or country of the company.

4. Information regarding the chapter in question:
   - how, when, and why founded by whom;
   - location of the chapter (e.g. clubhouse, bar, residence);
   - how many members, and which developments in relation to influx and departure of members?

5. Social ties between the suspects and the structure/composition of the network(s):
   - family ties, e.g. (grand)mother, (grand)father, siblings, husband, and wife (also including cohabitation in case of longer relationship);
   - friendly ties (how, when, where formed, if documented);
   - business ties (how, when, where formed, if documented);
   - criminal ties (previous co-offenders, how, when where formed, if documented);
   - corrupt ties (authorities, how, when, where formed, if documented);
   - club-related ties (e.g. within the same club or with members from other clubs, how, when, where formed, if documented);
   - cross-border nature of these ties (and relation to ethnicity);
   - how do the involved networks relate to each other? With what aim were they formed, have they developed over time, were there any hierarchies or mutual dependencies?

6. Information regarding the offence types, per offence:
   - which suspect had which role in relation to the offence, e.g. organizer, financer, helper, facilitator;
   - changes in composition of the roles of the offenders involved;
   - logistics of the offence, e.g. communication (way of communication, disclosure, bottlenecks); location of the offence and operation span of the network involved (clubhouse or events as facilitating factor); goods necessary to commit the offence, obtained through legal or illegal venues (specify); money used to fund the criminal

offence or proceeds from the offence (height, nature, distribution and storage or use in any way linked to the club?);
- cross-border characteristics in relation to abovementioned composition and roles or specific logistics.

7 Information regarding the binding mechanisms that have secured criminal cooperation between the offenders:
- trust emanating from social ties (under 5);
- rewards, e.g. monetary payment or immaterial rewards, in case of influence of the associational aspects a promised status upgrade in relation to the club;
- coercion and sanctions, e.g. (a threat of) physical violence including explicit reference to the 'power of the patch' or 'power by numbers' of the club, the influence of orders following the club hierarchy, or a (threat) of receiving a status downgrade or bad standing;
- secrecy or shielding measures, e.g. the 'omerta' in relation to club business, concealment of communication (by use of PGP or other measures), screening of co-offenders or prospected members, countersurveillance (in relation to specific offences and/or the clubhouse and events).

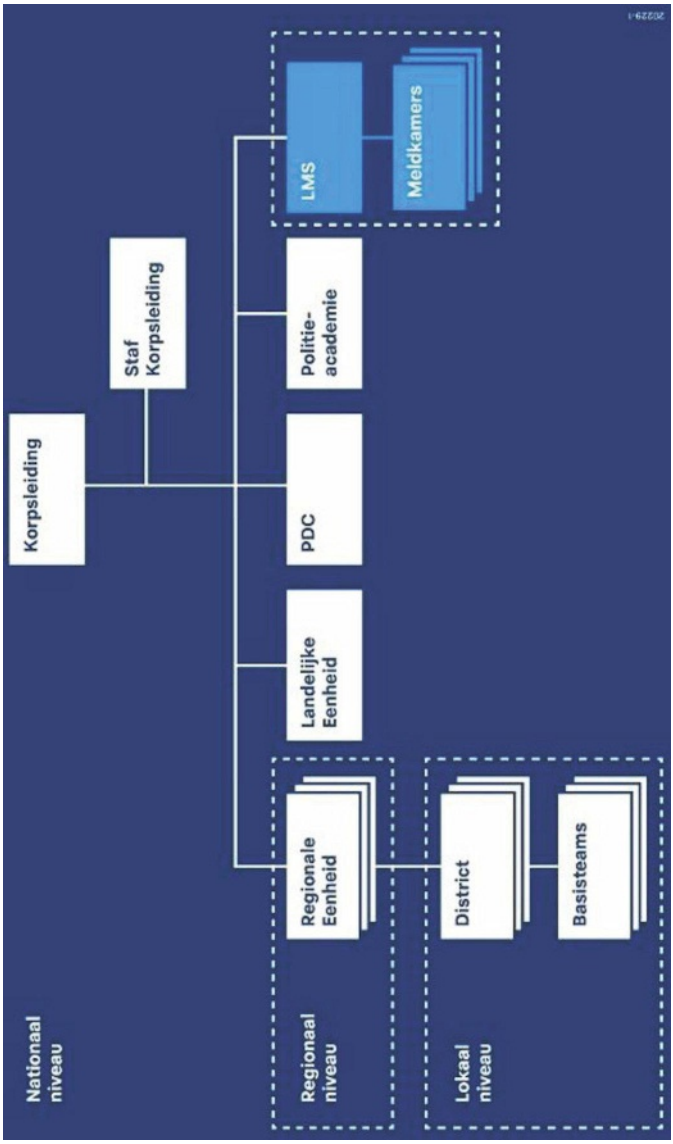
From the abovementioned checklist, the following stratified conceptual framework[10] was made. It shows the concepts which, taken together and mutually influencing each other, are presumed to constitute social embeddedness (as derived from the literature).

10 After Hutjes, J.M., & Van Buuren, J.A. (1992, 137). *De gevalsstudie: strategie van kwalitatief onderzoek* (p. 137). Meppel: Boom.

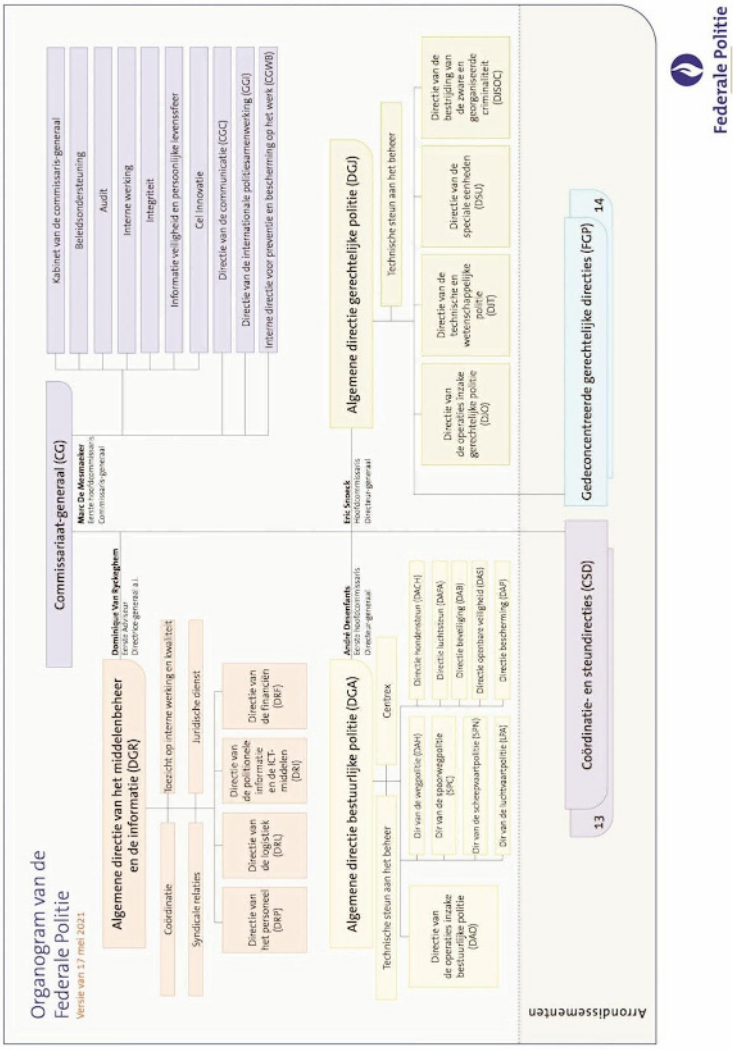
Social embeddedness	Individual	Personal background	Sex
			Age
			Nationality
			Place of birth
			Place of residence
			Club status
		Socio-economic background	Occupational income
			Income from social benefits
			Capital (e.g. property, cars, motorcycles, cash)
		Criminal background	Criminal record (which offence types)
	Social ties and network	Family ties	
		Friendly ties	
		Business ties	
		Criminal ties (co-offenders)	
		Corrupt ties (authorities)	
		Club-related ties (not mutually exclusive!)	Intraclub ties
			Interclub ties
	Offence type	Distribution of roles	Organizer
			Financer
			Helper
			Facilitator
		Logistics (means versus methods)	Communication
			Location (clubhouse)
			Goods
			Money/proceeds
	Binding mechanisms / associational aspects	Trust (relating to social ties)	
		Rewards	Monetary payment
			Status upgrade
		Coercion and sanctions	Violence (power of the patch and power by numbers)
			Club hierarchy
			Bad-standing or downgrade
		Secrecy / shielding measures	Omerta
			Concealment of communication
			Screening
			Counter-surveillance

VIII. Organizational charts of the respective police organizations

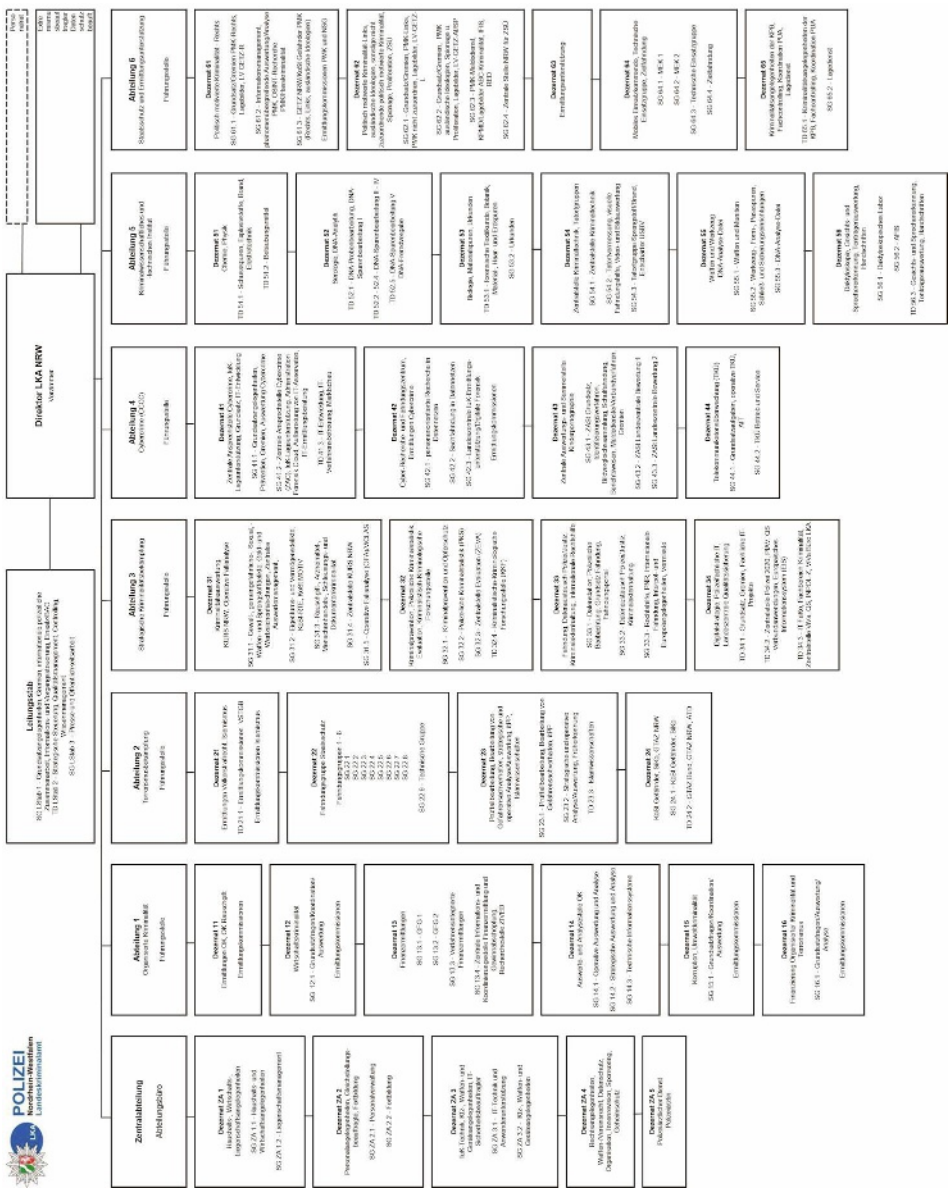
Dutch National Police:



Belgian Federal Police:



German State Police of North Rhine Westphalia:



Nederlandstalige samenvatting

Deel 1 Introductie, onderzoeksopzet en methodologie

De Euregio Maas-Rijn is een grensregio waar al decennialang veel pilots worden gestart en onderzoek wordt uitgevoerd op het gebied van grensoverschrijdende criminaliteitsfenomenen en grensoverschrijdende politiële en justitiële samenwerking. Onderzoek heeft herhaaldelijk aangetoond dat deze Euregio om diverse redenen aantrekkelijk is voor criminelen, zoals de ligging ten opzichte van diverse doorvoerhavens en het achterland van Europa, de nabijheid van landsgrenzen en ruraal-urbane samenstelling. Er is sprake van diverse vormen van (georganiseerde) criminaliteit, gepleegd door criminele netwerken van verschillende samenstellingen. Waar criminelen kunnen profiteren van de vrijheid van verkeer binnen de Europese interne markt, zijn politie en justitie gebonden aan geldende wet- en regelgeving met betrekking tot opsporing en grensoverschrijdende samenwerking. En hoewel de reactieve politiële en justitiële samenwerking doorgaans goed verloopt, zijn er nog de nodige barrières te slechten op het gebied van bijvoorbeeld proactieve en bestuurlijke informatiedeling. Al geruime tijd wordt daarom door onderzoekers gewezen op de meerwaarde van een Euregionale analyse van bestaande criminaliteitsfenomenen, waarbij de bevoegde autoriteiten laagdrempelig (en zo mogelijk proactief) informatie uitwisselen om tot een beter beeld van de problematiek en daarmee een betere aanpak te komen. In de jaren voorafgaand aan de start van dit proefschrift maakten de autoriteiten in de drie landen zich in toenemende mate zorgen over de ontwikkelingen en criminaliteit rondom *outlaw motorcycle gangs* (hierna OMCG's genoemd). Zodoende poogt dit onderzoek een beter beeld van de problematiek rond OMCG's en OMCG-gerelateerde criminaliteit alsook de aanpak daarvan in de Euregio Maas-Rijn te schetsen. De centrale onderzoeksvraag in dit proefschrift luidt dan ook als volgt: *Wat is de rol van landsgrenzen voor OMCG-gerelateerde criminaliteit en de aanpak daarvan in de Euregio Maas Rijn?*

Het onderzoek volgt een exploratieve, kwalitatieve onderzoeksopzet die erop gericht is de problematiek rondom OMCG's alsook de aanpak daarvan in de Euregio Maas-Rijn op basis van verschillende bronnen en vanuit verschillende invalshoeken te belichten. Het overkoepelende theoretisch gedachtegoed dat in het onderzoek verweven zit betreft dat van de rationele keuzebenadering, gelegenheidsstructuren en criminaliteitspreventie. Echter, om recht te doen aan de complexiteit van het onderwerp worden de empirische onderdelen van het onderzoek vanuit verschillende, meer concrete, criminologische invalshoeken bezien.

Het proefschrift omvat twee inhoudelijke delen, waarvan het eerste deel ziet op het schetsen van ontwikkelingen (grotendeels) voorafgaand aan het onderzoek. De subvragen die in deel 1 centraal staan, zijn:

1) Hoe hebben OMCG's zich ontwikkeld, en hoe heeft de aanpak daarvan zich ontwikkeld in een *zero-tolerance* strategie in Nederland, Duitsland en België?
   Deze vraag wordt beantwoord door gebruik te maken van openbaar beschikbare literatuur, waaronder ook populaire (auto)biografische literatuur, beleidsdocumenten en mediaberichten.
2) Welke OMCG's bevinden zich in de Euregio Maas-Rijn, met welke strafbare feiten worden zij geassocieerd en welke interventies of maatregelen worden voornamelijk tegen ze gebruikt?
   Deze vraag wordt beantwoord middels een media analyse van regionale krantenartikelen van Aachener Zeitung, Dagblad de Limburger, Het Belang van Limburg en La Meuse in de Euregio Maas-Rijn van 2010 tot en met 2016.
3) Wat houdt de aanpak van OMCG's in de Euregio Maas-Rijn in de praktijk in en welke autoriteiten zijn hierbij betrokken?
   Deze vraag wordt beantwoord door gebruik te maken van literatuur, openbare alsook interne beleidsdocumenten en exploratieve interviews.

Op basis van inzichten die zijn opgedaan in het eerste deel, vervolgt het tweede deel met twee specifieke hedendaagse problemen met betrekking tot OMCG's in de Euregio Maas-Rijn. De sub-vragen die in deel 2 centraal staan, zijn:

4) Ervaren respondenten uit de praktijk (grensoverschrijdende) OMCG-gerelateerde verplaatsing in de Euregio Maas-Rijn, en zo ja, hoe?
   Deze vraag wordt beantwoord door middel van semigestructureerde interviews met nationale, regionale en lokale respondenten uit Nederland, Duitsland en België.
5) Hoe is criminaliteit in het geval van een lokaal OMCG-*chapter* sociaal ingebed in de Euregio Maas-Rijn, en hoe verhoudt zich dit tot grensoverschrijdende criminaliteit?
   Deze vraag wordt beantwoord middels een gevalsstudie op basis van dossiers binnen één grootschalige strafzaak en aanvullende interviews met betrokken autoriteiten.

Deel 2 De ontwikkeling van OMCG's, OMCG-gerelateerde criminaliteit en de aanpak daarvan in Nederland, Duitsland en België

Hoe hebben OMCG's zich ontwikkeld, en hoe heeft de aanpak daarvan zich ontwikkeld in een zero-tolerance strategie in Nederland, Duitsland en België?

De eerste OMCG's (Hells Angels, Outlaws, Bandidos) zijn opgericht in de Verenigde Staten, waarna de clubs zich verspreid hebben naar andere continenten. Hierop volgend diende hun gedachtegoed en structuur als inspiratiebron voor nationale clubs. In essentie zijn OMCG's opgericht als sociale clubs waar mannen met een passie voor motoren en motorrijden bij elkaar komen. In de eerste OMCG's in de Verenigde Staten kwamen vooral veteranen die gediend hadden in de Tweede Wereldoorlog (en later de Vietnamoorlog) samen met andere jonge mannen die niet leken te kunnen aarden in de naoorlogse maatschappij. Zij trokken zich terug in deze clubs die zij als '*brotherhoods*' beschouwden, waarbinnen zij hun eigen waarden en normen omtrent omgangsvormen, status en (hyper)masculiniteit konden waarborgen.

In de zeventiger en tachtiger jaren bestond het *outlaw biker* landschap in Nederland, Duitsland en België voornamelijk uit de Hells Angels MC en andere, voornamelijk nationale MC's. Deze clubs bestonden zowel uit jongeren als (ex-)militairen (deze laatste groep vooral in Duitsland). Hoewel de leden al bekend stonden om hun onaangepast en gewelddadig gedrag, werden de clubs in die tijd nog vooral gezien als folkloristisch. Ze werden als onderdeel van de bestaande tegenculturen beschouwd, en als zodanig *geaccepteerd,* en soms zelfs *gefaciliteerd* in hun activiteiten. Dit veranderde stilaan vanaf de jaren tachtig, na enkele eerste onderzoeken naar verschijningsvormen van georganiseerde criminaliteit in West-Europa; eerst in Duitsland (jaren tachtig), later in Nederland en België (jaren negentig). Met deze veranderde focus werden clubs als de Hells Angels niet langer alleen geassocieerd met openbare ordeverstoringen, maar kwamen ze voor het eerst ook in beeld als groepen die betrokken waren bij de georganiseerde misdaad. De aanpak van leden en clubs aan het eind van de jaren '80 en de jaren '90 kan over het algemeen nog wel worden omschreven als *laissez-faire*: strafbare feiten en incidenten werden opgepakt, maar er werd nog weinig structureel ingezet op OMCG's als criminaliteitsfenomeen. Na een aantal patchovers van grote clubs rond de eeuwwisseling, verschillende gewelddadige en dodelijke incidenten waarbij leden van verschillende clubs betrokken waren, en aanklachten wegens georganiseerde misdaad in de jaren 2000, namen de overheden in toenemende mate een *repressieve houding* aan. De eerste pogingen om de Hells Angels in België (2000) en Nederland (2007) te verbieden, mislukten echter (in tegenstelling tot Duitsland, waar al in 1983 het Hells Angels *chapter* van Hamburg werd verboden). Terwijl het aantal clubs, het aantal *chapters* en het aantal leden verder toenam en de spanningen en conflicten tussen verschillende clubs opliepen, werd de repressieve houding steeds meer als ontoereikend ervaren. Zodoende werden andere wegen verkend om de OMCG's aan te pakken. Vanaf 2010 voerden de overheden in alle drie de landen een *zero-tolerance* strategie in, waarbij zij aanvullende (met name bestuurlijke) maatregelen namen om te voorkomen dat de overheid OMCG's onbewust faciliteert in hun (criminele) activiteiten.

Deze ontwikkelingen richting een *zero-tolerance* strategie werden ongetwijfeld gevoed door het 'succes van de OMCG's'. Het idee van een club sprak veel jonge mannen aan die

verschillende kleine clubs oprichtten. Deze clubs breidden zich vervolgens uit en internationaliseerden. Het is niet ondenkbaar dat enkele clubs op enig moment te veel leden toelieten en te groot werden om hun leden onder controle te houden. Dit heeft mogelijk tot diverse spanningen en conflicten heeft geleid in het afgelopen decennium. Het is evenwel ook belangrijk deze ontwikkeling te beschouwen in het kader van de toegenomen aandacht van de autoriteiten voor de bestrijding van de georganiseerde misdaad: leden worden vaak in verband gebracht met verschillende soorten van criminaliteit, zoals intimiderend gedrag en (openlijke) geweldpleging, afpersing, drugsproductie, drugshandel, mensenhandel, wapenhandel, economische delicten en witwassen. Sterker nog, OMCG's zelf worden steeds meer gezien als hiërarchische structuren waarvan de leden de club gebruiken om criminele activiteiten uit te voeren of af te schermen. Kernonderdelen van deze structuren zijn o.a. het verwerpen van burgermaatschappelijke normen en waarden, het afschermen van de eigen activiteiten, het niet meewerken met de politie en het (financieel) steunen van (gedetineerde) leden. Zij dragen hun saamhorigheid en (outlaw) status uit door het dragen van dezelfde kleding en insignes, en zijn regelmatig in conflict met andere clubs. Tevens wordt verondersteld dat leden relatief gemakkelijk aan bijvoorbeeld criminele contacten of onderduikadressen kunnen komen in andere landen vanwege het internationale (gesloten) karakter en bereik van de club. Tot slot moet worden gewezen op de drastische verandering in de ideeën over misdaadbestrijding in de richting van afschrikking en misdaadpreventie.

Welke OMCG's bevinden zich in de Euregio Maas-Rijn, met welke strafbare feiten worden zij geassocieerd en welke interventies of maatregelen worden voornamelijk tegen hen gebruikt?

De Euregio Maas-Rijn herbergt diverse internationale clubs met hun respectievelijke supportclubs, evenals nationale OMCG's. In 2015 waren er in totaal ongeveer 63 *chapters* gevestigd. Deze betroffen zes Hells Angels *chapters* met negen *chapters* van erkende supportclubs; er waren drie Outlaws *chapters* met drie *chapters* van erkende supportclubs; er waren vier Bandidos *chapters* met één erkend support *chapter*; zes Satudarah *chapters* met zeven *chapters* van erkende supportclubs; en tot slot 24 lokale *chapters* van ofwel internationale (bijvoorbeeld Mongols MC, No Surrender MC, Blue Angels MC) of nationale clubs (bijvoorbeeld Animals MC, Veterans MC, Free Bikers MC) met slechts één of twee *chapters* in de Euregio.

Wanneer wordt nagegaan met welke strafbare feiten de grootste OMCG's (Hells Angels, Bandidos, Outlaws en Satudarah) in de Euregio Maas-Rijn in verband werden gebracht in de regionale kranten, blijkt dat in de eerste plaats de interclub-conflicten uitgebreid aan bod komen. In de periode 2010-2016 hebben er diverse conflicten plaatsgevonden tussen met name de Hells Angels, Bandidos, Outlaws en hun respectievelijke supportclubs. Terwijl deze drie clubs meestal in verband worden gebracht met spontane expressieve en geplande

agressieve feiten, werd vooral Satudarah vaak in verband gebracht met georganiseerde misdaad. In totaal werden deze vier clubs in verband gebracht met 85 criminele activiteiten en 64 niet-criminele activiteiten.

In de krantenartikelen werd naast de inzet van klassieke rechtshandhaving (zoals verscherpt politietoezicht, huiszoekingen, invallen in (club)huizen en inbeslagname van goederen) ook aandacht besteed aan diverse bestuurlijke maatregelen. Deze maatregelen hebben vooral als doel om criminaliteit en ongeregeldheden te voorkomen. De bevoegdheden van vooral burgemeesters werden vaak ingezet bij niet-criminele activiteiten, zoals feesten en evenementen, of bij het voorkomen van het oprichten van nieuwe clubhuizen. In totaal konden tussen 2010 en 2016 110 preventieve maatregelen en 50 repressieve interventies uit de krantenartikelen worden geïdentificeerd. Het zwaartepunt van de criminele activiteiten en maatregelen op basis van de krantenartikelen lag in Aken (DE), gevolgd door steden als Sittard-Geleen (NL), Kerkrade (NL), Maastricht (NL), Maasmechelen (BE), Genk (BE), Lanaken (BE) en Tongeren (BE).

Wat houdt de aanpak van OMCG's in de Euregio Maas-Rijn in de praktijk in en welke autoriteiten zijn hierbij betrokken?

De aanpak van OMCG's in de Euregio Maas-Rijn wordt deels gezamenlijk en deels gefragmenteerd vormgegeven en uitgevoerd. Bij de aanpak zijn verschillende autoriteiten betrokken, maar zij wordt vooral gedomineerd door het openbaar ministerie, verschillende takken van de politieorganisatie en de bestuurlijke autoriteiten (met name de gemeenten en de verantwoordelijke ministeries). Met een gezamenlijke aanpak wordt hier bedoeld dat de verschillende autoriteiten tegenwoordig niet volledig onafhankelijk van elkaar kunnen werken; de *zero-tolerance* strategie impliceert een zekere mate van coördinatie. Daarentegen is de aanpak gefragmenteerd in die zin dat er binnen de respectievelijke organisaties verschillende afdelingen bestaan die belast zijn met uiteenlopende aspecten van de uitvoering van de aanpak, alsmede een veelheid van subregio's:

In wezen zijn het openbaar ministerie en de rechercheteams van de politie verantwoordelijk voor het opsporingsonderzoek en de vervolging van criminele individuen en netwerken in hun regio. De inlichtingendienst of werkgroepen van de respectievelijke politieorganisaties dragen zorg voor het verzamelen, combineren en analyseren van de informatie over nieuwe leden, ontwikkelingen en incidenten, die in de verschillende takken van de politieorganisatie beschikbaar is. De lokale politiediensten zijn samen met de gemeenten (vooral in Nederland en België) belast met de handhaving van de openbare orde en het bieden van een eerste aanspreekpunt voor meldingen en klachten van burgers. Om deze versnippering tegen te gaan, bestaan er werkgroepen op regionaal (RIEC, ARIEC) en nationaal of deelstaatniveau (LIEC, Highsider, Projektgruppe 124) die trachten een geïntegreerde aanpak te coördineren.

Op transnationaal niveau bestaan er in de Euregio Maas-Rijn ook verschillende structuren die erop gericht zijn mogelijke belemmeringen voor grensoverschrijdende samenwerking weg te nemen, bijvoorbeeld door rechtsbijstand te verlenen, informatie uit te wisselen en *best practices* te delen. In tegenstelling tot de regionale en nationale coördinatiestructuren die gericht zijn op het verbeteren van de integrale aanpak, zijn deze grensoverschrijdende samenwerkingsstructuren echter meestal monodisciplinair van aard (bijvoorbeeld voor justitiële samenwerking BES; voor politiesamenwerking NeBeDeAgPol en EPICC; voor administratieve samenwerking het instituut Euregio Maas-Rijn en sinds 2019 het EURIEC). Dit wil niet zeggen dat er geen enkele integrale grensoverschrijdende samenwerking plaatsvindt. In feite zijn veel bestuurlijke maatregelen gebaseerd op politie-informatie, die in bepaalde gevallen wel gedeeld mag worden. Momenteel is er echter onvoldoende (nationale) wet- en regelgeving die helder omschrijft onder welke omstandigheden welke informatie mag worden uitgewisseld tussen welke autoriteiten, met welk doel.

Deel 3 Inzoomen op twee specifieke OMCG-gerelateerde problemen in de Euregio Maas Rijn

Ervaren respondenten uit de praktijk (grensoverschrijdende) OMCG-gerelateerde verplaatsing in de Euregio Maas-Rijn, en zo ja, hoe?

Uit eerdere inzichten binnen dit onderzoek is duidelijk geworden dat elk land een *zero-tolerance* strategie heeft geïmplementeerd om OMCG-gerelateerde criminaliteit te bestrijden en voorkomen, en om het OMCG-clubleven in het algemeen minder aantrekkelijk te maken. Toch is de aanpak in de Euregio Maas-Rijn, ondanks alle inspanningen, nogal versnipperd. Na de Nederlandse verboden in 2017 waren verschillende burgemeesters in de grensregio bezorgd dat de problematiek rond OMCG's zich naar België zouden verplaatsen. Een ontwikkeling die theoretisch gezien niet onmogelijk of ondenkbaar zou zijn. Zodoende werden medewerkers bij het openbaar ministerie, politie en gemeenten op landelijk en deelstaatniveau, alsook binnen de Euregio Maas-Rijn (op regionaal en lokaal niveau) gevraagd naar hun perceptie van en ervaringen met OMCG-gerelateerde verplaatsing.

Uit de wetenschappelijke literatuur kunnen verschillende vormen van verplaatsingseffecten worden onderscheiden: ruimtelijke verplaatsing, temporele verplaatsing, doelverplaatsing, tactische verplaatsing, delict verplaatsing en daderverplaatsing. In deze studie zijn geen aanwijzingen gevonden voor daadwerkelijke verplaatsing van *criminaliteit*. Door het bovenstaande theoretisch kader uit te breiden tot *niet-criminele activiteiten* konden uit de interviews wel enkele vormen van verplaatsing

worden gedestilleerd. Zo werden enkele gevallen van zowel regionale als grensoverschrijdende ruimtelijke verplaatsing van clubhuizen en evenementen als gevolg van maatregelen en interventies genoemd. Voor wat betreft tactische verplaatsing werden voorbeelden genoemd van leden die opzettelijk gebruik maakten van cafés, bars en woningen in een poging om toezicht en controle te ontlopen. Een ander voorbeeld was het gebruik van een andere naam, een andere regio of een andere rechtspersoon om de identiteit van de club te verhullen. Ten slotte zou de oprichting van nieuwe clubs door personen die voordien lid waren van een verboden club, kunnen worden beschouwd als een vorm van 'dader' verplaatsing, in die zin dat zij een vacuüm trachten op te vullen dat is ontstaan door het verdwijnen van de oude club. Voorts verdient het vermelding dat sommige respondenten geen enkel voorbeeld van verplaatsing konden benoemen of het idee van verplaatsing om verschillende redenen helemaal afwezen.

Hoe is criminaliteit in het geval van een lokaal OMCG chapter sociaal ingebed in de Euregio Maas-Rijn en hoe verhoudt zich dit tot grensoverschrijdende criminaliteit?

De *zero-tolerance* strategieën (naast de evidente opsporing van strafbare feiten) lijken zich in toenemende mate gericht te hebben op OMCG's als groep. Uit onderzoek naar (georganiseerde) criminaliteit gepleegd door OMCG-leden, blijkt echter dat zij vaak samenwerken met externe daders. Daarom werd een specifieke strafzaak waarbij leden van een *chapter* in de Euregio Maas-Rijn betrokken waren, grondig bestudeerd om na te gaan hoe de door die leden gepleegde criminaliteit sociaal ingebed was, en hoe dat zich in dit specifieke geval verhield tot transnationale misdrijven die gepleegd werden door deze leden.

De leden van het onderzochte *chapter* waren betrokken bij diverse strafbare feiten, variërend van bedreiging en afpersing, zware mishandeling, wapen- en drugsdelicten tot het witwassen van geld en andere economische delicten. Bovendien werd een groot aantal daders vervolgd omdat zij deel uitmaakten van een criminele organisatie. Sommige strafbare feiten werden gepleegd door individuen, terwijl de meeste werden gepleegd in kleine groepen van wisselende samenstelling. Met betrekking tot de mogelijk faciliterende rol van de club, is het vermeldenswaardig dat één geweldsmisdrijf is toe te schrijven aan de club en daaruit voortvloeiende rivaliteit en conflicten met een andere club. In sommige gevallen speelde de club indirect een rol, bijvoorbeeld daar waar leden specifiek verwezen naar de status van de club of hun clubkleren bewust aanwendden om slachtoffers of een externe mededader te intimideren of af te persen. Tevens werd in een zaak gepoogd een club-advocaat naar voren te schuiven om de belangen van een externe mededader te behartigen. Er waren geen aanwijzingen dat het *chapter* of de club in brede zin financieel profiteerde van de door haar leden gepleegde strafbare feiten.

Wat de (trans)nationaliteit van de strafbare feiten betreft waren de meeste regionaal of nationaal georiënteerd. Ondanks het feit dat het *chapter* en haar leden in de Euregio Maas-Rijn in de nabijheid van landsgrenzen waren gevestigd, heeft dit dus klaarblijkelijk niet structureel geleid tot het actief gebruik maken van deze grenzen om bijvoorbeeld strafbare feiten af te schermen. Ondanks dat er in enkele gevallen wel gecorrespondeerd werd over conflicten en criminaliteit, waren er ook geen duidelijke aanwijzingen dat de criminaliteit op een hoger niveau van de club werd georganiseerd in samenwerking met buitenlandse leden. Van de betrokkenheid bij transnationale georganiseerde criminaliteit (met name drugsfeiten) leverden slechts twee dossiers voldoende informatie op voor een analyse. De analyse van deze drugsfeiten laat vooral zien dat de betrokken clubleden een beroep doen op zowel andere leden, als op hun eigen familie- of (criminele) kenniskring voor diverse hand- en spandiensten. Aangaande de sociale inbedding van de strafbare feiten is het belangrijk op te merken dat veel leden elkaar al kenden voordat zij zich bij de club aansloten of strafbare feiten pleegden, en dat met name familie en externe vrienden belangrijk waren bij het vergoelijken, ondersteunen en vergemakkelijken van, of zelf meewerkten aan de strafbare feiten. De meeste leden leken vooral opportunistisch te werk te gaan en niet zozeer over diepgaande criminele kennis of internationale contacten of status te beschikken. Afgaande op de dossiers en interviews kon van enkele leden gezegd worden dat zij tot '*local heroes*' gerekend kunnen worden: criminelen die juist vanwege hun status, inbedding in en kennis van hun omgeving en netwerk ("ons kent ons") regionale kansen optimaal benutten en creëren. Twee personen konden worden aangewezen als potentiële internationale 'brokers' gezien hun (criminele) verleden en hooggeplaatste status binnen de club, alsmede persoonlijke contacten in andere continenten. Tot slot illustreerde de zaak hoe moeilijk het is om de mogelijke rol van OMCG-leden in internationale netwerken vast te stellen wanneer de autoriteiten besluiten om zich op nationale delicten te concentreren. Volgens respondenten betrokken bij het strafrechtelijk onderzoek verschoof de prioriteit van de zaak namelijk op een bepaald moment van transnationale drugsdelicten naar regionale en nationale afpersingen, onder meer vanwege beperkingen (en duur) van de internationale politiële en justitiële samenwerking.

Deel 4 Conclusie en aanbevelingen

Dit onderzoek beoogde een beter beeld van de problematiek rond OMCG's en OMCG-gerelateerde criminaliteit alsook de aanpak daarvan in de Euregio Maas-Rijn te schetsen. De centrale onderzoeksvraag in dit proefschrift luidt dan ook als volgt: *Wat is de rol van landsgrenzen voor OMCG-gerelateerde criminaliteit en de aanpak daarvan in de Euregio Maas Rijn?*

De rol van de landsgrens moet in dezen vooral worden bezien als een faciliterende factor voor grensoverschrijdende criminaliteit of een beperkende factor voor grensoverschrijdende samenwerking van politie, justitie en het openbaar bestuur. Wanneer alle bevindingen uit het onderzoek samen worden genomen, blijkt dat er geen duidelijke aanwijzingen zijn voor structurele grensoverschrijdende criminaliteit van OMCG's binnen de Euregio Maas-Rijn. Grensoverschrijdende criminaliteit gepleegd door leden vindt zeker plaats, maar niet is gebleken dat de club of grens hierin een structureel faciliterende rol heeft gespeeld. Ondanks de nabijheid van landsgrenzen, bleken de meeste bestudeerde vormen van criminaliteit (openbare ordeverstoringen, gewelddadige conflicten en kleine economische criminaliteit) vooral beperkt tot de eigen regio of het eigen land. Daarnaast hebben zich wel drugsfeiten voorgedaan die een grensoverschrijdend karakter kenden, maar in deze feiten bleek te meer dat sociale contacten van buiten de club een rol speelden. Afgezien van deze bevindingen, was het onmogelijk de aard en omvang, of netwerken waarin OMCG leden betrokken zijn verdiepend te onderzoeken op basis van de verzamelde data.

Dit punt illustreert precies hoe groot de rol van de grens is gebleken voor met name de aanpak – en in het verlengde daarvan, het doen van onderzoek. Het bestaan van landsgrenzen (die landen en regio's verdelen, ieder met hun eigen rechtsstelsel, bevoegde autoriteiten, prioriteiten en werkculturen) maakt het onwaarschijnlijk dat er op korte termijn een uniforme aanpak van OMCG's zal ontstaan in de Euregio Maas-Rijn. De landsgrens belemmert op deze manier de (proactieve) uitwisseling van informatie tussen justitie, politie en met name bestuurlijke autoriteiten. Mede als gevolg van deze belemmeringen is het in het kader van dit onderzoek onmogelijk gebleken om systematisch gedetailleerde gegevens te verzamelen over OMCG's, hun leden en betrokkenheid bij strafbare feiten om op die manier een uitgebreide criminaliteitsbeeldanalyse van het verschijnsel OMCG's te verwezenlijken.

Het verdient daarom aanbeveling om verder onderzoek te doen naar de betrokkenheid van OMCG-leden in internationale criminele netwerken, en in hoeverre of in welke situaties daarbij gebruik wordt gemaakt van contacten, status of andere aspecten van de club. Hiervoor is echter wel toegang nodig tot gedetailleerde (vaak vertrouwelijke politie) data.

Daarom dringt dit proefschrift er in navolging van andere onderzoeken op aan dat het werkveld actief aan de slag gaat met het maken van integrale, grensoverschrijdende criminaliteitsbeeldanalyses, of deze opdracht uitbesteedt aan onderzoekers met toegang tot de nodige informatie. Alleen op die manier kan de rol van de landsgrens voor verschillende soorten strafbare feiten of niet-criminele activiteiten van OMCG's worden onderzocht.

Daarnaast zou juridisch onderzoek kunnen ondersteunen bij het identificeren van reeds bestaande of nieuwe mogelijkheden voor grensoverschrijdende (bestuurlijke) samenwerking.

In bredere zin is een pragmatische realiteitscheck nodig met betrekking tot de voor- en nadelen van grensoverschrijdende samenwerking. Waar dit zowel door vele respondenten (alsook het huidige proefschrift) wordt gezien als 'de weg vooruit', moet worden opgemerkt dat een verbeterde grensoverschrijdende samenwerking impliceert dat men wellicht meer en kwalitatief betere informatie uit het buitenland ontvangt, maar ook dat als gevolg hiervan mogelijk een groter beroep zal worden gedaan op de eigen organisaties. De vraag is of daar voldoende bij wordt stilgestaan.

Hierop inhakend is het ook van belang te vermelden dat doelbinding essentieel is voor het uitwisselen van informatie, iets dat juist in het geval van OMCG's lastig blijkt daar het een diffuus fenomeen betreft waarvan leden betrokken zijn bij criminele alsook niet-criminele activiteiten. De aanpak in de drie landen heeft zich echter steeds meer gericht op het bestrijden en voorkomen van niet alleen criminaliteit, maar ook het onaantrekkelijk maken en dwarsbomen van de groepen an sich. Deze ontwikkeling, in het licht van toenemende onvrede en polarisatie in de samenleving, maakt dat daarom ook op gebied van beleid en onderzoek meer gedaan zou kunnen worden om sociale (uitstap)programma's voor (ex-)leden te verkennen en hen een andersoortig perspectief te bieden.

Impact paragraph

Main purpose and most important findings and conclusions

The main purpose of this dissertation was to examine the role of national borders for the phenomenon of outlaw motorcycle gangs (OMCGs), OMCG-related crime, and the public response thereof in the Meuse Rhine Euregion.

The dissertation cannot be viewed independently from the long-term developments towards an administrative approach in Europe. It fits into a long history of studies on cross-border crime and law enforcement in the Meuse Rhine Euregion, this time with a focus on a particular phenomenon that was perceived as one of the most urgent problems at the start of this study: outlaw motorcycle gangs (OMCGs).

By means of using various sources, this research has attempted to compile and optimize a contemporary 'image' of OMCGs in the Meuse Rhine Euregion in an innovative way, while taking into account socio-historical developments in the Netherlands, Germany, and Belgium.

The research has demonstrated that in all three countries, OMCGs have gone from a more or less condoned or tolerated phenomenon, to one that has been increasingly targeted through a zero-tolerance strategy from 2010 onwards. They have become more and more associated to public nuisance and disorder as well as (organized) crimes. Following the regional newspaper articles as well as broader media outlets, and the case files used in the dissertation, members of various clubs have been involved in intimidating behavior in public, (lethal) violent offences, economic offences, various drug-related offences and possession or trade of weapons. In addition, some cross-border criminal offences were found, of which most extended beyond the Meuse Rhine Euregion, and only few examples of displacement of non-criminal activities (either within or beyond the Meuse Rhine Euregion) were found.

In terms of the public response, it has become clear that authorities in all three countries have become stricter: the zero-tolerance strategy not only attempts to combat (organized) crime or tackle public disorder, but also seeks to prevent it by focusing on associational (group) characteristics of OMCGs assumed to facilitate the offending of its members. This dissertation has outlined the main authorities (the public prosecutor's office, the police, and public administration) and their respective departments responsible for the approach against OMCGs in the Meuse Rhine Euregion, and the cross-border cooperation structures that are involved in this topic. In doing so, it has addressed several limitations (fragmented competences, differing approaches and senses of urgency) and opportunities (improved information exchange, e.g., through the EURIEC) in cross-border cooperation which are,

again, inextricably linked to persistent assumptions regarding OMCGs. These assumptions about the associational structure as a facilitating factor for crimes of its members are easily extrapolated across national borders: chapters abroad may be useful for the transit of drugs or for rotation of women for prostitution, and for hiding from law enforcement. The dangerous reputation and status of international clubs may be used at the local level to instill fear in citizens, victims and witnesses. And when the club's activities are subsequently restricted in their own country, they can still exert their influence across the border by using the (more) accessible administrative legal pathways. And while this may be true, this research found no examples of deliberate criminal cooperation, crime displacement or structural displacement of non-criminal activities limited to the Meuse Rhine Euregion.

These findings merit the conclusion that the role of the national border as a facilitating for OMCGs and OMCG-related crime in the Meuse Rhine Euregion appears to be limited. The national border should primarily be viewed as a limitation for cross-border information exchange and cooperation, and hence also to some extent for cross-border research such as this (as a researcher is often dependent on secondary information from authorities).

Scientific and societal relevance of the research findings and intended audience

The findings in this dissertation illustrate points about limitations and opportunities raised in previous studies on cross-border crime and cross-border cooperation in the Meuse Rhine Euregion. It subsequently confirms their recommendations regarding the increase of exchanging information, so a better (proactive) image of specific types of cross-border crime can be constructed. With the remark that in case of OMCGs, the zero-tolerance strategy does not appear to have one single goal, and therefore targets very broad aspects of (group) characteristics which may be counterproductive. Therefore, this dissertation also suggests exploring a more social, reintegrative approach to OMCGs in some cases. Both of these recommendations are primarily addressed to policymakers (and by extension, implementers and practitioners: public prosecutors, police, municipal officers, and enforcers).

The outcomes of this research can also be viewed as a stepping stone for further research into OMCG members in relation to cross-border (criminal) activities. The current dissertation has taken a broad view in examining the OMCGs present in the Meuse Rhine Euregion with the data made available by various organizations, as this region had various OMCG-related problems at the onset of this research.

Outreach and dissemination of the research findings

Throughout the research, different parts of this dissertation have been presented during national (*Nederlandse Vereniging voor Criminologie*, 2016, 2017) as well as European (*Eurocrim* 2016, 2017, 2019) conferences. During these conferences, and at other (expert) meetings, developments and progress of the research have been discussed with fellow national and international researchers in the field of OMCGs, and specifically their views regarding OMCGs and displacement were probed in preparation of chapter 6. Moreover, parts of chapter 3 and 4 of the dissertation have previously been published as a book chapter in an edited volume on '*outlaw motorcycle clubs and street gangs*' (2018), part of chapter 4 has been published by the researcher on SSRN. In 2017 a presentation on the findings of the media analysis was provided at a *Maastrichtse Criminalisten* meeting, where various practitioners in the field were present. Lastly, in anticipation of, and following the first Dutch ban of an OMCG, two blogs (*Is a ban on outlaw motorcycle clubs effective*, March 3, 2017; '*Expect no Mercy*', October 12, 2017) on the topic were disseminated on the Maastricht University website.

Biography

Kim Geurtjens (October 13, 1993) was born in Horst, the Netherlands, where she finished her secondary education at the Dendron College (2005-2011). She obtained her bachelor's degree in Criminology (BSc) from the Erasmus University Rotterdam (2011-2014) after which she enrolled in the master Forensics, Criminology and Law at Maastricht University in 2014 and complemented this with the master Criminal Law, starting 2015. She obtained both master's degrees (LLM) in 2016. During her master's she conducted a research internship at the municipality of Sittard-Geleen on citizens' feelings of insecurity, collective efficacy, and neighborhood crime prevention. In addition, she took part in the PREMIUM honors programme on 'Sports and Crime' at Maastricht University. In March 2016, Kim started as a PhD-candidate at the Faculty of Law as part of both the Department of Criminology and Criminal Law and the Institute for Transnational and Euregional cross-border cooperation and Mobility (ITEM). During her PhD research she was involved in two other research projects, focused on the process evaluation of the drug project 'Frontière' in Maastricht (2018) and the process evaluation of projects aimed at strengthening the approach to subversive crime (2021). Kim currently works as an analyst and policy officer at the municipality of Sittard-Geleen.